

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 31st March, 2020

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

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

PRAYER

COMMUNICATIONS FROM THE CHAIR

GUIDELINES FOR MANAGING SENATE PLENARY AND COMMITTEE SITTINGS DURING COVID-19 PANDEMIC

The Speaker (Hon. Lusaka): Hon. Senators, I take this opportunity to welcome you back to the plenary sittings of the Senate. As you recall, at the sitting of the Senate held on Tuesday, 17th March, 2020, following a Motion moved by the Senate Majority Leader relating to the Coronavirus (COVID-19), the Senate resolved to adjourn its plenary sittings from Tuesday, 17th March, 2020, for two weeks, so as to reconvene on Tuesday, 31st March, 2020, and to thereafter hold one sitting in each week, on Tuesdays for two weeks, until Tuesday, 14th April, 2020. The Senate further resolved to alter its calendar accordingly. Additionally, following the resolution of the Senate, the Chair directed that Committee sittings be suspended for a similar period of two weeks.

Hon. Senators, you will further recall that on 13th March, 2020, jointly with the Speaker of the National Assembly, we issued guidelines to all Members of Parliament and staff of Parliament consequent on the declaration of COVID-19 as a global health pandemic.

Further to this, in order to facilitate the smooth flow of legislative business in Senate Plenary and Committee sittings starting Tuesday, 31st March, 2020, and taking into account various measures that have been put in place by the Government to combat the COVID-19 pandemic, it has become necessary that I issue guidelines to all Senators and staff of the Senate to be applied henceforth, until further notice.

It is important to note that the Plenary and Committee sittings are being held after consultations with and on the advice of the Ministry of Health, who have inspected the Parliamentary precincts and provided us with a report on the state of the Parliamentary precincts and the conditions to be met to facilitate Plenary and Committee sittings.

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The following Guidelines shall apply-

(1) Plenary sittings shall be held in the Senate Chamber and shall commence at 2:30 p.m. and end no later than 4:30 p.m. This is to allow Members and staff to travel and arrive at their places of residence before the 7:00 p.m. curfew.

(2) In order to ensure appropriate social distancing and necessary preventive measures-

(a) The Chamber has been re-configured to sit a maximum of 28 Senators only. Accordingly, the Senate Majority Leader and the Senate Minority Leader have been requested to consult and designate the 28 Senators who shall attend the Senate Plenary sitting of 31st March, 2020 and shall similarly do so for subsequent sittings, until further notice. The Serjeant-at-Arms has been directed to ensure that only the 28 designated Senators attend the Plenary sitting;

(b) Senators who are not part of the 28 designated Senators are requested not to come for the sitting as the 28 Senators shall be the only Senators who shall be allowed into the Chamber and the 28 Senators shall not, at any time during the sitting, be replaced by other Senators;

(c) In accordance with the Ministry of Health's advisory, Senators and staff aged 58 years and above are encouraged to abide by the presidential directive dated 25th March, 2020 and thus work from home;

(d) In accordance with the Ministry of Health's advisory, immunosuppressed Senators and staff and those with chronic illnesses such as hypertension, diabetes, cancer and HIV are encouraged to work from home as they are more at risk of contracting COVID-19;

(e) While in the Chamber, the 28 Senators shall use only the designated sitting spaces and shall, while in the Chamber, remain at their seats at all times;

I want to emphasise this because we have Senators who are very nomadic.

(Sen. (Dr.) Musuruve entered the Chamber)

I am waiting for Sen. (Dr.) Musuruve to come in. Please show her where to seat.

(f) The Speaker's Gallery and the Public Gallery shall not be occupied by any person except the four technical staffers facilitating the sitting, as advised by the Ministry of Health;

(g) There shall be no consultations at the Speaker's Chair or at the Clerk's Table and accordingly, it shall be out of order for a Senator to approach the Speaker's Chair or the Clerk's Table for any purpose; and,

(h) Senators shall, while entering and leaving the Chamber, observe the social distancing requirements.

(3) With respect to Committee sittings, the measures in paragraph (2) above shall be applied, with necessary modifications. In addition-

(a) Committees are encouraged to transact as much business as possible remotely so as to reduce the need for physical meetings.

(b) Where it is absolutely necessary to hold a physical sitting of a Committee-

(i) Committee sittings shall be held only in the Senate Chamber or in the Mini Chamber;

(ii) So as to allow time for adequate sanitary measures to be undertaken in the Chambers between Committee sittings-

(a) Not more than one Committee sitting shall be held in either Chamber on any day; and,

(b) Committee sittings shall be held so as to end not later than 1:00 p.m.

(iii) The Senate Chamber shall not be available for Committee sittings on the days on which the Senate is scheduled to hold its sittings so as to ensure that the Chamber is adequately prepared for Plenary sittings;

(iv) Each sitting of a Committee shall be staffed by one Clerk and one Serjeant-at-Arms. All other Committee staff shall continue to provide services to their respective Committees remotely;

(v) The media and the public shall not be allowed access to Committee sittings. Accordingly, Committees shall, where required, make arrangements to receive written submissions or responses from the public and,

(4) As part of the preventive measures in place, hand sanitizers and face masks shall be availed at the entrance of the Chamber and Mini Chamber for use by all Senators and staff as they enter the Chambers;

(5) The Senate lounge shall remain closed until further notice;

(6) There shall be no catering services provided until further notice.

Hon. Senators, I urge all Senators and staff of the Senate to observe these guidelines in order to ensure smooth flow of legislative business while the COVID-19 pandemic persists. Noting that the situation continues to evolve, I shall where necessary, provide further guidelines.

Thank you.

That is the first Communication and I hope we shall observe it and lead by example.

YIELDING OF KSHS200 MILLION FROM THE SENATE BUDGET
TO COMBAT THE COVID-19 PANDEMIC

Hon. Senators, as you are aware, a number of measures have been taken by various levels of Government and State officers to contribute towards efforts to curb the COVID-19 pandemic in the country.

This is, therefore, to inform you hon. Senators and the public at large that at a meeting of the Senate Business Committee (SBC) held on Monday, 30th March, 2020, the Committee resolved that; the Senate shall yield the sum of Kshs200 million from our budget allocation in the current Financial Year, 2019/2020 to aid in the efforts of the Government in combating the pandemic.

(Applause)

The Senate, therefore, requests the Parliamentary Service Commission (PSC) to take the necessary administrative measures to yield the stated sum from the budget of the Senate to the National Treasury to be re-allocated and utilized in efforts to combat the pandemic.

Thank you.

(Applause)

The Senate Majority Leader (Sen. Murkomen): Best of luck!

(Laughter)

MESSAGE FROM THE NATIONAL ASSEMBLY

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

Hon. Senators, I wish to bring to the attention of the Senate that on Friday, 20th March, 2020, pursuant to Standing Order No.41(3), the Clerk delivered to me a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Division of Revenue Bill (National Assembly Bill No.3 of 2020).

The Message, which is dated 18th March, 2020, was received while the Senate was on recess and was transmitted to all Senators on 23rd March, 2020 pursuant to Standing Order No.41(5). Further, pursuant to the said Standing Order, I now report the Message-

“Pursuant to the provisions of Standing Orders No.41(1) and No.142 of the National Assembly Standing Orders, I hereby convey the flowing Message from the National Assembly:

WHEREAS the Division of Revenue Bill (National Assembly Bill No.3 of 2020) was published vide *Kenya Gazette* Supplement No.17 of 9th March, 2020 as a Bill to provide for the equitable division of revenue raised nationally between the national Government in the 2020/2021 Financial Year; and,

WHEREAS the National Assembly considered and passed the Bill on Tuesday, 17th March, 2020 without amendments in the form attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Hon. Senators, pursuant to Standing Order No.157 which requires that a Bill, which originates in the National Assembly be preceded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I hereby direct that the Bill be read a First Time, today, Tuesday, 31st March, 2020.

Thank you.

PAPERS LAID

REPORTS OF MEDIATION COMMITTEES ON BILLS

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir I beg to lay the following reports on the Table of the Senate today, Tuesday, 31st March, 2020-

(a) Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bills No.11 of 2017); and,

(b) Report of the Mediation Committee on the County Governments (Amendment)(No.2) Bill (Senate Bills No.7 of 2017).

The Speaker (Hon. Lusaka): Next Order.

NOTICE OF MOTIONADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE
COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motion---

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

(Sen. Murkomen stood at the Dispatch Box)

Senate Majority Leader, take your seat!

POINT OF ORDERCOORDINATION OF TEAMS MANAGING
COVID-19 IN THE COUNTRY

Sen. Cheruiyot: On a point of order, Mr. Speaker, Sir. Apologies, I did not wish to interrupt the Senate Majority Leader as he gave the Notices of Motions that have brought us to the House this afternoon. However, there is an issue of great national importance that I wish to bring to your attention. As Parliament, this is not an issue that we should wish away or delay any further. I speak with a very heavy heart. I want to bring to your attention the existence of two teams that are working at cross-purposes in trying to serve our country during this difficult time.

You will recall that earlier on, about two weeks ago, information was brought to this House of the existence of a number of us who had traveled out of the country. We came back on 8th March, 2020 and observed the Ministry of Health Guidelines. For 14 days, they kept calling and checking on all the Members of Parliament and staff who had accompanied us on that particular trip.

Mr. Speaker, Sir, after the 14th day which was on 23rd March, 2020, the Ministry of Health gave us a clean bill of health and allowed us to resume our normal lives but, of course, with caution just as is expected of each of us. However, yesterday and today I have received distress calls from members of staff of Parliament who had traveled with us on that trip. They said there is a team from the Office of the President referring to itself as a Multi-Agency Team that is moving around picking members of staff of Parliament from their houses and forcing them into quarantine at the Kenya Institute of Special Education (KISE) in Kasarani.

Upon receiving this information, we notified the Clerk of the Senate who is the Secretary to the Parliamentary Service Commission (PSC). They reached out to the Ministry of Health and to our shock, the Ministry made it categorically clear to us that they are not aware of any team that is supposed to be picking citizens from their homes and sending them to isolation facilities. As we speak, the home of one of our staffers is under siege. That team is at her gate and they are insisting on getting in purporting to have instructions to go away with her.

This brings up a difficult issue which I want your guidance on. I ask for this clarification as a Member of Parliament and as a Commissioner who is in charge of staff welfare. It is true that the staff can be exposed to some hazards as they go about their duties, but this is not the kind of hazard that they would wish to be exposed to. They picked up a gentleman yesterday together with his wife and a four-month old child, yet he had religiously followed the 14-day isolation guidelines. The gentleman is now in an isolation unit together with people who arrived in the country in the last three or four days. This is the second day and no tests have been conducted on them. They have not even been allowed to access their bags.

I beg your indulgence. You should direct that the Cabinet Secretary for the Ministry of Interior and Coordination of national Government and the Cabinet Secretary for the Ministry of Health assure the country that there is only one centre of command. This is a health crisis and it is being handled professionally by the Ministry of Health. They should ask the police officers to back off from this exercise. Secondly, they should file a response with this House confirming to Parliament and the Republic of Kenya that we do not have two teams working at cross purposes.

This confusion is very dangerous. You saw what the police officers did in Likoni. They grouped people together yet we have been told to keep social distance. This can get out of hand. Therefore, I direct that you give a proper direction to this issue before we proceed with the business of the day.

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

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

Sen. Linturi: Thank you, Mr. Speaker, Sir. I want to weigh into what Sen. Cheruiyot has raised.

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Malalah? Sen. Linturi is on a point of order.

Sen. Malalah: Mr. Speaker, Sir, he is out of order.

The Speaker (Hon. Lusaka): Allow him to finish then I will give you an opportunity.

Proceed, Sen. Linturi.

Sen. Linturi: Mr. Speaker, Sir, I rise to add on to what Sen. Cheruiyot has brought to this House. This House has representatives of the people of this country. This is the House that can bring up issues that are pertinent to the people that we represent; the issues that affect them on a daily basis. We have been out there for the last two weeks and we know one or two things that are not right.

I am left wondering when I hear that the police officers have gone to the private homes of individuals who travelled out of the country yet those individuals have been cleared by the Ministry of Health. I do not think that there is anybody who is immune to this disease. They are doing all this yet we do not know the kind of people that they have interacted with when they loiter at night. It is unfair for them to look for people who have taken directions from the Ministry of Health and have isolated themselves.

Time has come for us to make a decision and we must get a report from the people who are doing such things. This is because what they are doing is not right. We must make a decision and the correct message must get out there. We should have one command centre dealing with this kind of a situation.

The Speaker (Hon. Lusaka): Order, Members. We have limited time. I want to make a ruling on what Sen. Cheruiyot and Sen. Linturi have said.

This is a grave matter and we are all concerned as leaders. Any effort on handling this disease must be properly coordinated. It is such times as this that people take advantage and even produce fake sanitizers and masks. Some people can even go ahead and arrest people for no reason under the guise of fighting Coronavirus.

I direct that the Ministry of Interior and Coordination of National Government and the Ministry of Health present a report to my office on the teams that are mandated to fight Coronavirus. They should do that within two days. That will help avoid a scenario where we have two teams working at cross-purposes.

It is so directed.

Proceed, Sen. Murkomen.

The Senate Majority Leader (Sen. Murkomen): Well done, Mr. Speaker, Sir!

(Laughter)

Mr. Speaker, Sir, that is an excellent ruling. The Members are happy with that determination. We know that you will communicate the same information to all Members and the public for us to know how to behave.

NOTICES OF MOTIONS

ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE
ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2017)

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) laid on the Table of the Senate on Tuesday, 31st March, 2020 and pursuant to Article 113 of the Constitution and Standing Order No.161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY
GOVERNMENTS (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO. 7 OF 2017)

The Senate Majority Leader (Sen. Murkomen): I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments (Amendment) (No. 2) Bill (Senate Bills No. 7 of 2017), laid on the Table of the Senate on Tuesday, 31st March, 2020 and pursuant to Article 113 of the Constitution and Standing Order No.161(3) of the Senate Standing Orders, approves the mediated version of the Bill.

COMPREHENSIVE NATIONAL RESPONSE
TO THE COVID- 19 SITUATION

The Senate Majority Leader (Sen. Murkomen): I beg to give notice of the following Motion-

THAT, AWARE THAT, the Coronavirus (COVID-19) has been declared a global health pandemic resulting in an unprecedented global health crisis that has now manifested internationally in over 184 Countries and territories, with escalating numbers of new cases being reported, with over 700,000 confirmed cases and over 30,000 deaths worldwide;

COGNIZANT THAT governments and health authorities in the affected countries have taken various measures aimed at containing the spread of the pandemic, mainly through travel and behavioural restrictions;

APPRECIATING the policy measures and interventions taken by the Government, through the National Emergency Response Committee on Coronavirus (NERC), in containing the spread of the pandemic and cushioning Kenyans against economic effects of the pandemic, including upscaling of

medical facilities, imposition of travel restrictions, suspension of learning in all educational institutions, changes in fiscal and monetary policies and reinforcement behavioural protocols;

COGNIZANT THAT Health Services and other service sectors key to the implementation of the pronounced policy measures and interventions are devolved functions;

FURTHER COGNIZANT THAT some of the pronounced policy measures and interventions require legislative intervention and approval;

RECOGNIZING the need for an integrated and multi-sectorial intervention by all Levels and Arms of Government and sectors in the society towards a harmonized comprehensive response to the pandemic;

NOTING the bipartisan legislative approach taken by legislatures in other jurisdictions in enacting legislation towards the containment of the Coronavirus and its attendant economic effects;

CONSCIOUS of the need to complement the efforts of the national Government in containing the spread of the pandemic and cushioning Kenyans from the shocks arising from the pandemic;

THE SENATE RESOLVES to –

(a) laud the national Government for the measures it has so far put in place in combating the spread of the virus;

(b) commend and appreciate all healthcare workers in the country for their selfless effort, commitment to service, care and compassion towards persons who have been infected or affected by the virus;

(c) call upon the national Government to expand the membership of the National Emergency Response Committee on Coronavirus to include representation by Parliament, the Judiciary, the Council of Governors, the Media, and Private Sector;

(d) establish an Ad Hoc Committee of the Senate which shall oversight actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19 in Kenya and shall address the following, among other matters-

i) provision of testing and medical equipment, including adequate ventilators in referral hospitals and in at least one public hospital in each county.

ii) provision of adequate isolation centres and Intensive Care Unit (ICU) facilities in each county.

iii) measures to ensure continuous supply of food and other essential commodities at affordable prices.

iv) measures to enable learners in educational institutions to continue with their studies.

v) measures to ensure protection, safety and well-being of healthcare and other frontline workers.

- vi) enhancement of capacity and flexible deployment of healthcare staff.
 - vii) financial assistance to vulnerable persons and groups.
 - viii) protection of residential and commercial tenants.
 - ix) establishment of a stimulus package for the Micro, Small and Medium sized Enterprises.
 - x) easing of legislative and regulatory requirements for doing business.
 - xi) measures to protect employees from retrenchment and job losses.
 - xii) uniform policies and procedures aimed at slowing and eventually stopping the spread of the virus.
- (e) appoint the following Senators to the Ad Hoc Committee
- i) Sen. Johnson Sakaja, CBS, MP;
 - ii) Sen. Michael Maling'a Mbitto, MP;
 - iii) Sen. Abshiro Soka Halake, MP;
 - iv) Sen. Mithika Linturi, MP;
 - v) Sen. Erick Okong'o Omogeni, SC, MP;
 - vi) Sen. (Arch.) Sylvia Mueni Kasanga, MP; and,
 - vii) Sen. Mwinyihaji Mohamed Faki, MP.

and that the Committee tables a progress report within seven (7) days and thereafter tables a progress report on a weekly basis, and subsequently tables a final report within six (6) months.

BILL

First Reading

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

*(Order for First Reading read -
Read the First Time and ordered to be committed to
the Standing Committee on Finance and Budget)*

COMMUNICATION FROM THE CHAIR

PROCESSING OF THE DIVISION OF REVENUE BILL, 2020

The Speaker (Hon. Lusaka): Hon. Senators, the Division of Revenue Bill (National Assembly Bill No. 3 of 2020) has just been Read a First Time. Pursuant to Standing Order No.140, I direct that it be committed to the Standing Committee on

Finance and Budget. The Committee is required to scrutinize the Bill and facilitate public participation on the same and table a report on Tuesday, 7th April, 2020.

Hon. Senators owing to the importance and urgency of this Bill and pursuant to Standing Order Nos.137 and 181 (3) of the Senate Standing Orders, I further direct that the Bill be listed in the Order Paper for Tuesday, 7th April, 2020 for consideration and Second Reading, Committee of the Whole and Third Reading.

I wish to remind the Committee that in discharging this mandate, the guidelines that I issued regarding the conduct of Committee meetings during this time of Covid-19 shall strictly apply.

I thank you. Next Order.

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

The Speaker (Hon. Lusaka): There is a point of order.

Sen. (Dr.) Ali: Mr. Speaker, Sir, because of the issue which is at hand and the Motion which is coming, as a Committee on Health, there is a Statement we wanted to give to the Senate and the country. The Chairperson is requesting that we be given that opportunity.

Thank you.

The Speaker (Hon. Lusaka): Order! We are past that Order. In any case, the Chairman is just sitting in front of you. Why did he not raise this?

The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Senators. Before you contribute, once the Motion is on, I will give the Chairperson an opportunity to say something regarding that.

Proceed, the Senate Majority Leader.

Sen. (Dr.) Ali: Mr. Speaker, Sir, this is not fair.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, Sen. (Dr.) Ali is a respected Senator in this House. He is a medical doctor. I delved into his Curriculum Vitae (CV) yesterday and I was very impressed. I know he will take the right time to address those issues. It is important for all of us to move as a team. This is a very important Motion and let me move it.

MOTION

COMPREHENSIVE NATIONAL RESPONSE TO THE COVID-19 SITUATION

I beg to move the following Motion-

THAT, AWARE THAT, the Coronavirus (COVID-19) has been declared a global health pandemic resulting in an unprecedented global health crisis that has now manifested internationally in over 184 Countries and

territories, with escalating numbers of new cases being reported, with over 700,000 confirmed cases and over 30,000 deaths worldwide;

COGNIZANT THAT governments and health authorities in the affected countries have taken various measures aimed at containing the spread of the pandemic, mainly through travel and behavioural restrictions;

APPRECIATING the policy measures and interventions taken by the Government, through the National Emergency Response Committee on Coronavirus (NERC), in containing the spread of the pandemic and cushioning Kenyans against economic effects of the pandemic, including upscaling of medical facilities, imposition of travel restrictions, suspension of learning in all educational institutions, changes in fiscal and monetary policies and reinforcement behavioural protocols;

COGNIZANT THAT Health Services and other service sectors key to the implementation of the pronounced policy measures and interventions are devolved functions;

FURTHER COGNIZANT THAT some of the pronounced policy measures and interventions require legislative intervention and approval;

RECOGNIZING the need for an integrated and multi-sectorial intervention by all Levels and Arms of Government and sectors in the society towards a harmonized comprehensive response to the pandemic;

NOTING the bipartisan legislative approach taken by legislatures in other jurisdictions in enacting legislation towards the containment of the Coronavirus and its attendant economic effects;

CONSCIOUS of the need to complement the efforts of the national Government in containing the spread of the pandemic and cushioning Kenyans from the shocks arising from the pandemic;

THE SENATE RESOLVES to –

(a) laud the national Government for the measures it has so far put in place in combating the spread of the virus;

(b) commend and appreciate all healthcare workers in the country for their selfless effort, commitment to service, care and compassion towards persons who have been infected or affected by the virus;

(c) call upon the national Government to expand the membership of the National Emergency Response Committee on Coronavirus to include representation by Parliament, the Judiciary, the Council of Governors, the Media, and Private Sector;

(d) establish an Ad Hoc Committee of the Senate which shall oversee actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19 in Kenya and shall address the following, among other matters

i) provision of testing and medical equipment, including adequate ventilators in referral hospitals and in at least one public hospital in each county.

ii) provision of adequate isolation centres and Intensive Care Unit (ICU) facilities in each county.

iii) measures to ensure continuous supply of food and other essential commodities at affordable prices.

iv) measures to enable learners in educational institutions to continue with their studies.

v) measures to ensure protection, safety and well-being of healthcare and other frontline workers.

vi) enhancement of capacity and flexible deployment of healthcare staff.

vii) financial assistance to vulnerable persons and groups.

viii) protection of residential and commercial tenants.

ix) establishment of a stimulus package for the Micro, Small and Medium sized Enterprises.

x) easing of legislative and regulatory requirements for doing business.

xi) measures to protect employees from retrenchment and job losses.

xii) uniform policies and procedures aimed at slowing and eventually stopping the spread of the virus.

(e) appoint the following Senators to the Ad Hoc Committee

i) Sen. Johnson Sakaja, CBS, MP;

ii) Sen. Michael Maling'a Mbiti, MP;

iii) Sen. Abshiro Soka Halake, MP;

iv) Sen. Mithika Linturi, MP;

v) Sen. Erick Okong'o Omogeni, SC, MP;

vi) Sen. (Arch.) Sylvia Mueni Kasanga, MP; and,

vii) Sen. Mwinyihaji Mohamed Faki, MP.

and that the Committee tables a progress report within seven (7) days and thereafter tables a progress report on a weekly basis, and subsequently tables a final report within six (6) months.

Mr. Speaker, Sir, I want to start by thanking you and the Senate for taking this step. In its own wisdom, the Senate particularly, decided that we were meeting today and next week on Tuesday, and thereafter determine the calendar of events.

There has been misconception out there, which has gone to members of the public, that the Senate is no longer at work. That by virtue of not convening here, we are not working. Far from it! I want to demonstrate what other Senates and Parliaments in the world have done, so that people can appreciate that this is not just confined to the Parliament of Kenya; it is a response to this global pandemic.

Mr. Speaker, Sir, in Denmark, Parliament – like you did in your direction – made certain provisions; that Parliament will not have more than 10 people. This is because there is a provision in the whole country that not more than 10 people should be sitting in

one place. Consequently, the Speaker made provisions that Parliament should work and utilize online communication in all its deliberations and decision-making.

In France, the Leader or Spokesman of the Government side and the Leader or Spokesman of the Opposition take questions from the Members and go to present in the House. If they have a question to a Minister, they designate a few Members of Parliament that are able, at any given time, to ask those questions.

In Germany, they reduced the quorum to 25 per cent and changed the regulations and the rules. In Ireland, they did the same, that is, to reduce the quorum. However, there is an interesting one in Sweden which has 349 Members of Parliament. The Swedish Parliament decided that they can only have 55 Members participate in the Chamber. In voting and making decisions, they reduced their quorum. The same has been done in Australia.

Mr. Speaker, Sir, in New Zealand, where we borrowed the approach we have here, the New Zealand Parliament decided to close and established an *ad hoc* Committee like ours, whose responsibility was to deal with the issue of the epidemic. It is called an epidemic response committee, and its role is to make sure that they collate all the information that Parliament needs and advise Parliament, so that decisions are made from time to time by few Members of Parliament.

I want to tell the nation that first, they need to appreciate that we have not abdicated our duty. In fact, most of these Members of Parliament have been debating and contributing to the issues of COVID-19 online. Sometimes, our debates have gone up to almost 2.00 a.m.; finding solutions on how best we should come to the House, what the Committee on Health and Committee on Finance and Budget should do. Most of those suggestions have led to this Motion, your Communication and many other decisions that are going to made going forward.

Parliament and the Senate, for that matter, is alive and working. I appreciate the fact that you directed the Committee on Finance and Budget to continue working within the confines of your Communication, and ensure that they get public views on the issues related to The Division of Revenue Bill.

Secondly, there is a feeling that if we form this Committee, it takes the mandate of the Standing Committees, which is far from the truth. The Committee on Health has not been suspended, and it should continue performing its responsibilities within the guidelines that you have provided and address the health issues that are related to COVID-19.

It is important for the Members of this House and members of the public to know that a Standing Committee does not need to come to the Chamber to get another mandate. They got their mandate two-and-a-half years ago when that Committee was established. The only thing that the Committee should do is bring reports to the House on what they have done and when they want the support of the House in making certain deliberations.

I want to request the Chairperson and the Vice Chairperson who are here that we want to see them working and in the meetings with the Cabinet Secretary. I am grateful and know many Senators here who have engaged the Cabinet Secretary for Health directly.

We want to appreciate Sen. Mutahi Kagwe because of his receptive approach. I want to say without fear of contradiction that he has given a good name and face to the Senate; that a former Senator can be more receptive to a crisis like the one we are dealing with.

I am sure that if the Chairpersons of the Committee on Health, Committee on Finance and Budget, Committee on Labour and Social Welfare - or any other Senator here wanted to approach that Cabinet Secretary, he will be more than willing for us to approach and contribute to the process ahead of us. Those are the opening remarks I wanted to make, so that when we are debating, no one should imagine the Committee we are establishing is going to take over the responsibilities of any of the Committees.

Mr., Speaker, Sir, we are establishing an *ad hoc* Committee because we are unable as a whole House to sit and think through the various legislative and policy interventions. However, because we can contribute online and through calls, this Committee will collate all our contributions and those of other Kenyans, reduce some to Motions and others to Bills, and When we come back either Tuesday next week or for the other sittings, we will convene and pass the Motion where need be, policy positions where there is need and a Bill where there is need.

Secondly, even though we have formed this Committee of seven, we want to encourage the National Assembly when they convene next week – and I have reliable information in the public domain that they will convene next week – to form a similar Committee. We should then utilize the Standing Orders of both Houses for the two Committees to have joint sittings. This is a moment of crisis and not a moment for us to demonstrate supremacy battles; that we have an upper House or a lower House or we have a more superior House or team than the other. We have initiated a process and are encouraging our brothers in the National Assembly, so that we have a united joint position on the issues that are affecting the people of Kenya. We can then pass legislation and policy together.

I request the Leader of Majority in the National Assembly, who I will consult with, to form a similar Committee. Once that is done, they can have joint sittings, and whatever Bill they will draft, we will pass together. I had the privilege with Sen. Mutula Kilonzo Jnr., Sen. Orengo and others who are not here, to be selected in a Joint Committee to deal with the electoral issues across the country. The Committee had Members in this House and the National Assembly, and I am proud of the work we did in the election laws. If that joint process is applied, we will achieve a lot as Parliament.

Mr. Speaker, Sir, thirdly, I want to suggest a few things that the Committee should look at: The Committee should look at ways and means of cushioning Kenyans from the impact of this serious pandemic. In that case, they must have a broad-based stimulus package that will capture the needs of the people of Kenya and the desires of the poor.

If we are not going to guarantee food to Kenyans in slums like Mathare, they will walk to Muthaiga and get food for themselves. If we are not going to guarantee food for Kenyans living in Kibera, they will walk on foot to Karen to get food themselves. Countries like Italy and other parts of the world that these measures are being taken to

contain the COVID-19 have other counter repercussions, which include the fact that people are lacking food to eat.

Mr. Speaker, Sir, this Committee should come up with measures of how best we can contain the spread of COVID-19 while at the same time guarantee that there is food. In doing so, we must listen to various voices. I have read contributions by Mr. David Ndi, a person I never agree with politically, but we must listen to proposals that various Kenyans are giving.

I have also read contributions from a citizen from my county called Ms. Cherotich Seii, a serious critic of myself who never supported my political views. However, I have had many discussions with her on some of the measures we can take. Ms. Seii worked in an emergency situation in Ebola in other parts of the continent so I have to listen to such people. We must give everyone an opportunity to give proposals. Some of the proposals that have been made are very interesting. How do we ensure that we have cash transfers?

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

Sen. (Dr.) Ali: On a point of order, Mr. Speaker, Sir. Can the Senate Majority Leader behave? He is speaking across instead of addressing the Chair. I do not want to disrupt the flow of thoughts for the Senate Majority Leader but we came here to contribute to this debate.

Can the Senate Majority Leader also make his contribution short so that other Members can also make contributions? If the Senate Majority Leader does not make his contribution short, the rest of us will not have time to speak.

The Speaker (Hon. Lusaka): The Senate Majority Leader, kindly make your contributions short.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I have not even started moving the Motion.

(Laughter)

I only read the Motion. I have not even moved it. However, I have had consultations with the Speaker and I am cognizant of the fact that I cannot use the one hour that I am entitled to. I will use a further 15 minutes to make my contribution.

I have also had discussions with the person replying so that he can use only 10 minutes so that the other Members can contribute. To mitigate this situation, I am not going to reply to the Motion. To the contrary, I will give my deputy the opportunity to reply so that she can use that time to make her contribution.

Can I proceed?

The Speaker (Hon. Lusaka): The Senate Majority Leader, you cannot take a further 15 minutes when other Senators also need to make contributions.

What is your point of order, Sen. Sakaja?

Sen. Sakaja: On a point of order, Mr. Speaker, Sir. Cognizant of the fact that the Senate Majority Leader does have some special provisions in terms of time, this sitting is supposed to end in one hour's time, at 4.30 p.m. I therefore ask that you give direction in terms of how many minutes each Member will take. We are 30 Members and we have

only one hour to debate. That means that every Member will only have two minutes to make contributions which is not enough.

Alternatively, the Senate Majority and Minority Leaders can agree on a set number of Members to contribute. Otherwise, we will not make any meaningful contributions within one hour. One cannot say anything meaningful in two or three minutes.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. Being in this facemask is problematic. Being in a curfew situation is even worse.

I propose that you allow the Senate Majority Leader an extra three minutes to finish making his contribution because this Motion is self-explanatory. Limiting the number of Senators from coming to Parliament today was already a challenge. Some Members are already cursing us. Therefore, the Senate Majority Leader must be guided.

The Speaker (Hon. Lusaka): The Senate Majority Leader, kindly take five minutes so that other Members have an opportunity to make their contribution to this Motion.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, if I take five minutes, I will not be able to say anything meaningful. We must appreciate that my role in this assignment ends with the formation of this Committee. The rest of the Committee Members will ventilate as they serve us. I, therefore, beg to have 10 minutes to finish my contribution because I will not reply this Motion.

The Speaker (Hon. Lusaka): The Senate Majority Leader, you can see the mood of the House. Kindly take five minutes. Compress your contribution.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, we cannot proceed that way. I will not have said anything.

(Loud Consultations)

I read the Motion all through.

The Speaker (Hon. Lusaka): The Senate Majority Leader, you have seven minutes. Kindly move with speed.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, the first thing that we must do is to listen to as many voices of Kenyans as possible to ensure that these issues are captured, particularly the issues that are dealing with the poor people.

As a House, we must ensure that we increase the cash transfers to vulnerable families. We must support the Ministry of Labour, Social Security and Services to ensure that cash transfers reach at least 10 million families to deal with the situation that is facing the country. We must also deal with the issue of water. The Committee should make recommendations on how best the Government can expeditiously deliver water to the vulnerable areas such as slums.

Mr. Speaker, Sir, as we continue dealing with this disease, food must reach as many Kenyans as possible across the country. For us to continue getting food, farmers

must continue producing. We must continue to provide opportunities for farmers to deliver the food to the places that it is required. I, therefore, request that a stimulus package be directed to farmers to ensure that they produce cheap food that will serve as many Kenyans as possible.

I also suggest that we must hire more doctors and nurses. This issue is going to give us a big problem in hiring medical personnel. The resources that have been set aside for this emergency should go towards hiring more medical personnel even if it means having them on contract for two or three years. The Government should find ways of expeditiously graduating all medical students who are in their final year so that they can go to the field to help as many people as possible.

We must also think about establishing field medical centers like the ones we saw in Nigeria where they have converted stadiums to field medical centers. We should have at least four field medical centers in Nairobi to deal with this situation. We can set up the field medical centers at Kasarani, Nyayo, City and Camp Toyoyo stadiums or any other places that will be designated by the relevant Committee.

Mr. Speaker, Sir, we must also find ways of incorporating matters of mental health. Many people are suffering as a result of being told that they are going to be confined in one space in the house. Some people did not have good relationships with their spouses while some are wondering what will happen to their children when the food that they have is finished. Psychosocial support must be ingrained in this venture. Tax exemption should be visited upon all those who are producing essential goods and services so that they can reach people in a cheaper way.

Like Sen. Cheruiyot mentioned earlier, we would like to ensure that the communication that goes to the public from Parliament is joint and accurate. However, it is not the time to suspend human rights. We are not suspending human rights or freedom to communicate. One Member of Parliament (MP) was invited to the Directorate of Criminal Investigation to record a statement for postulating that the number of COVID-19 patients could reach 10,000 by May.

The next day, the Ministry of Health announced that the number of COVID-19 patients could reach 10,000 by May. I wonder if the MP had a leakage of the projections by the Ministry of Health statistics on COVID-19 patients or he is just good with statistics. The MP should be incorporated in the national emergency team.

Mr. Speaker, Sir, people should be allowed to communicate. We accept that there will be misinformation. However, people should be allowed to talk. If we are going to be scared, maybe we will be scared enough to stick to our houses and follow the procedures that are required. In the field of communication, civic education must be increased. When I called my village today, I was informed that people are still doing handshakes, socializing and drinking *busaa*. Many locals in my village are terming this quarantine period as a holiday for drinking *busaa*. They are oblivious of the dangers that come with the COVID-19.

We must do civic education. The county administration also must take advantage of its structures to the village level to ensure communication reaches us. Many people are responsible to ensure that we deal with this disease.

Lastly, we need to utilize all the leaders in this country. Although we have our former colleague Sen. Kagwe at helm of the Ministry, it is not enough to think that this COVID19 is being dealt with by one or two Cabinet Secretaries (CS). We want to see the Cabinet meeting more often and having various committees. We could have a committee dealing with finance, energy, livestock and agriculture. We want to see how we guarantee food supply to people.

We do not reduce this to one or two departments of Government. Government must now recalibrate itself to be a COVID19-responding government. This is because the only thing we might end up doing in the next two or three years is dealing with the impact of this disease in the economy and all sectors in the country.

Your Excellency the President this is the time to call the leader of opposition and all party leaders in the country to sit down together with your Deputy President and the Cabinet to discuss this pandemic. There is no person in this country who cannot sit on the table and provide solution to the problem---

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

The Speaker (Hon. Lusaka): Sen. Kinyua, what is your point of order? We need to be careful about the points of order we are raising because we have one hour to go.

The Senate Majority Leader (Sen. Murkomen): I have two minutes to go. I beg that you restrict the points of order so that I can sit. If I keep on responding to points of order---

Sen. Kinyua: Thank you, Mr. Speaker, Sir. I want to get clarity on what he is talking about because he is advising the President to sit with so and so and there is nothing to show that---

The Speaker (Hon. Lusaka): Order! That was very clear. It is just an example that he was giving. Let us not interpret beyond what he said.

Conclude, Sen. Murkomen.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, we need to put side our political competition and doing political scores with COVID-19. There should be nothing wrong with me and Sen. Orengo and people who are in the Opposition or whatever political divide finding solutions to the problems affecting Kenyans. This is not the time for dealing with politics and to go to sectoral places. That is why I am very happy with this Committee. It will play a bipartisan role. I hope the National Assembly will also come up with a similar Committee so that they work together and give solutions.

The Senate Minority Leader and I will be available all the time for consultation with this Committee. Even where the House needs to be convened even before next Tuesday if required, we will convene it for that purpose.

I beg to move. I am sorry I had been earlier advised that it was the Deputy Minority Leader who was supposed to second. However, I call upon the Senate Minority Leader to second.

The Senate Minority Leader (Sen. Orengo): I thank you, Mr. Speaker, Sir. I will be very brief in supporting this Motion since we have quite a number of us who want to contribute.

I commend the Government for the measures it has taken, but this Motion is based on the fact that more could be done. Before I come to the main issue that I want to deal with, I am happy that we are meeting as a Parliament. The Constitution does not imagine a situation where Parliament should be adjourned *sine die* as in the previous constitutional arrangement. If we go by Article 1 of the Constitution, the people want Parliament as the representative of their sovereignty to be meeting all the time when there is a crisis. I am glad we chose to meet when there is a crisis.

Many Parliaments all over the world are meeting now as they delve into issues concerning COVID-19. It requires of us now to think more innovatively about our Standing Orders. I hope we will begin to incorporate in our Standing Orders situations where Parliament cannot meet in Plenary. For example, if there is war or an emergency such as the one we have now, how can we do the things we must do without necessarily meeting in Plenary or in the various committees?

This is an important statement because out there, people are saying that Members of Parliament are not meeting and not being seem to care a lot. We have seen in the United States of America (USA) that President Trump's numbers are going higher because they can see him dealing with the problem, whereas the man in the opposition is not being seen because he is not part of the conversation that is going on.

I also commend Sen. Kagwe. I hope the Press will be referring to him as Senator because that title never goes away.

(Applause)

Mr. Speaker, Sir, this crisis whatever its magnitude should not take away our human rights. Our freedom should never be taken away because of a crisis. In fact, under the Constitution, if you want to limit any of the constitutional rights contained in the Bill of Rights, you will need legislation which will require Parliament to meet.

There is a judge in the USA who said that if you want to fight falsehood, you give more facts. In the situation where a Member of Parliament was arrested, you resolve it simply by talking about the factual situation instead of arresting the person. It is an easier way of resolving that problem. I hope the State will continue to give more information as we go on fighting with this crisis.

For this, I commend the health workers- the doctors and nurses. I also commend even the police. I appeal to the Government that police being first responders, they should make sure that when they go into a situation, they also do not risk their health. In New York, we are told that many members of the police department are either reporting sick. I think one or two have died from the virus. The way the police are being exposed without protection is also part of our problem. They should have proper protection just likely our health workers should.

In order for us to do that we need to plan for the worst, people are planning for the worst. If we want to deal with this crisis, we do not deal with the 50 cases that have come up. Now they are talking about a possibility of having 10,000 cases. I think we should be talking about the need to have equipment and facilities even to deal with 100,000 or more

cases. This is because if we look at the figures that are coming up in Northern and South Africa, we cannot say the situation is got to be better. It is going to be worse before it can get better just as many people are saying. We need to plan ahead.

We are putting this Committee in place so that they can be part of the conversation and in coming out with the solution. In fact, I have seen in the Motion which is quite right that they should report in seven days. We are hoping that when they report, they will come out with concrete measures as a Parliament, which we can put forward to the nation that is what the Senate has come up with in terms of solutions.

Sen. Kang'ata: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Kang'ata?

Sen. Kang'ata: Mr. Speaker, Sir, you limited my brother's time. I propose that you give directions, not only regarding my brother Sen. Orengo, but for every other speaker. I propose maybe five minutes for every contributor to the Motion.

The Speaker (Hon. Lusaka): I will give that direction, just be patient.

The Senate Minority Leader (Sen. Orengo): In fact, I know that I have about an hour, but I will not get anywhere near it. Seeing the mood of the House, everybody should be heard on this issue.

Let us plan for the worst because the situation will get worse before it gets better. However, there are immediate steps which should be taken. This is because if you are telling people not to go to their workplaces during times that they normally go to work, or there will be a lockdown, you have to plan for it.

How will people eat? What is contained in this Motion about making preparations of providing food for the disadvantaged people must be in our plans now. You have heard people in the streets asking: If we do not go to work or the market, what will we eat?

In places like Nairobi, we are telling people to wash their hands. I am sure Sen. Sakaja must be the busiest. I have seen the work he is doing in Nairobi together with his delegation. When you tell people to wash their hands, we must make sure that water is getting to where the populations are in Kibera and Mathare. Let us also ensure that there is water and sanitisers in the counties.

Finally, we may need to rework the budget. The focus of this fight against Coronavirus should be county-based. It will be more effective if it is done at the county level as long as it is properly managed. Therefore, we may have to re-arrange the budget so that we can have these facilities in every county. We need Intensive Care Unit (ICU) beds in every county, not just here in Nairobi. We need facilities, including provision of food and water, at the county level.

Mr. Speaker, Sir, this may require budget appropriation, a supplementary appropriation, which of course must come from the other House. However, since these matters concern counties, the Senate should be involved. It is the work of this Committee to come out clearly and strongly on what measures should be taken so that we are not seen to be talking, but to be coming up with solutions.

With those remarks, I beg to support.

(Question proposed)

The Speaker (Hon. Lusaka): Hon. Senators, I will now give the Chairperson of the Standing Committee on Health five minutes to make his contribution. The rest of you will get three minutes each.

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Olekina? Please, be brief because we do not have time.

Sen. Olekina: Mr. Speaker, Sir, I beg to move the following amendment to the Motion-

“THAT, the Motion be amended in paragraph (d) of the proposed resolution by inserting a new paragraph iii (a) to read as follows-

“Measures to ensure that funds collected to combat the effects of COVID-19 be allocated to county governments for modernising open air markets in their respective counties to comply with the World Health Organization (WHO) one metre social distancing.”

Mr. Speaker, Sir, I have moved this amendment because when you travel to all our 47 counties, most pastoral communities depend on open-air markets. If you come to Nairobi, for instance, you will see the dangers when you visit a place like Kangemi where it is business as usual for everybody.

By inserting this, paragraph iii(a), we will ensure that our open air markets and county governments are assisted.

The Speaker (Hon. Lusaka): Sen. Olekina, I appreciate your contribution. However, given the timeframe we have, and if we approve the Committee, this Motion has not exhausted all the options. I think we should let it flow then we will accommodate most of the things that we will be given at an appropriate time.

Sen. Olekina: Mr. Speaker, Sir, this is a very important amendment and I do not see anything wrong with it. We do not need to debate it for long. However, if it is---

The Speaker (Hon. Lusaka): Sen. Olekina, we have less than 45 minutes.

Sen. Olekina: Mr. Speaker, Sir, I appreciate that and I am not arguing with you. All I am saying is that it is a very simple matter which is procedural and that can be seconded and we move on.

The Speaker (Hon. Lusaka): Do you have a seconder?

Sen. Olekina: Yes. I request Sen. Fred Outa to second the amendment.

Sen. Outa: Mr. Speaker, Sir, I second.

The Speaker (Hon. Lusaka): You will give me your copies for approval later on.

*(Sen. Olekina presented a copy of the amendment
to the Clerk-at-the-Table)*

Hon. Members, when we have such circumstances, let us appreciate that we are not in normal times. However, let me propose the question.

(Loud Consultations)

Sen. Seneta: No!

The Speaker (Hon. Lusaka): I am proposing the question.

Sen. Seneta: You cannot propose the question while the amendment was not approved.

An. Hon. Senator: No, continue.

The Speaker (Hon. Lusaka): Order!

(Question of the amendment proposed)

An Hon. Senator: Put the Question!

(Question of the amendment put and negatived)

(Resumption of Debate on the original Motion)

The Chairperson of Committee on Health, kindly proceed. You have five minutes.

(Loud Consultations)

Order Members!

Sen. (Dr.) Mbito: Thank you, Mr. Speaker, Sir. Let me start by agreeing with the Senate Majority Leader that the Motion of forming the *ad hoc* Committee has not constricted our work as a Committee on Health.

I wish to confirm to this House that, we have engaged the Cabinet Secretary (CS) for the Ministry Health and the CS for the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. We also invited the Cabinet Secretary for the Ministry of Interior and Co-ordination of National Government, who sent his Permanent Secretary (PS). We discussed a lot of issues to do with COVID-19 outbreak. Already, results are coming out. This is because the flights are being stopped and there is proper isolation.

Today, I had a Statement which covers some of the issues that we had discussed with the Cabinet Secretaries on how to combat this very grave situation we have before us. However, to save on time, all I will want to quickly mention here is that we must work together to ensure that we solve this grave situation before us. We have a situation whereby the task force charged with combating this issue conducting their business and giving us reports.

Although, we are not satisfied with the reports, we think there are a lot of issues being covered, although shrouded in secrecy. We would wish that some of these things come out clearly. So, as a Committee, we will continue engaging the CS for the Ministry of Health to ensure that this COVID-19 issue is brought to a control.

Mr. Speaker, Sir, a lot of efforts are being put towards purchasing test kits, Personal Protective Equipment (PPEs) and protective clothing. However, we are also worried as a Committee because you will find that efforts are being put towards COVID-

19 and we might end up forgetting that we already have people who are suffering from Malaria. We also have HIV/AIDS patients and TB patients. We want to make sure that as we move towards controlling this situation of COVID-19, we do not ignore this very important section of our people.

As you know, during the Ebola crisis, there were more deaths that occurred due to Malaria than Ebola. So, as we look at controlling COVID-19, we should not forget that we also have the other issues.

On the issue of procurement, we are not satisfied as a Committee. We really want to know what the money that we are contributing, including the Kshs200 million that the Senate has given today, is exactly going to be used for; what are we purchasing? How many test kits are we purchasing? We know that there is a very big shortage of test kits, but we also want to know the few test kits that we have and how are we using them. This is because we are busy isolating people, but are we testing them? If we do not test them after isolation, then there is very little we are doing as a team.

Those are the issues that we really wanted to share with the Senate and also with the Ministry of Health. We will continue pushing them. We want to know whether the procurement and donation from the World Bank is being put to good use, equipment and the test kits are distributed to the right places; to the hot spots.

With those few comments, I thank you.

Sen. Malalah: Thank you, Mr. Speaker, Sir. I stand to support this Motion. First of all, to commend the national Government, together with the county governments, in trying to put measures to curb the spread of COVID-19.

As we congratulate the national Government, we would like to encourage them to ensure that they keep the common *mwananchi* at heart. I am disturbed by the manner in which the dusk-to-dawn curfew is being implemented. We have seen police officers harassing and beating up citizens of this country. As much as we want to implement these directives, let us implement them in the confines of our Constitution.

Mr. Speaker, Sir, I want to support Sen. Murkomen on the issue of expanding the National Emergency Response Committee (NERC) on COVID-19. It is very important for us to expand that team and include legislators. We need to have a representative from the Senate and the National Assembly on that Committee. The resolutions of that Committee must be legislated. The policies that are going to be proposed in that Committee must come to this House to be considered.

Mr. Speaker, Sir, as we do this, I also want us to prepare for the worst. The Ministry of Health has made projections that at the end of April, we might have 10, 000 cases. This is a point that we need to concentrate on and question ourselves. I would like to encourage the *ad hoc* Committee that has been formed to kindly focus on the counties. We know that health is a devolved function. We are mandated as Senators to protect the interests of our counties.

I would also like to encourage the County Assembly Forum which had suspended sittings of county assemblies indefinitely, to consider that decision. Let the county assemblies reconvene and do supplementary budgets so that they can cater for those funds that they are not going to use before June.

Mr. Speaker, Sir, we are going to have so many monies being returned to the national Treasury just because some of the county assemblies have not done supplementary budgets. Therefore, I want to encourage county assemblies to reconvene and consider doing supplementary budgets so that we can absorb monies meant for devolution.

The Speaker (Hon. Lusaka): Your time is up! Sen. Sakaja, kindly proceed. Sen. Kang'ata, kindly switch off your microphone.

Sen. Sakaja: Thank you, Mr. Speaker, Sir. Three minutes---

(Sen. Kang'ata covered his microphone)

The Speaker (Hon. Lusaka): Switching off does not mean hiding the light. Please, switch it off.

(Laughter)

Sen. Sakaja: Mr. Speaker, Sir, I hope that the timer is not running since I have not yet started.

(Sen. Kihika spoke off record)

Sen. Sakaja: Sen. Kihika is asking me to start even though that is not her work.

Mr. Speaker, Sir, as Sen. James Orengo said, this is the time for leadership. When we were adjourning last week, I opposed it because in other countries that have been hit hard by this pandemic, including the United States of America (USA) and United Kingdom (UK), we see Congress and the House of Commons meeting. At a time of crisis, leadership is needed. To date, those parliaments and others have passed serious interventions. For example, the Australian Parliament passed a 46.3 billion Dollars stimulus package. In Germany, the Bundestag has passed interventions to cushion the poor. Canada has 37 billion Dollars to give to small businesses. All these interventions are done in Parliament. Even at a time of crisis, the right of the people, the sovereignty to be expressed and represented is not suspended. Therefore, we must continue to work with innovations based on technology.

Mr. Speaker, Sir, as you know, Nairobi is hardest hit. We have not rested; we have been meeting throughout. I have been able to bring together Members of Parliament (MPs), the Nairobi Metropolitan Services (NMS) and interacted with Ministries on a number of issues.

The first thing is to offer our condolences to the family of Yassin Moyo, a young man, 13 years of age, who was shot and killed yesterday during this exercise of implementing the curfew. I am just from a meeting with the Cabinet Secretary (CS), Dr. Matiang'i, Principal Secretary (PS) and the Inspector General (IG). We have agreed and I made it clear that we are fighting the Coronavirus Disease and not Kenyans. In as much

as both sides have something to do with it, I am pleading with Nairobians to support the Government because the curfew is a reality.

That boy was shot by a stray bullet that was fired by the police officers, who were dispersing a crowd that was pelting them with stones. No one is on the right and that life will never be revived. All of us have some responsibility to know that the curfew is not a joke. We must adhere to it, but the police must also serve the people. Tomorrow, we will be dealing with the family. The young man was buried today.

Some of the interventions that we must do, and I am glad that the Committee will focus on them, are as follows:

First, the provision of water in the 17 constituencies of Nairobi is critical. We have boreholes that are inactive in Nairobi because of very flimsy reasons. Some of them need mortars and mechanical parts. We need immediate analysis of the status of the boreholes and their reactivation.

We urgently need 510 water tanks in our slums. I have been appealing for this since the day we met. We are telling our people to wash their hands. We are asking them to put handwashing stations in their areas, yet they have no water in their houses. We have spoken to the Nairobi Water and Sewerage Company to relax the rationing. They have done so because their reservoirs are full. However, we need 510 tanks in these places.

If I knew that the Senate would give Kshs200 million, I would have appealed for just Kshs30 million to make sure that Nairobians get water. You can imagine what will happen to the rest of the country if Nairobians get this infection. We need immediate facilitation of handwashing points.

Secondly, the people of Nairobi cannot access food because they do not have farms of their own. In the rural areas, maybe, you can get some maize or greens. In Nairobi, we do not have it. We need urgent food rations and the supply chain must be secured. We have agreed on that and will hold a meeting soon. I hope that this Committee can do it with the leaders of these markets and owners of *posho* mills.

We have over 1,600 *posho* mills in the database. We need to subsidize at that point because most of the people in the informal sector do not buy their food from the supermarkets. They buy *ile ya kupima* and oil. We need to subsidize at that point. This is because we have links and know those particular stores. Therefore, we will be able to help them. That is extremely important.

This House must reallocate some of the budgets. We cannot be talking about billions today for large infrastructure projects if we cannot feed people in our informal settlements and slums. That is urgent and we must do it.

Thirdly, we need economic cushioning. Fuel prices must go down. World fuel prices have gone down by 40 per cent, yet our pump prices have gone down by only Kshs2. That needs to be looked at. We have huge night economies in this City that include Disc Jockeys (DJs), bartenders, musicians, bouncers, taxi drivers *et cetera*, who need to be cushioned.

I beg for two minutes because of the---

The Speaker (Hon. Lusaka): One minute.

Sen. Sakaja: Mr. Speaker, Sir, the ban on *mitumba* right now is making very many traders suffer. As I speak, there are millions of goods that have been confiscated at the Inland Container Depot (ICD). I have been talking to the management of ICD. Tax had been paid for the goods in March. Therefore, they are serving no one's interest by being held there. There is a regulation, and that is why Sen. Ledama's intervention might have been overtaken. This is because the Public Finance Management (PFM) Regulations have been published. In those Regulations, Section 4 (2) talks about the actions that the Committee should actually be pushing for.

Fourthly, the transport sector is not able to pay seasonal fee today because of the reduced number of people in the *matatus*. They are not able to pay the *matatu* seasonal fee. The eight-seater *matatus* pay Kshs8,000; 14-seater pay Kshs 36, 050 and 33-seater-- - We ask for the seasonal fee to be suspended for now and there is urgent need for appropriation.

(Applause)

Long and short---, because now I am rushing yet there are so many things that I wanted to say, including sanitizers and the issue of community health workers, community health volunteers, in their thousands, who can help. I hope that the Committee will go into detail of these and report back to the House. We can work together with the Committee of the National Assembly.

Let us remember that not every Kenyan has the luxury to work at home. Nairobi will not get into pandemic after lockdown; it is already in pandemic and people are suffering.

The Speaker (Hon. Lusaka): Senator, proceed.

Sen. Mutula Kilonzo Jnr: Thank you, Mr. Speaker, Sir. First is to condole with the families that have lost their loved ones during the curfew. Curfew is now competing with the Coronavirus Disease in terms of deaths. In fact, the curfew is now leading.

For the first time, the narrative must change because the epistemology shows that it is no longer the people who travelled abroad that have the disease, but it is now being communicated between person to person. Therefore, the message must change. We must clean our knobs, tables, doors and every other place where everybody touches.

Secondly, we must get to a place where everybody will wear a mask like in South Africa. I saw a clip of the Kitui County producing masks, and do not know how true that is. However, the President and the Government, through the CS, Sen. Mutahi Kagwe, must find a method where cloth masks are available because they can be cleaned.

On preparedness, I am sorry to report - and the Committee on Health must listen to this - that the Government has provided 4,000 interns, 5,000 skilled workers and another 1,000, but the county governments have not been able to recruit. Only three counties have complied. The money might be returned to the National Treasury if nothing is done.

We know that Kirinyaga County Government is fighting with the County Assembly on the composition of County Public Service Board. The same is happening

with Kitui County. I am wondering whether this Committee can ask the Public Service Commission to hire these skilled workers and interns, so that we are prepared.

Thirdly, only three counties have complied with isolation. It is very sad. This is something that this Committee must return to us a verdict. We want to know why the counties have been unable to comply.

Fourth, only three counties in Kenya can do testing. Certification can only be given to three counties, that is, Kisumu, Machakos and Mombasa. Why is this so? Those are things that this Committee must tell us, so that by the time we come back, we will not want to say that health is a devolved function, and yet, governors are sleeping on the job.

Mr. Speaker, Sir, after we are done with COVID-19, students will go to school, other people will pay loans, mortgages and so on. Let this Committee make no mistake. It is not just the Committee on Health, but it is supposed to provide stimulus for the country. For example, the Institute of Certified Public Accountants of Kenya (ICPAK) has given a very good document on the sort of stimulus that they would like to see done to microenterprises. They want the waiving of loans for three months or extending payment of loans for one year.

Lastly, I am concerned that the Ministry of Health is telling us that as the Senate is meeting now, they have confirmed cases in the National Assembly. That will set a bad precedence if we are not tested. We must be tested if we must continue working.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. First and foremost, I thank the national Government and the Ministry of Health for doing a good job.

This House must comply with the rules. Half of the Members are not wearing masks. Why were they provided if you are not wearing them? The spread of the virus is by touching. It is also airborne and can stay in the air for more than four to eight hours.

I am not sick, but if I was, when I talk the droplets can go up to 10 feet. So, the persons seated next to me would be in danger.

Sen. Cheruiyot: I am too young.

Sen. (Dr.) Ali: That is daydreaming. A 19-year old in California died and children too have died. This virus does not have an age limit, colour or strength. So, do not cheat yourselves. The only way we can stop the spread is by using the masks that have been provided. However, some Members and staff are walking around here without masks. We should comply with that.

The Committee on Health has its purpose. However, most of the work has been given to the *Ad Hoc* Committee, which is multipurpose and should do most of it. The Chairperson the Committee on Health has not been given an opportunity, while his Vice Chairperson is close to the age of 58 years. So, they should relax while the *Ad Hoc* Committee does its job.

Mr. Speaker, Sir, many Kenyans are not serious people. We have a lot of problems. If you talk to most of the people, they will tell you that Coronavirus is a disease for the *Wazungu* and so, they will not get it. The Ministry of Health has projected 10,000 infections. I do not want to say anything that might annoy others. However, I am

afraid that in May, we will be talking of other numbers and not 10,000. If we continue this way, things will be worse.

For example, my county is employing useless people who are not needed instead of employing health personnel. County governments should employ health personnel, so that they can do what they need to do.

Mr. Speaker, Sir, hungry people are angry people. Kenyans in Nairobi slums and rural areas will soon be angry people. We are now talking about quarantine and curfew and soon we will be locked down the way Uganda, Rwanda and many other countries have done. There is also a lockdown in Italy and Spain.

I saw something on social media where police officers went round collecting everybody who is above 50 years old and putting them in jail.

(Laughter)

It might be fake news but it might come to that soon. So, there are those who can afford to stay quarantined. However, there are others who do not have that luxury because they have to pay for food and rent. Therefore, if we do not take care of them, soon we will have angry people beating those who hide themselves in the houses. The national Government should take action and county governments should do more. As Sen. Mutula Kilonzo Jnr. said, they are sleeping on the job. Governors should wake up.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir, for giving me an opportunity to make my remarks on this important matter. I want to go straight to the issues of quarantine and curfew.

Without debating the illegality or legality of the curfew, which is in court, it is not possible to have a one-fit-all solution. A curfew that is applicable in Nairobi is not applicable in Mandera or Migori, where we have poor widows who are looking after their families. They sell fish that is only purchased between 6.00 p.m. and 9.00 p.m. They do not have savings or anything to eat, yet we are imposing a curfew on them. They have children who are crying and orphans that they look after.

Migori and most counties in Nyanza depend on fishing, which is done at night. I think about the person who suggested about a curfew for the nation. What activities do people do at night that bring crowds? Is it sex or what? If we can identify these activities and outlaw them, we might as well allow other people who are doing lawful activities and can keep sufficient social distance to operate. You cannot just lock people down and prevent them from doing the things that feed them and hope that they will cooperate.

I am foreseeing a situation where after five or ten days, we will have people killing the police. We do not want to deal with one problem that is likely to escalate to another. Therefore, the Committee that we are putting together must find a mechanism of urging the national Government to engage counties. They should find out the kind of curfews that can work in each county, so that we do not have one blanket curfew covering Lodwar to Lunga Lunga or Wajir to Busia. We must protect lives and livelihoods of our people, or we will deal with angry people.

Mr. Speaker Sir, because of time, I laud you and your team for returning Kshs200 million to the National Treasury for use in the fight against the Coronavirus Disease. However, I have a modification that I want to suggest. Let us divide that money among counties. I expect Kshs4 million for my county. This money can be used in every county to do useful things. I am sure that the person running the national show will only see what he is able to see, and it will probably be in Nairobi, Makueni, Bungoma and yet other counties also deserve a portion of this money.

With those few remarks, I beg to support.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir, for allowing me to add my voice to this important Motion. I support it and the *Ad Hoc* Committee. I have a lot of faith in the list of Senators that has been presented to us. I believe that they will do the task ahead of them.

I also laud the national Government for the measures that it has taken and the work that it is currently doing. At the same time, I congratulate and commend the health workers who have sacrificed themselves to do a lot of work on our behalf, and for serving the nation faithfully. I believe that the Government will look at their welfare, protect and provide for all their needs.

Many Kenyans live out of the cities and cannot afford a television or radio in their homes. Therefore, some of them are not aware of what is happening in the other world. For example, in Marsabit, we have people who live in small villages and are not aware of what is happening. Therefore, I suggest that county governments take the responsibility of creating awareness and conduct campaigns by sending vehicles to villages with information, so that our people are well aware of what Covid-19 entails.

Mr. Speaker, Sir, the issue of water is sensitive. As has been suggested, the Ministry of Water, Sanitation and Irrigation and county governments should take up the responsibility to provide enough water. We have some counties that have many challenges in that area. Therefore, county governments should take care of the citizens in their areas.

Much has been said on funds that can be allocated. Sometimes when you look at the pastoralist areas, you wonder whether they will be given enough attention. I suggest that equal attention is given to all the counties and rural areas, so that our people do not suffer because of Covid-19, which is already affecting the entire world.

The police brutality that is happening in our nation is not good. We have already lost two people. The man who was killed on the first day of the curfew as a result of police brutality was taking a woman, who was in labour, to hospital.

Mr. Speaker, Sir, I want to speak on behalf of women in Kenya. Labour comes any time, and now that there is the curfew, the Government should provide ways in which women can be supported. This is so that in case they are in labour, any hospital close to them can provide the services that they require.

I want to mention something on education before I conclude. We have candidates who are preparing for their exams. Some of them are already living in great dilemma and they do not know what is ahead of them. I suggest that the Ministry of Education put things clear, so that the parents and candidates who are living in anxiety can be helped

psychologically. This will help them prepare themselves. It will also enable us to comfort even the students.

Mr. Speaker, Sir, we know that many Kenyans are needy. We have many women whose businesses have been shut down. Let us take care of all the needy cases in our society and see how best we can support them during this time.

Thank you and I support.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Kabaka.

Sen. Kang'ata: On a point of order, Mr. Speaker, Sir.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir, for this opportunity.

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

Sen. Kang'ata: Mr. Speaker, Sir, pursuant to Standing Order No.1, I hereby beseech you that you exercise your power to extend time by about 30 minutes. Secondly, also ask those who are already in the list to yield to Members who are not in that Committee.

The Speaker (Hon. Lusaka): On extension of time, I do not think I will do that because of other extraneous factors. You know that the curfew is on. You are the one who is talking about--- We are not advocating for police brutality, but I cannot guarantee that it will not happen. So, we want to observe time.

Proceed, Sen. (Dr.) Kabaka.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir. I support this Motion on three points. There is the issue of the banks, through the relevant statutes; the Banking Act and the Central Bank of Kenya Act. They need to actualise without issuing some statements in the newspapers with regard to customers getting in touch in the event that they have some repayment challenge.

We need to anchor it in law in situations of this nature. I am aware that under the frustration of Contracts Act, the Laws of Kenya, which is also a statute of general application, it speaks volumes about how these contracts need to be tackled. Of necessity, there is a need to suspend subject to revision of these contracts that there be a moratorium and suspension of the payment of interest on these loans.

Mr. Speaker, Sir, secondly, it has been said, but it is important that I also emphasize. We have seen the police brutality and violation of the Bill of Rights, under Chapter 4 of the Constitution. It is well catered for under Articles 19 to 51. I have seen that in this country we have suspended this provision of the law. It has become a police state in this situation, and it should not be. That is why it is high time that this Senate summons the Cabinet Secretary (CS) for the Interior and Coordination of National Government, together with the Inspector General (IG), to come and elucidate on this aspect.

Lastly, I have seen the World Bank give a lot of money to the Government. It is about Kshs6 billion. I am sure other donors are following suit. It is high time that there be accountability for this money. In this country, people are corrupt, and I am not casting any aspersions. This money may disappear. It is in times of crises that some people line their pockets and become millionaires when many other people are suffering. We want accountability and equal distribution of these monies to eight counties.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Lusaka): Sen. Nyamunga, proceed for two minutes.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for this opportunity. I just want to add my voice to many people who have congratulated the President.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for this opportunity. I just want to add my voice in congratulating the President and everybody in authority for the steps that have been taken since the outbreak of COVID-19.

Mr. Speaker, Sir, if we do not put in place and understand how any information or support is going to reach the rural poor, then we will not be doing justice to this nation. Secondly, apart from the rural poor even the urban poor, we need to make sure that people who are mostly affected –because some of us may have food in our stores –are the ones who live from hand to mouth and must go to work which is very critical. We must take care of these people.

Lastly, you know very well that apart from the COVID-19 we have the floods that have occurred in Kenya and many people have suffered more so from Kisumu and Busia Counties. These are counties which are suffering right now. If you combine the COVID-19 together with the floods where people have been displaced and there is suffering in some specific rural areas in this Republic.

I would like to urge the Ministry of Devolution and the Arid and Semi-Arid Lands(ASALs) and the Ministry of Health that much as we want to concentrate on the COVID-19 pandemic it is important that we extend a critical hand to people affected by the floods. The roads have been broken, people have been displaced and it is a sad state of affairs.

Mr. Speaker, Sir, I support everything, even the money donated by the Senate to take care of the pandemic. However, how is it going to reach people in rural areas? How is it going to be spent? Is it going to be used for the intended purpose or as usual, it will go to a few hands and the right people are not going to benefit.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, I know there is still interest but we only have five minutes. The Mover has to reply and I have to put the question. I now call upon the mover to reply.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I wish to reply. It is unfortunate that we did not have time to contribute to this important Motion. Kenyans are watching and are excited. However, time does not allow us.

This Committee has a lot of work to be done. It is not just looking at the extent or the problem of COVID-19 or strategies employed. There is a bigger problem in this country that we need to look at. There are donors contributing money and the Government is putting in a lot of money. It is important for the Committee to sit with the National Steering Committee and see how that money is allocated to the counties so that it can help Kenyans.

Mr. Speaker, Sir, secondly, issues of water especially in rural areas is a big problem. Some of us who come from pastoral communities, we do not get water. Mothers are trekking one or two hours to get water. How are they going to help themselves during

this pandemic? Children are at home and they need to study and sit for their exams. How are we going to handle all this?

Let me take this opportunity to thank all the Members who have contributed to the Motion. I know the Committee has the ability and energy to make sure that this House is active and look at the issues of oversight as required by law. I know most of the counties are going to misuse the budgetary allocation for their own interest instead of helping ordinary Kenyans. We will have to give time and a lot of cooperation to make sure they have done the right thing and advise Kenyans and this Committee so that the Senate is seen to be on top of things when Kenya is in dire need of help.

Thank you, Mr. Speaker, Sir.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, it is now 4.35 p.m. Time to interrupt the business of the Senate. The House therefore, stands adjourned until Tuesday, 7th April, 2020, at 2.30p.m.

The Senate rose at 4.35p.m.