

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 22<sup>nd</sup> July, 2021

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

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

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### VISITING DELEGATION FROM MACHAKOS COUNTY ASSEMBLY

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I have a Communication to make on the visiting members of staff facilitating the County Assembly of Machakos, Committee on Health and Safety.

I would like to acknowledge the presence, in the Speaker's Gallery, this afternoon, of visiting members of staff, facilitating the County Assembly of Machakos, Committee on Health and Safety who are in the Senate on a benchmarking visit.

I request each Member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

Louisa Kamau

Judy Mulinge

Stephen Ndambuki

Joel Kiptum

David Musyoki

Monicah Musyoka

Theresia Muinde

Angela Mwendu

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you!

*(Applause)*

VISITING DELEGATION FROM MALAWI PARLIAMENTARY  
SERVICE COMMISSION

Hon. Senators, I would also like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation from Malawi Parliamentary Service Commission.

The delegation is undertaking a training on Strategic Management, Leadership and Corporate Governance at the Centre for Parliamentary Studies and Training (CPST).

Hon. Senators, I am aware that the delegation will be visiting Kajiado County Assembly, to appreciate the successes and challenges of devolution in our country among other areas.

The delegation comprises of the following members. I will appreciate if they can stand up as I call out their names so that we can welcome them.

Rt. Hon. Catherine Gotani, MP	- Speaker of the Malawi National Assembly and Chairperson, Malawi Parliamentary Service Commission.
Hon. Dr. George Chaponda, MP	- Commissioner
Hon. Noah Chimpeni, MP	- Commissioner
Hon. Lilian Patel, MP	- Commissioner
Hon. Chrispin Mphande, MP	- Commissioner
Hon. Jacob Hara, MP	- Commissioner

They are accompanied by –

Mr. Chikondi Kachinjika	- Deputy Clerk
Mr. Lovemore Nyongo	- Controller of Planning
Mr. Kettie Kwalira	- Protocol Officer
Mr. Sunge Kalumo	- Personal Assistant

*(Applause)*

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you!

I will allow three Senators to join me in welcoming the visitors.

Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Madam Deputy Speaker, for giving me this opportunity to join you in welcoming the visiting delegations.

I begin by welcoming the delegation from Machakos County who are our neighbour and also neighbours your in-law.

I am delighted to know that they represent the Committee on Health and Safety in the County Government of Machakos.

I encourage them to take their time to learn as much as they can for purposes of transfer of best practices when they go back to their assembly.

I take this opportunity, on my own behalf and that of the great people of Machakos to also welcome the powerful delegation from Malawi to the Senate of the Republic of Kenya.

When they go to Kajiado County, I wish that they will learn and transfer best practices to the County Assembly of Kajiado and vice versa.

**Sen. Cheruiyot:** Thank you, Madam Deputy Speaker, for giving me this chance to also join you in welcoming the visiting delegations.

I take this chance to, first of all, welcome the County Assembly of Machakos that is here on a study tour.

I take a lot of pride in the work that we do here in Parliament, specifically, our staff who continue to share the experiences and knowledge of parliamentary work to their colleagues in the county assemblies.

This is a true testament, as I have said on many occasions, that as Parliament of Kenya, we are blessed with the most competent staff that you can find anywhere, in terms of legislative work experience. Therefore, to the team that is visiting from Machakos, I wish them well in their tour.

I hope that they will go back and make Machakos County Assembly one of the best amongst the county assemblies in the country.

Secondly, I welcome the delegation from Malawi.

Yesterday, I had the opportunity to interact with the team from the Parliamentary Service Commission of Malawi led by Speaker Gotani. They joined us in a board meeting of the CPST.

Madam Deputy Speaker, this is an institution that you know well, having been one of our regular facilitators for those of us who attended training there last term.

I am glad to see them in good health as they continue to study many of the things that happen around the Parliament of Kenya.

I am glad of the partnerships that we are enjoying especially with the rest of the East African (EA) Countries and the region at large and between CPST and other parliaments. This is a confirmation that if we continue to nurture and invest in this institution as we are doing as Parliament of Kenya, we shall pass on and share knowledge and wisdom as Members of various parliaments in Africa.

I welcome and wish them well as they travel to Kajiado and in the things that they will be doing in the remainder of their study.

**Sen. Kwamboka:** Thank you, Madam Deputy Speaker. I join my colleagues in welcoming the delegations which are here. That is, the staff from the County Assembly of Machakos. You have come to benchmark during this Covid-19 season. So, you will know how we work. For, example, we are maintaining social distance in our chamber.

I also welcome and wish the Members of the Malawi Parliamentary Service Commission well. When you go to Kajiado County, greet them for us and also take our greetings to your people back home.

**Sen. Wamatangi:** Thank you, Madam Deputy Speaker, for giving me the opportunity. I also join you in welcoming the two delegations. First, the delegation of the Committee on Health and Safety from the County Assembly of Machakos. We need to inform them that at this time when we have COVID-19 pandemic, we should ensure that this country not only normalizes but we deal with the pandemic and put it behind us. The solution should come from the county assemblies.

I am glad that members of the committee are here. After their benchmarking experience, I expect that we will start seeing changes in Machakos County. We have lamented before that the battle against COVID-19 has been left to the national Government when it comes to finding solutions and especially following of protocols and provision of basic care.

It appears that the national Government should deal with the pandemic alone. So, I encourage all the county assemblies beginning with the county assembly that is here that we need to start seeing solutions from there.

There is also another delegation from Malawi. I am glad to see that they are led by their Speaker and Commissioners. I have every reason to say that I believe that our Parliamentary Service Commission can share experiences about how we should ensure good services in our assemblies. I wish them well. In case there are any experiences they may want to share with our Commissioners---

I note that Commissioner Cheruiyot got an opportunity to welcome them. We will be happy to hear what they do different to take care of the welfare of Members of the National Assembly in Malawi.

I take this opportunity to welcome them on behalf of the leadership of the House and wish them well in their stay.

Madam Deputy Speaker, we will also be glad to hear that you visited Malawi and come and share with us what you found.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Finally, let us listen to Sen. Seneta.

**Sen. Seneta:** Madam Deputy Speaker, I join you and the rest of the House in welcoming the two delegations. One is from Machakos which is my neighbouring county. I welcome them to this House and wish them all the best as they learn.

Issues of health are of great importance to our counties because provision of health services is a function of county governments. So, they should help us, through their committees on health, to strengthen policies in our counties so that we improve the health status of our counties and that will be of great importance to the country.

I also join you in welcoming the delegation from Malawi. Now that they will visit Kajiado which is our county, I welcome them in advance. I know they will learn quite a lot.

I am also happy that they are also led by Madam Speaker. So, I congratulate them for electing one of our own, a female speaker for that matter.

I wish them the best as they stay in the country. On behalf of Kajiado County Government, I welcome them to Kajiado.

RECOMMITAL OF PETITIONS BEFORE  
MORE THAN ONE COMMITTEE

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I have another communication to make on the recommital of petitions before more than one committee.

Hon. Senators, you may recall that on Thursday, 15<sup>th</sup> July, 2021, a half day workshop for all Senators to deliberate on the legislative agenda for the remaining time of the Twelfth Parliament was held.

During the meeting, it was noted that there was a significant number of business pending before respective committees. One of the drawbacks identified was that a number of Petitions had been referred to more than one committee, thereby reducing committees' effectiveness in considering them.

Hon. Senators, the following Petitions have been brought to my attention as having been committed to more than one committee-

(1) Petition by the residents of Utheri wa Lari in Kiambu County concerning compensation for parcels of land acquired by the Government to pave way for the construction of the Standard Gauge Railway (SGR) that was referred to the Standing Committee on Land, Environment and Natural Resources and the Standing Committee on Roads and Transportation. That was done on 30<sup>th</sup> May, 2018.

(2) Petition by the Governor of Nandi County, Hon. Stephen K. Sang, concerning landslides as a result of heavy rains in Nandi County that was referred to the Standing Committee on Land, Environment and Natural Resources and the Standing Committee on National Security, Defence and Foreign Relations on 7<sup>th</sup> July, 2020.

(3) Petition by a Mr. Kimutai Arap Chelule and residents of Kericho County concerning Muhoroni Land LR Nos.3977 and 3978 in Kericho County which was referred to the Standing Committee on Land, Environment and Natural Resources and the Standing Committee on Justice, Legal Affairs and Human Rights. A third committee was included. That is the Standing Committee on National Security, Defence and Foreign Relations. That was done on 24<sup>th</sup> November, 2020.

Hon. Senators, upon consultation on the status of these petitions and the issues raised therein, I therefore direct as follows-

(1) The Petition by the residents of Utheri wa Lari in Kiambu County concerning compensation for parcels of land acquired by the Government to pave way for the construction of the SGR is hereby committed to the Standing Committee on Land, Environment and Natural Resources.

(2) The Petition by the Governor of Nandi County, Hon. Stephen K. Sang, concerning landslides as a result of heavy rains in Nandi County is hereby recommitted to the Standing Committee on National Security, Defence and Foreign Relations.

(3) The Petition by Mr. Kimutai Arap Chelule and residents of Kericho County concerning Muhoroni Land LR Nos.3977 and 3978 in Kericho County is hereby recommitted to the Committee on Justice, Legal Affairs and Human Rights.

Considering that the timeline stipulated in the Standing Orders has already been exhausted, I therefore direct that the respective standing committees do expedite the said Petitions and table reports within the next 30 days.

I thank you Senators.

Let us go to the next Order.

## PAPER LAID

### REPORT ON THE COFFEE BILL, 2020

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, we have one Paper to be laid by the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries. I cannot see the Chair here. Sen. Murkomen, who is the Vice Chair?

**Sen. Wambua:** Madam Deputy Speaker, for the record, your student is the Vice Chair of the Committee on Agriculture, Livestock and Fisheries.

Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate, today, 22<sup>nd</sup> July, 2021-

The Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Coffee Bill (Senate Bills No.22 of 2020).

I thank you.

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Wambua. Let us go to the next Order.

## NOTICE OF MOTION

### PROMOTION OF MENTAL HEALTH FACILITIES FOR MOTHERS

**Sen. Kasanga:** Madam Deputy Speaker, I beg to give Notice of the Motion-

THAT, AWARE THAT according to the World Health Organization, globally 10 per cent of pregnant women and 13 per cent of women who have just given birth experience a mental condition, referred to as perinatal depression, which is higher in developing countries with 15.6 per cent during pregnancy, and 19.8 per cent after child birth;

FURTHER AWARE that women who go through stillbirth and those that lose their children during delivery are taken to the general maternity ward where other mothers with healthy babies are recovering, causing them mental anguish and adversely impacting their mental health;

NOTING THAT integrating mental health care into primary healthcare settings requires training in psychiatric care and providing consulting support to primary care providers, considering that there are not enough mental health care providers to meet the current and growing need for mental health services;

APPRECIATING THAT the Health Act under Section 6 (1) (b) provides that every person has a right to reproductive health care which includes the right of access to appropriate health care services that will enable mothers go safely through pregnancy, childbirth, and the postpartum period which should include the integration of mental health in perinatal care as recommended by the National Mental Health Taskforce in its “Mental Health and Wellbeing towards Happiness and National Prosperity” Report;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the Council of Governors to:

(1) ensure that all county maternal health facilities allocate a separate ward for recovery for mothers who have gone through stillbirth or those that have lost their babies during delivery;

(2) facilitate continuous mental health training and the provision of counseling support in the perinatal wards for all primary care providers in all counties; and,

(3) establish counseling facilities at all county health facilities providing counseling therapy to mothers who lose their children through miscarriage, during delivery, or through stillbirth.

I thank you.

*(Loud consultations)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Members, please consult in low tones. Members, we are going to vote today. So, do not go far.

Let us go to the next Order.

## STATEMENTS

Hon. Senators, we will begin with Statements pursuant to Standing Order No. 48(1). Is Sen. Cherargei online? As we wait for Sen. Cherargei, let us have the second Statement by Sen. (Dr.) Mbitio. Is Sen. (Dr.) Mbitio online? Did he delegate to anybody?

*(An hon. Senator spoke off record)*

This is under Standing Order No.48(1). So, it is his personal Statement. The third one is by Sen. Halake.

Hon Senators, the Senators whose statements are listed under Standing Order 48(1) are not in the Chamber. I therefore defer all the statements pursuant to Standing Order 48 (1).

APPROVAL PROCESS AND IMPORTATION PROCEDURE  
FOR COVID-19 VACCINES INTO KENYA

STATE OF MENTAL HEALTH AMONGST OFFICERS  
IN THE DISCIPLINED FORCES

LOON BALLOON SOLAR POWERED  
INTERNET ACCESS PROJECT IN KENYA

*(Statements deferred)*

Let us move to the Statement under Standing Order 52(1) by the Senate Majority Leader.

*(Loud Consultations)*

**The Senate Majority Leader** (Sen. Poghisio): Madam Deputy Speaker, kindly protect me from the loud consultations.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, kindly consult in low tones because the Senate Majority Leader is about to make a very important communication.

**The Senate Majority Leader** (Sen. Poghisio): Madam Deputy Speaker, I would like to begin by congratulating Sen. Olekina who is dressed like a Senator today.

*(Laughter)*

I have not even finished talking.

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

**Sen. Olekina**: On a point of order, Madam Deputy Speaker. I do not mind being congratulated. However, the Senate Majority Leader is just jealous because I look good in anything; be it my traditional clothes or a suit. I bet you that I look good even naked.

*(Loud Consultation)*

When the Senate Majority Leader said that I look like a Senator today it begs the question whether he is challenging your position. You ruled that I was properly dressed in any form.

Madam Deputy Speaker, you need to rule the Senate Majority Leader out of order.

**The Deputy Speaker** (Sen. (Prof.) Kamar): What is your point of order, Sen. Murkomen?

**Sen. Murkomen:** On a point of order, Madam Deputy Speaker. Did you hear Sen. Olekina make his situation even worse? I understand where the Senate Majority Leader is coming from. We do not have an issue with Sen. Olekina's traditional attire because it looks like a woman's skirt. However, in most cases, we have had to warn Sen. Olekina to sit properly because women are used to sit in a particular way when dressed in skirts.

*(Laughter)*

To make his situation worse, Sen. Olekina is insisting that even being naked is properly dressed as a Senator. The reason why our Standing Orders are very clear on how a Senator should dress is because there is a prescribed dress code for all Senators and the Senate Majority Leader is perfectly in order to recognize the fact that today, we will not struggle to ensure that Sen. Olekina sits properly.

*(Laughter)*

**Sen. Olekina:** Madam Deputy Speaker, I need to respond.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Sen. Olekina! I have not given you an opportunity to respond yet.

There is a point of order by Sen. (Dr.) Ali.

**Sen. (Dr.) Ali:** On a point of order, Madam Deputy Speaker. The former Senate Majority Leader is completely out of order. The Speaker made a ruling that Sen. Olekina was properly dressed in his traditional Maasai dress. Worst of all, Sen. Murkomen has said that Sen. Olekina was dressed like a woman. That means that Sen. Murkomen has no respect for our women. Sen. Murkomen should apologize to the women of this country for disregarding our mothers, wives and sisters. That is wrong. Sen. Murkomen should apologise.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order by Sen. Seneta.

**Sen. Seneta:** On a point of order, Madam Deputy Speaker. Is the former Senate Majority Leader in order to say that Sen. Olekina was dressed like a Maasai woman when he was dressed in a real Maasai man's attire? Is Sen. Murkomen challenging the Maasai traditional dressing that we do not differentiate men's clothing from a women's clothing?

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order by Sen. Shiyonga.

**Sen. Shiyonga:** On a point of order, Madam Deputy Speaker. With all due respect, why can the former Senate Majority Leader not respect women? The women in this House are well dressed. When Sen. Olekina is dressed in this traditional attire, he

should not be compared to women because that is their own distinct way of dressing so we do not wish to mix issues. The women in this House are dressed well. Sen. Olekina should also be respected when he comes to the House in his traditional Maasai attire.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I would like to make a ruling on this matter. This issue was debated in this House extensively and the Speaker made a ruling. If you are not familiar with how women and men dress culturally, we will not blame you. However, we will ask you to go and learn.

*(Laughter)*

The Senate Majority Leader is a stickler of the Standing Orders and we have not changed them to capture the traditional dressing. Sen. Poghismo has always insisted that we stick to our Standing Orders until we change. I will therefore not rule Sen. Poghismo out of order because he is following our Standing Orders.

**Sen. Olekina:** We follow the Speaker's rules.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The Speaker's rules were used on that day and that is why I said that if you read the Standing Orders, then Sen. Olekina falls on the side of the Senate Majority Leader. If we use the Speaker's ruling made on the issue, it was acceptable to be in traditional attire. However, some of us do not know whether the dressing belongs to male or female. We therefore need to excuse ourselves on that issue.

The Senate Majority, Leader, kindly proceed.

*(Loud Consultations)*

I have already made a ruling on that matter. Let us not waste more time because we have a huge agenda and we are going to vote on some Bills shortly.

**Sen. Olekina:** Sen. Murkomen should withdraw and apologise.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I did not rule Sen. Murkomen out of order because a number of us do not even know whether the cultural dressing of Maasai looks like men or women's attire. It is for that reason that I strongly recommend that we learn about our cultural dressing. Let us learn how different cultural attires looks like. We all need to know how the different cultural attires look like.

The Senate Majority, Leader, kindly proceed.

**The Senate Majority Leader** (Sen. Poghismo): Madam Deputy Speaker, I---

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of information. Would you like to be informed?

**The Senate Majority Leader** (Sen. Poghismo): Madam Deputy Speaker, I would like to be informed.

**Sen. Murkomen:** On a point of information, Madam Deputy Speaker. Sen. Poghismo is the one who put me into this trouble. I would therefore like to inform him that I did not say that dressing like a lady is wrong. It is actually the best thing. I also did not say that I do not know how Maasai men dress. Maasai men's traditional attire is similar to that of the Marakwet and Keiyo men. What I said is that, by dressing in a particular

manner the way Sen. Olekina dresses, he must also learn to sit in a particular manner dictated by that kind of dressing. That is all I said. Women know how to sit properly.

*(Laughter)*

**Sen. Olekina:** On a point of order, Madam Deputy Speaker. The biggest problem that we have as leaders is that we allow the colonial mentality to dictate our daily moves. When the former Senate Majority Leader stands on the Floor of the Senate of the Republic of Kenya to say that a distinguished Senator who was elected by the people of Kenya sits like a woman and he is man, it is completely out of this world.

*(Loud Consultations)*

Sen. Murkomen, you need to apologise and withdraw because when I stand here, I represent my people.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Olekina, kindly address the Chair.

**Sen. Olekina:** Madam Deputy Speaker, as we let this issue rest, we must protect our cultures because one of the reasons why we are here is because we are an African country and we must behave as one. We cannot allow this colonial mentality to dictate us. I beseech you to rule Sen. Murkomen completely out of order. If this was my jungle, I would have thrown Sen. Murkomen out of the house.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Poghisio, kindly proceed but do not allow any more points of information.

**The Senate Majority Leader** (Sen. Poghisio): Madam Deputy Speaker, I had very good intentions in congratulating my friend, Sen. Olekina. Whenever he is dressed in the other attire or this one, I normally congratulate him. It is nothing new to congratulate him. Without getting into controversies, the idea that Sen. Murkomen is trying to make will be understood by Sen. Olekina one day.

Let me move on.

*(Loud Consultations)*

Madam Speaker, there is problem with the Senators of Murang'a, Kiambu and Kitui Counties.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order! The Senators of Murang'a Kiambu and Kitui Counties.

BUSINESS FOR WEEK COMMENCING  
TUESDAY, 27<sup>TH</sup> JULY, 2021

Madam Deputy Speaker, pursuant to Standing Order 52(1) I hereby present the business of the House for the week commencing Tuesday, 27<sup>th</sup> July, 2021.

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**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

On Tuesday, 27<sup>th</sup> July, 2021, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week. Subject to further directions by the SBC, the Senate will on Tuesday, 27<sup>th</sup> July, 2021 consider Bills at the First Reading and Second Reading stages and Motions on reports of various Standing Committees as contained in the Programme of Senate Business. The Senate will also continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 28<sup>th</sup> July, 2021, the Senate will continue with business that will not be concluded on Tuesday, 27<sup>th</sup> July, 2021 and any other business scheduled by the Senate Business Committee; while on Thursday, 29<sup>th</sup> July, 2021, the Senate will continue with business that will not be concluded on Wednesday, and any other business.

Madam Deputy Speaker, we have a total of 33 Bills due for Second Reading; Five of these Bills are due for Division and have been listed in today's Order Paper. These are-

- 1) The Community Health Services Bill (Senate Bills No. 34 of 2020);
- 2) The Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021);
- 3) The Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 33 of 2020);
- 4) The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020); and
- 5) The Coffee Bill (Senate Bills No. 22 of 2020).

In addition, there are three (3) Bills at the Committee of the Whole Stage. These are: -

- 1) The Cooperative Societies (Amendment) Bill (Senate Bills No. 11 of 2020);
- 2) The Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020);
- 3) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020).

In addition, there are three (3) Bills at the Committee of the Whole Stage. These are: -

- (1) The Cooperative Societies (Amendment) Bill (Senate Bills No. 11 of 2020);
- (2) The Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020);
- (3) The Wildlife Conservation and Management (Amendment) Bill (Senate Bills

No. 30 of 2020).

I take this opportunity to report to the House that the Senate Business Committee has considered the framework agreed upon during the half-day workshop held on Thursday, 15<sup>th</sup> July, 2021, to deliberate on pending business before the Senate and its Committees, and will shortly take the necessary steps to implement the resolutions agreed upon, which at the appropriate time, will be communicated to the House.

In the meantime, I urge all Senators to avail themselves for division on the aforesaid Bills at the Second Reading stage. I also urge respective Movers and responsible Standing Committee Chairpersons to be available in the House for the Bills that have been scheduled for the Committee of the Whole.

Madam Deputy Speaker, allow me also to take this opportunity to remind Chairpersons of Standing Committees to hasten consideration and public participation/engagement on all Bills committed to their respective Committees.

I thank you and hereby lay the statement on the Table of the House.

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. May I remind Senators in the House and those online that we will start voting shortly and before that I had deferred statements under Standing Order No.48(1) but I see Sen. Halake Abshiro is here.

Sen. Abshiro, are you ready? Yes, go ahead.

#### STATUS OF THE LOON BALLOON SOLAR POWERED INTERNET ACCESS PROJECT

**Sen. Halake:** Madam Deputy Speaker, I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on Information and Technology on the Loon Balloon solar powered internet access project.

In the Statement, the Committee should-

(1) Apprise the Senate on the status and location of the 35-loon balloons launched by Loon technology in partnership with Telkom Kenya in July 2020;

(2) State the reasons for the reported shut down or discontinuation of this project.

(3) Outline, measures if any, that the Ministry of Information, Communications and Technology has put in place to provide internet connectivity and 2G coverage to remote areas in Northern Kenya which was supposed to have been taken care of by the loon balloons and tell the House what has happened to date and where we are with the connectivity for Northern Kenya, especially, in Isiolo where we do not have even the basic 2 G; and the balloons that were supposed to overfly this hard to reach regions have now been discontinued. We would like this House to be appraised of the same.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The last statement is from Sen. Fatuma Dullo. It was approved though it is not on the list.

#### HEIGHTENED INSECURITY ALONG THE BORDER BETWEEN ISIOLO AND WAJIR COUNTIES

**Sen. Dullo:** Madam Deputy Speaker, I rise pursuant to Standing Order 48(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations, regarding the heightened insecurity along the border between Isiolo and Wajir counties.

Over the past two months, at least 20 individuals have been killed and several others injured over a series of armed clashes that has occurred within Isiolo borders. Remarkably, children have been injured and some killed by gunmen during incidents reported within the borders. Of the casualties, six were killed in Urur; five were killed and two others injured in Mado Wale. One fatality and one injury was reported in Qori Kore and another individual was killed in Halango.

Six individuals were killed during the recent attack in Mado Wale, Isiolo County, on 19<sup>th</sup> June, 2021, where boreholes were also destroyed as this was this primary source of water in the area, it can be construed that the assailants intended to displace residents and subsequently encroach on our land.

In the most recent attack, on the evening of the 19<sup>th</sup> July, 2021, a total of four individuals were killed during two separate attacks in Yachis and Urura Merti and over 300 heads of livestock were stolen. Consequently, residents have fled from their homes in several areas, including, Mado Wale, Qoti Kore, Dadach Bassa, Thakiye, Dadach Lafe, Malka Galla, Qarqabo and Korbasa. This is particular concerning ahead of schools opening as more than 10 schools have been affected. The current conflict has displaced a distinct deviation from tradition cattle rustling and instead exhibited clear signs of expansionist strategies.

In light of this, we request, the urgent establishment of additional police posts in the affected areas as well as the deployment of Rapid Deployment Unit (RDU) officers to affected areas, particularly, Yamicha, Bassa, Kom, Eldera (Quri), Escort, Lososi, Dusot, Mado Wale and Kamanga. Residents will also greatly benefit from the setting up of the National Police Reservist (NPR) to complement security apparatus and improve access to security services.

The lack of clear administrative boundaries has resulted in the dispute being prolonged over several years, claiming hundreds of lives and loss of livelihoods.

In the statement, the Committee should –

(1) Apprise the Senate on the measures the national Government has put in place to respond to the current insecurity along the border, between the Isiolo and Wajir counties, giving clear timelines.

(2) State whether the communities along the said borders have been involved in public participation in seeking solutions to the boundary disputes.

(3) State the reasons for the delay in resolving boundary disputes along Isiolo borders, while providing the targeted interventions in strengthening security ahead of school reopening.

(4) Indicate Isiolo county's exact boundary, particularly along areas in Isiolo prone to conflict, including those bordering Isiolo and Wajir.

(5) Clarify whether the Ministry of Interior and Coordination of National Government has established additional police posts in the affected areas or deployed RDU and provide NPR to complement security apparatus in affected areas of the conflict.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. That brings us to the end of the statement time.

Next Order.

## BILLS

### *First Reading*

THE PUBLIC PRIVATE PARTNERSHIPS BILL  
(NATIONAL ASSEMBLY BILLS NO. 6 OF 2021)

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. I am looking for the Whips of both sides. Senate Majority Leader, where is your Whip?

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

Order, Members. Next order.

*Second Reading*

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

*(Sen. (Dr.) Zani on 6.7.2021)*

*(Resumption of debate interrupted on 6.7.2021)*

*(Division)*

*Second Reading*

THE INVESTMENT PROMOTION (AMENDMENT) BILL  
(SENATE BILLS NO. 2 OF 2021)

*(Sen. (Dr.) Milgo on 7.7.2021)*

*(Resumption of debate interrupted on 13.7.2021)*

*(Division)*

*Second Reading*

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

*(Sen. (Dr.) Zani on 8.7.2021)*

*(Resumption of debate interrupted on 13.7.2021)*

*(Division)*

*Second Reading*

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

*(Sen. (Dr.) Zani on 8.7.2021)*

*(Resumption of debate interrupted on 13.7.2021)*

*(Division)*

*Second Reading*

THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)

*(Resumption of debate interrupted on 21.7.2021)*

*(Division)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, you have noted that we have five Divisions. I ask the Members who are online as well as the Members who are here to come on in the next five minutes after the Division Bell so that we vote. We will vote on all of them at the same time.

Can we now have the Division Bell rung for five minutes?

*(The Division Bell was rung)*

*(Loud consultations)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, hon. Senators! Please take your seats now. We want to start voting now. Order, hon. Senators! Everyone, take your seat.

Hon. Senators, we are going to start the voting. As I said, we are going to vote for five Bills, one after the other. I request the Members who are online not to leave until we finish exercise. It will be a very short exercise if we move fast. Therefore, I will put each of the questions.

I will start with the first one. I put the question that the Community Health Services Bill (Senate Bills No. 34 of 2020 be read a second time. Our voting will be roll call voting.

Whips, can we have Tellers?

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, if you allow, we request that we vote five times. You call the orders then we vote once.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Whips, can you identify your Tellers? Thank you.

I am going to put the question on all five so that you vote five times.

**Sen. Cheruiyot:** Madam Deputy Speaker, is it not possible for us who are in the Chamber to vote electronically, then those online can do the roll call vote? Why do we invest in a system that we cannot use unless there is a challenge with the system?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it will not be possible because for us to use the system, we must input. The earlier request from the Senate Minority Whip was that we read all the questions and we vote five times. It is better. Just make sure that we maintain the numbers out there for those who are voting online.

The second question I would like to put is that the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021) be now read a Second Time.

On to the third Bill. I now put the question that the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No.33 of 2020) be read a Second Time.

On to the fourth Bill. I put the question that the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020) be read a Second Time.

On to the fifth Bill. I put the question that the Coffee Bill (Senate Bills No. 22 of 2020) be read a Second Time.

We will do our voting by roll call for both those who are inside and outside. We shall start right away. So, you vote five times.

*(Voting in progress)*

Hon. Senators, please resume your seats so that I can announce the results of the vote.

*Second Reading*

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

**DIVISION**

ROLL CALL VOTING

*(Question, that the Community Health Services Bill (Senate Bills No. 34 of 2020) be now read a Second Time, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga

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County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Haji.

**NOES:** Nil

**Teller of the Noes:** Sen. Kwamboka.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The results are as follows.

**AYES:** 32 Teller of the Noes

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 32 votes to nil)*

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

### *Second Reading*

#### THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)

### **DIVISION**

#### ROLL CALL VOTING

*(Question, that the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021) be now read a Second Time, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang'ata, Murang'a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen.

(Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Haji.

**NOES:** Nil.

**Teller of the Noes:** Sen. Kwamboka.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The results are as follows.

**AYES:** 32

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 32 votes to nil)*

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

### *Second Reading*

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

### **DIVISION**

#### ROLL CALL VOTING

*(Question, that the Parliamentary Powers and Privileges Bill (Senate Bills No. 33 of 2020) be now read a Second Time, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang’ata, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Moi,

Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Haji.

**NOES:** Nil.

**Teller of the Noes:** Sen. Kwamboka.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The results are as follows.

**AYES:** 32

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 32 votes to nil)*

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

## **BILL**

### *Second Reading*

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

## **DIVISION**

### ROLL CALL VOTING

*(Question, that the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020 be now read a Second Time, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang’ata, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen.

(Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Haji.

**NOES:** Nil.

**Teller of the Noes:** Sen. Kwamboka.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The results are as follows.

**AYES:** 32

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 32 votes to nil)*

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

## **BILL**

### *Second Reading*

THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)

## **DIVISION**

### **ROLL CALL VOTING**

*(Question, that the Coffee Bill (Senate Bills No. 22 of 2020 be now read a Second Time, put and the Senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang’ata, Murang’a County; Sen. Kavindu Muthama, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen.

(Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Haji.

**NOES:** Nil.

**Teller of the Noes:** Sen. Kwamboka.

**The Deputy Speaker** (Sen. (Prof.) Kamar): The results are as follows.

**AYES:** 32

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 32 votes to nil)*

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, for the convenience of the House, I defer Orders No. 14, 15 and 16.

### **COMMITTEE OF THE WHOLE**

THE COOPERATIVE SOCIETIES (AMENDMENT) BILL  
(SENATE BILLS NO. 11 OF 2020)

*(Committee of the Whole deferred)*

### **COMMITTEE OF THE WHOLE**

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO. 26 OF 2020)

*(Committee of the Whole deferred)*

### **COMMITTEE OF THE WHOLE**

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

*(Committee of the Whole deferred)*

Next Order

**BILL**

*Second Reading*

THE BASIC EDUCATION (AMENDMENT) BILL  
(SENATE BILLS NO. 4 OF 2021)

*(Sen. Kwamboka on 21.7.2021)*

*(Resumption of Debate interrupted on 21.7.2021)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Members, the Basic Education (Amendment) Bill had been moved and seconded. It is now ready for debate. I see Sen. Mwangi. Was that the one?

*(Loud consultations)*

**Sen. Mwangi:** Madam Deputy Speaker, on this Bill?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let me give a chance to Sen. Olekina, then you will come in after. I did not realize that you were requesting for something else.

**Sen. Olekina:** Madam Deputy Speaker, I thank you. I rise to support this Bill which is an amendment to the Basic Education Bill, 2020 which was sponsored by my sister, Sen. Kwamboka.

From the onset, let me go one record to congratulate Sen. Kwamboka for thinking out clearly the issue of nutritional values for our children.

When most of us were growing up, we did not have to worry about our own nutritional value in schools, particularly, vitamin D. This is because the then President of Kenya, President Daniel Toroitich Arap Moi ensured that all school going children had a packet of milk.

Madam Deputy Speaker, when I think about the challenges that our children go through during this era, I really feel sorry for them particularly for those children who live in rural areas. Children who walk to school for five kilometers or some of them who live in the schools. They get their tea or porridge in the morning then they come and get their lunch. Thinking about reintroducing milk in the schools does not only build into the nutritional value of children but it also ensures that local businesses can thrive.

Everyone is talking about different forms of economic theories, bottom up, middle up and top down. However, the most important thing is that we all must start thinking local. When I saw this amendment Bill, I thought about our local farmers. If you think about the milk industry which I can confidently speak about. This is a sector that has been undervalued. If you think about more schools in this country that have land, those schools can even have a small dairy plant in the schools. The Ministry of Education

can support those schools and set up a small dairy farm, invest in pasture and ensure that those children can get milk.

Madam Deputy Speaker, value addition is key. In Narok County we produce 300,000 liters of milk on a daily basis. One day if you just sit along the road from Narok to Mai Mahiu and you start counting the number of trucks that transport milk from Narok County all the way to Ruiru or Nairobi, you will not come down with less than 50 big trucks. These are trucks that transport over 20,000 liters of milk per truck. You will find the least will transport about 10,000 liters of milk.

This milk is normally collected from small scale farmers at a price of about Kshs26 to Kshs42. You will see this. Then it is brought in and value is added. What if we look back and say let us invest in this industry but to promote our children. You will see mothers particularly in the Maasai community who take their small two or three liters of milk to the market to and sell per cup. You will see them come together and county governments will even have an interest to bring these women together and help them sell this milk.

Madam Deputy Speaker, when you talk about different health benefits for milk, you will find that there are some children who may want to take milk. However, because of them being lactose intolerant, they may not be able to do that. In this case when we legislate in terms of ensuring that children have milk in the schools, we now begin adding value where you can buy a very small equipment and you play with the glucose and lactose and you remove the lactose are able to still give those children milk.

This is an amendment Bill that I hope we can support. It does not just become one of those Bills where we come here, spent a lot of time, it goes to the National Assembly but because of interests it does not proceed into becoming an Act of Parliament. This Bill will not only benefit school going children but it will build our local economies. When I speak here, I am a farmer. I invest in dairy farming. My sector is to think about adding value. Instead of counties buying trucks and saying that they are transporting cows or instead of them buying cows.

Madam Deputy Speaker, I always say Government should stay out of business. Government must stay out of business completely. I am a firm believer of a small government. Government should create an environment that will encourage small scale farmers to come together and invest in those sectors. However, when government start doing this, buying equipment to package milk then you wonder what are small scale farmers going to do.

What is important and I would like to encourage my dear sister in the Third Reading or Committee of the Whole, she can bring in some small amendment into this Bill that we add value. You find a way to invest more in cooperatives, bring in a cooperative aspect in it and encourage county governments to play a key role in the early childhood education. When you look in terms of the services that have been devolved when it comes to education, it is on basic education.

Madam Deputy Speaker, if the county government can rally up and bring all the small scale farmers together and support them. Even come up with schemes. The World Bank always come up with very interesting programmes. There is the Kenya Devolution

Support Program (KDSP) which is funded by the World Bank. These are some of the areas that we should be looking at.

I am aware that the former governor Hon Munya in the Ministry of Agriculture, Livestock and Fisheries is planning to invest billions of shillings in the dairy sector. Why not look at ways to bring these small scale farmers together and say you are going together to set up a plant and this plant will be specifically to deliver milk to school children. You can package the milk at 250 ml and the packaging is not very expensive. Instead of investing in government running it, you empower these small scale farmers.

Madam Deputy Speaker, one of my biggest pet peeve is that sometimes in this House we sit, pass legislation but we do not follow to implement them. One of the Bills that we passed here and it is now an Act of Parliament is the Warehousing Receipt System Bill. When you travel to Narok during the harvesting season now in August, you will see on the side of the roads, farmers will putting big canvasses and using it to dry their own wheat.

We would have been really serious and followed up in terms of implementation. If the executive is very serious to implement legislation that comes out of this House, they should have begun by putting together these cooperative groups and investing in those warehouses and receipt.

Madam Deputy Speaker, I would like to beseech all my colleagues that even if this will be the only Bill that the President will sign before he retires, this is something which we really need to push. We are pushing it not because of our own personal interest. Some of us can be clever. We can add more value and sell the milk as butter. However, for the benefit of those young mothers and those Maasai, Kalenjin, Kikuyu women who have got one or two dairy cows or have free range cows. By the way, milk from the free range cows is very nutritious.

When you take the milk of a free range cow, it has got the yellow substance. I think it is Vitamin D that gives what is called beta carotene. Whenever you see butter it has that yellow substance. It is very nutritious because the cows are eating the green grass or dry grass when they are just free range. Most of our farmers have those cows. Some of us might have a mixture of the zero grazing and the free range cows. However, most of our farmers will see value for their cows. Our mothers will see value for the two or three liters that they milk on a daily basis. This will also help end poverty in this country.

Madam Deputy Speaker, the biggest problem we have in this country is that we tend to create a dependency syndrome where everyone depends on you. We want a small government. Let the private sector thrive. Let us support the local farmers. Let us ensure that those farmers when they go into the market they will not divide their one liter into Kshs20 per cup. They can actually sell this milk. This milk will not come to Nairobi.

Value is added into the one litre of milk that they buy at Kshs26 or Kshs42. When you remove the butter content, most of the milk especially from free range, will have about 3.6 to 4.2 per cent butter content and a protein level of about 3.2 to 4.2 per cent. When you remove that butter content and make butter – we call it *emorno* in Maasai – out of it, the milk which is sold is skimmed milk and it is expensive.

Madam Deputy Speaker, for this Bill to be more effective and have value, I think the sponsor of this Bill, Sen. Kwamboka, should incorporate an area where the Bill encourages cooperatives and women in an area where there is a local school, for them to buy that local milk. We do not want to create a situation where we pass a Bill and then big corporations now find room to start packaging milk for children and disenfranchise the local communities. We need to focus, think and build local.

Without belabouring so much on this matter, I support the Bill and I hope the Senate will support it too.

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

Sen. Shiyonga, proceed.

*(Sen. Shiyonga spoke off record)*

**Sen. Wambua:** On a point of order, Madam Deputy Speaker!

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. Wambua. Please, come forward because the microphones do not seem to be working.

**Sen. Wambua:** Madam Deputy Speaker, I am standing on a point of order. Seeing as it were that this is just a single section amendment and I know the interest to speak to this Bill is high, would I be in order to request you to limit the time to three to five minutes for each Member who contributes to this Bill?

**The Deputy Speaker** (Sen. (Prof.) Kamar): To how many minutes do we limit the time?

**Hon. Senators:** Five minutes.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Okay. Five minutes.

*(Question, that the time allocated for contribution on the Bill be limited to five minutes, put and agreed to)*

**Sen. Shiyonga:** Thank you, Madam Deputy Speaker, for giving me this opportunity to support the Bill presented by Sen. Kwamboka. I congratulate her for coming up with the Basic Education (Amendment) Bill, 2020.

The objective of this Bill is within the boundary of school feeding programme, which has tremendous impact across the world. The Bill comes at a time when the Government has reduced funding for the school feeding programme to Kshs500 million. It also comes at a time when the famous donor, World Food Programme (WFP), has suspended the school feeding programme. I appeal that we support this Bill because since the exit of WFP will cripple the programme and school enrolment will be affected.

The school feeding programme goes beyond the plate of food on our tables. We need to realise that by supporting this Bill and introducing milk in our schools, we will not only increase enrolment of children to schools but also increase the literacy levels on gender basis. We will also benefit in terms of equity of health nutrition. Passing this Bill will also improve the local economies for famers around the schools.

The WFP has helped improve Kenya's literacy levels through the school feeding programme. According to WFP, most countries have emulated this programme. In

January, 2019 WFP published a report saying that India feeds more than one million children. Brazil and China feed 48 and 44 million children respectively.

Madam Deputy Speaker, these statistics should help our Government to see the importance of investing in the school feeding programme. This way, we will retain children in school and even increase transition to secondary and tertiary institutions. This programme will not only benefit the Government but also the farmers who invest in this sector. We will even see an improvement in the local economies. This is bound to accelerate county-led demand in job opportunities and capacity building in the area of research.

I support this Bill.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I see an intervention from Sen. Sakaja.

**Sen. Sakaja:** Thank you, Madam Deputy Speaker. I would like to move a Motion and also contribute. Can I move it and then we vote?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Go ahead.

**An. Hon. Member:** He is cunning.

*(Laughter)*

## PROCEDURAL MOTION

### ELECTION OF SENATOR TO PRESIDE OVER THE SENATE IN ACCORDANCE WITH S.O. 15 AND ARTICLE 107(1)(C) OF THE CONSTITUTION

**Sen. Sakaja:** Madam Deputy Speaker, I am not cunning. It is hitting two birds with one stone.

I beg to move that pursuant to Standing Order No.15 and Article 107(1)(c) of the Constitution, the Senate elects Sen. Petronilla Were, MP, to preside over the sittings of the Senate in the absence of the Speaker and the Deputy Speaker for the remainder of the day.

I beg to move and request Sen. Mutula Kilonzo Jnr. to second.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** It is not a coincidence that it is Sen. Sakaja moving and I am seconding on any other business that we have been doing together.

I second this Motion. Sen. Were fits the bill. I support.

*(Question proposed)*

Hon. Senators, this is not a matter affecting counties. So, it will be by voice call.

*(Question put and agreed to)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): I notice that you had a very loud yes.

**Sen. Cheruiyot:** I said yes, but it has no relation to what we have just voted on by acclamation. I just wanted to note that this shows how much this House misses Sen. (Dr.) Mwaura. He used to take his duties very seriously. I pray that he makes a comeback because he was a diligent member of the Speaker's panel. If he were here, we would not be having this Motion.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): I do not know whether that was a point of order or information.

Sen. Sakaja, it is your turn to contribute.

**Sen. Sakaja:** Thank you very much, Madam Deputy Speaker. Congratulations to Sen. Were. I believe that she is up to the task to preside over the House.

I thank Sen. Kwamboka for this Bill that seeks to provide for the nutritional well-being of our children enrolled in pre-primary and primary schools. A few months ago in January of this year, I was donating desks to some schools in Kawangware, Dagoretti North Constituency. There is normally excitement with children and they shout things like "The Super Senator is here."

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

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

I asked them what they would like. Normally, you would expect them to say that they want some soccer balls. If they are ambitious, they would say they want a school bus, but they said they want food. As a parent, I felt heartbroken that due to the COVID-19 pandemic and the fact that many of the students in Nairobi come from informal settlements with a lot of poverty, we have them in school without food.

Madam Temporary Speaker, this is not to say that there is better poverty than another one, but I have said time and time again that urban poverty bites and stinks. In Nairobi City County and the urban areas in your counties, when someone has no food and no money, they will not eat and will have no place to stay. Many times in the rural areas, a neighbour will give you what we call a *gorogoro* of maize. Where I am originally from, even the fence is edible. You can cook something.

However, in Nairobi City County, which I can speak about because I am from here, hundreds of thousands of children are going to school hungry. When there is nothing in their stomach, nothing will go into their minds. As a result of that, I have also proposed a National School Lunch Bill, which is in publication, that will properly address school feeding properly.

I support this because I think that this Bill is a precursor because it talks about milk, but we need a National School Lunch Act. When I saw what was happening, my office quickly looked at programmes that are ongoing. I was very lucky to meet a lady

called Wawira Njiru, who has a Food for Education Programme. Some of the Members of Parliament (MPs) in Nairobi and I have partnered with her.

If you go to Dagoretti South today, the parents of Mukarara Primary School are involved with Food for Education Programme. We are feeding 11 schools in one centre. I thank Hon. John K.J. Kiarie because he is the one who introduced me to this lady and the programme that we are partnering with. At Kshs15, a child is able to get 650 grams of food.

Madam Temporary Speaker, I spoke to the principals when we went to Riruta. As a result of that, discipline and attendance have gone up. The children get food, they eat half and the other half they take home to their siblings because there is nothing at home. We are now moving to Embakasi West Constituency. Hon. George Theuri and Hon. Nixon Korir of Langata Constituency have agreed to partner.

I will find time to talk about this, but I do not think that there is anything more important than making sure that our children's nutritional needs are met. There are studies that have shown that performance and the general well-being goes up at that formative stage.

I thank Sen. Kwamboka. Even before I wait for my Bill to get to that stage, I hope that she will accept us to improve on this. When we grew up in Nairobi, we used to wait for the days we would get *maziwa ya nyayo*. I am a product of the 8-4-4 system of education where we got *maziwa ya nyayo* in the brown packets. Those days, there would be 100 per cent class attendance because we knew that we would get *maziwa ya nyayo* on Friday.

I think that we can be more creative. The numbers of the children who are in school today have gone up. There are much more than those who were there at that time. The parents would also put money to it. The capitation we send to schools is not enough. I want to thank the Rockefeller Foundation because they are also doing some research around this. That capitation we send to schools must involve feeding these kinds. If you do not feed them, they will get nothing.

Madam Temporary Speaker, I support this. I cannot wait for the proposed amendments and for my Bill to be fast tracked. I know that it is still in the House Business Committee (HBC), but I will push my colleagues like Sen. Mutula Kilonzo Jnr. and the rest to fast track the National School Lunch Bill. It combines what Sen. Wambua did on the Mung Beans Bill. It is stimulus.

If you get the farmers from around the schools to bring their product, you are stimulating the economy of that area. If it is in Western Region, we get maize. If it is in Kitui, we get the Mung Beans. If it is in pastoralist areas, we get what is grown locally and simulate the economy for the farmers around. Our children will get nutrition.

Thank you, Madam Temporary Speaker, for your indulgence.

**The Temporary Speaker** (Sen. Were): Thank you Sen. Sakaja for the congratulatory message. I am privileged to sit here to preside over the House today. While I am here, I am impartial, so I call upon Sen. Wambua.

**Sen. Wambua:** Thank you, Madam Temporary Speaker. I would also like to take this opportunity to congratulate you for the opportunity to sit where you are seated.

I sincerely thank Sen. Kwamboka for coming up with this single section amendment which means a lot not just to our children, but to the education sector in this country. I will say very few things about this proposed amendment as I fully support it.

Madam Temporary Speaker, respect for our children must begin with doing something about what matters most to them. There is nothing that matters to a child more than their nutrition. Away from just talking about it and saying that we care, something needs to be done to demonstrate that duty of care. I thank Sen. Kwamboka because she is giving all of us an opportunity to demonstrate duty of care to our children by providing them with milk.

These are our children and our future. It behooves us as leaders to take care of them as we prepare them to be responsible as citizens. There are two things that happen in our education sector that I have talked about before on the Floor of this House. I will talk about those two things again today. The person that is responsible for the death of the national school feeding programme has done a great disservice to education and to the future of our children.

Madam Temporary Speaker, the second this was---

*(There was a technical hitch)*

*(Sen. Wambua's microphone went off)*

I do not know at what point you lost the Senator of Kitui County. Somebody should do something about my time because I have to retract a bit. I was saying the person that is responsible for the death of the national school feeding program did a very great disservice to us as a nation and to our children.

Madam Temporary Speaker, the second thing that we must worry about and do something about is the Kenya School Equipment Scheme. These two programs, one of the most important things that they made sure happened is that the parents would just worry about preparing their children to go to school. Once they get to school, they would get food, rulers, pencils and exercise books. Children would concentrate on learning.

This proposed amendment comes with it a major multiplier effect. Apart from just providing milk to our children, it boosts the local farmers in our regions who produce milk. It creates jobs for truck drivers who deliver the milk to the schools. It provides a ready market for the motor vehicles which are used to deliver that milk. It creates a ready market for fuel and oil products for the vehicle. It is a stimulus program in itself.

Madam Temporary Speaker, I congratulate Sen. Kwamboka. Although in the Second Schedule of our Constitution, pre-primary education is a function of county governments, here is one case where the national Government must be fully involved in setting the standards and a policy framework to roll out this program. I support.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Wambua. Kindly log in again. The system went off briefly but I already had Sen. Seneta on. She will be followed by the Senator of Nyandarua County, Sen. Mwangi.

**Sen. Seneta:** Madam Temporary Speaker, I rise to support this amendment to the Basic Education Act which seeks to introduce feeding program to the Early Childhood Development and Education (ECDE) children. This amendment will go a long way in improving performance in our schools. When these young children are given food, something in between their learning time, they will have good concentration on whatever they are going to be learning.

Hence this will go a long way in improving their performance. This feeding program will not only improve performance but also quality of education. These children will learn and observe their time. They will be attentive even to whatever is going to be taught in those classes.

Madam Temporary Speaker, this aspect of feeding program, many of us when we were in our primary schools we used to long for the lunch hour so that you can be given a packet of milk. That could motivate many of us to attend school. This feeding program will also reduce absenteeism. Many of our children most of the time even pretend not to be feeling well because they are hungry and they will be bored in school. Feeding program will also improve attendance in school and it will reduce absenteeism.

The feeding program will also help those parents who instead of cooking lunch for their children and waiting in their houses to attend to these children, they will be doing other farm and economic activities. Therefore, this will release those housewives who will be attending to other things; they will get extra time for other economic activities.

Madam Temporary Speaker, the feeding program will also help as many have said, our small scale farmers who are dairy farmers and livestock keepers. They will get market for their milk. This will go a long way in helping our farmers to earn a living through selling this milk to our different learning institutions.

Finally, feeding program will also help our children in terms of improving their health status. Many of our children especially from urban areas who have no three meals in day, they will have at least a small packet of milk in school which will improve their health. Therefore, this is a timely amendment to the Basic Education Act. I urge Members to pass this amendment.

I rise to support the amendment to the Bill. I congratulate my sister for having thought of this very important amendment.

**The Temporary Speaker (Sen. Were):** Thank you, Sen. Seneta. Sen. Mwangi, proceed.

**Sen. Mwangi:** Madam Temporary Speaker, thank you for giving me this opportunity. My dear friend, Sen. Mutula Kilonzo Jnr., was trying to confuse me but he has not managed. I thank Sen. Kwamboka for introducing this amendment to this House. This is the best thing that this House is going to debate this year. Unfortunately, we have a funny country called Kenya. Kenya has billionaires who are not even 1,000 against very poor people who cannot afford a meal running to 47 million.

There are people in this country who sleep without eating, and children who sleep without food. If the School Milk Feeding Program is introduced, the primary schools and those who have not gone to primary schools, it is going to help this country.

We are talking of a Kenya that is made of very rich individuals who can even buy their children very expensive cars. We are talking of others who sleep without eating not because they do not want to eat but because they cannot afford it.

Madam Temporary Speaker, it is incumbent upon the Government to ensure that those children are fed even with school milk. That would be good enough to help them learn in school. This can be a very small budget, in my view, considering how much money goes into corruption. We have not been able to arrest corruption in this country. We have been rightly told that this country losses Kshs2 billion a day. That is a lot of money.

We do not even need to go to that level of the Kshs2 billion. We only need to control corruption to ensure that it goes below 10 per cent and then think of feeding these children. We shall have the money and all that it takes to ensure that our children are well taken care of and their health is good because they are being fed with milk.

Madam Temporary Speaker, we have very clever and intelligent children who fall by the way because of the condition that they have been put. If these children are fed a little even just one packet of milk in a day, they may perhaps grow to be the presidents of the country.

Apart from that, the school milk feeding programme will improve the economy of this country. I come from Nyandarua County, which is a livestock farming county. We have a lot of livestock and milk. Sometimes because of lack of market, the milk is poured because we have to milk again the following day. This milk can find its market and improve the economy of livestock farmers.

Madam Temporary Deputy Speaker, we have many children in this country whose parents cannot afford two meals a day. A lot of money from the National Treasury ends up in the hands of very corrupt people. If we ensure that---

*(Sen. Mwangi's microphone went off)*

**The Temporary Speaker** (Sen. Were): Senator, your time is up.

**Sen. Mwangi:** Madam Temporary Speaker, why not add me some more time?

**The Temporary Speaker** (Sen. Were): Next time, Senator.

Sen. (Rev.) Waqo, proceed.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker. I also take this opportunity to congratulate you for taking up that role. It is my prayer that you will do it to your best.

I stand to support this Bill in Basic Education (Amendment) Bill, 2021. I also congratulate Sen. Kwamboka for coming up with this relevant Bill. For those of us who come from dry areas especially the northern part of Kenya, we have all the reasons to support this Bill. As you know, in that part of the country, our people are pastoralists and they move from one place to another. As they do that, their children suffer and cannot afford two meals in a day. So, milk is a special gift that can motivate both the parents and children.

I support this Bill because it seeks to amend the Basic Education Act because school going children in Kenya are provided with milk. For a pastoralist, that is the best gift. I pray that our President will support this because we have always supported him. If he signs this, I am sure the pastoralists will stand with him.

Once this Bill is implemented, the dairy sector will also be promoted because we have a majority small scale farmers and have invested a lot in dairy. By selling their milk, they will generate some good income. This will also create employment for young people and even help one another. Again, malnutrition will be eliminated thereby improving the health of the people. Children will be strong enough and their concentration level in class will be high. At the end of the day, their performance will improve. This will also help teachers because attendance will be motivated by this programme.

Madam Temporary Speaker, I do not want my time to end before I make my last point. I propose that as we implement this in every county, we can set up a milk packaging programme where all milk produced in a county can be sold and packaged within the county. The school going children in that county can then drink their own milk. This will promote the farmer at the grassroots level and help them to be more innovative. In the end, our counties will get business.

I support this Bill and I pray that it is implemented soon in order to benefit our children.

**The Temporary Speaker** (Sen. Were): Thank you, Senator.

Sen. Kasanga, proceed.

**Sen. Kasanga:** Thank you, Madam Temporary Speaker, for this opportunity to add my voice. I thank Sen. Kwamboka for this amendment.

A lot has been said but these are some of the things you wonder that they have to be put in legislation because there has been precedence. We are all children of *Maziwa ya Nyayo*. Those of us who went through the 8-4-4 system of education are strong, hardworking, go getters and we persevere. I believe it is because of this background of the healthy lifestyle we had when we drank *Maziwa ya Nyayo*. This milk was distributed without fear and favour to every child regardless of their home background.

This has been done before. Why can it not just be done? Must it go through a legislation for our children to be given this kind of attention that Sen. Kwamboka is shouting here for? I commend Sen. Kwamboka. The other day, I was speaking at a platform and I wondered where the place of a child in our society today is. Our children are very vulnerable and as leaders, we have more work to do.

Truly speaking, there are nations that have turned themselves around from poverty into global super powers just by concentrating on educating their children and making sure they are healthy. Within less than 10 years, you have turned around an entire society. This is what makes me wonder about how serious we are about leading our country into becoming a serious global player. If anything, sometimes I feel like we are actually retrogressing and moving backward.

Madam Temporary Speaker, just the other day, I brought to this House a Statement to do with the national plan of action against sexual abuse on children. That plan of action is gathering dust somewhere in this Government. You wonder how much

priority we are giving our children, thereby investing for the future. Let me also add this one because there has been a big conversation going on. The social determinants of mental health starts when children are young and it is largely to do with diet and nutrition.

The Ministry of Education and other ministries that have to do with children must realise that in as much as we have free education, which is very commendable, we must mop up all children from home and take them to pre-primary, primary and secondary school. At the same time, we must ensure they are nutritionally healthy. This will go towards their mental wellness and concentration in school. They are the ones who will become the battalions to take this country to the next global level.

I thank Sen. Kwamboka for this. I commend the effort for any other Bill that is coming, to ensure our children are fed.

Madam Temporary Speaker, congratulations for sitting on that seat. You deserve it. You are very able.

Thank you so much.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Kasanga.

Sen. Aaron Cheruiyot Kipkirui

**Sen. Cheruiyot:** Madam Temporary Speaker, you almost got it right. I want to join the rest of my colleagues on congratulating Sen. Kwamboka for a job well done. This is a very good proposal. That is why I was among those who protested earlier when there was the Motion for the reduction of time because I know that there is a lot that we can say about this Bill. However, I am good democrat, so I will agree with the common wisdom of the entire House.

I congratulate her for this very fair proposal on something that I believe is for the record books. When history books are written and the history of the things that the Twelfth Parliament is noted down on the things were able to achieve and the proposals that we made to move the country forward, this Bill will be noted as a progressive one.

Madam Temporary Speaker, the health of our children and their overall well-being is something that as a country, we have begun to neglect and not treat with the serious consideration that it deserves. If you compare how the governments, society and our own parents ensured that a child is well fed, well-educated and in a better environment, you cannot compare that to what we are serving to the modern day child.

It was possible to feed children back in the day to ensure that public education was working. Virtually, all of us in this House are products of public education. None of us went to these academies that we speak of today, but here we are doing so well. What Sen. Kwamboka is reminding us is that we can go back to the history books and learn about the things that used to work back in the day. We can ensure that basic education still thrives, so that you do not have to take your child to a particular academy to ensure that something as basic as being fed is achieved.

Madam Temporary Speaker, can you imagine if it is possible for you as a Senator to sit on that Chair and follow debate properly if you are not properly fed? Unfortunately, more than half of the pupils who sit in our primary schools are not guaranteed more than two meals in a day. The statistics are actually a little bit higher than half of them.

You heard Sen. Sakaja mention a project that is being undertaken in Dagoretti South by Hon. John K.J. Kiarie that ensures that children are fed. The children in that programme are mindful of their siblings. They only take perhaps a quarter of the 650 grams of food and take the rest home to share with their siblings. That tells you that as parents, we have failed in our responsibilities and it is now children who are looking out for each other. This is unfortunate and ought not to be the case.

I most sincerely hope that once we have passed this Bill and it is sent to the 'lower' House for their concurrence, we can quickly enact it to be part and parcel of our laws. That the county governments would set aside the requisite funds to ensure children in schools are fed. In there also lies a business opportunity. As many of the Senators have observed in their contributions, once you have generated the necessary demand in any county, you are assured of a market. The number of primary schools in a particular market are ready to purchase.

I am sure that this is what we are talking about when we say value based agriculture. We shall ensure that our farmers are trained to know that there is an assured market for their milk, which is something that many of them are not very certain about. The prices within the dairy sector, which is hugely under a monopoly, have been dwindling. This is another avenue created for dairy farmers which I want to believe.

There is no part of this country that you will go to and not find dairy farmers. I am sure that the passage of this Bill will generate interest so that this will be the opportunity for many of the young people who are still struggling and considering whether agriculture can generate the necessary resources for them.

Congratulations, Sen. Kwamboka.

Madam Temporary Speaker. I support.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Cheruiyot.

Next will be Sen. (Dr.) Musuruve. In the meantime, Sen. (Prof.) Ongeru can prepare. He will join us virtually.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, thank you very much for giving me this opportunity. Before I continue, I would like to congratulate you for this position. I hope that it will persist. It should not be the last time.

I thank Sen. Kwamboka for coming up with this Bill. It is a timely Bill. The whole world is looking of ways of ensuring that every child, whether a boy or a girl is in school. We are not just talking about being in school. This Bill seeks to ensure that the child who is in school will be retained. Children can go to school, but retaining them in school is another issue.

The issue of nutrition is very critical in our education system. When we look at Maslow's hierarchy of needs, every human being has a need. It has to start from the basics. There is no way that you can aspire for a need that is high on the hierarchy if you have not satisfied the basic need. For every child, the basic need is nutrition. After that, education follows.

Madam Temporary Speaker, the fact that this Bill proposes that all children should have nutrition is a plus for us as a country. We have to look for mechanisms of ensuring that this Bill sees the light of day. We must set aside money for the purpose of

ensuring that every child goes to school and accesses food, irrespective of their family background.

I will be very candid on the Floor of this House. There are millions of children who are not able to get even a meal in the morning. Some of them drink porridge in the morning, lunchtime and evening. Some do not take anything, not even water. This Bill is going to ensure that the Government is brought into account and ensure that it puts a lot of money into education.

This Bill comes at a time when our President, Uhuru Muigai Kenyatta, is rallying all global leaders to donate for the purpose of education. This money is supposed to go to low income countries like Kenya and other countries in Africa. There is need put set aside lot of funds for this programme to be ensure that no child is left behind.

When it comes to resourcing for finances for education, it should be over 20 per cent. This money should start from the national Government and cascade to the county governments. We cannot compromise the lives of our children. We have to look for ways of ensuring that our children love education.

I am a product of *nyayo* milk. I remember that I did not come from a well-endowed family, but that alone kept me in school. I am where I am because I was retained in school. So, there is need for us to look for a mechanism of ensuring that we reach the hard to reach children. Those children who come from disadvantaged families and cannot have bread, milk or *uji* on their table. Let us retain them in the school system.

Madam Temporary Speaker, this is a good Bill, but it should not be a Bill that cartels are waiting for to mature then they come in with their tenders. It should be a Bill that empowers county governments, so that when it comes to financing, county governments should look for mechanisms of ensuring that they bring all the milk in the counties and give it to children.

That way, they are going to boost the economy of the counties. Even the farmers in those counties will benefit. Sen. Moi came up with the Local Content Bill. I want to state to Sen, Kwamboka that there is need to see how to craft a sentence that will entail that all the milk should come from that county. I suppose that there is milk that will come from Uganda, Tanzania and wherever yet this Bill is supposed to benefit the people and children of Kenya.

Madam Temporary Speaker, I am proposing to Sen. Kwamboka to just ensure that this Bill is not abused by cartels who are waiting so that they benefit from this.

*(Sen. (Dr.) Musuruve spoke off record)*

**The Temporary Speaker** (Sen. Were): Your time is up, Sen. (Dr.) Musuruve. Thank you for that passionate presentation. You brought up quite a number of issues, for example, having milk for school, produced in the counties to promote the economies of our country. That is the essence of devolution. Thank you very much. Virtually, we have Sen. (Prof.) Ongeru. He is online. As he prepares himself to get back online, Sen. (Dr.) Lang'at, proceed.

**Sen. (Dr.) Lang'at:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I would also like to start by congratulating you in your position as of now. I support this amendment Bill on basic education because it is very important. First of all, the provision of milk at this stage of our children, this is the time where they are at their formative stages. They require very important balanced diet for their physical and intellectual growth. It is so important for every nation to provide this milk at this stage because it will help our children to develop not only physically but also cognitively.

It is so important to develop these children at this formative stage. Unless this element of milk is provided at this stage, it will hamper them intellectually in their future. It is important and we should not take it lightly. This is the stage where children require these supplements for their intellectual growth and more so in the development of their bones. Milk has an element of calcium which is very important to these children in their formative stage especially in the development of strong bones. This is a very important Bill that all of us should take seriously.

Madam Temporary Speaker, secondly, it will also provide market for our milk locally. I support Sen. (Dr.) Musuruve when she said that it should not be a high time for the cartels to prepare so that after this Bill has been assented to become an Act it becomes their high time to import milk from other countries that has been processed and left to stay in stores for a long time. That may also bring a lot of health problems to our children. It should be restricted to supporting farmers in our country.

We have seen farmers from various parts of this country especially the pastoralist communities and the Rift Valley region. This is where their milk has never been having good market. I do support this Bill because it will provide an internal market for our milk products in this country. Also, it will support the creating of employment to so many people who will go into dairy farming seriously because this will provide their livelihoods. This is a very important Bill that we should all support it.

Madam Temporary Speaker, another one is that malnutrition in this country is real. I have witnessed this especially when I was a lecturer in Kericho Teachers Training College. We used to go to schools assessing our teachers. Very early in the morning, you could more often than not see children who are suffering. You could see malnutrition in children. Physically their concentration levels in class were so low. Most of them could sleep as early as 8.00 a.m.

So, I tend to say that during the time when this program was in place in schools, I am telling you children were very healthy. Even during the rainy season, you could see children very healthy playing in the field and be happy about it. This program will ensure effective enrolment. There are so many children who are not able to go to school especially in Nairobi in slum areas because of lack of food.

Madam Temporary Speaker, this program will ensure effective enrolment in our schools and also retention. There are so many children who are not able to continue with their basic education programs normally because of shortage of food. I am so sure that the moment this program comes into existence, it will enhance effective enrolment and retention of our children in schools.

I also want to add that this Bill is so important. You remember very well that our children in school especially young ones are unable to concentrate well and effectively in their classes.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. (Dr.) Lang'at. Next is Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Thank you, Madam Temporary Speaker, for this opportunity. First of all, I congratulate you for where you are sitting. It is my prayer that it will not be the last time. It will be just but a beginning for you. I also take this opportunity to congratulate Sen. Kwamboka for this amendment Bill of Basic Education Act.

I contribute by saying that many children lack enough milk. Even from a young tender age especially when a mother gives birth and the mother dies, the child is left and that child does not get enough milk. Many of them who come from very poor families, they are fed with this stuff from very tender age up to about two years. After two years, they stop getting enough milk because the parents cannot afford. Bringing this milk back to the school would be very good.

Madam Temporary Speaker, also, for the concentration of the children in school, it will also help. It will also be good for the farmers when they sell the milk because they will get money. There are many people who will get jobs through the milk.

I congratulate Sen. Kwamboka for this very important Bill. I concur with the rest of the Senators that the milk should be provided from the counties unless they do not have enough to supply to the schools. Otherwise it should come from there. We should also be careful, Sen. Kwamboka, and state categorically that we will not get milk that has preservatives. A lot of it also affect our children and cause more other health problems.

Madam Temporary Speaker, I thank you and say that this is a very important Bill. I pray that it will pass and be implemented. Thank you.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Kavindu Muthama. Sen. (Dr.) Ali, proceed.

**Sen. (Dr.) Ali:** Thank you, Madam Temporary Speaker. I will not complain. I thank Sen. Kwamboka. Most Members have talked about the importance of the amendment. I agree with it and support it.

Everybody is talking about cartels. This country has this problem. When something comes up, cartels take advantage and steal from the children of this country. This is the fear I have. For pre-primary, county governments will take care of it and that is where the amount of milk from counties can be used especially for those who are not wealthy. For all primary schools, some big people with big factories will take over. They will import powdered milk which has overstayed cheaply and then say it is fresh milk. I do not know what we can do about it but people have to be enlightened. If we are not careful, they will import the ultra-heated (UHT) milk which will come just to be packaged and distributed.

Unless we are sure of the type of milk available, we might even poison our children. As (Dr.) Langat has said, it is at that age that they require proper nutrition. If they are given bad milk whose nutrients have been removed already, then it might not be

very useful. I have heard people talk of Nyayo Milk although I was not part of it but it helped many children. Whatever people said about *Mzee* Moi, he did very well when it came to education.

Madam Temporary Speaker, even adults cannot sit in meetings when they are hungry. They start yawning and fidgeting and they become absent minded. What about a hungry child? They cannot concentrate on anything. When children are properly fed, they concentrate in class and play outside and grow well. In the end, they do well in school.

I support those who said milk should be supplied locally so that if extra milk is required, then it can come from outside. If Sen. Kwamboka will need to add anything to this, let it be stated properly that the milk for pre-primary and primary school should be supplied from local farmers. If it is not enough, then it can be imported from the neighbouring counties or other parts of the county.

There is already some sort of monopoly in this country and if particular people are allowed, the monopoly will just continue and few individuals will benefit. You know what is happening with the school feeding programme. The food does not reach the children. From the Ministry of Education to the county and to the teachers, at least a quarter is lost at every stage. Possibly, only 20 per cent gets to the schools. I hope the milk will not follow suit.

I remember the national Government used to give relief food to the people in remote, arid areas. When I became an MP some time back, four of us from Wajir County went to see the District Commissioner (DC) and asked him for the money instead of the relief maize. Our intention was to use the money to do something for youth groups. We wrote a letter---

*(Sen. (Dr.) Ali's microphone went off)*

**The Temporary Speaker** (Sen. Were): I give you one more minute to conclude.

**Sen. (Dr.) Ali:** Madam Temporary Speaker, we came to see the PS with the letter from the DC. He refused and said they cannot give us the money instead because some of the food was from WFP or donations. He rubbished us completely. The relief maize was being sold at Kshs1,000 per bag and that amounted to Kshs4 million. We had asked that each of the four constituencies be given the Kshs4 million per month but were told it could not happen because they are the ones who were 'eating'.

This is the problem with this country. We even wonder why we talk of leadership. What does this country do? What do leaders do? Our people are going down the drain and we are suffering every day and there is no improvement. This country is going backwards. I hope the people who are listening to what we are saying today will do the right thing in future.

**The Temporary Speaker** (Sen. Were): Thank you, Senator for reminding us about cartels and questioning the source of milk. Sen. Kwamboka, you may have to consider some of these amendments proposed by Members.

Next is Sen. (Eng.) Hargura.

**Sen. (Eng.) Hargura:** Thank you, Madam Temporary Speaker. I thank Sen. Kwamboka for coming up with this amendment to the Basic Education Act. Without repeating what my colleagues have said, this is an important amendment because it will improve the nutritional value of food to our children. It is important for growing up and even for mental development. From experience, it has also been said that it could be a reintroduction of primary school milk which was there before.

Its importance cannot be overemphasized especially in the pastoralist communities, where at an early age, families decide whether you will go to school or herd animals. It is at that age when children are trained to look after the calves and then graduate into herdsmen. With this kind of provision, it will attract the young ones to school. By the time they go through pre-primary and primary school, they will have left that part of training to be a herdsman.

This will go a long way to improve literacy levels in arid areas with pastoral communities, where sometimes families have to go to mobile camps with the children. That is the only way they can provide as they do not have enough to provide for part of the family at home while the other is in the bush. So, they carry the whole family. Sometimes it is a security risk especially during times of skirmishes and clashes. This will go a long way in retention of children in school and improve literacy levels.

Madam Temporary Speaker, I know right now there are areas with donor funded school feeding programme as Sen. (Dr.) Ali said. The WFP does not even check what foods you need. They just give you what they think you need. Sometimes it does not contribute to improving the nutritional value of the food because it is not the kind of food that the children are used to. You may find them giving sorghum in those areas and those people do not even know how to cook it and it becomes a problem. However, in the case of milk, I support the aspect of even authorised procurement.

Before my time is over, may I bring to the attention of Sen. Kwamboka about the issue of whether this is a money Bill or not. Last time, there was a Mediation Committee between the Senate and the National Assembly, what came out was that if you come up with an amendment to introduce one person in an institution, it is a money Bill because it increases the cost. Now, this will have direct financial implication. That is what we need to look at because it might be rejected on grounds that it is a money Bill.

**The Temporary Speaker** (Sen. Were): Thank you, Senator.

Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** Finally! Thank you, Madam Temporary Speaker. Like the rest, I pray you live long enough to sit in that position.

**The Temporary Speaker** (Sen. Were): Amen!

**Sen. Mutula Kilonzo Jnr.:** Madam Temporary Speaker, I would like to support this Bill. For a very strange reason, I was a milk prefect in primary school. This was a very important programme. For those who think I went to a 'group of schools', I actually studied in a public school, where my classmates were from all sorts of background.

This programme was very useful, but nobody talks about why the *nyayo* school feeding programme was destroyed. It was as a result of bad politics of the country.

Madam Temporary Speaker, I recall that one time in primary school, rumours were spread by people who were fighting the former President Moi that said that the *nyayo* milk had been laced with many things. Everybody in the primary school destroyed the milk. That is how the *nyayo* school feeding programme was destroyed by the politics of the day. I took the risk and carried the usual five packets of milk home.

In my county, Makueni, majority of the students that go to schools that are in town like Wote, Kunoa, Mukuyuni, Sultan Hamud and Emali Primary schools are from very poor backgrounds. It surprises me that parents are sending their children to school with the hope that they will get food. It is such a sensitive issue.

I am convinced that the reason we must continue involving women in leadership is because only women can think like this.

*(Applause)*

The men are thinking of how much money we can borrow to spend on the Standard Gauge Railway (SGR) and on a very nice looking road like Mombasa Road. If you think about the money we have spent on these brick and mortar projects, the reason why Kenyans are so disgruntled and protesting at every step of the way is because the Government has moved away from its people. The Government no longer cares.

What this Bill is saying to the parents of this country and to the women who take care of children and want to know what their children are going to eat as opposed to their fathers, is the Government cares about its people. That is this Bill. The nutritional aspects, marketing and other things is well and good, but providing milk to children says that we care for them. That is where this Government has failed and will continue to fail, because they do not show that they care for people. I hope that we can find these people.

Madam Temporary Speaker, I was surprised, but I am not sure whether my colleagues know this. The National Treasury has been paying retirement benefits for some Kaburus since 1963. It has been in the budget. Since 1963 we have been paying for the retirement of some people and we cannot afford it. People are going home without pensions and teachers are crying for their pensions.

Can we start caring about Kenyans? People are suffering and we are not offering hope. This is called creating hope in hopelessness. If you want children to go to school and read, give them food. I have said this before and I can say it again. Nobody is going to sleep on Uhuru Highway even if you built four stories. Nobody is going to eat that tarmac.

However, if you provide food security for Kenyans and the young children, we are building a future. I know that I am whom I am because of the milk we were offered in primary school. All of us, the ones from poor backgrounds and any other background were able to carry 250 millilitres of milk.

If you would add me one more minute, I am going to propose that you include a prescription of that milk. It is far much better to say---

**The Temporary Speaker** (Sen. Were): Senator, I will give you one more minute.

**Sen. Mutula Kilonzo Jnr.:** Every child will receive 250 millilitres. The racketeers that Sen. (Dr.) Ali is talking about would like something ambiguous like this. They will cheat. Make it specific. In the *nyayo* school programme, we used to get 250 millilitres. Make it 250 millilitres at the least. It could be more.

I am sure that if we refocused our budgets, this country is not going to suffer if we provide our children with milk. I am telling you that basic education must include food. Other than food, we must give our children good sanitation. Every time I go to primary schools in Nairobi, they do not have basic necessities like sanitation. God help this country.

I support.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Mutula Kilonzo Jnr. for closing for us the debate on the Basic Education (Amendment) Bill which was duly sponsored by Sen. Kwamboka.

I now call upon the Mover to reply.

**Sen. Kwamboka:** Thank you, Madam Temporary Speaker. Let me join my colleagues in congratulating you for being in that position. Let today not be the last day. I know that you are going places and we wish you well.

I thank all the Members of this House. I have indeed seen the passion that they have for the children of this country. It is high time that this Government started thinking about the future of our children. That will start with the feeding of our children who are in school.

Madam Temporary Speaker, I have heard the sentiments which have come from my fellow Senators. Indeed, they enriched this Bill. Let them be assured that we are going to take into consideration all the amendments they have proposed. I will make sure that they are added to this Bill so that it can help to secure the future of our children.

I have been indeed touched. At the time the second President of this country introduced *maziwa ya nyayo*, he set the precedence. For us to come here, legislate and make sure that these children are being fed is a shame. I urge the Members of this House and the National Assembly to do justice to the children of this country.

Once this Bill has gone to the National Assembly, because I am sure it is going to be passed in this House, let them do justice to it. I want to plead with the President of this country to assent to this Bill because it will assist the next generation of this country. My party leader Raila Amollo Odinga's stand is buy Kenya, build Kenya. Let us invest in our local produce.

Madam Temporary Speaker, as I finish, I just want to comment that a hungry man is an angry man.

Thank you, and congratulations.

Pursuant to Standing Order 61(3) I request that the putting of the question be deferred to a later date.

**The Temporary Speaker** (Sen. Were): Thank you, Senator. The putting of the question is hereby deferred to the next sitting.

*(Putting of the Question on the Bill deferred)*

Senators, Ordesr No.17 and 18 are deferred to the next siting.

*Second Reading*

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

*(Bill deferred)*

*Second Reading*

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

*(Bill deferred)*

We move on to the next Order.

*Second Reading*

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

**The Temporary Speaker** (Sen. Were): The Chairperson of the Standing Committee on Tourism, Trade and Industrialization.

**Sen. (Dr.) Ali:** Thank you, Madam Temporary Speaker. I stand here to move the Street Vendors (Protection Livelihood) Bill, 2021. The principle object of this Bill is to provide a framework to regulate the business of street vending in the counties. Small scale traders contribute significantly to the growth of trade in the country. Currently, there is no legal framework governing the business of street vending or hawkers in particular. We call it the Protection of Livelihood Bill. The challenges being experienced by both the street vendors and county governments in undertaking of the business.

The Bill proposes the designation of a street vending unit by the Ministry responsible for trade. The unit will carry out various functions including; maintaining a national registry of street vendors in Kenya; prescribing minimum standards for the conduct of street vending; collecting and utilizing data relating to street vendors; and liaising with all relevant bodies responsible for planning and infrastructure for the proper planning and design of street vending zones.

Madam Temporary Speaker, the Bill also provides that the County Executive Committee (CEC) Member responsible for trade shall design neat vending zones for the purpose of carrying out vending activities. The zones shall be divided into three categories; restriction III vending zones; restricted vending zones; and no vending zones. The CEC Member shall also be responsible for the development of a county vending

zone plan and shall within 12 months of the commencement of the Act conduct a survey of all existing street vendors and potential vending zones within the respective area. The plan shall be submitted to the county assembly for approval.

The Bill also requires each county government to progressively provide for the construction and maintenance of vending centers to enable them carry out street vending activities in a fair, transparent and safe manner. In this respect, the county vending plan shall set out the location and optimal structure of vending centers to accommodate street vendors and relevant state agencies shall in the enactment of any physical planning, legislation at county or national level prioritize adequate provision for vending zones and centers as proposed or identified in a county vending plan.

Madam Temporary Speaker, the Bill designates the CEC Member responsible for trade as the authority responsible for the registration of validly licensed vendors within respective counties. In this respect, the CEC Member shall be expected to maintain an up to date register of all validly licensed street vendors in the county and submit to the vendors unit an up to date list of all street vendors holding a valid license in their respective counties every three months.

The Bill also provides that the person who intends to carry out street vending activities shall apply to the county government to be registered as a street vendor upon payment of a prescribed fee. A license issued for street vending maybe one of three types; a stationary vendor, a mobile vendor or any other category as may be prescribed by the CEC Member. Upon application being made for the issuance for a license for street vending activities, the county government may allow the application and issue a license or reject the application. The county government has also the powers to revoke a license and or suspend its application.

Madam Temporary Speaker, one of the most central proposals of the Bill is the protection of the rights of the street vendors as they carry out their activities. The Bill, therefore, creates certain rights in favor of street vendors. These rights include; first is the right to adequate facility. Every street vendor has the right within the vending zones and adjacent areas to access essential facilities of reasonable quality including but not limited to security, lighting, sanitation services, and parking facilities where necessary.

Second is the right to quiet possession of goods. Every registered and licensed street vendor has the right to quiet possession of their goods. Where a street vendor goods or assets utilized for the street vending activities are confiscated, the officer confiscating the goods shall issue the street vendor detailing the specific goods confiscated, location from which the goods may be recovered, the time within which the confiscated goods must be recovered and such other information as may be prescribed by a county legislation.

Madam Temporary Speaker, three is the right to protection from harassment. The Bill prohibits the harassment of street vendors in the course of conducting their vending activity by any office of the national or respective county government.

Fourthly, the Bill also provides to place certain obligations on the street vendors including a duty to maintain a clean and hygienic environment within designated

vending zones. Also a duty to ensure responsible access to the areas they occupy and not to unnecessarily impede the carrying out of daily activities by other members of the public.

Madam Temporary Speaker, there are consequences of this Bill. The Bill seeks to regulate street vending activities through providing for an organized system of licensing and registration. This will ensure that informal trade within county governments is carried out in a manner that is safe, sustainable and enhances the ability of ordinary Kenyans to take part in income generating activities.

Consequently, this will enhance not only the social economic status of informal traders and their dependents but also revenue collected by county governments from the informal trade.

As you are aware, most of the counties do not even collect the money they used to collect when they used to be municipalities. They have all gone down. They do not have enough money. The little money which is collected--- some of the few people there collecting the money just misuse it. Others when they are given to the people concern, they do not even deposit this money. That is why the own source revenue of counties have totally gone down.

We want to encourage that if this Bill goes through then the county government will have to come up with a way of making sure that all these monies are done. They possibly have a pay bill or other ways of giving this money straight to the bank accounts of these counties. I am sure all counties will increase their own source revenue more than double if not more.

Madam Temporary Speaker, the other issue is that you know the way hawkers suffer. They are being searched from here to there. Every time the *kanjos* or *askaris* in the county government see them, they see money in these poor people who are running up and down during the night. In Nairobi, they come after 5.00 p.m. and they occupy the streets so that people who are walking home can buy something from them and they benefit from that. If these things were organized and they had their own areas which is already zoned and taken care of by the county governments with support of conditional grants from the national government then the livelihoods of these poor people will change totally.

With these few remarks, I want to ask Sen. Sakaja whose county is the biggest where hawkers and street vending activities are conducted to second. Thank you.

**The Temporary Speaker** (Sen. Were): Sen. Sakaja, proceed.

**Sen. Sakaja:** Thank you, Madam Temporary Speaker. On behalf of hundreds and thousands of street vendors in Nairobi City County, I also thank Sen. (Dr.) Ali for bringing this Bill.

We must change how we look at our people. By the way, to fit that Chair. For a long time, we have almost criminalized Kenyans who are just trying to eke a livelihood. No one chooses or likes to be a street vendor. No one chooses to be in the formal economy because they do not want to be in the formal economy. It is the economic times and the nature of our economy that has pushed people to innovate.

More than 80 per cent of the young people employed in this country are employed in the informal economy. I launched a study that done by the Aga Khan University on

unemployment. About 80 per cent of the young people are in retail, which is not necessarily shops but those people we see on the streets. On your way home, you will see what we call Uhuru Highway opticians selling you sunglasses, vehicle spare parts like wipers, belts and so on. At the bus stations and even outside markets you find them. Sometimes many of them have no space in the market and if they do, they do not have the money to pay for rent.

We must think about these people very seriously. We cannot criminalise them. Six days ago, a hawker's teeth were plucked out after he was hit by a metal bar just because he was trying to eke a living. Where has humanity gone? You have seen *kanjo* vehicles. When I was a child, we used to sing "Haya makanjo". I recently realised where it came from. This tradition of chasing people by city county officers has been there for long time. We must change that and I intend to do so when I am Governor of Nairobi City County.

**Sen. Mutula Kilonzo Jnr.:** Ilovi County.

**Sen. Sakaja:** Yes, Madam Temporary Speaker. Sen. Mutula Kilonzo Jnr. is saying Ilovi County. We must change how we look at this segment of society.

I thank Sen. (Dr.) Ali because of what he has provided in this Bill; how the county government has direct responsibility over registration of these street vendors. He also provides how they shall be taken care of and how we can designate places for them. Around the world, street vending introduces a flavour to the city. In India, they are called *chaiwallahs* and it is part of the culture. A city is not just about brick and mortar and I am happy about what Sen. Mutula Kilonzo Jnr. said. It cannot just be about roads and bridges but the vibe, spirit and soul of a city. We can organize around that. For instance, we can set apart Saturdays for registered streets for vendors to sell their wares on the whole of Harambee Avenue and Aga Khan Walk.

Madam Temporary Speaker, street vendors are an integral part of the urban economy. They offer a wide access to goods and services and many times, I have seen interventions that do not make sense. If you move street vendors from bus termini to some place in Ruai, no one will go there because they are convenient. People want to buy a few groceries before jumping into a matatu. They want to buy clothes from the street vendors who say: "Bei ya jioni". I have bought many clothes from street vendors. It must be done in line with where the demand is. It can be properly organised.

The other day, I saw a failed experiment. I have had very kind words and expectations for the Nairobi Metropolitan Services (NMS) because where they get it right, they do. However, where they get it wrong, it is completely wrong. In just over a year, we have seen the Green Park Project which the President and Nairobian are very keen on. When they did the pilots, they did not think of how all those people will cross into town. Crossing alone caused so much traffic. Why can we not have proper planning? That is why I like the framework around this Bill that makes you look at an issue end to end. Yes, people will come out and there will be shops and a market with vendors but also a fly over to get them to town. The matatus themselves were sabotaging the process by slowing down. Involve the people when you plan. The last time they tried this curfew

matters, they had not involved the hawkers and their leadership. If you do something without involving the leadership and the people affected by the project, it will not work.

I am glad that we have this legislation. On behalf of the people of Nairobi City County and street vendors, I thank Sen. (Dr.) Ali. May I tell them to be confident and let no one look upon or talk down to you because you are a street vendor. This includes the Government. When you call the private sector players, hawkers are in the private sector. They contribute more to the economy than many of these big companies with big names. It is just that they have not been recognized. They should be on the table.

I thank the President because he has really come through for me and my people. The other day, we had issues with our traders in Nyama Kima and Kamukunji because the Kenya Revenue Authority (KRA) and the Anti-Counterfeit Agency (ACA) were hounding them like thieves. They would go to them and tell them what they are selling was counterfeit. How can a duvet that covers people or a bulb, be counterfeit? Just because a bulb does not come from Philips, if a Kenyan wants that quality, they go for it. Have you heard of a counterfeit vuvuzela which is blowing?

That is how you monopolise and put the majority of Kenyans outside the formal economy. These street vendors, traders and importers are a direct link to the formal economy because what they sell is what we are supposed to produce in our country. Until we have produced it, let us allow them to bring it in.

I am grateful that Mr. Mburu of KRA has really tried now and changed the perspective. You cannot keep strangling the goose that lays the golden egg. I like how President Kibaki used to say *kulipa ushuru ni kujitegemea* and he encouraged us to pay tax. This one is now a criminal offence because instead of them helping you, they want to strangle your business. If you formalize these street vendors, we can increase our revenue in our urban areas because they want to pay.

I was in Gikomba a few weeks ago and the ladies told me they pay Kshs50 to Kshs200 every week but they do not see what the money was doing. They said they are ready to pay even Kshs1000 if they were sure the market would be cleaned and their goods secured. So, do not worry. Sen. (Dr.) Ali, I will be implementing this in Nairobi City County in 352 days, God willing. I believe that is where the real heart of our city must lie and create a vibrant ecosystem of our people.

I was talking to them outside Kenyatta Market and at Burma Market. If you tell them that you will chase the ones outside, you will create war. Look at what is happening on Kang'undo Road where a huge market has been built. Some traders who were at Mutindwa do serious trade and I know traders there who sold me things when I was a teenager. Since you want to clean the city, you sweep the dirt under the carpet by chasing them. Now, we have Members of County Assembly (MCAs) and people in the County Government who have sold stalls at Kshs300,000. There is a list of people who are supposed to be compensated on Outering Road and Mutindwa. That is a crisis we are looking at.

If you go to my Facebook page, there is a picture of an old lady hugging me because I had gone to rescue them. My mother introduced me to that lady at Westlands Market when I was seven or eight years old. She is there to date but the Government

wants to chase them because they want to expand the road. They chased away the traders who sell the curios at that triangle without providing them with an alternative.

**Sen. Mutula Kilonzo Jnr.:** There is nothing there. It is empty.

**Sen. Sakaja:** Madam Temporary Speaker, nothing has been done there to date. It is empty. Those people were contributing to the economy. So, we must change how we look at our people and not be at war with them. We must see them as the foundation of our economy. I can talk for days because I am very passionate. How do we say we can provide jobs for young people yet try to put them down on that which they are trying to do?

I pray that Members here support this Bill and it also passes in the other House and the President assents to it.

I second.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. (Dr.) Ali and Sen. Sakaja.

*(Question proposed)*

Sen. Kasanga. You have five minutes.

**Sen. Kasanga:** Thank you, Madam Temporary Speaker. Let me start by congratulating Sen. (Dr.) Ali for this very comprehensive Bill. It is actually very exciting to see that we are proposing to bring order to a place that has been stigmatized with disorder. I am happy listening to the two Senators among them Sen. Sakaja, who seconded the Bill.

It is really time to start looking at our vendors differently. They will contribute heavily to our economy once everything has been put to order. It is interesting that when you go to the village, you will find that our market places are very well organized. Post the COVID-19 pandemic, they have become very well organized. So, we are left to look at our urban centres how this informal sector can be properly organized into something of formality.

Like Sen. Sakaja said, the sights, sounds, and tastes of a city are truly defined by this sector of people. In fact, whenever we travel, whether you are on holiday or business, it is places like these where you get to sample the heart of the people and the nation. In the East, they have done this beautifully. When you travel to Singapore, Malaysia or Thailand, you will really see the sights and sounds of those cities from these sectors. They have organized them in such a wonderful way. I am really excited over this issue.

These are some of the places we can tap the 24-hour economy we talk about. I have seen this as well in Britain. You have seen cities where--- Are you limiting time?

**The Temporary Speaker** (Sen. Were): Yes, you have five minutes.

**Sen. Kasanga:** I was not prepared. I was not ready to be limited, but I will speak faster.

When it hits six o'clock in the evening, certain streets are closed and street vendors are allowed to sell their wares. That is really beautiful. In Singapore, at midnight, you will see another group of vendors coming to sell up to six in the morning. This is

what we are talking about. Having a global economy where people can do a lot of business for 24 hours.

Since I am in a hurry, I have lost my train of thought. There is one request I want to make to Sen. (Dr.) Ali on the definition. To vend is to sell something either from a stall, machine or whichever way it is organized. So, when we describe the street vendor, we want to say a person who is engaged in the business of selling rather than vending. This is so that we can demystify a street vendor. They are also business people and we want to celebrate them as such.

The other point I wanted to bring across is the issue of sanitation which is very well accommodated in this Bill. Sanitation has been a challenge for us for a long time. I know that a lot of the counties are trying very hard even in the villages. We have grown up with trauma from using public toilets. You cannot go to a public toilet. That is how we have grown up. It is only of late that we have come to start cleaning a little bit, but this issue of sanitation still lacks significantly.

I am glad Sen. (Dr.) Ali put it in the Bill so that it is accounted for. We continue to encourage our people that our streets and public toilets need not be a place for trauma, but rather a place that encourages more and more people to engage in the business that we need to continuously keep creating so that we can grow our economy.

Thank you very much. I congratulate Sen. (Dr.) Ali and I support this Bill.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Kasanga. You have given urban planners some food for thought. Sen. Sakaja, when you become a governor - I say "when" because it is a matter of time - there are several papers at our universities in the urban planning departments that have set up ways of how to do this even as this comes into law.

Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Madam Temporary Speaker, I want to be brief. When Sen. Sakaja becomes governor, we want an organized city. We want Kenyatta Avenue organized in such a way that people can come and shop at 9 p.m. We want security, that people can take a walk in Uhuru Park, or you can buy anything in the city when you cannot sleep.

It is only in Nairobi where when the sun goes down, the thieves come up and you go to sleep. What sort of a city operates like that? Our hawkers should have numbers, be registered and have name tags. I take pride in the people who sell vegetables. I take pride in my newspaper vendors.

When my father started his practice in Machakos in 1975, there was a gentleman who sold newspapers outside the building where Kilonzo and Company was. Since my father was hardworking, he ended up buying the building. When I renovated that building, I gave him space to vend his newspapers. That old man gives me hope.

I think that we have become a society of cannibals. The county city council officers are not inspecting. Their work is just to harass these people who do normal business. When I was at the school of law, we used to have a place called Serena B. I do not know whether Sen. Sakaja knows what that is. It was somewhere along Procession

Hall. It had the best food in town, just like what Sen. Kasanga said about other cities in the world.

Madam Temporary Speaker, this is a beautiful Bill. A nation that cares and believes in its people is a nation that allows everybody to make the least that they can make. If there is a principle that I will advocate when I become governor, it is the ten dollar a day principle; just one thousand shillings. Just make sure that a person can have money in their pocket.

When they have money in their pockets, they will pay whatever it is that you want them to pay, whether it is licensees or so on, and so forth. When a *boda boda* rider in Nairobi makes Kshs300, the police want Kshs100, the county city council of Nairobi want another Kshs100. The person who is waiting for them at the bus stop for security gets another Kshs50. That person is working for other people other than themselves. That is not the sort of economy we are looking for.

Madam Temporary Speaker, the people who we call street vendors who are at the bottom of the pyramid have been taken advantage of by us politicians. We use them to throw stones when it comes to politics. However, when it comes time to take care of them, we cannot. I think we can build a better city by ensuring that people can trade and bring their best wares and vegetables. We look at the quality and offer then whatever it is they can.

We have Toi Market here and Sen. Sakaja knows about it. It sells possibly the best clothes in Nairobi. When I was in high school, my blazer was bought from Sunshine Boutique, aka Gikomba Market. I would get silk blazers there. I never bought my trousers from School Outfitters. I used to go there because they used to have a trouser we used to call the stinger. It was a nice grey. That is the reason I would support the bottom of the pyramid any time.

If we promote these people, Nairobi can be a better place. We will not treat them as thieves, but we will treat them as human beings who just want to earn a living. If they had an office, they would sit there, but since they do not have one, they want to sell minimal things, nice looking shades and other things. Let us allow these people to work and treat them well.

I support.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Mutula Kilonzo Jnr. Sen. Kwamboka, proceed.

**Sen. Kwamboka:** Thank you, Madam Temporary Speaker. I join my other colleagues to congratulate Sen. (Dr.) Ali for coming up with the Street Vendors (Protection of Livelihood) Bill. I have been a hawker before I came to this House. Being one of the vendors, what we used to go through and what vendors go through is too much for them to handle. The harassment that they face with our county officers who always chase them not that they are doing wrong but they are looking for space where they can earn a living by selling their goods.

I concur with the legal framework that has been considered in this Bill. You find out that the designated areas the counties always wake up; you do not know how they structure their things in their county assemblies. You hear that there is a market which

has been opened. Vendors are not aware of it. Some people do cartels with the opening of those markets so that they can get money without even announcing exactly or marketing that place for the vendors to know that that is a market.

Madam Temporary Speaker, when it comes to the issuing of the certificate of registration, I would urge the counties to go digital. It will save the time when they are going to pay for the certificates and it will ease their time. When they go to the counties you find them lining up to go and pay. The legal fee that the vendors normally pay, nobody understands exactly how much they should pay.

You will find out that this month they have been told to pay like Kshs100. After two months, they are being told to pay more than Kshs100 like Kshs500. Let there be a legal structure and framework which will be used by the counties so that it can make them work in a good way.

Going to the sanitation, you find out that more counties are opening markets without considering where those vendors will stay in those areas. Like the toilets, you will find out that markets are being opened and there are no toilets. There are no kiosks where they will buy food at least to keep them safe during their job while they are there.

Madam Temporary Speaker, I thank again Sen. (Dr.) Ali. Thank you very much for remembering us as hawkers and street vendors in this country. I thank you.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. Kwamboka. I now call upon the Mover to reply.

**Sen. (Dr.) Ali:** Madam Temporary Speaker, thank you. Thank you, Members. I appreciate. Even if the House has few Members but the ones who are there are happy with what we have done. I am sure even if we had a full House, it would have been the same. I thank the Members who have contributed to this Bill and with the passion they have shown. The street vending or selling the way it had been suggested by Sen. Kasanga, we will look into that.

I would like to particularly ask Sen. Kasanga to give us her write up on what you had in mind. I could see you had very good ideas. Please give us a write up and we will try and include whatever we can before the committee stage. The passage of the Bill will enhance revenue as we have said in the counties. I hope this one will make sure that the counties carry out their functions as set out under Part II of the Fourth Schedule.

Madam Temporary Speaker, since time is not on our side, I want to ask the Speaker pursuant to standing Order No. 61 (3) that the putting of the question be deferred to a later date. Thank you.

**The Temporary Speaker** (Sen. Were): Thank you, Sen. (Dr.) Ali. The putting of the question to this Bill is hereby deferred to the next sitting.

*(Putting of the question on the Bill deferred)*

**The Temporary Speaker** (Sen. Were): Senators, we are going to defer Order Nos. 20 and 21. Next Order.

*Second Reading*THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO. 9 OF 2021)*(Bill deferred)**Second Reading*THE LAW OF SUCCESSION (AMENDMENT BILL)  
(SENATE BILLS NO. 15 OF 2021)*(Bill deferred)**Second Reading*

## THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)

**The Temporary Speaker** (Sen. Were): Sen. Sakaja, proceed.

**Sen. Sakaja:** Thank you very much, Madam Temporary Speaker. I rise to move that The Start-Up Bill, 2021 be read a second time.

This Bill as you are aware had already been passed or rather a similar Bill had been passed. It is part of the 23 Bills that due to the court process because of lack of concurrence had to be republished by the Senate. Members had passed it unanimously. I think everyone appreciated the central place that start-up ecosystem in this country holds.

This is also one of those Bills that is a product of a lot of innovative public participation. We came together with a huge group of young people and some old people in the star-up ecosystem from incubators to those who are actually owning start-ups to those who are in the innovation field in the tech area. We conducted many virtual sittings across the country even outside Parliament's traditional public participation. We have stations in Voi, Nakuru, and even in the North of Kenya of young people who came and gave us a lot of views.

Madam Temporary Speaker, I am glad that given the opportunity because every cloud has a silver lining, in as much as it was unfortunate that we had to republish all those Bills, when we republished we were able to incorporate the fresh ideas that had come from these young people. This version of the Start-Up Bill has a lot of those fresh ideas.

Even as I go into giving an overview, I thank that entire team. We had Victor Agolla, Waithera Gaitho of Kenya Private Sector Alliance (KEPSA). We had Joram Mwinamo of Sound Box. We had Bernard Chira. We had a lovely lady Sen. Mutula Kilonzo Jnr. introduced me to called Fiona Mungai of Endeavor which is an amazing company across the world that supports star-ups in the tech field. It has huge turn overs.

Madam Temporary Speaker, if you look at the kind of companies she was able to bring together for me some of those who were initially start-ups but have gone up. A company like Twiga Foods is doing millions of dollars and they are trying to raise more money. We met with Peter Njonjo, Africa's Talking and Bila was there. If you look at Cellulant and Sendy that send parcels, Meshack was there. It is an amazing ecosystem and a huge frontier.

Our ecosystem of start-ups has seen tremendous growth over the last few years. We can proudly call Kenya the true Silicon Savana of the world. Many years ago I was in San Francisco which is known as the Silicon Valley, the home of innovation. I went to a place. I was giving a talk. That was in 2014 or 2015 at a place called the Institute for the Future. When I was talking, one of these people asked me Mr. Sakaja, we are worried, concerned and surprised. We cannot understand and fathom.

Why is it that there is so much amazing innovation coming from Kenya that is even rivalling that which is coming from San Francisco? I told them two things. Number one, necessity is a mother of invention. The world has become a global village driven by technology powered by information. That young person in Kenya has the same tools for coding because we have computers. The same tools that are used to innovate there are the same tools that we have.

Madam Temporary Speaker, however, here we innovate to make sure farmers are able to get fertilizers. We innovate to make sure you can pay school fees or medicine can be sent across the country. There now because of the necessity, they are innovating for fashion and different needs. I told them you watch out Kenya is going to catch up.

I told them to watch out because Kenya was going to catch up. You can imagine how they are amazed by things like M-pesa and our cash transfer, travel and agricultural innovations. I was speaking to this lady. I spoke to a certain lady from a company where they are doing agricultural soil-based indexing to make sure that the right fertilizer goes to the right place. Those are innovations coming out of Kenya. Our ecosystem is amazing and there is a lot of potential in this area.

Madam Temporary Speaker, Government cannot fund startups but it can create a process or ecosystem through which startups thrive. The first thing these people said they want is that they want to Government to derisk angel investors. We can derisk angel investors and find a way to qualify and categorise them into companies that use innovation and can scale rapidly and say that if it does not work out, 30 per cent of the money put in can be recouped. If we do that, there will be a stampede to this country. People across the world are trying to see what can come out of Kenya.

For example, Senegal developed a digital paid platform that offers flexible options for consumers and businesses. It works in financial institutions, Government and mobile network. They once met the President years ago and they were just describing what they are doing in Nigeria. The Government use them as the go-to in dealing with the famers and they created a farmer's wallet. In Kenya, they have not been given a platform to do such a thing.

Madam Temporary Speaker, Sendy is a logistic platform that started operating before Uber. They have motorcycle deliveries and tracks at the touch of a button.

Incidentally, you will find most of these companies have to be registered outside Kenya because when it is here, there is the taxman. We have not created incentives for business incubation and it was one of the proposals in the Building Bridges Initiative (BBI). This country is not giving startups an opportunity to incubate and thrive.

I have given an example of Twiga Foods which is now into agriculture. They source for quality produce. Sen. Mutula Kilonzo Jnr. introduced me to them. I think he knows too many people. You need to sit close to him because he might change your life. Twiga foods provides a ready and guaranteed market from thousands of farmers around Kenya. They have cut out the middle man and the farmers are now getting the best value while institutions and individuals are getting the best price for some of these produce. They are now trying to look for billions of shillings just because of what they have been able to come up with.

M-kopa is a pay-as-you-go services for energy for customers across emerging markets. They have already connected 600,000 homes across Africa, providing 75 million hours of kerosene free lighting each month. The list is endless on the potential that we have. I keep saying that apart from my village in Ikolomani, we do not have gold. Ikolomani is a corruption of goldmine and Lolgorian in Transmara.

*(Laughter)*

We do not have diamonds or oil but it is neither here nor there. Our biggest resource as Kenya is above the ground. It is our young people. They have innovative ideas and a good work ethic. They are hardworking and resilient. That is what we must support through this start up Bill.

When we were doing this, we looked at what other countries like Senegal and Tunisia have done. It is very interesting but also disappointing. Would you believe that when we started this conversation, our friends from Nigeria were interested in our start up group. They asked what it was and even logged into some of those meetings. Today, they have done theirs under the Office of President Buhari. If you google 'Startup Bill' the first one to come up is Nigeria and it is the President talking about it. Here, we are going round in circles and yet we all these ideas.

Madam Temporary Speaker, this country has noticed the potential of startups and they are supporting them by enacting laws. The problem is that we do not have the legal framework that now protects them. We want to create that. I do not know why I keep referring to Sen. Mutula Kilonzo Jnr. but it is because we have the same wave length in many things including wanting to see Kenya as one.

Sen. Mutula Kilonzo Jnr.: and I went to Konza and there was a competition where young people were asked to innovate. It was won by a young boy whom I got from Dandora slums. The boy is just seven years old and he was coding better than children older than him. Imagine what can happen if we give all our young people the opportunity because the tool the world is using is the exact one.

We want to create what we call a virtual special economic zone because you cannot bring all these companies to Konza in Athi River. Once they have been

categorized as startups, wherever they are, then they are in a special economic zone. You can then allow them to get support from outside the country and give them tax breaks for a while and incubate them. That is the real reason.

Madam Temporary Speaker, because of time and because we already moved this, I want to move that this Bill be read the Second Time. The memorandum of this Bill is clear on how it intends to foster innovative thinking and entrepreneurship. We are not creating another entity but just emanating the Kenya National Innovation Agency (KNIA) which already exists to take up many of these roles. We have also talked of the role of county governments. It will be very easy.

I am glad you said from the Chair: ‘When I become Governor.’ That is the Speaker’s direction and it must be obeyed. I cannot let you down. I must become Governor. Today, if you ask the young people of Nairobi City County to give an innovation of how to sort the water problem and the one who does, will be given the tender to implement it. You will have many ideas including technology to see where leakages are and how to deal with the infrastructure of it.

If Parliament today created a hacker space and asked young people how they think we can do public participation better and connect with the people of this country; they will innovate because there are many innovation hubs. So, this just creates that regulatory framework. We do not want to over regulate the industry but just help nurture and incubate the industry.

With those many words, I move that this Bill be read the Second Time. I ask Sen. Mutula Kilonzo Jnr. to begin seconding because of time. When we come back next week, he will have prepared to second much more.

**The Temporary Speaker** (Sen. Were): Sen. Mutula Kilonzo Jnr., proceed.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Madam Temporary Speaker. I rise to second the Startup Bill, 2021.

From the outset, I support what Sen. Sakaja has said. In February during our trip to Dubai 2021 Expo sponsored by the Speaker, I learnt that they were looking for 104 startup outfits in Kenya. What surprised me is that they only found four. It occurred to me, as Sen. Sakaja said, the people who should be at the front – Government – to help young people do startups are not doing so. Either they do not want to support or much worse, they do not understand this.

As a result, the Minister in charge in the United Arab Emirates (UAE) Government, was shocked that Kenya could not provide the sort of people they wanted. These people are available. You can imagine out of 104 companies they requested for, only four managed to do this. Sen. Sakaja, Sen. Kavindu Muthama and I attempted this at Konza and we had young people from Makeni, Machakos and Nairobi City County who had not even seen a computer in the life, do a compass on a laptop created by Jomo Kenyatta University. It is amazing that the in just two days, the young people were able to do it.

**The Temporary Speaker** (Sen. Were): Sen. Mutula Kilonzo Jnr., you will have 18 more minutes to finish seconding the Bill in the next sitting.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Were): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 27<sup>th</sup> July, 2021 at 2.30 p.m.

The Senate rose at 6.30 p.m.