

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 10th May, 2022

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

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

PRAYER

PAPERS LAID

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

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today, 10th May, 2022.

REPORT ON THE INQUIRY INTO THE ECDE LANDSCAPE

Report of the Standing Committee on Education on the inquiry into the Early Childhood Development Education (ECDE) landscape in the country.

REPORT ON ANNUAL PERFORMANCE OF THE MINISTRY OF DEFENCE FOR FY 2020/2021

The Ministry of Defence, Annual Performance Report for the Financial Year 2020/2021.

PUBLIC FINANCE MANAGEMENT REGULATIONS 2022 (LEGAL NOTICE NO.54 OF 2022)

The Public Finance Management (Public Investment Management) Regulations, 2022 (Legal Notice No. 54 of 2022).

Thank you.

(Sen. Poghisio laid the documents on the Table)

The Speaker (Hon. Lusaka): Okay. Sen. Faki, please, proceed.

REPORT ON CONTROLLER OF BUDGET REGULATIONS, 2021

Sen. Faki: Mr. Speaker, Sir, I beg to lay the following Report on the Table of the Senate today, 10th May, 2022:

Report of the Sessional Committee on Delegated Legislation on the Controller of Budget (CoB) Regulations 2021.

Thank you.

(Sen. Faki laid the Document on the Table)

The Speaker (Hon. Lusaka): Sen. Shiyonga, proceed.

STATEMENTS

ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION, EQUAL
OPPORTUNITY AND REGIONAL INTEGRATION

Sen. Shiyonga: Thank you, Mr. Speaker, Sir. I would like to read the Statement relating to the activities of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, pursuant to Standing Order No. (51) (b), for the period commencing 1st January to 31st March, 2022.

I rise pursuant to Standing Order No. (51)(1)(b) to make a Statement on the activities on the Standing Committee on National Cohesion, Equal, Opportunity and Regional Integration for the period commencing 1st January to 31st March, 2022.

During the period under review, the Committee held eight sittings where it considered several legislative business agenda before it, among them Statements and Petitions.

On Statements, the Committee concluded on the Statement sought by Sen. Were on the recruitment made by the Cabinet Secretary (CS), Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, in 2013 to date, following considerations of submissions received from the Ministry.

On Petitions, the Committee considered a petition from residents of Migori regarding continuous exclusion of Persons with Disabilities (PWD) in Migori County budget.

The Committee met the petitioners and undertook a visit to Migori County. It met the county government officials and county assembly committee in charge of the matters of budget and finance. It made recommendations addressing the prayer. The report on Petition is ready and awaits tabling in the Senate.

Mr. Speaker, Sir, the Committee undertook a county visit to Busia County and inspection visit to Busia and Malaba One Stop Border Post (OSBP). During the visit, the Committee engaged the Busia County Government on the issues of inclusivity and diversity.

One of the key observation made by the Committee at the Malaba OSBP was that it has significant revenue flows for the country and is also the busiest inland entry point on the northern corridor, handling over 80 per cent of the cargo destined to East Africa (EA) countries.

The Committee was, however, concerned that despite its huge importance, the OSBP remains incomplete with signs of poor workmanship and lacks major infrastructure facilities leading to inefficiency.

The Committee also undertook a report writing and work planning retreat from Wednesday, 16th to Saturday 19th March, 2022 to:

(a) Consider and adopt the programme of activities for the period 21st March, 2022 to 17th June, 2022.

(b) Adopt the Petition by Migori County residents regarding continuous exclusion of PWDs in Migori County budget and County Integrated Development Plan (CIDP).

(c) Consider and adopt the Committee report on the inspection visit to the One Stop Border Post in Busia and Malaba.

In its work plan, the Committee intends to carry out the following key activities during the next quarter:

(d) Meet with the National Cohesion and Integration Commission (NCIC) and the Ministry of Interior and Co-ordination of National Government and other relevant stakeholders on preparedness of the upcoming general election.

(e) Meet with the relevant stakeholders on issues of promoting peace and cohesion in conflict zone such as Marsabit, Isiolo, Wajir, West Pokot, Turkana, Mandera, among others.

(f) Engage the Council of Governors (CoG) and National Council for Persons with Disabilities (NCPWD) on matters of equal opportunity and inclusivity.

(g) Undertake county visits to regions affected by conflicts that were pended due to COVID-19 pandemic.

(h) OSBP and county governments on matters of inclusivity hence promote regional integration by considering report from the Pan African Parliament (PAP) and East Africa Community (EAC) organs.

Thank you, Mr. Speaker, Sir.

ACTIVITIES OF THE COMMITTEE ON ENERGY

The Speaker (Hon. Lusaka): Thank you, Sen. Shiyonga. The Statement by the Chairperson Standing Committee on Energy is deferred.

(Statement deferred)

The Chairman, Committee on Delegated Legislation, proceed.

ACTIVITIES OF THE COMMITTEE ON DELEGATED LEGISLATION

Sen. Faki: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. (51) (1)(b) of the Senate Standing Orders to make a Statement relating to the activities of the Senate Sessional Committee on Delegated Legislation during the Sixth Session of the Twelfth Parliament, from January to April, 2022.

The Senate Sessional Committee on Delegated Legislation is established under Standing Order No. 221 of the Senate Standing Orders. It is mandated to scrutinize

statutory instruments laid before the Senate to ensure that they are consistent with the provisions of the Statutory Instruments Act, 2013.

The Committee considers whether the Statutory Instrument-

- (1) is in accordance with the provisions of the Constitution, the Act pursuant in which it is made or any other relevant law;
- (2) infringes on the fundamental rights and freedoms of the public;
- (3) contains a matter, which in the opinion of the Committee, should more properly be dealt with in an Act of Parliament;
- (4) contains an imposition on taxation;
- (5) directly or indirectly bars the jurisdiction of the court;
- (6) gives retrospective effect to any of the provisions in respect to which the Constitution does not expressly give any such power;
- (7) involves expenditure from the Consolidated Fund, or other public revenues;
- (8) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
- (9) inappropriately delegates legislative powers;
- (10) imposes a fine, imprisonment or any other penalty without express authority having being provided for in the enabling legislation;
- (11) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and,
- (12) accords to any other reason that the Committee considers fit to examine.

Mr. Speaker, Sir, membership of the Seasonal Committee on Delegated Legislation is comprised of the following members.

- (1) Sen. Mohammed Faki Mwinyi Haji, MP - Chairperson
- (2) Sen. Agnes Kavindu Muthama, MP - Vice Chairperson
- (3) Sen. Samuel Poghio, EGH, MP -The Senate Majority Leader
- (4) Sen. Farhiya Ali, MP- The Senate Majority Deputy Whip
- (5) Sen. Judith Pareno, MP
- (6) Sen. (Prof.) Samson Ongeru, EGH, MP
- (7) Sen. Abshiro Halake, MP
- (8) Sen. Mary Seneta, MP
- (9) Sen. Anwar Loiptip, MP,

Mr. Speaker, Sir, during the period under review, the Committee held 24 sittings. It reconsidered eight Parliamentary statutory instruments and one benchmarking visit by the County Assembly of Samburu on Delegated Legislation. During the period under review, the Committee undertook consideration of the following statutory instruments:

- (1) Consideration of the Breast Milk Substitutes Regulations and Control general regulations 2021.
- (2) Consideration of the Irrigation general regulations 2021.
- (3) Consideration of the Designation of Basin Areas Legal Notice No.235 of 2021.
- (4) Controller of Budget Regulations 2021.
- (5) Reconsideration of the Traffic driving schools, Driving Instructors and Driving Licenses Rules 2020 tabled in the Senate on the 15th of February, 2022.
- (6) Prepublication scrutiny of the draft National Billing Code 2022.

(7) Prepublication scrutiny of the draft regulations developed subsequent to the assent and commencement of the National Health Insurance Fund (NHIF) (Amendment) Act No. 1 of 2022.

(8) Prepublication scrutiny of the draft Intergovernmental General Relations 2022.

(9) Benchmarking visit by the County Assembly of Samburu, Senate committee on Delegated Legislation.

Mr. Speaker, Sir, the following regulations were submitted to the Senate by the Cabinet Secretaries (CS) pursuant to Section 11 of the Statutory Instruments Acts, 2013, and subsequently committed to a committee:

(1) The Breast Milk Substitutes Regulations and Control General regulations 2021 were tabled in the Senate on the 5th, October, 2021 and committed to the seasonal Committee on Delegated Legislation for scrutiny.

(2) The Committee, thereafter, held a consultative retreat from 2nd to 5th February to meet stakeholders and deliberate on the regulations. Pursuant to Section 12(1) of the Statutory Instruments Act, 2013, at a sitting held on the 5th February, 2022. The seasonal Committee on Delegated Legislation considered the Breast milk Substitutes Regulation and Control General regulations 2021 and further pursuant to Standing Order No. 22(1)(4)(a) of the Senate Standing Orders. The Committee resolved that the regulations be acceded to.

(3) The Irrigation General regulations 2021 were tabled in the Senate on the 2nd November, 2021 and committed to the seasonal Committee on Delegated Legislation for scrutiny. The Committee thereafter held a consultative engagement from 2nd to 5th February, 2022, to meet stakeholders and deliberate on the regulations.

(4) Pursuant to Section 12(1) of the Statutory Instruments Act, 2013, at a sitting held on the 21st February, 2022, the Sessional Committee on Delegated legislation considered the Irrigation General Regulation 2021. Pursuant to Standing Order No. 22(1)(4)(a) of the Senate Standing Orders, the Committee resolved that the regulations be acceded to.

(5) The designation of Basin Areas Legal Notice No.235 of 2021 was tabled in the Senate on 9th February, 2022 and committed to the seasonal Committee on Delegated Legislation for scrutiny.

The Committee thereafter held consultative engagements from 18th March and 19th April, 2022 to meet stakeholders and deliberate on the regulations.

Pursuant to Section 12(1) of the Statutory Instruments Act, 2013, at a sitting held on the 19th April, 2022, the Sessional Committee on Delegated Legislation considered the designation of Basin Areas Legal Notice No.235 of 2021. Pursuant to Standing Order No. 22(1)(4)(a) of the Senate Standing Orders, the Committee resolved that the regulations be acceded to.

(6) Reconsideration of the Traffic driving schools, driving instructors and driving licenses rules 2020 were tabled in the Senate on 15th February, 2022 and committed to the Sessional Committee on Delegated Legislation for reconsideration. At a sitting held on the 28th February, 2022, the Committee resolved to have a consultative workshop to meet with stakeholders and deliberate on the regulations. The matter is still before the Committee.

(7) The Controller of Budget Regulations 2021 were published by the Controller of Budget on 3rd December, 2021 pursuant to Section 25 of the Controller of Budget Act. The regulations were tabled before the Senate by the Senate Deputy Majority Leader on 9th February, 2022, and subsequently committed to the Senate's Sessional Committee on Delegated Legislation pursuant to Section 15(2) of the Statutory Investments Act. The Committee is required to scrutinize the regulations.

The seasonal Committee on Delegated Legislation considered the regulations and received submissions from the National Treasury, the Central Bank of Kenya (CBK), the County Assemblies forum, the Council of Governors (CoG), the Office of the Auditor-General (OAG), the Intergovernmental Relations Technical Committee (IGRTC), the Commission of Revenue Allocation (CRA) and the Institute of Certified Public Accountants of Kenya (ICPAK).

Mr. Speaker, Sir, some of the key observations of the Committee on the Controller of Budget regulations, 2021, were as follows:

(i) There has been a challenge with regards to the payment of pending bills. The regulations provide that an up to date schedule of pending bills and payment plans be provided during approval requests as per Regulation 82(C)(iii) of the said regulations. This will enable the Controller of Budget to track the payment of pending bills. However, the relevant laws need to be amended to ensure that correct pending bills are paid as per their approved requisition.

(ii) Regulation 22(3) on submission of quarterly reports to the Controller of Budget by 15th day of each quarter contradicts Section 83(3), (5) of the Public Finance Management (PFM) Act 2012. It requires Ministries, departments and agencies (MDA) to submit to the National Treasury and a copy to the Controller of Budget, the quarterly report on the 15th day at the end of every quarter and the National Treasury to submit consolidated quarterly reports to Parliament and a copy to the Controller of Budget by the 5th day after the end of each quarter.

(iii) The penalties contained in the regulation are not sufficient to deter non-compliance and; -

(iv) The regulations are in line with Article 25(2), (1) (a) of the Constitution which provides that an independent office holder may conduct investigation on his own initiative or on a complaint made by a member of the public. However, the investigation should be restricted to the functions of the Controller of Budget as per the Act.

Mr. Speaker, Sir, after consideration of the Controller of Budget 2021, pursuant to Section 15(1) of the Statutory Instruments Act and Standing Order No.22(1)(4)(b), the Seasonal Committee on Delegated Legislation recommends that the Senate resolve that the Controller of Budget regulation 2021 be annulled.

Mr. Speaker, Sir, in conclusion, allow me to commend the Committee members for their dedication in discharging the Committee's mandate. Despite the Senators busy schedule, my Committee has not experienced any quorum hitches.

I also thank the Office of the Speaker and the Office of the Clerk of the Senate for the support accorded to the Committee in undertaking its work.

I thank you.

The Speaker (Hon. Lusaka): Using my discretion under Standing Order No.1, I allow the Chairperson of the Committee on Finance and Budget to table her report.

PAPER LAIDREPORT ON THE COUNTY ALLOCATION
OF REVENUE BILL, 2022

Sen. Farhiya: Mr. Speaker, Sir, on behalf of the Chairperson of the Committee on Finance and Budget, I wish to lay the following Paper on the Table of the Senate today, Tuesday, 10th May, 2022-

The report of the Standing Committee on Finance and Budget on The County Allocation of Revenue (Senate Bills No.1 of 2022).

I thank you.

(Sen. Farhiya laid the document on the Table)

The Speaker (Hon. Lusaka): Hon. Senators, for the convenience of the House, I want to rearrange the Order Paper, so that we move from Order No.8 to Order No.25.

The Senate Majority Leader, please proceed.

BILL*Second Reading*THE SUSTAINABLE WASTE MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.22 OF 2021)

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to move that The Sustainable Waste Management Bill (National Assembly Bills No.22 of 2021) be read a Second Time.

Waste can be managed to achieve economic and socio-environmental benefits. Kenya's current waste disposal system is faced with many problems. These problems range from the cities failure to prioritize certain waste management to inadequate infrastructure. Several strategies have been put in place to address the issue of waste management, but they have not been successful.

To address the problem, efforts put in have not been enough because there have been no institutional changes made. This proposed Sustainable Waste Management Bill seeks to attempt to correct some of the problems and cure some of the issues that have been plaguing the whole area of waste management.

This Bill from the National Assembly was published on 12th May, 2021. It was passed in the National Assembly and referred to the Senate on 23rd February, 2022. In essence, the Bill seeks to establish the legal and institutional framework for sustainable management of waste and ensure the realization of the constitutional provision on the right to a clean and healthy environment.

Mr. Speaker, Sir, in trying to address the waste management challenge in Kenya, this Bill is critical to delivering on Kenya's constitutional right to a clean and healthy environment for all, advancing a circular economy to create green jobs and wealth from the waste sector and advancing the nation's sustainable development goals.

Sustainable waste management is also fundamental to delivery of each of the Government's Big Four national priorities. The transformational agenda on housing, manufacturing, food and nutrition, security and healthcare all have something to do with the management of a clean environment.

Kenya's leadership in the blue economy is important for the environment and waste management either on land, sea or in our urban environment. The whole idea of an ecosystem called sustainable waste management is supposed to be a priority in this country. It should be given new impetus so that we can begin to do what other parts of the world have done.

Mr. Speaker, Sir, countries make money from carbon credits and recycling waste and people have become extremely rich. Therefore, this is to establish an institutional framework and make sure that we adhere to what is in our Constitution in terms of clean environment by having a sustainable waste management system in the country.

This Bill is here for us to debate and pass it. It has several parts. Part I of the Bill, which has Clauses 1 to 4, provides for the preliminary matters, including but not limited to the short title, definitions of key terms, the objectives and general principles of the Bill.

Part II of the Bill, which has Clauses 5 to 9, provides for policy, coordination and oversight of waste management, defines the role of the Cabinet Secretary (CS), and provides for the establishment of the Waste Management Council and its functions. It also spells out the functions of the National Environment Management Authority (NEMA) in terms of waste management and provides for the functions of county governments.

Mr. Speaker, Sir, Part III of the Bill, which has Clauses 10 to 14, provides for the measures and actions, including the role of the CS and county governments regarding policies, regulations and standards. The administration of take back schemes, extended producer responsibility of entities engaged in the production, conversion and importation of products and packaging and establishment and administration of materials recovery facilities.

Part IV of the Bill, which has Clauses 15 to 19, provides for the waste management functions of the CS, accounting officers of the public entities and county governments. It also provides for the establishment and management of materials recovery facilities and the duties of private sector in the entities.

Part V of the Bill, which has Clauses 21 to 22, provides for access to information on waste management submitted and maintained by the NEMA and for public consultation and participation for the purposes of this particular Bill.

Part VI of the Bill, which has Clauses 22 to 23, provides for financial provisions, including allocation of fees for county waste management facilities and incentives for the production and importation of sustainable waste management.

Mr. Speaker, Sir, Part VII, which has Clauses 26 to 29, provides for monitoring, compliance and enforcement of National Environment Management Authority (NEMA). It also provides for the role of the National Environment Complaints Committee in establishing the complaints and redress mechanisms for the purposes of the Act and the establishment of partnership programmes by the Authority.

Part VIII of the Bill, Clauses 30 to 32, provides for General Provisions, including the obligations for environment restoration where waste management activities

have taken place, dispute resolution mechanisms relating disputes under the Act and general penalty for offences for which no specific penalty is provided for under the Act.

Part IX of the Bill, that is Clause 33, provides for the power of the Cabinet Secretary to make regulations for the better carrying out of the provisions of the Act.

Part X of the Bill, Clauses 34 to 35, provides for miscellaneous matters, including the integration of the waste management into school curriculum and for transitional matters.

The First Schedule of the Bill provides for the conduct of business and affairs of the Council. The second schedule of the Bill provides for the procedures to be followed in public participation as specified in Clause 23.

Mr Speaker, Sir, the Bill does not contain any provisions limiting any fundamental rights or freedom.

Clause 31 of the Bill provides for the power of the Cabinet Secretary to make regulations in order to make it better to carry out the provisions of the Act.

I, therefore, urge the Members to make contributions in this matter. Anyone can tell you how waste is mismanaged rather than how it is managed because we know how it is mismanaged. In our counties particularly, NEMA has to come clean.

It has to become stronger so that when anybody mismanages waste or does not manage waste properly or profitably or does not maintain a clean environment, we have to have somebody to take responsibility. The Bill then now narrows that to NEMA.

Mr. Speaker, Sir, there is a Complaints Committee which means we can now complain to somebody when our environment is not kept clean, when a town or a municipality fails to collect waste or fails to manage that waste and, therefore, spills into water resources or into people's livelihood.

This is a very serious matter that requires that we actually apply technology. It requires that we borrow best practices from other countries that have successfully managed their waste. That is basically not rocket science. We know countries and organizations that have managed their waste properly. This will take out the mismanagement that exists in our counties.

Mr. Speaker, Sir, it also compels us to invest in waste management. It will force us to get the necessary tools and equipment, facilities and institutions to manage waste in a very civilised way.

There are many places where you will find that waste is managed and in a situation in our counties where you wonder if NEMA was involved in that matter and if they actually gave permission of the licences for this particular way of managing or mismanaging that waste.

This is a very important Bill. As Members speak about waste management situation, we know that our counties have not been successful in managing many things, including our health situations. This one can now be the result of those sicknesses and those illnesses that lead us to go to hospitals, which have no medicine and so it becomes a vicious cycle of some misfortune.

I do not want to spend so much time on it. I urge hon. Members to consider and pass this important Bill in order to ensure that the country benefits from sustainable waste management systems. That will offer many opportunities and benefits to both the economy, the society and the environment.

Mr. Speaker, Sir, there is a lot of benefits, business and a lot of extra production or power from our wastes. It can be turned into a source of green power. There are many other benefits that can come out and I hope that Members will pass this Bill.

With those few remarks, I move and ask Sen. Dullo to second.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I will be very brief in seconding this Bill.

This is really a very important piece of legislation and it is long overdue. I will only comment on a few areas that I think that I really feel that this Bill is very important, especially Clause 2 which has really captured the gist of the legislation.

Waste management activity clearly highlights the importation and exportation of waste as prescribed by regulation of waste, including any activity or process that is likely to result in generation of the waste. It also highlights on accumulation and storage of the waste, collection and handling of the waste, which is very important, reduction, reusing, recycling and recovery of the waste.

There are many countries that have really made a lot of money from this particular kind of management recycling of the waste and also recovery of the same, and trading in waste which is also very critical. I think once we pass this legislation, it will help this country to generate revenue from this process.

I think there are ways of actually transporting waste. Where I live, in Lavington, sometimes you will see a whole truck full of waste and sometimes smelling almost an hour along the road. That is not good because we are polluting the air. I think it is very important to have proper ways of transporting the waste.

Transfer, treatment of waste and the disposal of the waste is also very important. We have been having a lot of challenges as far as waste management in our counties is concerned, especially in market areas, in hospitals and around our homes. If we have proper legislation in place on how waste is managed, then we will live as a healthy country.

Clause 3 highlights the object of this Bill. One of them is to promote sustainable waste management. In most of our counties, there are no strategies or ways of promoting sustainable waste management despite counties having budgetary allocations for those municipalities.

Mr. Speaker, Sir, improving of health of Kenyans by ensuring clean and healthy environment is also another factor that we need to take very seriously. Over the years, there are people who were doing exploration in Northern Kenya. They left a lot of waste, which is actually dangerous to the health of the communities living in those areas. If we have proper legislation such as this one, it will be able to help the communities manage their health and also ensure that the areas are left clean and healthy.

It will also reduce, air, land, freshwater and marine pollution; promote and ensure effective delivery of waste services, which is also very critical and create enabling environment for employment in the green economy in waste management recycling and recovery.

Mr. Speaker, Sir, as I said earlier, if we do that, there will be creation of employment within our counties. Many of our youth who are unemployed will be able to get employment in this country.

The other benefit is establishing an environmentally sound infrastructure and system for sustainable waste management. Apart from the big cities, most of counties do not have infrastructure that can be used in actually sustaining the management of waste.

It will also help to promote circular economy practices from green growth is also critical, and mainstream resources, efficiency, principles in sustainable consumption and production practices.

This can actually be borrowed from the countries that have already established that. Once we pass this particular legislation, it will be quite useful to our counties and also we will have revenue generated. Our counties and the population will be able to live in a healthy environment.

One aspect in this particular legislation is that the Bill mentions that two months after passing this legislation, counties will come up with a legislation. I think this is long overdue because if this legislation is enacted, we should be able to allow the counties to enact their legislations immediately so that we can deal with waste management in our counties.

Mr. Speaker, Sir, enforcement is very critical because there are many people who actually violate on the rights of individuals and citizens as far as waste management is concerned. I have a neighbour where I live, who burns waste every day at 4.00 p.m., behind my fence. I have reported severally to the National Environmental Management Authority (NEMA) but nobody is taking any action, which is a very serious matter. We need to enforce legislation that manage sustainability of waste management.

With those few remarks, I second and I thank the Senate Majority Leader for having moved this Bill.

I thank you.

(Question proposed)

Sen. Cherargei: Thank you, Mr. Speaker, Sir, for giving me this opportunity. From the onset, I want to commence by saying that this Sustainable Waste Management Bill is long overdue.

One of the biggest challenges especially to growth of our cities, towns and centres has been how to manage waste management and the issue of solid waste management across our counties.

Mr. Speaker, Sir, the biggest challenge even here in Nairobi City County being the capital city, for over the years, has been how to manage waste. If waste is not managed properly, it can become hazardous to public health. If we manage it well, it can be a source of income and employment. If you look at Dandora Dumpsite, it continues to be a source of many livelihoods of the young men and women around Dandora in this city.

Similarly, when you go to any centre, be it Nandi County where I come from, Mombasa City County, Kisumu City or West Pokot in Kapenguria, the biggest challenge has been how to harness and manage the issues of waste.

Under Article 43 of the Constitution, every Kenyan should have access to clean water and good environment. Therefore, we cannot talk about fundamental protection and environmental sustainability if we cannot manage issues of waste.

Mr. Speaker, Sir, I really want to thank the Senate Majority Leader, Sen. Poghisio, for bringing this Bill as part of the legacy of Senate. It is Bill that has been generated by the National Assembly but it deserves our attention.

Even, when you come to my small centre called Mosoriot Township, it has been hard for the county government to collect waste. Once in a while, they use a tractor but when you walk around Mosoriot Township, you find a lot of litter, solid waste and sewerage issues and this continues to be a threat. The same applies to Bungoma County where I have been on several occasions, both on official and unofficial duties.

In a town like Kapsabet, there is the same challenge of managing waste. When you go around showground areas you get a lot of waste being thrown about. When you go to Nandi Hills Market where Mama mboga and the hustlers are trying to eke living, there is the problem of management of waste.

I had an opportunity of taking Sen. Kang'ata, the incoming Governor of Muranga County, to Kapsabet CBD Market. It is hard and I sympathise and empathise with the mama mboga in Kapsabet Town Market who continue to languish despite paying for the services in Kapsabet Market.

I also sympathise with the customers who shop there because you have to dodge waste that has been left. Apart from unavailability of toilets and electricity, there is also a lot of solid waste that has been left in Kapsabet Town Market.

The county government finds it not fit to do anything despite fighting for billions of shillings to go to Nandi County Government. That is the sad reality. Towns like Kaptumo, Kobuchai, Serem, Kabiyet, Chepterwai, Ndala, including Lessos, Imaki, Nandi Hills, Maraba, Chemase, all those areas that have small trading centres continue to have a big challenge.

As we said in Article 43 of the Constitution, every Kenyan has a right to clean environment. In economic and social council, somebody should go to court. When you go to most of our counties, solid waste is not managed properly and yet there is the right to access to clean health. This is very unfortunate.

Mr. Speaker, Sir, this Bill is long overdue and there many issues. There is the issue of Clause 28 on the National Environment Complaints Committee which states that they shall establish a complaints and redress mechanism for purposes of this Act.

I can give an example of when Kisumu County Government wanted to relocate a dumpsite and that brought a lot of issues because there was no structured way of engaging.

When we talk about access to justice, this is one way of decongesting our courts. If we already have this, it will solve a lot of issues that would have gone to Environment and Land Court matters. I am told that the reason why the first Governor of Kisumu City County was not reelected back was because of the issue of push and pull of relocating the dumpsite within Kisumu City County.

Therefore, having this Complaints Committee will allow efficient access even at the national level. I know there are Kenyans who are not comfortable with having Dandora Dumpsite here in the city and they would want it to be relocated. We are planning to have smart cities in our counties. We are planning to have export processing zones like Konza City, we are planning another smart city in Eldoret. All these cities need a proper legal framework.

One of the ways to ensure that some of these disputes are resolved is this National Environment Complaints Committee (NECC). It is important.

Mr. Speaker, Sir, my second point is on Clause 29. Looking at the Urban and Cities Act, the role of county governments should not be downplayed. One of the functions given to county governments is waste management. Therefore, it is very important that county governments play their critical role.

This is the role of the Monitoring and Evaluation Authority (MEA) and it is very straightforward. I have seen in a particular clause – though I cannot trace it – where county governments are allowed to do partnership. I was watching a documentary in Aljazeera where other countries are selling excess wastage to other countries. I cannot remember the two countries that were doing that.

This waste can generate income through partnership. There is a way that we can manage waste and recycle. I am happy nowadays, some products in the supermarkets have the words “Recycle me” at the top. It is very important that we put in place recycle and waste management policies.

Counties need to partner and see how to manage waste. For example, we, farmers turn animal waste into biogas and generate cooking gas and electricity. Where I come from, we keep cows and other livestock. It is therefore very important for counties to partner with other organisations and agencies. We have classic examples of countries, which have succeeded in doing this. Waste should not choke our cities. I do not want to cast aspersion but I have seen that India’s biggest problem is waste management.

Access to information is a basic right. Under Article 34 and 35, public participation has been dealt with. You remember public participation was found to be critical in the case of the County Executive Committee (CEC) for Finance of Kiambu County.

I think the collapse and the red herring of the Building Bridges Initiative (BBI) was lack of or inadequate public participation. The standards in the Supreme Court are high. Agencies and people who aspire to be governors must be aware that public participation continues to be an ingredient in public management affairs.

As our brothers and sisters who are busy in the villages campaigning to be governors, they must be aware that even if you become a governor, you are not a demigod to decide; you must go back to the people. Power belongs to the people and that is what our Constitution envisages.

Mr. Speaker, Sir, I am happy that most agencies and institutions try to segregate waste. You will see a notice asking you to drop a banana peel and a plastic soda bottle in a separate waste bins. Segregation of waste makes waste collection very easy. This has been envisaged in Clause 20.

Finally, I think the private sector continues to play a critical role. The public private sector continues to be one of the biggest market players in terms of industries, especially the cottage industries. This means there is a lot of wastage and the private sector should be involved. The private sector should be involved in Corporate Social Responsibility (CSR) and this includes even waste management.

I am happy that Clause 19 provides for waste quantities and management method. This country has been having a challenge with most of the factories that I do not want to name.

In one of the leading television networks, I saw a story about neighbours in either Machakos or Mombasa Road, demanding the closure of a certain factory. We have been facing a similar challenge where I come from. I think the private sector continues to be a critical partner to ensure that the waste management is part of CSR that we are talking about.

In Sen. Faki's Mombasa County, they relocated the Kibarani Dumpsite. They have now planted trees on that piece of land and the place is now looking beautiful.

(Sen. Faki spoke off record)

I think Sen. Faki is confirming that it has been done.

I can see there is a lot of heat in Mombasa County but I hope the next Governor--- Mombasa County is very hot but I am just saying that it is hot politically.

I have seen former Gov. Sonko has relocated to Mombasa County. Hon. Abdulswamad and Sen. Sarai are there as well. I am told Mombasa is hot and it I hot politically. I know maybe Sen. Faki did not run for governor because it was too hot and the place is too hot.

Mr. Speaker, Sir, that relocation programme done by Mombasa County is very important. I hope that in terms of planning of our cities like Mombasa, Nairobi, Eldoret, Kakamega, Kisumu, Bungoma and many others, should be done in a more appropriate and orderly manner.

The functions of county governments in Clause 17 can never be emphasized. They have a specific role and governors should know why. Governors are quick to buy drugs from the Kenya Medical Supplies Authority (KEMSA), vehicles and going on trips abroad and exotic places in the world.

However, when it comes to solid waste management, fixing roads, bursary and paying casuals--- For example, I am told in Bungoma County that casuals have gone forever without payment. Governors should know that solid waste management is part of their work.

It looks like governors will only go where they think it is comfortable. I know managing solid waste does not have a nice smell but the point we are trying to make is that governors should realise that part of making our cities attractive---

In counties like Kisii, there is land fragmentation and it is coming to Nandi County. It will reach a point where we will need to ensure that most Kenyans live in cities in the next decade. How can we encourage rural-urban migration if our cities do not have a proper waste management plan as provided by this law?

Therefore, this law is futuristic and it will ensure waste management plan is put in place. I hope county governments will comply. As the primary oversight body, I request county assemblies to use this as a panel law to transplant and modify it to fit each country. This is because waste management in Nairobi City County is different from how it is done in other places.

Finally, I know many divisions are coming up. I hope our colleagues will find time and help make this Bill as our legacy. As President Uhuru Kenyatta retires, we want him to sign this Bill into law. This is what will be used by governors, city managers and urban or physical planners.

Mr. Speaker, Sir, this should even be part of the interview for somebody who will want to be an urban or city planner. I am not talking about the political interviews that we are seeing.

My brother, hon. Stephen Kalonzo Musyoka, has indicated that he will attend an interview that he had declined to attend. When they attend serious interviews, they should be conversant---

The Speaker (Hon. Lusaka): Sen. Cherargei, please, conclude. You have few minutes to state important points. However, you are now wasting them on political statements that you can say in *barazas*.

Sen. Cherargei: Mr. Speaker, Sir, I was using it as an example. When physical and urban planners attend interviews – not the ones we are seeing but of serious magnitude – they should be conversant with this law. I am not saying it in bad faith. It is good to attend interviews, including political ones.

The Speaker (Hon. Lusaka): Sen. Faki, you are next.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii kuchangia Mswada huu wa kudhibiti uchafu katika maeneo yetu.

Niruhusu nikupe kongole kwa kutuwezesha kuwa na Kanuni za Kudumu kwa lugha ya Kiswahili. Sikupata fursa ya kukupongeza kwa sababu nilikuwa safarini. Sasa kwa vile tuna Kanuni za Kudumu kwa lugha ya Kiswahili, tungependa pia Mswada, ripoti na Taarifa zichapishwe kwa lugha ya Kiswahili. Hii itasaidia watu wanaoфуatilia mijadala katika Bunge kusoma ripoti zetu kwa njia ya urahisi. Pia, itasaidia pakubwa kukuza lugha ya Kiswahili.

Tulipokuwa tunaanzisha hizi Kanuni, lugha ya Kiswahili ilikuwa imeratibiwa kwa lugha inayotumika pakubwa ulemwenguni. Swala hili tulilofanya wakati ule lilisaidia pakubwa kuhakikisha kwamba lugha ya Kiswahili inaendelea kukua na kutumika ulemwenguni.

Mswada huu wa usimamizi wa uchafu umekuja kwa wakati mwafaka. Tumeona kwamba kaunti zetu zinapata shida na lundo la takataka.

Tumeona Kaunti ya Kisumu imeweza kudhibiti taka zao kwa njia ambayo inaleta usafi kwa mji wao. Vilevile, Kaunti ya Mombasa, tumefanya hivyo. Zamani, ulipopita Kibarani, lazima ungefunga mapua yako. Sasa ukipita kibarani ni kusafi, kumepandwa miti na kumewekwa vinyago vya wanyama ambapo Jumapili watu wanakwenda kujivinjari. Watu wengi wanazuru sehemu ile kuona yale mabadaliko makubwa ambayo yamefanyika.

Ya kusikitisha ni kuwa jaa lingine la taka limepelekwa mtaa wa makaazi wa VoK, Nyali. Jaa hili limeweza kukua mpaka sasa limekuwa ni shida kulidhibiti. Ijapokuwa jaa kubwa la Mombasa liko sehemu ya Mwakirunge, lakini hili ambalo liko katika eneo la VoK limekuwa ni udhia kwa wakaazi wengi wa Nyali na sehemu hiyo.

Naomba Serikali ya Kaunti ya Mombasa iweze kuhakikisha ya kwamba jaa lile limeondolewa pia. Hii ni kwa sababu hatuwezi kuwa na jaa katikati ya makaazi ya watu.

Usafi ni ustaarabu. Naweza kuleta sheria kama hii, lakini ikiwa sisi wenyewe hatuna ustaarabu wa kuwa wasafi ama kuweza kudhibiti takataka zetu hata tuwe na sheria kama hii haitasaidia. kwa mfano, tumewaona watu wengine wanaendesha magari barabarani na wakikunywa maji, wanarusha chupa nje na kuanguka kwenye barabara. Kwa hivyo, hata ukamuekea sheria mtu kama huyo, itakuwa ni kama kupigia mbuzi

guitar kwa sababu, hana tabia ya ustaarabu. Kwa hivyo, kama huna tabia ya ustaarabu, hata ukawekewa sharia, haitakuwa na faida yoyote.

Sheria hii itasaidia pakubwa kudhibiti lundo la *takataka katika kaunti zetu. Sheria hii pia itadhibiti kuagizwa kutoka kwa nchi za nje takataka ama mabaki ya vitu vichafu kama vile vitu vya sumu.

Tukikumbuka hapo awali eneo la Mikindani, Kijiji cha Owino Uhuru wakaazi walienda mahakamani kudai ridhaa kwa sababu walikuwa wameletewa mabaki ya madini ya *lead ambayo* yalikuwa na sumu na yakaathiri afya zao. Serikali ikaombwa ilipe Ksh3 bilioni mwaka uliopita. Lakini, mpaka sasa, pesa hizo hazijalipwa. Ijapokuwa athari zile zimepungua, watu wa Owino Uhuru Kaunti ya Mombasa wanazidi kupata shida kwa sababu zile pesa zingewasaidia kugharamia matibabu na mambo kama hayo.

Jambo lingine limenifurahisha ni kuwa hii sheria ikipitishwa katika Bunge hili, serikali za kaunti zitalazimika kupitisha sheria hii ili kudhibiti takataka katika maeneo yao.

Mara nyingi taka hizi zikibebwa, zinatupwa maeneo fulani ambayo inakuwa ni hasara. Watu wanaokota taka katikati ya mji na kutupa katika eneo fulani ambapo zinachomwa. Zikichomwa zinaharibu mazingira kwa sababu ule uchafu ukiingia hewani unaharibu *ozone layer*. Hii inasababisha kubadilika kwa hali ya anga.

Hili imekuwa tatizo kubwa katika ulimwengu. Hii inasababishwa pia na maswala ya kuchoma taka ovyoovy. Haya maswala ya kuchoma taka yanatakikana yasimamishwe ile tukae kwa mazingira safi.

Matumizi ya takataka hizi uleta bidhaa tofauti. Kwa mfano, kuna nchi ambazo zinapata nguvu za umeme kutokana na takataka na vitu ambavyo vinatupwa.

Tumeona kuna sehemu zingine taka inaundwa kuwa vitu tofauti kama makaa ya kupikia na matofali ya kujenga pia. Zote hizi zinafanyika iwapo kutakuwa na uwekezaji katika sekta hii ya taka. Wengi ambao wametumia takataka kwa njia nzuri, wamepata manufaa makubwa.

Badala ya kuchukua taka na kuchoma, itakuwa ni bora kaunti zetu ziweze kulazimishwa kuhakikisha kwamba hizi takataka zinatumiwa kwa njia ambayo itasaidia kuleta maendeleo na kuleta mazingira safi katika maeneo husika.

Bw. Spika, katika sheria hii, kuna nafasi ya kutatua mizozo kupitia kwa uwiano ama mazungumzo. Kiingereza wanasema *dispute resolution section* ambayo ni kifungu cha 32 ya sheria hii.

Hiyo itasaidia pakubwa kupunguza mizozo baina ya kaunti. Kwa mfano, takataks za Nairobi zilikuwa zinatupwa Murang'a. Kwa hivyo, mizozo kama hiyo haitakuwepo iwapo sheria hii itatumika.

Sheria hii ni nzuri. Kaunti zetu nyingi zinatumia sheria za miaka kumi baada ya kuwa na serikali za ugatuzi. Kaunti nyingi zinatumia *bylaws* ama sheria ambazo zilikuwa zimepitishwa na *county councils* za zamani, kudhibiti mambo ya takataka kama ambayo yamezungumziwa na sheria hii.

Mhe. Spika, sheria hii itasaidia kuendeleza usafi katika miji yetu. Itasaidia pia kupata wawekezaji ambao wataweza kusaidia kwa kuleta maendeleo kwa kutumia vifaa visivyotumika tena. Iwapo sheria hii itapitishwa, itakuwa ni njia moja ya kukuza uwekezaji na nafasi za kazi katika maeneo yetu.

Pesa nyingi zinatumika kusafirisha takataka kwenda kwenye majaa ambayo hayasaidii chochote kimaendeleo wala hazina manufaa kwa jamii husika.

Asante Mhe. Spika kwa nafasi hii.

Sen. Seneta: Mr. Speaker, Sir, I thank you for giving me the chance to contribute to this important Bill.

From the onset, I wish to state that this is an important and timely Bill. It is one of the Bills that I wish this House can pass before the next Senate. A clean and healthy environment is a constitutional right. Article 42 of the Constitution states that every citizen has the right to a clean environment.

There is no infrastructure and system put in place in our counties to ensure that citizens are free from air pollution and environmental hazards. This Bill has come at the right time. It has a provision where the county governments can improve their structures, policies, regulations and standards on how to improve the environment.

It has also given responsibilities and roles to the Cabinet secretary (CS) and the county governments with regards to making policies and regulations. This is important because, right now, collection of garbage in our counties, their transportation, lands and fields for dumping, water drainage systems, have all failed. We have no proper system to address these environmental matters.

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

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

Madam Deputy Speaker, when this Bill is passed, it will address the issues that I have highlighted. Of interest is the provision that will enable county governments to do financial allocation and give incentives to companies and institutions that are doing garbage collection and management of waste. Another interesting provision in this Bill is creating a monitoring, compliance and enforcement law in the Bill. The county governments and institutions like the National Environmental Management Authority (NEMA); the authority in-charge of waste management, will have infrastructure for monitoring and compliance.

This Bill is timely. I urge the House to pass it because it will go a long way in helping us to put our urban areas infrastructure in place for waste management. It will assist our county governments to enforce waste collection and management.

I therefore support this Bill.

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

Sen. (Dr.) Musuruve is online. Kindly proceed.

Sen. (Dr.) Musuruve: Madam Deputy Speaker, I thank you for giving me the opportunity to support this Bill.

This Bill is in itself self-sustaining. It is giving possible ways of ensuring that there is no environmental or water pollution. Managing waste will create an efficient way of protecting our environment. It will also ensure we get something from the recycled waste.

When waste is managed, it can be recycled to something useful. I have seen in many parts of this country where women, men and youths collect bottles and different

items from garbage for recycling. If this waste management is enshrined in law, there is a big likelihood of creating employment in counties. This should be a business of the county governments. Waste is in all parts of this country.

I give an example of a waste disposal program that I have seen, I am sure many people who have been to Mombasa have seen it too. On your way to or from the airport, you will find a place where there used to be a lot of garbage but it has since been cleared and is now a tourist site. This action from the County Government of Mombasa is not self-sustaining. The dump site was transferred to another area.

Waste management means that the waste should be translated into usable value. We can get cheap energy from waste. In some counties, I have seen people translating cow dung into usable energy. This is cost effective. I support this Bill which should be embraced by county executives. They should identify resources and the available waste. The waste needs to be categorized into sections, for example cow dung, paper bags, *et cetera*. whatever waste being managed should be managed in a way that will be productive.

We have seen instances where waste has polluted sea water affecting life in the water, like fish. If there is a way waste can be managed, then it will not affect the species in the sea. Apart from that, we also have air pollution. When you go near a heap of waste, you find that the air is polluted. You will even find the place infested with rats that find their way into people's houses. As a result, people end up getting diseases. When this Bill is enforced, then it will have an effect on climate protection.

Madam Deputy Speaker, we have to look for suitable technology that can help in recycling. I am sure there are many countries that have come up with technologies that can be used in recycling waste. That is the direction that Kenya should take.

Apart from that, this should be a win-win for us a country because it will end up creating employment. The People who collect waste and those with the expertise will get employment. This is a huge industry which I foresee employing university graduates and both skilled and semi-skilled people.

Madam Deputy Speaker, as I support this Bill, I hope it will see the light at the end of the tunnel. I hope it will also be assented to by the President. I am wondering because there are many Bills that have not been assented to. Others are still lying somewhere in the National Assembly.

We have always fast-tracked Bills that come from the National Assembly and sent them back in good time. Unfortunately, we have some Bills in the National Assembly that have really taken long.

We are aware that some of the Bills like the one on the Kenya Sign Language and others are still in the National Assembly. I hope that the Senate leadership will communicate to our sister House to ensure that these Bills see light at the end of the day.

Madam Deputy Speaker, I support this Bill and thank you for the opportunity.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you Sen. (Dr.) Musuruve. Sen (Dr.) Ali who is online will be followed by Sen. Kavindu Muthama.

Sen (Dr.) Ali: Madam Deputy Speaker, we are good at bringing legislation and good Bills which are never implemented. That is the problem of this country. We bring new Bills every day but nobody cares. What is the need of talking about waste

management? People are saying this is the right time. We already have many laws which can be used to take care of this.

Sen. Faki has said that we have a bad habit as a country and as a people. We do not even care where we dispose our waste. The normal ones forget about the other serious ones and the ones which are severe. We throw waste from our households anywhere and it rots in those dustbins. Look at the few dustbins that are in town.

Look at what has been happening in this country for a long time. For example, if you go to Dandora Dumpsite, you will find *chokoras* and other people picking things to go and recycle but how do they look?

When you look at the companies which are supposed to be collecting normal waste from households, how do the workers and the vehicles look like? We should not make it appear like that is not a proper business when those people doing the business are minting millions of shillings from the people they collect the waste from. That is just the simple normal waste from households.

The people using those vehicles to collect waste and the vehicles are usually dirty. When they pass next to you, you feel like fainting. When you go to other places, the waste collectors have overalls and they are well protected. We do not care about our people or anything and we are talking about laws which will not help anybody.

As far as I am concerned, this is not the right approach. We have to change our attitudes first. We should be aware of the fact that we have to clean our environment.

In some areas, when you enter a house, it is very clean but outside there is dirt everywhere. We have that problem and I do not think that these laws will help anything. Everywhere you go is an eyesore. The people who collect garbage are usually dirty. So, this will not help.

Look at our waterways. The few small streams that we have in Nairobi are all stinking and dirty. We have the NEMA, which is just a mammoth organisation which I do not know what it does. Why create another authority called Waste Management Authority, when the NEMA, with all the resources and what has been done cannot function for all that long?

As far as I am concerned, this is just duplication and it might not be helpful. It is a waste of money because people want to create positions for themselves, so that---

My take is that there are issues coming up. Probably there are some international organisations that want to dump things here or an organisation is being created so that people do funny things.

Madam Deputy Speaker, as far as I am concerned, this Bill is of no consequence. As I have said, we have had several Bills. The Environment Management and Co-ordination Act, which provides for establishment of NEMA, should handle that. I do not see why we should create another Authority with many other people who will be employed when many bodies are collapsing because of lack of finances and what to do.

As I have said, our waterways and streams are dirty. If you go to Athi River, you will see what has happened but we cannot manage that. If the NEMA cannot manage that, then what is the meaning of waste disposal?

Organic waste can be used to create energy if people are properly educated. We need a lot of energy in this country. Biogas is not only generated from animal waste.

Even organic waste can be used to generate that. That is a simple technology which can be used in households.

The national Government failed to perform in this aspect for a long time. That is about 60 years. Now, county governments which are suffering due to lack of money are being asked to take over some functions.

Money should follow functions, but county governments are mismanaging the little money they are given. By establishing other bodies with the hope of creating employment, we will cause more harm to the counties.

Counties are not able to collect even little garbage within their county headquarters. Forget about the sub counties. Everywhere in this country, there is unnecessary garbage, which is mostly organic and some few plastics which can be recycled.

E-waste is becoming a great hazard to this country as well but nothing is being done. What is the need of creating all these when the NEMA has failed? That is the question I would like to ask.

There are many other organisations and Ministries which are supposed to handle this but have failed. How will county governments perform with no money when resources are not being released but the National Assembly is bringing this Bill here, when they are curtailing the money which is supposed to go to county governments?

There is no increment in this financial year and you know what we have undergone before. The money is still the same like the one we allocated in the last County Allocation Revenue Bill. Nothing has changed because it is still Kshs370 billion but we want to add more functions to county governments.

According to this Bill, it is stated that once it is passed and signed by the President, within one year, it should come into practice. As far as I am concerned, these are just write-ups which are not helpful.

Whether my colleagues say this is the right time for this Bill and it is encouraging, as far as I am concerned, it is nothing. These are just papers which are being brought here but nothing happens because there is no implementation. When there is no implementation, what is the use of passing unnecessary laws which are not helpful to this country?

In Clause 9, it is stated that county governments shall be responsible for implementing the devolved function of waste management and establishing the financial and operational conditions for the effective performance of this function. Where will that money come from?

Clause 9(2) says –

“The County Government shall ensure that county waste management is in conformity with this Act within a period of one year of the coming into operation of this Act.” All these things are just imaginations.

Clause 9(3) says-

“County Governments shall ensure the disposal of waste generated within the county is done within the county’s boundaries except where there is an agreed framework for inter-county transportation and disposal of waste”

They cannot even do that. At times when you look at some of these issues, you realize that county councils were better.

As far as I am concerned, I do not agree with this Bill. It is not helpful and is a waste of time because there are no resources. The county governments have been mandated to do everything and the national Government wants to just create a board in which they will employ people, yet they will not be given funds, and so, nothing will happen.

Madam Deputy Speaker, I oppose this Bill.

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

Sen. Kavindu Muthama, please, proceed online.

Sen. Kavindu Muthama: Madam Deputy Speaker, thank you for giving me this opportunity to make my contribution to the Sustainable Waste Management Bill (National Assembly Bills No.22 of 2021), which is long overdue. We needed this law like yesterday. When you go to most of our counties, especially where I come from – Machakos County - all towns are littered with uncollected rotten garbage.

Sen. (Dr.) Ali who has just spoken said that county governments have no money. They collect revenue from business persons – the *mama mbogas* in towns - but do not collect garbage. The same money can be utilized for collecting garbage. The county governments have workers and also have trucks which can collect garbage.

Madam Deputy Speaker, yesterday, we had a prayer meeting in Machakos Town and the place was infested with flies and foul smell. It is not only in Machakos Town, but all towns. As I go round doing my campaigns, most small towns in our counties do not have essential facilities like toilets, yet those markets have existed for long. They do not have sheds for the *mama mbogas* to use when they are selling their wares.

According to Article 43, every Kenyan has a right to clean water and environment and a clean place for doing business. This law will help because I have seen companies recycling plastics to bricks, which can build houses.

If we can implement this kind of a project in our country, it can create employment opportunities for our citizens jobs, which are scarce. Most of our young people have no jobs. Therefore, if we recycle plastics into blocks, we can even build cheaper houses. There will be no need to buy stones that we build with.

Madam Deputy Speaker, this Bill is very timely and should be implemented. However, the Government should also make sure that counties get funds. Some counties get funds and misuse them by going on trips, incurring recurrent expenses and do not do projects that benefit our citizens.

I also thank the Senate Majority Leader and the National Assembly for this Bill. I pray that it will be assented to and get implemented before the end of the term of this Senate

I support.

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

Sen. Faki proceed. Sorry, you already spoke. We have not cleaned our page. Sen. Olekina, Senator of Narok County.

Sen. Olekina: Thank you, Madam Deputy Speaker. How are you doing? I have not seen you in a long time. Congratulations, Madam Deputy Speaker. I saw a good picture somewhere.

I do not know whether to support this Bill or not. This is because I have gone through it and know that the Senate Majority Leader moved it, yet it is not his Bill because it belongs to the National Assembly.

I share the same sentiments with my colleague, Sen. (Dr.) Ali. Waste management is a very lucrative business. Sometimes, I think it is a bit ridiculous that we sit down in Parliament to develop legislation and most of the legislation developed here is aimed at one thing. Before, every legislation sponsored by the Government was aimed at one thing - creating an authority.

If I was to support this Bill, I do not know whether to use the word 'stupid' because I do not know whether it is parliamentary or not. It is un-parliamentary.

(An hon. Member spoke off record)

I did not move it; I requested. If you look at this Bill, you find that whoever thought about it had a good idea. It says that waste management is not being done properly. This should be our own responsibility as citizens of this country; to have a better country to live in.

Madam Deputy Speaker, I hope you will take time to read it. I have just skimmed through it. One of the things that really baffle me is when you read from Clause 6 (1) which says -

“There shall be a council to be known as the Waste Management Council which shall be established by a Cabinet Secretary within one year of the coming into operations of this Act.”

Clause 6(2) (a) says -

The Council shall comprise of –

“The Cabinet Secretary who shall be the Chairperson.”

Jesus Christ! When did we start reducing the work of the President to appointing a chairperson to help us, citizens of this beautiful country we call Kenya, manage waste?

Madam Deputy Speaker, it should be the responsibility of every individual. If I was to support this Bill, then clauses 6 to 9 must be deleted. This is an avenue of creating jobs to create an authority, a council and have powerful people drawing salaries, allowances and have people travel.

That is what we do. We travel abroad, get a huge *per diem* because he is a chairperson appointed by the President, going to benchmark to see how other countries manage their waste, yet, we have not been able to manage the waste in this country.

Why on earth should we start creating an authority and giving it to the Cabinet Secretary (CS)? Is it that the CS does not have work to do? We have the National Environment Management Authority (NEMA). What is their job? If you go to NEMA, they will tell you certain functions have been devolved.

Madam Deputy Speaker, there is another clause here, which I want people to see. Another ridiculous provision in Clause 18 says -

“Every County Government shall prepare and submit to the County Assembly for approval an integrated County Waste Management Plan, once every five years.”

They are now putting it into their County Integrated Development Plans (CIDP).

The county governments should develop a policy. We should not have a CS sitting down and saying that we are now going to develop a policy on how we are going to manage waste. We will also devolve this policy, so that the county governments and assemblies will develop a policy that will be put in their CIDPs for five years.

This is ridiculous.

Madam Deputy Speaker, if we are serious as legislators and want to help this country deal with the issue of waste management, the first thing we need to do is to reduce it in our own homes. In our own households, every so often - I will give an example of these temporary homes that we live in Nairobi - every so often, there are trucks that come to collect waste. What we do there is to bundle all the waste in one basket.

The National Environment Management Authority (NEMA) is another body where people just collect money for the sake of it. They do nothing. What NEMA should be doing is to say:

“Sen. Poghio, you need to have three bins. Bin number one is for all organic waste; all the food and vegetables. Bin number two is for all recyclable materials; papers and plastic. Bin number three is any other hazardous waste of bottles and stuff like that, which we can recycle. We need first of all to define what can be recycled and what can also be used to generate revenue.”

If you go to Italy - and I went there to study the issue of waste management about 10 years ago - you will see companies that make billions of shillings. Even in the USA where I lived for 20 years, waste management companies make billions because they create dams, where they go and recycle the food that you waste. They also take that and turn it into organic manure.

Here, even when we are constructing the roads, you will find that the people who have been given the tender to construct the roads go and cut the trees. When they cut the trees, they expose us to all these environmental hazardous things. They bring drought and just sell that for firewood. The leaves are just left to rot right there. They are swept away and sometimes just dumped in Dandora. I will give you an example of Nakuru.

In Nakuru, there is a very good friend of mine called Zakayo, who owns a timber yard. When I came back from Italy, I went to his timber yard. His timber yard is a mill where he has been milling timber for a long time. As a result, the waste is almost as high as this Parliament. It just sits there. When I got there, I said, Jesus! These are billions of shillings. With simple equipment, you turn that to create compost and use it to grow trees. You can use it for your flower gardens. We have buildings now coming up, where people are planting trees. I have one of those. You cannot put soil there; you use compost.

I think what we need to do first before we even think of passing a law like this is to ask ourselves whether we are ready to have a clean environment. If we are, what is the work of NEMA? NEMA should be engaging county governments in ensuring that they clean their cities first.

Our cities are dustbins. If you go to our markets, they are dustbins and there is no county government that wants to improve on the markets because the person who is cleaning there wants to make some little money, but they are still filthy.

Therefore, I do not think I can support such a Bill that all it aims to do, and I am sorry, Senate Majority Leader, you are just a messenger--- I will spare that a little bit, but

will be honest to say that this Bill just aims to create authority; to give the Cabinet Secretary more jobs for nothing. In fact, the first thing we should do is that NEMA should come up with regulations. They should sit down with the county governments and look at your spatial plan. Where are we getting income?

When we are getting income, let us use technology to ensure that Sen. Poghio, who owns this building, has got the responsibility to ensure that in that building waste management is priority number one. He must have three bins. If he does not have three bins, then he should not be issued with a license. That is how we develop clean environments. Therefore, it will be Sen. Poghio's responsibility to ensure that every person who occupies that building as a tenant is responsible. That responsibility will also be able to spread even in our homes.

The only thing that NEMA did, which I think we should congratulate them or the Ministry of Environment, is to ban plastics because our counties were littered with plastic waste all across. They are still there because they still find their *panya* routes to come into the country, but at least, it is better than before.

There is no way a legislation is going to come and help clean our cities when we are all dirty and filthy. The first thing that we need to do is to recognize that we do not need a law to manage our waste. Secondly, we should ensure that we can now use that waste to make money.

If my good friend, Mzee Zakayo, in Nakuru would just buy a small machine, he would be exporting fertilizer. He would be exporting composite, just like it is exported all over. If you go to Game Supermarket now or Carrefour, you will find compost, which has been imported from other countries as if we do not have waste in this country.

I do not think I can support this Bill. I am sorry that the person who drafted it had good intentions because he wants to see a clean environment. However, cleanliness starts with you.

Now, how we deal with this matter? First, every county government must ensure that before they issue a license to either a building or anybody, that person must come up with a policy or plan on how to manage that waste. Everyone pays a license and, in that license, there is waste management fee. However, that money is just collected and mixed with other resources, and those county governments do even clean those cities.

I was in West Pokot recently and would actually say that the small towns that we went to campaign were clean because people do not have a lot. However, here in Nairobi, it is because we accumulate a lot and do shopping a lot. People in the small towns go to the market once a week to buy their food. So, you will find a small plastic bag and everything.

We should learn from our rural areas that are clean, so that where we live in these urban areas, we ensure that NEMA does its job. We should not have another authority being created by a Cabinet Secretary. It is just a way of syphoning public funds. NEMA ought to look back and say what is it that we can do to perform our functions.

This Bill is one of the worst Bills that I have ever seen in this Parliament. I hope that we can all come of age, such that when we come and introduce legislations in this Parliament, we do away with this nonsense of creating authorities. In fact, this is called a Waste Management Council. We give it such a beautiful name and you also now give the

President the responsibility of appointing the chairperson of this council. Maybe when you go to that chairperson's home, he or she will not even know how to manage waste.

In summary, it behooves us instead of coming up with legislations day-in-day out, to ensure that we live in an environment that is clean; an environment which respects itself.

Madam Deputy Speaker, hypothetically, if we are to pass this legislation and have not even dealt with the issue of dumping in this country, how are we going to solve our problems? Today, if the Kenya Revenue Authority (KRA) would listen or the National Treasury would pay attention, there is absolutely no reason we should reduce ourselves to be driving old V8s. It is just because we have raised the taxes so much.

Kenyans working in well to do countries drive new vehicles, which are clean and good for the environment, at very little cost. Today, you will buy a second hand car from the United States of America (USA) or Japan for Kshs300,000. Remember, they are dumping but by the time it lands here, you will pay Kshs1.6 million, yet you talk about corruption. Do you think corruption will ever end?

Why do you think that person will get that Kshs1 million on top to be able to pay? When you drive that vehicle for about two months, it starts developing problems and pollutes the environment. I wish I could have seen a provision in this Bill that proposes 100 per cent ban on the importation of used vehicle and instead, lower the taxes of all brand new vehicles.

When the Cabinet Secretary (CS) – I believe it was Hon. Munya – attempted to introduce certain provisions to reduce the number of years that an old vehicle can be allowed to be imported into this country, we, politicians were up in arms. Unscrupulous businessmen who dwell in that business were also up in arms. He then said he was not bothered. If we were serious enough, that would be the first step that we would take to make sure that we do not pollute this environment.

Secondly, the Ministry of Health through Public Health offices should actually up their game on all these businesses. They should talk to the people and explain to them that they cannot continue to pour toxic material into rivers because it affects the people downstream.

There are so many hotels build next to rivers, but they dump human waste and everything into the rivers. That is why Nairobi River is so filthy, although the late Hon. Michuki attempted to do something to fix it. I always say that the Ministry of Health, through the public offices, can do so much for this country in improving sanitation.

If the Ministry of Environment and Forestry – which I think has failed in performing its duties – were to up their game a little bit and care about the environment and not policy or boardroom meetings all the time, we would have a better country.

As I summarise, this Bill requires county assemblies to come up with a five-year plan, ought not to be reduced into legislation. It should be something where, at least, when they are coming up with their budget and they are looking at their special plan to see where they are making their resources from, it is something which they should consider. They should allocate a certain amount of funds to the environment when charging license fee. Once it goes into environment, each county government should develop a very strong department of public works to deal with cleanliness in those cities. It behoves us.

Madam Deputy Speaker, as I finalise, we have to begin by cleaning the environments. Let us start recycling all the waste in our homes and then slowly by slowly, as legislators, work with the county assemblies to ensure that when they are passing their budget, there is a clearly known dumpsite. Instead of increasing politics in that dumpsite---

Ask Sen. Mwaura here and he could have a very good idea of making money and creating employment from Dandora Dumpsite. However, the moment he will set his foot there, a million people will come up in arms and ask him what he is doing. It is because people make money, but they want to continue making money in a very dirty environment. The Dandora Dumpsite would create a million jobs and put money into this economy. Now, it cannot.

Every town and city, Narok County included, has their dumpsite next to a river and there are people living downstream. We are not only cleaning the sewage and dumping the water into the river, but also dumping all toxic material into that river.

Therefore, I will not support this Bill.

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

Let us now listen to Sen. Shiyonga.

Sen. Shiyonga: Thank you, Madam Deputy Speaker, for giving me an opportunity to contribute to this Bill.

The originator of this Bill had a good idea of waste management. However, Clauses 5, 6, 7, 8 and 9 contradict this Bill. My colleagues have especially touched on the authorities that are supposed to provide analytical reports, county governments collecting and managing waste and the council creating jobs. Already, the Kenyan Government is constrained in terms of the budget. Even if you want to create jobs, let us look for a law that can create jobs that are sustainable and beneficial to Kenyans.

Article 42 of the Kenyan Constitution, 2010 guarantees the right to clean and healthy environment. It includes the right to the environment and protection of the future generation.

It is important that when we get such Bills, we scrutinise them carefully because some clauses contradict the whole thing. There is no essence of discussing and passing such a Bill here, when it will actually erode the gains made.

Madam Deputy Speaker, sustainable waste management has been a challenge for both levels of Government. It is a challenge at the county government, where they say most responsibilities should go, through the Authority and the Council that they want the Cabinet Secretary (CS) and Principal Secretary (PS) to come up with.

Looking at this piece of legislation, it is very important for us to check and completely delete such clauses. They are just adding more corruption avenues to the county government, which is already complaining about a constrained budget and the workload that it already has.

At the national level, we do not have enough money to run the Government. I do not think this Bill will work with the current budgetary allocation for county governments.

Increased level of production in agriculture and other sectors of the economy are usually accompanied by the resultant waste that is unsustainable. This is at a level where

health hazards within our environment are managed. We really have a big a problem with most of the estates that are mushrooming in the country.

Madam Deputy Speaker, NEMA has totally failed us when it comes to waste management and air pollution. Where I live, we are always complaining about NEMA because it has policies that cannot be sustained, reviewed or leased.

When you go to NEMA right now with a complaint of waste management or assessment of pollution in a certain estate, they do not have an answer, but want you to convince them. Why should we have authorities and councils in addition to NEMA, that we need to convince, yet their work is to act and sustain our waste management?

We have had cases where counties charge businesses and business operators for waste management without delivering the services. They are just making money and booming businesses through the officers who are there. However, nobody can show you where these county governments take the money that they collect from this. Instead, they come up with their own businesses and collect money on behalf of the county government, whereas the business is theirs. Why should we continue to pump money or create jobs in county governments just to continue with the cases of corruption that we are trying to control and talk about in this Senate?

Madam Deputy Speaker, with the advent of regional economic development blocs, it is worth noting that the Bill provides the inter-county cooperation on waste management, which is a good thing but, again, let us look at it closely. How are these economic blocs working currently?

Although these are additional authorities to what we already have with NEMA, I totally disagree with the content and set up of this Bill with regards to creation of additional jobs in the county governments, which will lead to more corruption and wastage funds. I feel that we should not support this Bill. It should go back. We should not vote for it because we will waste resources and open avenues for corruption and nepotism when it comes to employment.

Thank you, Madam Deputy Speaker. That is my contribution.

I do not support.

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

Sen. (Dr.) Mwaura, please, proceed.

Sen. (Dr.) Mwaura: Thank you, Madam Deputy Speaker. It is quite interesting that we are discussing a Bill about waste management.

To begin with, it is good to accept that there is a problem of waste management in this country. If you go to other jurisdictions, you will see very clean cities. If you want to know where somebody has come from, you just need to look at the dust on themselves, their shoes or even the vehicles that they are coming out from. If you look at the vehicles coming from Kiambu, you will tell that they are coming from *mashambani*.

It is anathema for this country to have clean places, yet when we go abroad, we do not even remember when we last brushed our shoes. Recently, I was coming from the airport. When you just land in Kenya, you are taken aback by the litter around the green spaces in between the Mombasa Road and the bypasses.

We seem to be quite accustomed to dirt and waste management is secondary. We know for sure that this is a lot of money. If it is well anchored, there is very good technology to do so across the world. I remember seeing it in the other jurisdictions; how

to handle waste management. There is one person who drives a truck and goes around homesteads picking all the dirt from organized bins, for papers, organic waste and all that.

This is a topic that we need to discuss. Kenya was amongst the first countries to ban the use of single use plastic papers and it has made a lot of difference. In fact, our country was more dirty when we used plastic papers around. It seems to have come back through the backdoor because I see them in the estates. However, largely, its being banned has reduced the waste that we see around.

Madam Deputy Speaker, there is urgency to have the Waste Management Bill because it needs to be regulated by defining the parameters. Therefore, I disagree with my brother, Sen. Olekina, that this is one of the most useless Bills. We have the powers as legislators to legislate on anything under the sun as long as it is within the interest of the jurisdiction that is Kenya. Therefore, it is important that we debate it.

I also think that this is a preserve of county governments. It is a Bill concerning counties and that is why it found itself here. This matter needs to be legislated by county assemblers. They should think of how best to manage wastes. There are many good proposals. If it is privatized, it has a higher rate of success.

I have been approached by people who would want to custom-make waste management factories in places like Kiambu where I come from. They have very good ideas, but the challenge is that it becomes another money minting exercise. The people do not want to sit down and agree that they have good leadership that would follow through these plans.

Madam Deputy Speaker, this is a largely oratorical question. By next year, it will be six decades since we got Independence. I wonder whether we are heavily investing in good leadership that would espouse such kind of ideas and see them through.

You find that progressive governors are unlikely to make it in this coming general election because, may be, they do not play into the gallery and are not out there politicking all the time. I know and do not want to mention names. I bemoan the fact that those people who are usually focused and dedicated are dismissed to as being aloof and unreachable.

All of us now are in the campaign mode. I can see *mama* signal, Sen. Shiyonga. I wish her well so that she becomes the Women Representative for Kakamega County. I know that we are not in the same coalition, but I, as a good friend and a sister in Christ, wish her well that she may win the election.

However, how many times can you receive people's phone calls? If you receive all the phone calls that you get on your phone, then you will not be working. However, that is the main complaint of the constituents. They want you to receive all their calls and answer to all their needs. That means giving them handouts and such things.

From my own experience, we only need four to three months of campaigning. That is enough to produce the kind of leaders as long as we have robust laws that midwife such kind of leadership.

In spirit, the Waste Management Bill is very good, but then it falls short when it is tested in terms of copy-pasting some kind of mathematical formula where the drafters have always been creating authorities, councils and agencies, which have a board

appointed by the appointing authority, in this new Constitution, the President, or through the Cabinet Secretary(CS).

Those people do not really end up doing the work because those appointments end up becoming political for many politicians or people who are politically correct, and so, they do not resolve the issue.

I had proposed in this Parliament nine new legislations. I received a text asking us to come here for Divisions. However, you can see that no Division is happening. There is no way we are going to pass these laws because we are short of quorum. Everybody is trying to survive politically in one way or another. In fact, it has been documented that those who stay in this House when others are campaigning are unlikely to come back because they do not spend a lot of time looking for votes.

However, before we proceed on the *Sine Die* recess, we need to dissuade ourselves from this practice of creating too many semi-autonomous Government agencies. This is because they continue to syphon resources out of Government. It is important if the counties can create their small agencies or if it can also be a Public Private Partnership (PPP) kind of thing, where you actually partner. This is because waste is money and it is financed by that kind of entrepreneurial spirit.

I remember, sometimes back in one of the counties, I do not know whether it was Meru, where a governor was accused for using Kshs400 million to buy dustbins. Certainly, that is a lot of money. I wonder whether they were being put in people's homesteads. So then, you do not want to create a law that just creates a platform for people to syphon out the much needed public moneys in terms of development expenditure. Of course, it would be recurrent because you will have to recycle waste every other day.

This Bill is good. It may not be very timely because I do not see it seeing the light of the day, to be very sincere, looking at the time that is remaining. In exactly about a month from now, we would be calling off the 12th Parliament. I do not see it advancing further. However, it is a good idea. It can be carried over to the next Parliament, so that then it is fine-tuned. We need to think of how we are going to re-create the model of making Bills in this country, so that those Bills are not just copy-pasted.

One of the Bills that I was bringing to the House, out of my nine Bills, was a sunset Bill. The aim of the Sunset Bill has been to put a definite timeline on how long a state agency must exist. It has been documented that you only need about 20 years to resolve a problem. This is so that then we retire such Bills after 20 years. Maybe after 10 years, such agencies can come for review, but only to see the progress made. This is so that then after 20 years, we do away with those so many agencies.

There are about 247 agencies and this would be another extra one. Of course, it will be very popular if it was created, because if you have been made the chairman of the Waste Management Council at the national level, then you can as well get kickbacks from all of the people who want to get licenses to go and do what they need to do. It is big business and big money.

However, that is not the idea we would like to have. In terms of progressive thinking, we need to re-look at this Bill and ensure that we add value to it. That is why the Senate is essentially a House of revision, so that then we do not just throw the baby with the bath water.

A lot has been canvassed. I hope that then in the new format of the Bill, it will just be an overarching enabling legislation. You need to custom make or rather delegate the legislative power to the county assembly. Each one of the counties would get a bigger picture from the mother Bill, but then custom-make it to suit their needs. This is because, even a good example was given just now on the Floor of the House, that where counties do not have a lot of waste, maybe there is limited development. We do not want to say the same for every other county.

Nakuru used to be a very clean city. You would be happy to be in Nakuru. However, because of the exponential growth of Nakuru as one of our five cities including Nairobi, Mombasa, Kisumu and Eldoret, it has become very dirty and chaotic.

Of course, waste management cannot be removed from physical planning. Again, that is also very important because it is not just a question of bottles of sanitizers that are all over here, but also in terms of storm water. How does it go all the way and clog our streets, because it is also part of waste and all the garbage that it carries with it? It is a very holistic thing, but it needs to be structured in such a manner that we localize it to make it more amenable to what will be important in a certain locality.

With those many comments, I support the Bill, but with amendments.

Thank you, Madam Deputy Speaker.

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

Hon. Senators, that was the last contribution, I ask the Mover to respond.

The Senate Majority Leader, Sen. Poghio, proceed.

The Senate Majority Leader (Sen. Poghio): Madam Deputy Speaker, I beg to reply. This has been a very interesting afternoon. The Bill that we have been canvassing here is the Waste Management Bill. It is a National Assembly Bill, as I had said before. It was passed by the National Assembly. However, this afternoon, the Bill has found a very robust debate in the Senate.

I thank the Members who have contributed. Some of them are not very comfortable with it, while a good number of them are very comfortable. There is definitely some bit of work to be done on it. I ask the Members to realize that this is very practical, applicable to your counties and devolved units. It is the place where we suffer for lack of a proper management of our waste.

I agree with Sen. (Dr.) Mwaura, who says that it is a very good and progressive Bill, but we have to put it in a different format. Of course, for every Bill that we have, we have a stage where we can bring in those amendments. I encourage that we make the Bill better by enhancing it through amendments.

Madam Deputy Speaker, because of the circumstances of the day, and Members being away, I beg to reply and ask that, pursuant to Standing Order No. (61) (3), the putting of the question be put on another day.

Thank you, I beg to reply.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, the Senate Majority Leader. The Division is, therefore, deferred to a later date.

(Putting of the question on the Bill deferred)

Hon. Senators, I defer Order Nos. 8 to 24, for the convenience of the House.

BILL

Second Reading

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

(Division)

(Bill deferred)

BILL

Second Reading

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

(Division)

(Bill deferred)

BILL

Second Reading

THE ELECTION CAMPAIGN FINANCING
(AMENDMENT) BILL (SENATE BILLS NO.51 OF 2021)

(Division)

(Bill deferred)

BILL

Second Reading

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 54 OF 2021)

(Division)

(Bill deferred)

BILL

Second Reading

THE COTTON INDUSTRY DEVELOPMENT
BILL (SENATE BILLS NO. 55 OF 2021)

(Division)

(Bill deferred)

BILL

Second Reading

THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 68 OF 2019)

(Division)

(Bill deferred)

BILL

Second Reading

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS No. 32 OF 2021)

(Division)

(Bill deferred)

BILL

Second Reading

THE SACCO SOCIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS No. 55 OF 2021)

(Division)

(Bill deferred)

MOTIONADOPTION OF AUDIT REPORTS FOR COUNTY EXECUTIVES FOR FYS 2018/2019,
2016/2017, AND 2017/2018 (VOLUMES I, II AND III)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin- Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report, Laid on the Table of the Senate on Thursday 2nd December, 2021.

(Division)

(Motion deferred)

MOTIONADOPTION OF THE SPECIAL AUDIT REPORT ON
UTILIZATION OF COVID FUNDS BY 28 COUNTY GOVERNMENTS

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

(Division)

(Motion deferred)

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

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC
AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE SPECIAL NEEDS EDUCATION BILL
(SENATE BILLS NO. 44 OF 2021)

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Division)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE IRRIGATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)

(Division)

(Committee of the Whole deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, further, Order No.s 26 and 27 were supposed to be moved by Sen Pareno, who had informed us that tomorrow would be more convenient for her.

Therefore, Order Nos. 26 and 27 are deferred for that reason.

BILL

Second Reading

THE NATIONAL COHESION AND PEACE BUILDING BILL
(SENATE BILLS NO. 19 OF 2021)

(Bill deferred)

BILL

Second Reading

THE COUNTY E-HEALTH BILL
(SENATE BILLS NO. 39 OF 2021)

(Bill deferred)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, the next two Orders, Order Nos. 28 and Order No. 29, are Committee of the Whole. The two are also deferred for the convenience of the House.

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

ADJOURNMENT

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Wednesday, 11th May, 2022, at 2.30 p.m.

The Senate rose at 4.59 p.m.