

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 26th July, 2023

Afternoon Sitting

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Do we have quorum?

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

Clerk, proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

SUSPENSION OF SEN. SIFUNA FROM THE CHAMBER

The Speaker (Hon. Kingi): Before the Senate Majority Leader lays the Papers, allow me to make the following Communication.

Hon. Senators, yesterday I did make a ruling and its effect was to suspend for three days, the Senator for Nairobi County, Sen. Edwin Sifuna, MP.

Sen. Sifuna did leave the Chamber and today I received an appeal from him, appealing against that suspension as provided for under Standing Order 127. That appeal has just been received. It raises several issues that merit my consideration. If I am to act on it expeditiously, the earliest I can give a ruling is tomorrow.

At that time, the Hon. Member will have already served his suspension. Therefore, my ruling might not help much. Therefore, pending my consideration of that appeal and rendering my decision on that appeal, I will suspend that suspension that was meted against the Hon. Member, the Senator for Nairobi County, so he can join the

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plenary today pending the decision that I will deliver.

If I uphold the decision I made yesterday, then the Member will proceed to serve the remainder of the suspension. In the event I vacate the decision I made yesterday, then the Member will proceed to carry out his activities just like any other Senator in the House.

It is so directed.

PAPERS LAID

REPORT ON FINANCIAL STATEMENTS OF MUMIAS MUNICIPALITY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 26th July, 2023-

The report of the Auditor-General on the financial statements of Mumias Municipality for 22 months for the period ending 30th June, 2022.

(Sen. (Dr.) Lelegwe laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order, clerk.

QUESTIONS AND STATEMENTS

Sen. Ogola, proceed with Statements pursuant to Standing Order No. 53(1).

STATEMENTS

POLLUTION IN LAKE VICTORIA

That Statement is dropped.

(Statement dropped)

Proceed, Sen. Hamida Kibwana.

SEXUAL EXPLOITATION OF MINORS ONLINE

That statement is dropped.

(Statement dropped)

Sen. Hamida Kibwana had three Statements. Those Statements are dropped.

ALLEGED MEDICAL NEGLIGENCE AT KIAMBU
COUNTY REFERRAL HOSPITAL

(Statement dropped)

STATUS OF MEDICAL CARE AT MATHARI
MENTAL HOSPITAL

(Statement dropped)

Before I move to Statement pursuant to Standing Order No. 56 (1), I will allow Sen. Cherarkey to make a Statement under Standing Order No. 52.

CONGRATULATIONS TO FAITH KIPYEGON FOR
BREAKING THE 5000 METERS WORLD RECORD

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 52(1) to make a Statement on issue of general topical concern and national importance, namely Faith Kipyegon attaining a hat-trick of world records inside seven weeks by shattering the one-mile world record in Monaco.

Mr. Speaker, Sir, Faith Kipyegon, once again made history when she broke the world record on the one-mile race by clocking 4:07:64, shattering a record previously held by Sifan Hassan of 4:12:33 in 2019, in a standing display of dominance, setting a new record barely seven weeks after breaking the world records in 1,500 metres and 5,000 metres.

Faith Kipyegon, our heroine, has proved and shown that she is, indeed, the greatest athlete of all times, with a blistering performance and three world records in 50 days, being reminiscent of the feat achieved by legendary Henry Rono, who happens to come from Nandi County, who shattered four world records in 81 days, in the year 1978, and Daniel Komen who broke three records in one year in 1996 and 1997.

Faith Kipyegon, the legend, being a double olympic and world champion, has won other world titles while running for the junior team. She has shown that resilience, hard work, determination and focus surely pays. She has been an inspiration to the upcoming athletes and women in general in Kenya. It is good to note that, she is a mother and wife.

This honourable House should honour such heroes by awarding them a chance to address it. By doing this, our athletes and sportsmen and women who have continued to make us proud as a country at the international and local arena by always flying our flag high, will feel appreciated and will be motivated to achieve even more for the nation.

Mr. Speaker, Sir, I also wish to congratulate Ferdinand Omanyala for becoming the first Kenyan ever to win 100 metres race at the Diamond League where he managed to beat his idol, Yohan Blake of Jamaica.

Our athletics team is preparing for the world championship, scheduled to take place in Budapest, Hungary.

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Mr. Speaker, Sir, I hope under your guidance and magnanimity, you will allow yours truly to attend the world championship in Budapest, Hungary in August. I am also an athlete, but I run my athletic during the night.

I continue to call upon the Ministry of Sports, Culture and Heritage and the National Olympic Committee of Kenya (NOCK) to partner with the Ministry of Tourism and Wildlife in marketing Kenya as a tourist destination, using our athletes as brand ambassadors for Kenya, thus enabling them to have a decent reward from the Government.

I am also an athlete, but I run during the night.

I wish to congratulate Faith Kipyegon and our athletes. I wish them well. I assure them of our commitment and support as a House and Parliament in championing for their welfare at all times as they continue to represent our nation.

Congratulation our hero and legend, Faith Kipyegon, among other sportsmen and women.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed with Statement pursuant to Standing order 56(1)(b). The Chairperson Standing Committee on Energy to make a Statement relating to the activities of the Committee.

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

The Speaker (Hon. Kingi): What is your point of order?

Sen. Kathuri: Hon. Speaker, I have observed with great concern that every time our athletics do well outside there, the Senator for Nandi County always rises on Standing Order No.52, so that he can limit us from commenting or praising athletics.

Standing Order No.52 limits Senators to make any comment on this performance of the athletics. He is very selfish. Every time he wants to run away with praises in this Chamber.

I want him to reconsider coming up with a Statement under Standing Order No.53 to the Ministry of Sports, Culture and Heritage, to ask how they welcomed Faith Kipyegon and Ferdinand Omanyala after winning.

Mr. Speaker, Sir, I beg you to allow us to participate in congratulating our athletes next time. They are Kenyans. Sen. Cherarkey, next time change your tact so that you do not run with the shoes every time.

I also take this opportunity to thank Faith Kipyegon and Ferdinand Omanyala for their brilliant performance in last week's athletics. If you allow, one day they can come to the Senate, so that we celebrate and thank them when they are here.

Thank you, Mr. Speaker, Sir.

(Applause)

The Speaker (Hon. Kingi): In that case, I will allow limited intervention, pursuant to Standing Order No. (1). I will allow three from the Government side and three from the Opposition side.

(Applause)

Proceed, Sen. Cheruiyot.

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The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I agree with the comments of the Deputy Speaker. I do not know whether it is by design or maybe a lack of proper technical advice on the part of Sen. Cherarkey.

However, on many occasions, we have wanted to pass our congratulations to our athletes when they do exceptionally well internationally.

He always brings Statements, which is a good thing. However, I just want to point out that I am looking for the Senate Minority Leader.

The reason why I am looking for him is that the last time we had this discussion, we agreed that Kenyans who do exceptionally well are allowed to come and address this House. We were directed to actually jointly with the Senate Minority Leader invite her.

Unfortunately, I know the Senate Minority Leader has been busy on the streets with *sufurias* on his head. However, now that we are back in session, I hope we can find time so that we do these letters and invite these people. I also know that in his absence, my good neighbour, the Senator for Nyamira County--- I hear Sen. Cherarkey saying welcome back to the country, I am sure you can allow me to pen it together with Sen. Omogeni.

The Speaker (Hon. Kingi): Sen. Cheruiyot, Sen. Omogeni would wish to inform you.

The Senate Majority Leader (Sen. Cheruiyot): I will be more than glad to be informed by the Senator. You know, this is a man well-travelled. Therefore, I do not mind being informed by him.

Sen. Omogeni: Mr. Speaker, Sir, the beauty of being a Commissioner is that I know the list of the people who have travelled. I can tell when Sen. Cheruiyot was out of the country last, how many times he has travelled and where Sen. (Dr.) Khalwale was last week. I know these things, but I do not want to say it.

I would like to inform Sen. Cheruiyot that the Senate Minority Leader, Sen. Madzayo, is not out there carrying *sufurias*, he is out there mourning with many Kenyans who have lost their lives due to the brutality; not from you, but from our police officers. I want you to really empathise.

Sen. Cheruiyot, anything that touches on human rights of Kenyans; Sen. Cherarkey and even Sen. Lelegwe Ltumbesi will tell you, is not something we take lightly. We have fought for this democracy for a long time. We disagree. I have sat in this House and seen very heated debate. Sen. Murkomen from that end and Sen. Orenge from this end. We all say it is a celebration of the diversity and the democracy that we enjoy as a country. Anything that touches on innocent lives of Kenyans, women or children being taken away, even if it is your brother or your sister, I will condemn it. That is why the Senate Minority Leader is not here. We should all speak with one voice. When it comes to police brutality, we should condemn it.

You remember what *Mzee*, the late Sen. Haji, then as Chairperson of Standing Committee on National Security and Foreign Relations did when there was a small hint of police trying to brutalise Kenyans and even our Senators. When they arrested Sen. Lelegwe Ltumbesi and Sen. Malala, if you remember, *Mzee* Haji summoned the Inspector General (IG) to this House. He said he will not tolerate any person taking away

the life of an innocent person. That is something that we should all speak to with one voice. That is what I wanted to inform the Senate Majority Leader.

I hope you will speak about Moraa. You know, when you talk of celebrated athletes, last time His Excellency the President was honouring athletes, I saw that Moraa was missing and she is now actually the world champion in the 800 metres. I hope you convey a message to our President, William Ruto, next time he is honouring these athletes, we want to see Moraa in attendance in State House, please.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed Senator, to conclude your remarks.

The Senate Majority Leader (Sen. Cheruiyot): Sen. Cherarkey is pleading for the Floor.

The Speaker (Hon. Kingi): Sen. Cheruiyot, you should be well informed enough to conclude your remarks. Do you need more information?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I thank you. I have been informed of where the Senate Minority Leader is. I agree with our Commissioner, Sen. Omogeni, that we must all condemn police brutality. However, the same way we condemn police brutality, we must also condemn the use of hired gangs for political activity.

I bring to the attention of Sen. Omogeni that there are more than 100 police officers lying at the National Police Hospitals and different hospitals in this country. There is one that has lost his life over attack by gangs.

Police officers are our brothers, fathers and sisters. Therefore, the same way we condemn when people are beaten up by police, we must equally condemn the gangs that are marauding these streets in the name of bringing down the cost of living and go on to attack other Kenyans. In the same breath, Sen. Omogeni, you are aware that there is a young boy called Kibagendi who runs a supermarket in Kisii Town. You saw what those gangs did to his supermarket. We must equally speak up against those kinds of activities and political intolerance. People who are hurt while others are purporting to exercise their political and democratic rights.

I challenge Sen. Omogeni to please bring a law to the House that gives life to Article 37. He is a senior counsel and so he needs to guide. How do I demonstrate without interfering with the lives of other Kenyans? Sen. Omogeni, you would have done this country great justice and will have made use of your title as senior counsel by guiding this House in knowing how to picket. You cannot maraud like the devil wanting to be everywhere and anywhere, at the same time, and you call that demonstration.

Mr. Speaker, Sir, as I conclude, you know in civilized democracies that Article 37 of the Constitution is a universal right that we want to enjoy---

The Speaker (Hon. Kingi): What is your point of order. Sen. Kathuri?

Sen. Kathuri: Mr. Speaker, Sir, the mood of this House was to congratulate Faith Kipyegon and Mr. Omanyala, but the point of information that you allowed Sen. Omogeni to give, has disrupted the flow of those congratulatory message that Senators wanted to give this two Kenyans.

Mr. Speaker, Sir, can you kindly redirect the two minds to go back on track.

Thank you.

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The Speaker (Hon. Kingi): Sen. Cheruiyot, kindly focus on the subject matter.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, we will have another chance to talk about Article 37 later.

I agree with the Deputy Speaker; I congratulate Faith Kipyegon. I am looking forward to penning that letter together with the Senator Minority Leader so that we can invite her to this House to give us an address. I wish her well as she prepares for the world championship.

You have heard Sen. Cherarkey make a request that he wants to be allowed to travel to Budapest. As his Majority Leader, I endorse that message only with a rider. First, he needs to hit the gym in Parliament during the day not at night so that by the time he gets to Budapest, he can enjoy the world Championships.

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you may have the Floor.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I also congratulate these two athletes in line with what the President started last time. He recently congratulated them. In fact, that might have contributed to the young lady breaking her own record. Similarly, Ferdinand Omanyala, set a record of 9.92 metres, the first Kenyan ever to win a Diamond League at 100 metres. These young people are a very good example to our youth.

It is starting to look like when youth talk about being recognised, they want to be recognised because of their role in politics. These two young people are teaching our youth that you do not necessarily have to become a Member of County assembly (MCA) or be nominated to the Senate as a youth for you to be appreciated. You can still be appreciated by exploiting the other talents you have.

Mr. Speaker, Sir, allow me to congratulate the following villages because of Mr. Omanyala. There was so much celebration in Malinya, Shikokho and Tongaren because of Omanyala. I will not go into details because that is between the print, the relation is that just like you, he also has a home.

(Sen. Cherarkey spoke off record)

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, proceed to conclude your remarks. Leave Sen. Cherarkey alone.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, on the issue of drugs, Sen. Cherarkey has been strong on doping, but the biggest threat these children face now is not the drugs they are given. However, because of their success, drug peddlers get access to them and they become vegetables. We have to encourage our youth to spend their pastime like these two youths instead of pursuing *bhang*, cocaine, heroin and others too.

I congratulate those young people and I wish them well. There is a village in Nandi called Kabirirsang. They are my neighbours. I have never understood this village. I was talking to a professor of athletics at the University of Nairobi to maybe go study this village. This is the village where Henry Rono was born.

Kibirirsang village has the highest concentration of local and international athletes. Chepkosgei comes from there. What goes on? I was thinking it was a case of

Deoxyribonucleic Acid (DNA) and so on until Omanyala defeated Americans and Jamaicans.

I had been given to think that Americans and Jamaicans are supposed to be the ones winning 100 metres, but Omanyala disapproved me. There is a need for us to do a bit of science and study what happens at Kabirirsang.

In the absence of that kind of study, I encourage the Miji Kenda of Mombasa that besides going to the gym and trying to exercise, they should also try and marry in Nandi so that they can get the breed of runners.

I do not have anybody in mind; it is just that I love the Mijikenda people.

(Laughter)

The Speaker (Hon. Kingi): I had hoped that you will proceed with that line of contribution.

Sen. Omogeni.

Sen. Omogeni: Mr. Speaker, Sir, I thank Sen. Cherarkey for coming up with a Statement that recognises these Kenyans that make us proud. Any time I travel out of the country and people ask where I come from, I always say “do you know that country that Faith Kipyegon comes from, that is my country.”

This lady has made us proud. This lady has made us proud. I tell people in foreign countries that I am from Kenya. I want those foreigners to forgive me because when they ask me if I know Faith, I always say that she is my neighbour because they do not know. I am so proud of that lady.

When you break that record, you feel proud. There is nothing that unifies us as a country more than sports. I cannot wait for the day she will be here and address the nation from the Senate. Those are the guys that build the name and the reputation of our country, Kenya.

If Faith is watching me, she should know that I am proud of her. On behalf of all athletes, I want this girl to inspire the upcoming athletes. I was very pained while watching the 3,000 metres steeplechase race that has traditionally been a Kenyan race and we lost.

Mr. Speaker, Sir, we have lost that race to the Moroccans. I hope we can do something. Sen. (Dr.) Khalwale, we have been winning the 3,000 metres steeplechase on number one, two and three since 1969. Now, we cannot even get a bronze. I want to call it a national tragedy. How can a country defeat Kenya in 3,000 metres steeplechase? It is unacceptable.

If there is anything we can do and on this one, we can speak with one voice, even if it is doing what President Museveni does, then we should do it.

President Museveni motivates those athletes. He sets aside a house or a vehicle. The only opponents he knows are Kenyans. He tells them if they defeat Kenyans in a marathon, that house or vehicle will be theirs. We should also do something.

Mr. Speaker, Sir, we can get a house somewhere and set it aside and say that any Kenyan who will win the 3,000 metres steeplechase will get that house, with a title and everything. There is no sport that makes us proud like athletics.

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Sen. Cherarkey, when he speaks should remember my people – the Abagusii nation. We were the champions in the 4 by 4. It was a quartet of Robert Ouko, Naftaly Teemu, Nyandiko Mairo, you know them. You run for 400 metres handing the baton to the next and you win. That is what we want this country to go back to.

Mr. Speaker, Sir, we have another proud lady from Omugusii, she is Moraa. She is our champion and is unbeatable in 800 metres. In that race, you go twice in the field. Those are the Kenyans who make us proud.

Let me make you laugh, Mr. Speaker, Sir. last time when we had the Kip Keino Classic, I sat somewhere and someone whispered to me that the elderly *mama* and *mzee* seated next to me were parents of Omanyala. I pleaded with them to allow me to take a selfie with them. I have a selfie with the parents of Omanyala on my phone because these people make me proud.

This is a good initiative.

The Senate Majority and Minority Leaders should move with speed and invite those Kenyans to come here and address the nation. I want the young children appreciating these Kenyans to also work hard and bring gold to other races.

Mr. Speaker, Sir, you can imagine with hard work, we are now able to challenge the Americans in 100 metres through Omanyala. It is unbelievable. So, tell your children to eat *ugali*. That is what Omanyala eats. I hope and pray that in the World Championships, he brings gold to this country.

Sen. (Dr.) Khalwale, let the people of Kakamega, Gusii and the Rift Valley pray that Omanyala brings gold. I am proud of these Kenyans. They make me proud and feel good. We wish them all the best.

Let the Government create some incentives so that we see more champions. Faith Kipyegon, I am proud of you and I congratulate you.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Wafula.

Sen. Wafula: Asante sana, Bw. Spika, kwa nafasi hii kwanza kuwapigia shangwe na kongole wanariadha wetu kwa matokeo ambayo yametufurahisha na kuwatia moyo wengi ambao wana azma ya kuleta taji au mataji katika nchi ya Kenya.

Sen. Cherarkey ametaja kwamba ako talanta adimu ya kuchana mbuga usiku kama wanyama wa pori. Ni vyema kwamba nchi hii iweze kuwekeza kwa talanta aina hio, kwa sababu, inaweza epusha madhara yanayodhihirika katika barasi za nchi ya Kenya zinazoonekana kwa sababu ya maandamano ya kubeba ala za matumishi ya jikoni.

Mheshimiwa Spika, zaidi ya hayo---

The Speaker (Hon. Kingi): Senate Majority Leader, what is your point of order?

The Senate Majority Leader (Sen. Cheruiyot): Bw. Spika, je ni vyema kwa Seneta wa Bungoma, Sen. Wafula, kumtusi mwenzetu, Sen. Cherarkey kwa sababu ya upungufu wa lugha upande wa Sen. Cherarkey? Sen. Cherarkey hajaelewa kwamba Sen. Wafula alimlinganisha na mnyama wa mbuga. Hiyo ni haki kweli?

Mheshimiwa Spika, ningependa umkozoe kwanza na umwambie si vizuri kulinganisha Seneta mwenzake hata kama ni kwa ile lugha wanaita *figurative*. Unaweza nisaia kwa sababu unaelewa Kiswahili zaidi kuliko mimi.

(Laughter)

Sio vyema kumlinganisha Seneta mwenzako na mnyama wa usiku. Nikitafsiria Sen. Cherarkey, Sen. Wafula amemwita mnyama wa usiku. Siyo vyema

The Speaker (Hon. Kingi): Kiongozi wa Walio Wengi, katika lugha ya Kiswahili, kuna sehemu inaitwa fasihi na unaweza kulinganisha ili kupata ufahamu zaidi. Nafikiri hivyo ndivyo, Sen. Wafula, amefanya.

Hakumuita mnyama wa matembezi ya usiku. La! Hasha! Kwa hivyo, sidhani kwamba ameenda kinyume na Kanuni Zetu za Kudumu za Bunge.

Sen. Wafula, unaweza kuendelea.

Sen. Wafula: Asante, Bw. Spika. Anayotaja Kiongozi wa Wengi husema aisifuye mvua imemnyea. Kenya tunaye mwanabondia Wanyonyi ambaye siku kadhaa zilizopita, alikabiliana na mhasimu wake Madonga Nguvu Kazi, ngumi iliyojaliwa Ukraine. Alicharazwa makonde, masumbwi na nguvu za itikadi za Bungoma na maombezi ya Yesu wa Tongaren.

(Laughter)

Jambo la kushangaza, Wanyonyi hakupewa heko wala kushukuriwa. Lakini kwenye vyombo vya habari, tunaona wale ambao wana tabia mbovu na makosa ambayo hayastahili kuwekwa kwenye runinga, wanapewa mwezi mzima Kenya ikijadili vitu ambavyo havileti heshima katika nchi.

Tunaomba kama Bunge la Seneti vilevile, tuhakikishe vyombo vya habari vinawapa kipao mbele wanariadha na viongozi ama wachapakazi nchini ambao matendo, matamshi, maisha na hulka zao zinaashiria uzito na kwamba wao wako katika jitihada za kuboresha nchi ya Kenya.

Kwa niaba ya wanabondia nchini, ninampa heko Wanyonyi kwa kudhibiti shinikizo za nchi jirani kwamba hatuna nguvu wala uwezo, na kwamba tuekeze katika mchezo wa bondia hapa Kenya.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Proceed, Sen. Kisang.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I thank Sen. Cherarkey for bringing the Statement to congratulate Faith Kipyegon, Omanyala and now Wanyonyi. They are doing this country great.

Faith Kipyegon has made us proud. Kenya is shining across the World now. We want to continue and even reward. Somebody said that the President of Uganda sets aside a big car, a Prado and a house for those who beat Kenyans. Ethiopia also rewards their athletes very well.

In Kenya, maybe we need to speak to the Cabinet Secretary in charge of Sports so that we set aside resources when we are doing our budget every year to reward our athletes. With that, we can at least continue making Kenya shine across the world so that we regain the lost glory on steeplechase. Steeplechase has been known as a Kenyan sport. In fact, we have never lost since 1969. It is only recently that we started losing, which is unfortunate. Athletes are demoralised. They see colleagues from other countries being rewarded and we are not rewarding them.

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There is something that we need to do, apart from rewarding them. We also need to train them in terms of investments. We have lost many athletes in the past. They get rewards and make money. However, in the process, they do not have people to teach them investment management. If we teach them how to invest, when they grow old and reach an age that they are not competing anymore, they will have income from what they will have earned during their youth.

Mr. Omanyala has also made us very proud because the 100 metres race has never been known as a Kenyan sport. It has been associated with the United States of America (USA) and maybe Nigerians. However, Omanyala has made us proud. So, we need to encourage our colleagues to compete in all the races because we are capable of winning, earning forex exchange from sports.

Mr. Speaker, Sir, I congratulate them. At least even now, we know Wanyonyi has done us proud. We should invite these athletes every year to come and speak to us, and encourage the youth so that they know we can make money by engaging both in education and also competing in other sports.

We are doing well in Elgeyo Marakwet County. Iten is the hub of local and international sports. Kipsang, Brigit and Moses Kiptanui and many others have made us proud and we need to reward them.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Cheptumo?

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I also wish to join my colleagues in thanking Sen. Cherarkey for the Statement. As said by leaders, our sportsmen and women have made this country to be recognised internationally.

The image of Kenya today, apart from being a peaceful country, is because of the role of our sportsmen and women. What goes together with success is the resources. Some of the buildings in Eldoret are owned by sportsmen and women. The income and resources that come to our country are enormous. In Baringo County, we have Tergat. In those years, he used to be a very successful sportsman. In Kabarnet Town, a building stands that is owned by Paul Tergat as resources coming out of sports.

As a country, we have a reason to spend more resources. I am happy that the Head of the State; the President is ahead leading by example by rewarding recently Kshs5 million to one of our successful sportswomen. If we do this and ensure that the Ministry of Sports is equipped in terms of policy and resources, we are going to have more Kenyans participating in this. We are going to continue being internationally recognized.

Mr. Speaker, Sir, employment in this country is becoming a challenge. I encourage our young people, including our youths that if we diversify some of our talents, we are going to earn even much more than if we were to be employed in the formal employment sector.

As a country, we appreciate these young people. I agree that we have them appear before the House to talk to the country. In so doing, I think that they will also encourage the young sportsmen and women in the country so that we put sports ahead of us.

The policy of the Kenya Kwanza Government as you are aware, is that every county should have a stadium. Facilities in our country are the challenge that we have. So, I encourage the Ministry of Sports to ensure that a particular chapter on the Kenya

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Kwanza manifesto on sports is implemented, so that we invest more money in those areas where we do not have facilities and we have our institutions improved.

Finally, if you see the training that goes to this, you will appreciate the sportsmen and women. However, there is one aspect that I want to raise here.

The commitment, sacrifice and training that goes before they win is something that should encourage all of us, that in anything that we do, if we work hard, we can succeed.

They go through serious training. Sometimes they spend a lot of time running around to achieve that. Indeed, it is a virtue that is good for our young people. Whatever you do, whether in school, training for sports or in employment, the culture of working hard and being determined, resilient and committed is a virtue that sportsmen and women of our country demonstrate.

Mr. Speaker, Sir, I want to join the leadership of this House and all of us in thanking our sportsmen for raising this country to where it is today.

I support.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for this opportunity.

First, I want to congratulate Faith Kipyegon for being one of the best athletes in this nation. She was raised like many girls in this nation. She was born in a village called Keringet. She comes from an ordinary family of nine children. She has beaten many odds to realise the achievements that the world is so proud of her today.

Notably, she is a mother. I believe she has a five-year old child and she is a married woman. She has shown women that there are no excuses for not being their best. She has shown young girls that through hard work, sheer determination, effort, courage and focus, one can rise to become a world champion.

She has attained three successive titles on a global stage, standing out as a great victor on the track, putting every effort without excuses and making us proud as Kenyans.

When I look at her life, I see a reflection of many youth in Kenya. If all the counties were to encourage young people, we would have many Faith Kipyegons in this nation. She now stands out as a strong mentor and a person who should be emulated in every county in this nation.

I believe when this Senate meets the governors during the Devolution Conference, one of the things that should be discussed between the Senators and the Governors is how all governors in the 47 counties will lift their youth to a level where they will take part in sports and arts at a global level like Faith Kipyegon.

I take this opportunity to truly congratulate her and urge county governments to secure funding to support the youth, not just with stadia, because the youth have many talents. Some can do acrobatics like what we see in Mombasa. Some are artists. We also have good musicians in Kenya. If they were given support in creative arts and other talents that they have, we would be speaking of very many faith Kipyegons.

Mr. Speaker, Sir, for now, as women in this country, because of what she has achieved, we know that many girls and women can succeed, in spite of their statuses and backgrounds.

I thank you.

The Speaker (Hon. Kingi): Let us now move to Statements pursuant to Standing Order No.56(1).

Chairperson of the Committee on Energy, kindly proceed.

ACTIVITIES OF THE STANDING COMMITTEE
ON ENERGY

Sen. Kisang: Mr. Speaker, Sir, I am the Vice Chair of the Committee on Energy. I beg to give a Statement for the period commencing 1st April, 2023 to 30th June, 2023.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the Standing Committee on Energy for the period commencing 1st April, 2023 to 30th June, 2023.

During the period under review, the committee had a total of 21 sittings, considered five Statements and has an ongoing inquiry. The committee also considered two legislative proposals.

The legislative proposals considered by the committee, include the Local Content Bill, which is before the committee and an amendment to the Energy Act. The Local Content Bill, 2023, aims to create a comprehensive legal framework that will fully enhance local content in Kenya. The amendment to the Energy Act seeks to provide transparency in energy purchasing agreements. That is what we call Power Purchase Agreements (PPAs).

Regarding Statements pursuant to Standing Order No.53, eight Statements were sought from the committee. The committee considered and concluded four of these Statements. In considering the Statements, the reports and responses received by the committee were shared with the respective Senators and the Statements concluded.

The Statements that were concluded include the following:

(a) Statement sought by Sen. Osotsi regarding the deal between the Governments of Kenya and Saudi Arabia on the importation of cheaper fuel into the country.

(b) Statement sought by Sen. Gataya Mo Fire regarding the connection of electricity in Tharaka Nithi County.

(c) Statement sought by Sen. Cherarkey regarding the fuel subsidy programme.

(d) Statement sought by Sen. Ogola regarding the faulty transformers in Homa Bay County.

Pending Statements are as follows:

(a) Statement sought by Sen. Wambua regarding the Last Mile connectivity in public schools. The committee has written to the Cabinet Secretary for Energy and Petroleum seeking a response.

(b) Statement sought by Sen. Kibwana regarding the proposed energy tariffs applicable from 2022 to 2026. The committee has also written to the Cabinet Secretary for Energy and Petroleum and we are awaiting their response.

(c) Statement sought by Sen. Munyi Mundigi regarding the national power outage that was there some time back. The committee has also written to the Cabinet Secretary and we are awaiting the responses.

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(d) Statement sought by Sen. Joe Nyutu regarding the status of the Last Mile Project in Murang'a County. We are still waiting for the responses from the Cabinet Secretary.

The committee has been conducting an inquiry into the high cost of electricity in the country. The committee has met all the stakeholders, all Independent Power Producers (IPPs), that is those who produce 50 megawatts and above. The experience has been eye-opening as it demystified a lot of myths held before meeting the teams.

It is, indeed, true that electricity in Kenya is generated by the IPPS. The IPPs have signed PPAs with the Kenya Power Company (KPC), the sole distributor of electricity in this country.

The locally installed electricity capacity was 3,121 megawatts. From that geothermal energy produced 950 megawatts, thermal energy produced 646 megawatts, wind power was 436 megawatts, solar energy was 210 megawatts and hydro-generated power was 839 megawatts, giving us a total of 3,121 megawatts.

From the meetings, the committee understood the role of each IPP.

We also met with KP, which is the sole distributor in Kenya, and Kenya Transmission Company (KETRACO) which transmits the electricity. The reason for the meeting was to find out what can be done by KP and KETRACO to reduce the cost of power in the country.

It was surprising to learn that just by completion of the Narok-Bomet transmission line, Kendu-Bay- Kisumu transmission line, and Mariakani- substation, then the coast region will enjoy the benefits of geothermal and there will be no need to purchase electricity from Rabai Power.

Muhoroni gas power plant which produces electricity at the highest cost, above 52 cents per megawatt will be shut down and people in Western Kenya will enjoy cheaper stable geothermal power, but these three lines have not been done.

Basically, this is a progress report and we were given assurance by the Cabinet Secretary that by December this year, these lines would be completed and we expect the cost of power to come down by next year.

The Committee also held an electricity stakeholder workshop that brought together the Ministry of Energy, KP, KETRACO, EPRA and the Electricity Sector Association of Kenya. The workshop was a great success as these teams had never met in the past together under one roof. So, it was a success and we expect there will be benefits to the country towards the end of this year.

The committee will be retreating to write its report soon. This report will have recommendations that are timely and actionable. We will also be proposing to do amendments to the Energy Act.

The committee will be, for example, recommending that all thermal plants in the short term pull together to purchase Heavy Fuel Oil (HA4). Currently, each thermal power producer procures and stocks HA4 for 2 years, which is expensive. However, if they can buy as a group, basically, the cost of HA4 will come down and we expect the cost of power to also come down. This will benefit from the economics of scale which will reduce the cost of electricity to the consumers.

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In the long term, the committee will recommend that as per the power purchase agreement, thermal plants switch to Liquefied Natural Gas (LNG), which is friendly to the environment and it will reduce the cost of power.

In conclusion, the committee intends to carry out the following key activities during the next quarter that begun 1st July to 30th September of this year: -

- (1) Complete its inquiry on the high cost of electricity.
- (2) Second visit operations of Tullow Oil in Turkana County to ascertain the status of oil exploration in the country. Maybe we can target around the time we are going for Senate Mashinani; we could also go there so that we do not have to go there twice.
- (3) Visit the Kenya Pipeline facilities in Kisumu to understand the operations of the Kisumu Oil Jet.
- (4) Meet with the Ministry of Energy and Petroleum to determine the way forward on the refinery, which sits in Changamwe. Basically, it is now being used as storage for white oil.
- (5) Meet with the Ministry of Energy and Petroleum regarding the government-to-government agreement on petroleum products importation from Saudi Arabia; and,
- (6) Meet with the Ministry of Energy and Petroleum regarding the status of KP its financial status and the losses that it is making. This last financial year, KP had projected a loss of Kshs5.5 billion and we are worried. We are wondering as a committee how KP, a monopoly; that sets its prices can make a loss?

I thank you.

The Speaker (Hon. Kingi): The Chairperson, Senate Standing Committee on Finance and Budget, or any Member of the Committee.

ACTIVITIES OF THE STANDING COMMITTEE ON FINANCE AND BUDGET

The Speaker (Hon. Kingi): We defer that Statement.

(Statement deferred)

The Chairperson, Standing Committee on Health, you may proceed. Yes, Hon. Sen. Omar, you may proceed. What is it, Sen. Cherarkey?

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I would like to request that at the end of the presentation by the Senate Standing Committee on Health, you can allow us to make a few comments before proceeding to the Next Order.

The Speaker (Hon. Kingi): Let us cross the bridge when we get there.

ACTIVITIES OF THE STANDING COMMITTEE ON HEALTH

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir. I rise under Standing Order No.56(1)(b) of the Senate Standing Orders to make a Statement relating to the activities

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of the Senate Standing Committee on Health during the Second Session of Part 2 and Part 3 of the 13th Parliament.

The Standing Committee on Health is established under Standing Order No.228(3) of the Senate Standing Orders and it is mandated to consider all matters related to medical service, public health, and sanitation.

During this period under review, the committee had 34 sittings during which it considered 20 Statements, one Petition, one Legislative Proposal, one Bill, four inquiries. It tabled three reports on the same; undertook a county visit and held various stakeholder engagements as set out below-

(a) Legislative proposal: During the period under review, the committee undertook pre-publication scrutiny of the E-Health Bill, 2023, Sponsored by Sen. Kibwana, and recommended that it proceeds for publication with amendments.

(b) Bills: During the period under review, the Community Health Services Bill (Senate Bill No.24 of 2023) was committed to the committee. An advertisement seeking written submissions was put up in the national dailies on Saturday, 22nd July, 2023 whose deadline for the submission is Friday 4th August 2023.

The committee intends to seek submissions and to sensitize stakeholders, which will culminate into a report to be tabled in the House.

(c) Petition: The committee has considered one Petition of a Kenyatta University Medical student on the management and use of Kenyatta University Teaching and Referral Research Hospitals (KUTRRH) by medical students at the University.

The committee has met with Petitioners, the University Academic Staff Union, the Vice Chancellor of Kenyatta University, and the Board and Management of KUTRRH.

The committee is scheduled to meet with the Cabinet Secretary in the Ministry of Education, Ministry of Health on Thursday 27th July, 2023, and Friday 28th, July 2023, respectively. Later, undertake the site visit on Monday 30th July, 2023 after which it will table its report in the House.

(d) Statements: The committee has received 33 Statement requests. Consideration of the following Statements is ongoing-

1. Statement by Sen. Cherarkey on the Recall and Suspension of Several Edible Oil Products from Various Manufacturers in Kenya by Kenya Bureau of Standards (KEBS).

2. Statement by Sen. Crystal Asige, MP, on the Ministry of Health Strategic Plan, 2018-2023, with specific regard to persons with disabilities.

3. Statement by Sen. Samson Cherarkey, MP on the health service provision in Nandi County.

4. Statement by Sen. Mohamed Chute, MP on the utilization of COVID-19 funds disbursed for upgrading of county referral hospitals.

5. Statement by Sen. Hamida Kibwana, MP, on the Status of the multi-billion shillings Medical Equipment Services (MES) leased to the counties.

6. Statement by Sen. (Dr.) James Murango, MP, on the circumstances surrounding the amputation of baby Ridhwan Yasir Noor's fingers in Kerugoya County Referral Hospital.

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7. Statement by Sen. James Murango, MP, on the delayed construction of the Kenya Medical Research Institute (KEMRI), Wamumu Station, in Mwea West in Kirinyaga County.

8. Statement by Sen. Mohamed Said Chute, MP, on the operationalization of the National Health Insurance Fund (NHIF) Cover in Marsabit County.

9. Statement by Sen. Mohamed Chute from the Standing Committee on Health on the status of construction of a Level Four Hospital in Sololo Town, Marsabit County.

10. Statement by Sen. Mohamed Said Chute, MP, from the Standing Committee on Health on the status of construction of a Medical Training College in Saku Constituency, Marsabit County.

11. Statement by Sen. Edward Sifuna, MP, concerning an alleged plan by the Ministry of Health to restrict Kenyan health workers from seeking jobs abroad.

12. Statement by Sen. Hamida Kibwana, MP, on the crisis of unemployed Kenyan doctors and the influx of Cuban doctors in Kenya's healthcare system.

13. Statement by Sen. Mohamed Chute, MP on the state of operations at the City Mortuary in Nairobi City County.

14. Statement by Sen. Hamida Kibwana, MP, on allegations of shortage of oxygen in emergency care facilities in the Country.

15. Statement by Sen. Hamida Kibwana, MP on medical staff working in more than one hospital in Nairobi County.

16. Statement by Sen. Paul Karungo Thangwa, MP, on reports of change in the Medical Insurance Scheme for Workers in the County Government of Kiambu;

17. Statement by Sen. Joe Nyutu, MP on the Death of Wakili Macharia J. M, at Murang'a Level Four Hospital and the state of medical facilities in Murang'a County.

18. Statement by Sen. Richard Onyonka, MP, on the state of operations at the Kisii Teaching and Referral Hospital.

19. Statement by Sen. Richard Onyonka, MP on the closure of Nyamarambe Health Centre.

20. Statement by Sen. Prof. Tom Ojienda, SC, MP, on the state of healthcare and medical services offered at JOOTRH.

21. Statement by Sen. Esther Okenyuri, MP, on the accreditation of new clinics and health facilities across the country by the board of NHIF.

The committee has concluded consideration of the following Statements; -

1. Statement by Sen. Hamida Kibwana, MP, on the circumstances that led to the death of Master Travis Maina at Kenyatta National Hospital.

2. Statement by Sen. Mariam Omar, MP, on the enrolment of residents of Mandera County to the NHIF and release of capitation to hospitals in the county.

3. Statement by Sen. Hamida Kibwana, MP, regarding alleged medical negligence at Mama Lucy Kibaki Hospital.

4. Statement by Sen. Godfrey Osotsi, MP, on healthcare services provision at Vihiga County Hospital.

5. Statement by Sen. Boni Khalwale, MP, on the construction status of health facilities in Nairobi's informal settlements.

6. Statement by Sen. Hamida Kibwana, MP, regarding the prevalence of Hyperemesis gravidarum (HG), a condition characterized by severe nausea, vomiting, weight loss and electrolyte disturbance in pregnant women in Kenya.

7. Statement by Sen. Prof. Tom Odhiambo, SC MP, on the Impending Doctor's strike in Kisumu County.

8. Statement by Sen. Prof. Tom Odhiambo, SC MP, on the state of affairs at the Ahero Sub-county Hospital.

9. Statement by Sen. Hamida Kibwana, MP, on dental and optical healthcare treatment for Kenyans on the NHIF cover.

10. Statement by Sen. Hamida Kibwana, MP, on the accessibility and affordability of fistula care in Kenya.

11. Statement by Sen. Hamida Kibwana, MP, on cancer treatment accessibility and affordability in Kenya.

12. Statement by Sen. Hamida Kibwana, MP, on alleged mishandling of Kshs3.7 billion tender for the supply of treated mosquito nets by Kenya Medical Supplies Authority (KEMSA).

Mr. Speaker, Sir, during this session, the committee finalized on three medical negligence inquiries and tabled the reports before the House as follows:

1. Report on the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence.

2. Report on the circumstances that led to the death of the Late Master Travis Maina at Kenyatta National Hospital.

3. Report on the death of the late Edward Otieno Onyango at Mama Lucy Kibaki hospital due to alleged medical negligence.

The committee is also currently conducting an inquiry into alleged irregularities in the procurement of long-lasting insecticide nets at the KEMSA. In this regard, so far, the committee met and received several witness statements/submissions which are very informative to the committee.

The committee has scheduled a meeting with the Cabinet Secretary, Ministry of Health on Friday, 28th July, 2023. Thereafter, the committee will retreat to compile, consider and adopt the report for tabling before the House.

During the period in question, the committee undertook inspection tours of three counties as follows:

- a. Vihiga County
- b. Kisumu County
- c. Murang'a County

The reports on the said visits will soon be tabled in the House.

Stakeholder Engagements/Workshops. The Committee has also prioritized engagements with its key stakeholders on legislative and other business under the consideration of the Committee. To this end, the Committee has participated in external stakeholder engagements as follows-

(1) The First Public Health International Conference from 2nd to 5th April, 2023, in Mombasa County.

(2) Meeting with Institute of Public Finance on 29th May, 2023.

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(3) Meeting with International Commission of Jurists on 12th June, 2023 in Nairobi City County.

(4) The First Health Caucus meeting with Chairpersons of Health Committees of the County Assemblies from 8th to 9th June, 2023.

(5) The Kenya National Health Financing Dialogue on 26th June, 2023.

(6) Meeting with Ethics and Anti-Corruption Commission (EACC) on enhancing public-private collaboration to prevent corruption in the Kenyan health sector on 20th July, 2023.

Mr. Speaker, Sir, the Committee further undertook its induction and work planning retreat within the Month of April. During the meetings, the Committee met with its key stakeholders, both from the Government and non-state actors.

In conclusion, I wish to thank your office for the support accorded to the Committee in undertaking its work. I also wish to acknowledge the Secretariat support that the Committee has received from the Office of the Clerk.

Lastly, I wish to commend the Members of the Committee for their commitment, diligence, and dedication to the work and mandate of the Committee.

I thank you.

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Finance and Budget, please, proceed.

ACTIVITIES OF THE STANDING COMMITTEE ON FINANCE AND BUDGET

Sen. Ali Roba: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 56 (1) (b) of the Senate Standing Orders to make a Statement on the activities of the Standing Committee on Finance and Budget for the period commencing 1st April to 30th June, 2023.

During the period under review, the Committee held a total of 37 meetings. Under Bills, the Committee considered and tabled reports on the following fundamental statutory instruments-

(1) The Equalization Fund (Appropriation) Bill (Senate Bills No.3 of 2023), which was assented to on 30th June, 2023.

(2) The Division of Revenue Bill (National Assembly Bills No.9 of 2023), which was assented to on 27th April, 2023.

(3) The County Allocation of Revenue Bill (Senate Bills No.16 of 2023), which was assented to on 30th June, 2023.

(4) The Prompt Payment Bill, which is under process.

The Committee is currently considering the following Bills and will table its reports upon conclusion of processing-

(1) The Equalization Fund (Administration) Bill (Senate Bills No.3 of 2023).

(2) The County Governments (Revenue Raising Process) (Senate Bills No. 22 of 2023).

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Mr. Speaker, Sir, while considering the Bills, the Committee held consultative meetings with the following key stakeholders among many that we have consulted with-

- (1) The National Treasury and Economic Planning.
- (2) The Commission on Revenue Allocation (CRA).
- (3) The Council of Governors (COGs).
- (4) The Controller of Budget.

(5) Non-state actors like the Institute of Certified of Public Accounts of Kenya (ICPAK), International Budget Partnership (IBP), the Institute of Social Accountability (TISA), the Institute of Economic Affairs (IEA) and University of Nairobi-African Women's Economic Empowerment Hub.

Mr. Speaker, Sir, on Statements, the Committee has considered and concluded the following three Statements-

(1) Statement on allegations of unsettled and unremitted statutory Pay-As-You-Earn (PAYE) deductions for the staff in county assemblies that was requested by Sen. Oketch Gicheru, MP, on 2nd March, 2023.

(2) Statement on Kenya Revenue Authority's (KRA) move to suspend tax relief funds, exemptions, waivers, and abandonments with immediate effect that affected the Persons living with disabilities which was requested by Sen. Crystal Asige, MP on 7th March, 2023.

(3) Statement concerning disbursement of funds to county governments that was sought by Sen. Osotsi, MP, on Tuesday, 28th March, 2023.

Mr. Speaker, Sir, the Committee has received and considered responses on a number of Statements. However, the responses were found inadequate and thus the Committee resolved to invite the relevant institutions to a meeting to provide further clarification. These Statements are-

(1) The Statement on the status of pending bills in Kakamega County by Sen. (Dr.) Khalwale, CBS, MP.

(2) The Statement on status of pending bills in Kisii County which was sought by Sen. Onyonka, MP.

(3) The Statement regarding the status of KRA collections that was requested by Sen. Wambua, MP.

(4) The Statement on the re-introduction of bank charges on mobile wallets that was requested by Sen. Cherarkey, MP.

(5) The Statement concerning claims of fraudulent activities involving various banks that was requested by Sen. Tabitha Mutinda, MP.

(6) The Statement concerning alleged predatory asset-based lending by micro-finance institutions in Kenya that was requested by Sen. Oketch Gicheru, MP.

Mr. Speaker, Sir, the Committee is in the process of scheduling meetings to deliberate on the responses received for the following Statements-

(1) The Statement concerning claims of disposal of state-owned entities through privatization without the approval of Parliament sought by Sen. Kibwana, MP.

(2) The Statement concerning the readiness for uptake of Green Climate Fund's (GCF) capacity-building programme for legislators in Kenya sought by Sen. Kibwana, MP.

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(3) The Statement concerning delays in disbursement of the exchequer releases to counties and reports of hacking of Integrated Financial Management and Information System (IFMIS) by Sen. Dullo.

(4) The Statement on reduction of salaries and allowances for the Members of County Assembly (MCAs) in the FY 2022/2023 by Sen. Cherarkey, MP.

(5) The Statement regarding the utilization of the Equalization Fund in the County Government of Taita Taveta requested by Sen. Mwaruma, MP.

(6) The Statement concerning review of salaries, benefits and allowances for judges and magistrates requested by Sen. Cherarkey, MP.

The Committee has also requested for responses from the relevant institutions on the following Statements-

(1) The Statement concerning claims of economic crisis in the country by Sen. Onyonka, MP.

(2) The Statement regarding withholding VAT obligations on petroleum products and its impact on business by Sen. Kibwana, MP.

(3) The Statement on the status of the Kshs16 billion pending bills by the Nairobi Metropolitan Services (NMS) requested by Sen. (Dr.) Khalwale, CBS, MP.

(4) The Statement concerning the status of pending bills in Kisumu County requested by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP.

(5) The Statement regarding pending Bills in Wajir County sought by Sen. Abass, MP.

Mr. Speaker, Sir, on issues of Petitions, the Committee is currently considering a Petition on regulation of credit profession by Council of the Institute of Credit Management (Kenya) through Certified Credit Professionals (CCP) and Mokaya Magembe Benard that was committed to the Committee on 23rd May, 2023. The Committee held a consultative meeting with the petitioner.

The Committee resolved to invite the Governor of the Central Bank of Kenya (CBK) to a consultative meeting to deliberate on the matter. However, upon invitation by the Committee on a different matter, the Governor of Central Bank of Kenya (CBK), vide a letter dated 11th July, 2023, requested the for more time to allow for briefing and familiarization with various matters of the Central Bank before appearing before the Committee as he was newly appointed. The Committee considered and acceded to request by the Governor, CBK. The Committee resolved to invite the Governor in the month of August.

On the legislative proposals considered by the Committee, the Committee carried out pre-publication scrutiny and examined the following legislative proposals and submitted its comments to the Speaker, pursuant to Standing Order No. 131(1) (b) of the Senate Standing Orders-

(a) The Public Finance Management Act amendment by Sen. Hamida Kibwana, MP.

(b) The Public Procurement and Asset Disposal Act amendment by Sen. George Mbugua, MP.

(c) The Insolvency Act amendment Sen. Maureen Tabitha Mutinda, MP.

(d) The County Public Finance Laws (Amendment) Bill, 2023 by Sen. Kathuri Murungi, MP.

Mr. Speaker, Sir, on activities for the Committee in the next quarter, the Committee is scheduled to consider the following business in the next quarter –

(a) consideration of the County Governments Cash Disbursement Schedule (Equitable Share) for the FY 2023/24;

(b) The Equalization Fund (Appropriation) Bill for the FY 2023/24;

(c) The County Governments Additional Allocation Bill for the FY 2023/24;

(d) Follow up on the implementation of projects funded through the conditional grant on supplement for construction of county headquarters;

(e) The County Governments (Revenue Raising Process) (Senate Bills No. 22 of 2023);

(f) Petition on regulation of credit professionals/ practitioners; and,

(g) Consideration of the Public Finance Management (Amendment) Bill National Assembly Bills No. 16 of 2023.

Mr. Speaker, Sir, I thank you.

The Speaker (Hon. Kingi): Before I allow the Clerk to call the next Order, Pursuant to Standing Order No.45 (2), I will proceed to rearrange the sequence of today's Order Paper.

We will defer Order Nos.8 to 14 and proceed from Order No.15 onwards.

BILLS

Second Reading

THE KONZA TECHNOPOLIS BILL
(SENATE BILLS NO. 2 OF 2023)

(Bill deferred)

Second Reading

THE PERSONS WITH DISABILITIES BILL
(SENATE BILLS NO. 7 OF 2023)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE NATURAL RESOURCES (BENEFIT SHARING) BILL
(SENATE BILLS NO. 6 OF 2022)

(Committee of the Whole deferred)

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COMMITTEE OF THE WHOLE

THE COTTON INDUSTRY DEVELOPMENT BILL
(SENATE BILLS NO. 5 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE AGRICULTURAL AND LIVESTOCK EXTENSION
SERVICES BILL (SENATE BILLS NO. 12 OF 2022)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE MUNG BEANS BILL
(SENATE BILLS NO. 13 OF 2022)

(Committee of the Whole deferred)

Clerk, call the next Order.

POINT OF ORDER

SENATORS' COMMENTS ON REPORTS ON THE
ACTIVITIES OF STANDING COMMITTEES

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

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

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise in accordance of Standing Order No.56 (3) that –

“The Speaker may allow comments or observations in relation to the report tabled under paragraph (1) (b), for not more than twenty minutes.”

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I beg your indulgence that having listened to all the three reports, it was our understanding that, perhaps, we will be allowed to make a few comments on these reports.

The Speaker (Hon. Kingi): Sen. Cheruiyot, you cannot stand on a point of order on that particular matter. Who do you want to call to order? Is it the Chair?

Before the Clerk-at-the-Table calls the next order, I will allow limited intervention of these three Statements. I will start with the Statement by Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. I will proceed to make comments on the Statements made under Standing Order 56 (1) (b). I am surprised that the three statements by the Chairpersons have been mere reports. When you read Standing Order 56--- It is good the Senate Majority Leader is here, so that he can guide them.

Standing Order 56 (2) states that –

“A Statement made under paragraph (1) (b) shall include-

(a) the Bills, statements and petitions considered by the Committee and the status of each.”

The three Statements by the three Chairpersons have been reports. For instance, Sen. Cherarkey asked for a certain Statement and they have not given us the status. I have a Bill on Livestock Theft in this country, and the Committee on National Security, Defence and Foreign Relations have not called me nor engaged stakeholders.

Standing Order 56 (2) -

“(b) any inquiries undertaken by the Committee and the progress of any such inquiry;

(c) any county visits undertaken by the Committee and the outcome of such visits;

(d) the manner and extent to which the Committee met its public participation obligations in respect of the business of the Committee.”

For example, on the cost of electricity, I would have expected a response on why electricity is expensive in Kenya. I would expect the Committee on Energy to give the country a way forward on the high cost of electricity. There is no pragmatic feedback on the status of health in my county, almost one month since I requested a Statement on the issue.

Finally, Standing Order 56(2) States –

“(e) the status of implementation of resolutions of the Senate relating to matters within the mandate of the Committee.”

Mr. Speaker, Sir, I am disappointed by the reports by the three Committees. They are just reporting. There is no status update on the issues and as a result, they violate Standing Order No.56.

I urge the Senate Majority Leader, the Majority Whip, the Chairperson, Committee on Liaison, who is the Deputy Speaker, to be more serious. We cannot operate this way. If it is possible, we are willing to source more funding to the Senate Majority Leader to organize capacity building to have pragmatic results.

Mr. Speaker, Sir, I hope you will give proper guidance and directions at the close of the reactions by hon. Members.

The Speaker (Hon. Kingi): Sen. Ali Roba, proceed.

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(Sen. Ali Roba walked to the Dispatch Box and consulted the Clerk-at-the-Table)

Sen. Ali Roba, I hope you do not intend to go through the Report. Proceed.

Sen. Ali Roba: Mr. Speaker, Sir, thank you. Sen. Cherarkey has raised an issue in line with the Standing Orders. However, we have structured the Report of the Standing Committee on Finance and Budget this way because of the limited time we have. We have discussed Bills that have been processed to logical conclusions, which are now Acts of Parliament.

Likewise, on Statements sought to the Committee, I have illustrated the Statements that have been processed and concluded. Hon. Senators who raised the Statements have been advised appropriately, as shared in the Report, in line with the Standing Orders as discussed by my colleague, Sen. Cherarkey.

On Statements we have processed and found the received responses inadequate, we have stated in the Report that they are undergoing further review because we have invited the respective respondents to come and provide further information before we can pass it to the respective Senators who have raised the Statements.

On the issues that relates to Petitions, we have discussed the progress of what we have done. I do not know whether the hon. Colleague has interrogated the Report as shared. However, I would like to invite him to go through the report and he will see that we have drafted it as per the requirements of the Standing Orders.

The Speaker (Hon. Kingi): Sen. Cheruiyot, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir for indulging us and giving us an opportunity to make comments on the three reports tabled by our colleagues who serve as Chairpersons of various Committees of this House.

I will be brief and perhaps take up from what Sen. Cherarkey has said, though I will be a bit measured. I agree with Sen. Cherarkey in challenging our Committees to do better, give us reports that go over and above the call and demands of Standing Order No. 56. I say this because I know the history of how we came up with Standing Order No.56.

This is a new Standing Order recently introduced into the House and even amended further to list the kind of reports that committees need to bring to this House.

Previously, there were no such demands placed on our committees. Many a time, committees would just go about their duties, and it would be left to the discussions of the House on how you felt. Did the House feel that a certain committee was effectively carrying out its mandate or any other thing that it wanted to imagine? However, it was felt during the exit Report preparation of the previous terms of this House that there was need to place better demands on our committees and have a huge ask of them. Ask them that in every quarter, each committee furnishes this House with reports on businesses that they have considered.

We thought through and said: what are the things that Kenyans continue to raise and demand of us as a House of Parliament on how we go about our work? That is why you will find the demand on each committee to file a report on how much they have engaged the members of the public in the business that is before them.

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This is in response to what we saw happening in the courts. There were so many laws that were annulled in the last term, simply on the basis that Parliament did not do sufficient public participation, yet it is a constitutional edict.

Moreover, that is why you read it in Standing Order No.56 (1) (b). That is just an example. Therefore, I have keenly listened from yesterday when the various chairpersons began presenting their reports on their performance as a House.

I agree with Sen. Cherarkey that apart from giving statistics and figures on the business that is before them--- If you are not careful as a chairperson of a committee or as a Member of this House, you can easily become a conveyor belt.

This is because Parliament is blessed with very competent staff who can do anything and everything that you ask of them. This is such that you are just left as a Member of Parliament to come, read what has been prepared for you, have a seat and go home.

Mr. Speaker, Sir, I do not intend to be long on this particular point. This afternoon, for example, we listened to statements by the Committee on Health, Committee on Budget and Finance and the Committee on Energy. They have told us about the businesses that have been presented before them, what it is that they are considering and what they have concluded. That is perfect. I agree with them completely.

However, the further question which Sen. Cherarkey is asking and I agree with, perhaps, is what many of the Senators that are before the House this afternoon are asking. What is their response to emerging issues? I say this because Parliament must rise over and above the statutory provisions of Parliament of making law and representing.

I believe that Parliament is a body that is alive. They know the challenges that the ordinary Kenyans continue to face. We cannot be consuming Kshs40 billion of taxpayer's money every Financial Year, just to dispense and share certain information that we continue to receive from different quarters.

I say this with tremendous respect. I congratulate our Chairpersons. It is never easy to lead a Committee of Parliament. Hats off to Sen. Ali Roba who is leading our Budget and Finance Committee. The Committee has produced the most Bills in this House and some of them were very difficult.

When we say this, Sen. Ali Roba, it is not out of a lack of appreciation for the kind of hard work that our Chairperson put in. We say this because we want to make our committees better.

I have said this before this House and I continue to say it. Sen. Ali Roba can read Regulation No.25 of the Public Finance Management (PFM) Regulations. God granted us a very good opportunity by the fact that we have a Speaker and Chair of the Budget and Finance Committee, who were former governors and they understand the provisions of Regulations No.25.

Unfortunately, there is no one county government out of all the 47 that is in compliance with this Regulation. The Regulation demands of them that 65 per cent of the resources that we devolve via the County Allocation Revenue Act (CARA) in this House goes on to recurrent and 30 per cent goes to the development budget.

Many of them actually are doing below 10 per cent. We cannot continue to sit and be the House that overlooks county governments, yet we do not demand from each of the

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47 governors to file a recovery plan. This continuous business of receiving excuses of inherited staff that are expensive from the defunct municipalities and all these stories are nonsense. This is because we know for a fact that each of the successive sessions of the last three county governments hires new staff. These are the staff that continue to consume a lot of money. The way the governor operates is the reason it is becoming expensive.

We are back to 2013 all over again and I am sorry to say this. Do you remember when devolution came? I will excuse Sen. Mandago and Sen. Ali Roba that perhaps you behaved better or it is debatable to the people of Kilifi, Mandera, and Uasin Gishu.

Mr. Speaker, Sir, when devolution came, we had 'little gods' in the name of governors who used to walk with all manner of retinue. One carrying the chair, another one carrying water for the governor, and another one whistling to the people to move out of the way of a VIP toilet. Unfortunately, we are back there again.

This is because we have allowed them. We have allowed county governments to spend in excess of 75 per cent on recurrent. That is the money that is being wasted.

Therefore, I expect when each of our committees begins to file their reports, Sen. Ali Roba, within the next quarter that you are considering, make a demand when the Council of Governors (COG) appears before you. Let them place a recovery plan and let us know that there is a unique problem in a particular county.

Let me give the example of my own county. Kericho used to be the municipality headquarters that now serves two counties. Therefore, many of the staff that used to serve in the municipalities that were in Kericho and Bomet were left in our county.

Therefore, you will find that their wage bill is slightly higher. I believe there are many such challenges in various other counties. I think Mombasa is one such county. I know that from what I used to see when they presented their books while I was serving in the Budget and Finance Committee.

However, it is not the same for all 47 counties. Why are counties, some of whom we are building headquarters for, having more than 75 per cent of their budget going to recurrent, yet they do not have this challenge?

We know for a fact that the biggest headache is on personnel emolument. Who are these that they are paying? What is it that they are expending on many of these other charges to the county revenue account?

Therefore, those are the demands that we are making of our committees; that come and file with us live issues. Sen. Cherarkey spoke of something that is going on. A debate is ongoing in our country on the cost of electricity. When you read the Report from the Committee on Energy, it is about 'we considered this Petition, Senator so and so brought a question and there is this Bill that we are considering.' Well and good, but I believe leadership is about going over and above the call of duty.

We want to hear about the Report. Sen. Wamatinga knows that we have had these discussions so many times and we have demanded of him that he reveals who are these Independent Power Producers (IPP) owners. The owners are so powerful that they sell only 30 per cent of the power that we consume.

Nonetheless, when you compare the amount of money that they consume overall, it is close to 60 per cent. They charge hardly what KenGen is producing power for. The

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IPP that has power purchase agreement with Kenya Power is almost 300 per cent more expensive. Who are these faceless Kenyans? How privileged are they that they cannot be named? What are these contracts that were signed and who signed them that they cannot be revealed in the Houses of Parliament, so that we bring down the cost of power?

Those are the issues that are live before Kenyans and that is why we included that specific provision of Standing Order No.56 (1) (b) on how much each Committee engages the public.

I am sure if you go and say I am a Member of the Senate Energy Committee in any village in this Republic, you will not get to the second speaker when members of the public begin to speak without being questioned on the cost of power. We put in place that provision so that Parliament and Senate can be alive to the issues that continue to challenge the people of Kenya.

The same can be said of Universal Health Coverage (UHC). Sen. Mandago, you know UHC and we listened to the Report from your Committee on Health led by your Vice-Chairperson, Sen. Mariam Omar. It was a good report; fantastic on the Bills that are being considered and the business that is before them.

We presently have live conversations in the country. The first is this business of Universal Health Coverage (UHC) and the second is on human resource personnel.

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

The Speaker (Hon. Kingi): Sen. Ali Roba, what is your point of order?

Sen. Ali Roba: Mr. Speaker, Sir, I do not know whether it is inappropriate or otherwise to correct the Senate Majority Leader. However, the issues and questions to respond to in line with Standing Orders No.56 (1)(b) and (2) are limited.

What we are required to provide is a quarterly report of activities of the Committee. As such, we can only report on general issues that are within the quarter, as required by Standing Orders Nos. 56 (1) (b) and (2) (a), in view of what the Committee has transacted within a specified time. It is not issues that are generally alive or popular with the public for that matter. Therefore, what the Committees will put forth in form of a report will be limited because of that limitation.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Cheruiyot, I have understood you as trying to push the Committees to try and go beyond what is demanded of them under Standing Order No.56(2), which speaks on areas that Committees are supposed to report.

I think that is where Sen. Cherarkey came in and said that, indeed, even if we are to look at Standing Order No.56(2), there are some Committees that have not adequately captured in their reports most of the requirements under Standing Order No.56(2). For instance, Standing Order No.56 (2) (a) states that—

“The Bills, statements and petitions considered by the Committee and the status of each;”

We have heard about the Bills, Statements and Petitions, but the aspect of status was missing. That is what Sen. Cherarkey captured.

Going forward and to have standard reports, let the reports reflect the contents as demanded of them under Standing Order No.56 (2). If, indeed, there is anything to be reported over and above that--- This is coming from the observation and concerns as

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raised by the Senate Majority Leader; that having dispensed your duties under Standing Order No.56(2), and there is a matter that is live in the country, then a Committee should be able on its own motion, to move and address that and capture it in the report for that quarter. That is what I understood the Senate Majority Leader to be saying. Therefore, let us stand guided.

Senate Majority Leader, have you concluded?

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I will conclude in one minute. You have put it way better than perhaps I could have. The specific Standing Order that I referred to, and which I wish our colleagues can look at, is Standing Order No.56 (2) (d).

It states –

“The manner and extent to which the Committee met its public participation obligations in respect of the business of the Committee;”

Mr. Speaker, Sir, when I began my presentation, I gave a history of how we got these Standing Orders here and the purpose for which it is meant. It is exactly for what you have defined. Otherwise, we run the risk of being a House that is like on a treadmill. All you need to do is lift your leg and assume that you are making progress.

Therefore, that is the basis upon which I base my submissions. We think on other matters that arise over and above what has been reported under Standing Order No.56(2)(a) on the Bills, Statements and Petitions that have been considered by the Committee. That is why I gave an example of the Committee on Energy.

I said that it does not matter whatever Bill you are presently prosecuting. If you have public participation fora, as the Senate Committee on Energy, I can bet my last coin that you cannot get to the third member of the public without them referring to the issue of cost of electricity and many other such incidences. The same can be said about the Committees on Finance and Budget, Health and all others.

Therefore, it is our proposal and humble submission to Chairpersons of Committees that, as they prepare these quarterly reports, we probably could be apprised of the same. In fact, the final point I made about the Committee on Health that over and above giving us this Report during this Session, it is our expectation as a House that when there is a major policy declaration that is about to be made, then the Committee can lead us in to understanding and appreciating what that particular issue is.

For example, on this matter of UHC, I believe when the policy document eventually gets to Parliament, we will look up to the Committee on Health to guide us, as the Senate, to understand and appreciate it better. I know the Members in that particular Committee have at least had an opportunity to interact with the proposal better than the rest of us, so that when we come to debate, we will be better informed.

Otherwise, I appreciate the good work that all our Chairpersons are doing and with specific reference, if there is any doubt that has been created, to Sen. Mandago and Sen. Ali Roba - ‘captain’ ‘his excellency’ Senator and all those things.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Mandago.

Sen. Mandago: Thank you, Mr. Speaker, Sir. I rise to make a few comments on the issue of reports. First, I agree with what Sen. Cherarkey and Sen Cheruiyot have said,

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but not in its entirety. In terms of the quality and content of the Report, what is normally read is just a summary.

Mr. Speaker, Sir, as a new Senator in this House, I have been wondering about what happens to the very good recommendations that we make in conclusion of our reports. How are we, as a House, going to follow up some of those matters?

I say this because my Committee on Health has investigated matters to do with deaths in some of our facilities. In those investigations, we found issues to do with negligence, lack of equipment, lack of implementation of policy and regulations from the Ministry. As much as we have unearthed all those things and put them in the report, I would want to be guided as the Chairperson of the Committee on Health on how we can make sure that this is implemented, so that we do not produce reports that end up not being utilised.

I agree with the Senate Majority Leader when he says, ‘when there are active conversation.’ In my Committee, the issue of UHC is so central to the Kenya Kwanza administration. However, we are a very frustrated Committee because ever since we came to this House and Committees were established, the Cabinet Secretary (CS) for Health has never appeared before our Committee. She has never invited us for inductions to scrutinise the programmes of UHC. We only deal with matters when they are processed and during launches. We find it extremely difficult as a Committee. We are scheduled to have the CS for Health on Friday and hope that she will appear before the Committee, so that those matters can be prosecuted.

I agree that we probably need on our Order Papers time to apprise the House on matters that are live in the general populace.

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

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

Finally, I disagree with the Senate Majority Leader that in 2013 governors were ‘small gods.’ It was not our making.

We need to have a session on how you should induct people into a programme when you are in office, so that later on, you do not blame them.

As the first elected governors of this country, in 2013, we were invited to a high-level meeting in Naivasha. That was our first meeting. We were 47 governors and Senators were also there. Guess who were doing the induction. It was the Attorney-General of this country, the Chairperson of the Transition Authority (TA), the Chairperson of the Salaries and Remuneration Commission (SRC) and others.

When the forum was being closed, the Attorney-General then, Hon. Githu Muigai, told us that world over, a governor is referred to as ‘His or Her Excellency the Governor.’ We never went to River Jordan, River Moiben or Nairobi River and baptized ourselves with the title “His or Her Excellency.” That is what we were inducted into.

I remember the National Flag being flown by governors became an issue. It was not the making of governors. It was during the induction and inauguration of governors that we found our vehicles already fitted with the flag. We only drove vehicles that were

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fitted with the flag and a new title. What were we supposed to do when we had been inducted and released officially to go and work? I just wanted to reiterate that so that we understand.

The other aspect we need to prosecute is the issue of recurrent expenditure in the counties. I have said time and again that there is need for the---

Sen. Kinyua: On a point of order, Mr. Temporary Speaker, Sir. I have listened to the Senator for Uasin Gishu. He said he disagrees with the Senate Majority Leader, Sen. Cheruiyot, who said that governors were treated like small gods. He has gone ahead to confirm that they were 'gods.'

I do not understand why he disagreed with the Senate Majority Leader. He should have said he is confirming what the Senate Majority Leader said.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mandago, I hope you listened to yourself because I actually heard that earlier on when you started. You disagreed and midway confirmed that fact which the Commissioner is saying.

Sen. Mandago: Mr. Temporary Speaker, Sir, I do not want to argue with the Senator for Laikipia, who is also my employer at the Parliamentary Service Commission (PSC). However, he never said which Standing Order he rose on.

(Laughter)

Anyway, he has made his point. I was just trying to emphasise that some of the things we see in the counties might not be their making.

Mr. Temporary Speaker, Sir, it is good that my colleague Senator for Mandera is the Chairperson of the Committee on Finance and Budget. Regarding the issue of recurrent expenditure, there is need to review the accounting and reporting standards.

If we remove personal emoluments, some of the recurrent expenditures are development in nature. For example, in the counties, procurement of drugs and non-pharmaceuticals are recurrent expenditure. Training and the fuel you use in building roads using county owned equipment are recurrent expenditures. Therefore, it suffices to say that there is need to reclassify recurrent expenditures, so that we have the correct view of the spending in the counties.

We are not saying that counties are doing 100 per cent. There are issues we need to address as a Senate. I agree with the Senate Majority Leader that in our quest of oversight, we must come up with a proper mechanism where every Senator will have a framework for overseeing activities in their county.

When we reach that point, I will propose a legislation to put in place the process of oversight in counties, so that governors do not imagine that Senators are on a witch-hunt mission.

It will be good if in a financial year we put in the budget of a county an oversight framework and a meeting between the executive, the Senator and his team of oversight together with the MCAs and agree on a framework of oversight. When Senators go to the field to check on projects and ask questions, it will be within a certain framework that will enable the Senate to make meaningful progress in terms of oversight and make sure that funds that go to counties impact the lives of citizens at the county level.

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Mr. Temporary Speaker, Sir, I beg to submit.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mandago, the Chair has noted that in the course of your submission, you inquired about the fate of the reports tabled by various committees in the House. I would like to confirm that Standing Order No.225 speaks about reports on Senate resolutions. In essence, it is about what happens to the reports that are submitted before the House.

I will read Standing Order No.225:

“(1) The Clerk shall, within seven days of a resolution of the of the Senate or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant Cabinet Secretary, independent Commission or holder of an independent office under whose portfolio the implementation of the resolution falls.

(2) Within sixty days of a resolution being conveyed to the relevant Cabinet Secretary, independent Commission or holder of an independent office under paragraph (1), such persons shall provide a report to the relevant Committee of the Senate, in accordance with Articles 153(4) (b) and 254(2) of the Constitution.”

That basically lays out the basis upon which you, as a Committee, for example, can follow up the implementation of reports you have made. That will guide the House or a select committee to ensure that recommendations such as those we have received today from the Committees on Health, Committee on Finance and Budget or Committee on Energy are followed.

I believe the relevant Committee Chairperson will utilise the provisions of this Standing Order to ensure that those recommendations do not just gather dust. Also, because of the timeframe provided, they should reopen should there be no action on the part of the relevant Commission, Cabinet Secretary or an authorised person within the relevant Government agency where a report is submitted to.

Hon. Members, that sums it up for comments which we had granted Members to make on the reports submitted this afternoon by Chairpersons regarding activities of the committees on Health, Finance and Budget and Energy.

Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, as we proceed, I request your guidance and direction. Order No.19 is the Prevention of Livestock and Produce Theft Bill (Senate Bills No.12 of 2023), which the owner is yours truly. I need your guidance because when the Bill went to the Committee on Agriculture, Livestock and Fisheries, neither the stakeholders nor I were invited, and I have not seen the committee report.

I need your guidance on whether I am allowed to move the Bill when called upon to, or should I wait for stakeholders’ engagement and the committee report before moving it. The tradition of the House has been that at least I should be in line with the committee report, so that when I move the Bill, I am aware of the reservations.

This Bill comes at a time when we are fighting cattle rustling and produce theft across the country, especially in the North Rift where I come from and parts Northern Kenya. I thought this Bill should define the role of the Senate in terms getting solutions against cattle rustling and produce theft across the country and not just in the North Rift.

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Mr. Temporary Speaker, Sir, I thought I should get guidance, so that I proceed. I note the presence of “the Bishop” who has just walked in, the Senate Minority Leader. Apart from praying for the victims of police brutality, they should also pray for the police who were killed and the over 300 ones recuperating.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey. You began well by asking the Chair to guide you. I want to remind you that the House in Order No.15--- Earlier on, the substantive Speaker re-arranged the Order Paper and deferred Orders No. 8 – 14.

I will accordingly guide you when Order No.19 is called out.
Clerk, call out the next Order.

BILL

Second Reading

THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

(Sen. Mariam Omar on 25.07.2023)

(Resumption of debate interrupted on 25.07.2023)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana is not present and he had a balance of seven minutes from his last presentation before the House.

Sen. (Dr.) Khalwale, you already spoke to this Bill. In his absence, I am opening the Floor for any Member who is keen to speak to this particular Bill.

Sen. Wafula.

Sen. Wafula: Asante, Mhe. Spika wa Muda kwa nafasi hii. Ningependa kuchangia machache kuhusu Mswada ambao Seneta ameibua kwamba lazima serikali za kaunti ziwe na mfumo wa elektroniki utakao tumika kuhakikisha kwamba watu wanapata leseni zao kwa wakati unaostahili.

Vile vile, kupitia mfumo huu, itakuwa rahisi kufuatilia ni watu wangapi wamesajiliwa na kupewa leseni za kufanya kazi katika kaunti husika. Mswada ambao Seneta ameleta, ni kuhakikisha kwamba Serikali itakuwa na kumbukumbu za majina, kampuni na biashara zinazohusika katika kaunti husika.

Wakati ambao wanawasilisha stakabadhi zao kuhakikisha kwamba biashara zao zinapewa leseni ni rahisi serikali kupata stakabadhi, majina ya wenye kampuni na kampuni hizo zinafanya biashara zipi katika kaunti hizo.

Bw. Spika wa Muda, kingine kinachodhihirika katika Mswada huo ni kuhakikisha kwamba wale ambao wamepewa leseni ama wamewasilisha stakabadhi zao, kupata leseni, ni lazima serikali kuwapa majibu kwa muda unaostahili. Itakapofika siku 28 kabla wao kupewa majibu, itakuwa kana kwamba serikali kwamba waendeleo na kazi na kufanya biashara.

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Sasa ni jukumu la serikali husika kupitia stakabadhi hizi na kuwapa walioomba nafasi majibu kwa wakati unaostahili. Wasipofanya hivyo, wanabiashara hao wataendelea kufanya kazi zao, kwa sababu, Mswada ulioletwa hapa unajukumisha washika dau katika kaunti kufanya kazi zao jinsi inavyostahili.

Mhe. Spika wa Muda, mwisho kabisa, vijana na wale ambao ni chipukizi katika biashara wataweza kupata nafasi ya kulipia ushuru au leseni zao kwa awamu moja. Katika mfumo wa elektroniki, anapobonyeza na iwapo anataka kupata leseni mbali mbali, mfumo huu unamwezesha kupata idhini kwa wakati unaostahili na wakati huo. Sio jinsi inavyotendeka sasa.

Wafanya biashara hao au wawekezaji hao wanatundika guu zao begani kutoka ofisi moja hadi nyingine kutafuta leseni. Mswada huu utafupisha gharama ya kazi, uekezaji na hivyo, kazi ifanyike jinsi inavyostahili.

Kutoka kwangu, naunga mkono Mswada huu kuhakikisha kwamba nchi inasonga mbele.

The Temporary Speaker (Sen. Wakili Sigei): Sen. M. Kajwang’.

Sen. M. Kajwang’: Mr. Temporary Speaker, Sir, I rise to support the County Licensing (Uniform Procedure) Bill that has been brought to the House by Sen. Mariam Omar. I congratulate her. This is her first time in the Senate and she did not spend one year before originating a Bill as important as this.

This is a Bill that touches on many of the issues that we usually address on a day-to-day basis in the Public Accounts Committee (PAC). It seeks to put in place uniform procedures for licensing of various activities by counties. One of the ways in which county Governments generate revenue is through the issuance of licenses for various activities related to their functions.

The activities to which county Governments can issue licenses are prescribed clearly in the Fourth Schedule of the Constitution. It has become difficult for entities whose business interests span the 47 counties to comply and apply for licenses. For example, if you are an outdoor advertising agency that is based in Nairobi and you want to have your billboards across the 47 counties, you will be forced to deal with 47 licensing regimes. You will be forced to have 47 single business permits or 47 different licenses.

Mr. Temporary Speaker, Sir, that is not spirit that was envisaged when we set up county Governments and when we allowed them to raise revenue at their local level. There need to be a way of making lives easy for those businesses that span the 47 counties.

I believe that is the intention of this Bill; to simplify things, to simply life and to reduce the instances of compliance from 47 to one straightforward instance of compliance.

I have not interacted with the report of the relevant Committee, but this is the kind of Bill that the Council of Governors (COG) is usually very fast to oppose. They always argue that the Constitution gives them powers of sub-national governments and they should be allowed things the way they deem it fit.

Sometimes they argue that when it comes to licensing and revenue raising, that is the sole mandate of county assemblies. As long as they have passed their finance bills, the Senate or any other national entity should not be dragged into that conversation.

Mr. Temporary Speaker, Sir, whereas I sympathize with the powers of county governments to raise revenue and the power of county assemblies to be the ones to process finance and revenue raising measures within their respective counties, we must remember that the Constitution of Kenya, 2010 is still for a unitary government, and we still have this kind of government.

Even though we have 47 counties, we are still a unitary government and are not a federal state. Whatever the Senate does and whatever we do at the headquarters in Nairobi should ensure that Kenyans who are doing business across the 47 counties have got some sense of justice and fairness in the manner in which they are treated.

Mr. Temporary Speaker, Sir, there are areas we will need to ask ourselves whether one overriding law would be applicable across the 47 counties.

We have seen instances, particularly in northern Kenya, where one of the key concerns is the provision of water. We have interrogated reports of the Auditor General, where he cites a water project for non-compliance with National Environmental Management Authority (NEMA) laws. The Auditor General cites a water project because Water Resource Management Agency (WARMA) is supposed to certify or approve certain projects within that space. A borehole has been dug in northern Kenya in an area that is extremely difficult to access, where all that they need is water. They do not care about what NEMA or WARMA said. Then, the project is stopped and queried simply because WARMA or NEMA did not license it.

We have found ourselves to be sympathetic with county governors in such instances because the residents of those areas want clean water. Once they have clean water, children will stay in school instead of roaming around looking for water and pasture. Therefore, sometimes when we have one framework legislation that cuts across, we must also ensure that there could be certain exceptions that can be made for some of those difficult situations.

Technology adoption is also not uniform across the country. I have seen that there is a transition that has been proposed of three years for all county governments to ensure that there is a technological platform for uniformity of licensing across the 47 counties.

I think three years is not too bad a proposal to make because as things stand now, the telecommunication network is concentrated along the tarmac. There is the 4G, the 5G and there are some areas that are still on 2G in this Republic. You find 2G along tarmac roads. There are parts of this country, vast areas that have never seen tarmac. They call tarmac a black snake because it is alien to them.

We have gone to parts of Turkana, Pokot, Mandera and Samburu where they have never seen tarmac. Now that these technologies and internet connectivity are provided by entities that are out to make profits, they are not going to put a mast in the middle of nowhere. They will put a mast along the tarmac road. Therefore, if you are going to expect someone in a far-flung corner of West Pokot to entirely rely on technology that sometimes requires a 5G internet connectivity to make an application for a license, that

person will be in a position of unfairness as compared to the person who is in Nairobi, which is flooded with technology and connectivity.

As I conclude, I want to encourage our county assemblies to take very seriously their mandate when it comes to approval of budgets and revenue-raising measures in counties.

There are those who think that the Senate interferes with the mandate of county assemblies. There are those who think that even the interrogations we make of financial statements and reports of the Auditor General is something that should be done by county assemblies.

This Senate from its inception has drawn the line very clearly. When I see people going to court to ask where primary oversight ends and secondary oversight begins, I usually think that those are lazy people who have not taken time to appreciate the position the Senate has taken.

Primary oversight is around the approval of appointees to run county governments. That is a pure mandate of the county assemblies that the Senate never encroaches on. The Senate only comes in when it comes to impeachment of the Governor and the Deputy Governor.

Otherwise, the persons responsible for running our county governments are appointed or vetted by Members of the County Assemblies (MCAs). That is primary oversight. Primary oversight is in approving budgets; the County Integrated Development Plans (CIDPs) the ADPs, the County Fiscal Strategy Papers, the Appropriations and the Finance Bills in County Assemblies. That is a pure function of county assemblies that Senate never ever gets involved in. Once the Senate divides and allocates revenue, we leave it to the county assembly to ensure that plans that have been generated by the governors are in line with the expectations of the public.

When it comes to own-source revenue, again the decision on what to tax including taxing dogs, cats, and chicken or putting a tax if you cut down a tree, that decision is entirely in the hands of the county executive and the county assembly. The Senate never encroaches on it.

I want to encourage county assemblies to be confident and bold because the same laws that we use here in Nairobi are the same laws that are available to them. The other day the State House Comptroller appeared before the Public Accounts Committee (CPAC) and people were wondering how the State House Comptroller can come to Parliament to talk about Nairobi Metropolitan Services.

The same power that the Senate has to compel the State House Comptroller to come before the Senate is the same power that county assemblies have to compel the State House Comptroller to appear before the County Assembly of Nairobi and to explain issues to do with NMS.

I say this because of this uniform licensing procedure. There are those who will argue that we are trying to prescribe to county assemblies how they should go about their business when it comes to processing Finance Bills.

If our county assemblies took their tasks and duties with the confidence and seriousness that is required, I do believe that some of these multiple overlapping and duplicating licenses and levies that we see in counties would be a thing of the past.

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The other issue that our county assemblies must take seriously is to ensure that they have got balanced budgets. Just last week or this week we dealt with the case of the Nairobi City County Government that plans to collect Kshs20 billion shillings but only collects Kshs10 billion. That has been the trend from the onset of devolution. We directed the Auditor General to conduct a forensic audit on own-source revenue in Nairobi. This is relevant to what we are talking about. If there is one county that has got more licenses than any other counties, it is Nairobi City County.

Unfortunately, you put people through the process of applying for licenses for liquor; licenses for premises to sell food; licenses to set up outdoor advertisement facilities, and Kenyans pay. If they do not pay, they will be harassed by the City Council *askaris* and yet, whatever is reported as having been paid is half of what has been collected.

It is a shame and those are some of the reasons that make people think that devolution was a bad idea. I am still a believer in devolution. We should ensure that we have got faithful men and women and systems, such that all these licenses that we are trying to harmonize; once they are harmonized the collections are faithfully reported, so that it can go back to serving taxpayers.

Mr. Temporary Speaker, Sir, I support this Bill. I congratulate Sen. Mariam Omar, and as we continue to interact with it, perhaps we will be able to make much more meaningful amendments to ensure that this framework that we are giving is not like the NMS, which one Governor called Prof. Lonyangapuo, described as one dress that was made in Nairobi and sent to the counties with the expectation that it was going to fit all the governors and all the counties. I hope Sen. Mariam Omar has looked at the size of this Bill appropriately, so that it can fit the Governor of Homabay, Kericho and the Governor of Nyandarua.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. M. Kajwang, I believe the agency you made reference to earlier on as WARMA is the Water Resource Management Agency, and I hope that the dress will also fit the governors of all the 47 counties.

Majority Leader, you may proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you Mr. Temporary Speaker, Sir. I join the rest of my colleagues in first of all, passing a word of congratulation to Sen. Mariam Omar; a leader who is emerging and strongly distinguishing herself because of her diligence in this House.

She is among the few Senators that on many afternoons when the House is virtually empty, such as today, you will find her studiously silent with a pen and paper, making notes and contributions to the business that is before the House.

Therefore, it takes me by no surprise that colleagues, such as Sen. M. Kajwang', have equally noted her diligence. That is how you grow as a legislator. There is no magic for you to grow and stand tall like Sen. (Dr.) Khalwale, who has been here since I was in high school and continues to serve in this House with great dedication.

Congratulations, Sen. Mariam Omar. Please, keep on and while at it, encourage your colleagues, many of whom have formed the habit of checking into the House and slotting in the card. The only thing they remember for the afternoon is the pin of their

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card. You will find them idling or taking tea in our lounges. That is not what you are sent to do in Parliament. Anyway, I do not intend to be long on that, but I commend what our dear sister is doing.

Mr. Temporary Speaker, this is a well-thought-out Bill. I have been to many business forums. We have seen quite a number here at the Kenyatta International Convention Centre (KICC) and in our counties, on the challenges that businesses continue to face in this country, especially those that are in the Small Medium Enterprises (SMEs) space. They do business that is not elaborate across the counties and they do not have the muscle to avoid being boxed or challenged by county governments.

Sen. M. Kajwang, you perhaps know this better; that it is the smaller businesses that face the wrath of many of our county administrations, especially when they try to expand into the next town.

You find that a young entrepreneur sets up in Homa Bay and within a short time, they want to expand to Nyamira and Kericho, which are the next neighbourhood counties. The kind of challenges and bottlenecks that they go through is what has inspired this legislation.

If you read through the objects of this Bill, it intends to give a uniform platform for licensing various activities by counties. This is informed, of course, by the Second Schedule of our Constitution on the various functions of our county Governments and the powers that they have to determine what licenses they can give and at what rate. Therefore, the fact that we have thought as a House and want to propose through this piece of legislation to have one standard that applies across all the 47 counties, is quite encouraging.

This is what I was speaking about a few minutes ago when I was reacting to the reports that were being given to us by the Chairpersons of the Committees.

Parliament must learn to be alive by reacting to the specific, accurate and timely needs that are before the people of Kenya. That is the reason for our existence as a House.

On many occasions that we have gone, I am sure we have not had one this session or maybe if it happened, then I missed out on it.

Sen. M. Kajwang would know that on many occasions, we have had the chance to interact with the Kenya Private Sector Alliance (KEPSA). When they invite us, their key cry to us as a legislative body is continuous licenses that are not uniform, not just in terms of procedure, but sometimes even in terms of price.

I have often cited the example of outdoor advertising, which is controlled by county governments. You find that if you are an agency that has set up and you are now growing, you are in 14 counties, as you quote for your client, they may think that you are misleading them.

You tell them the county license fee in county one will be Kshs2,500. However, by the time you get to County No.14, the price is different. We pass a lot of these challenges to people that run businesses.

Therefore, this Bill will provide the opportunity and the platform for us to even the playing field so that our county governments can be entities that facilitate business and not barriers and a hindrance to them.

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I only have one or two things to note. Before I get to the challenges that I have noted with the Bill, allow me to celebrate what I would consider to be glorious provisions that have been made on this particular Bill. You read about the obligations in the implementation of this Act or the enactment of the respective county legislation that should be taken into consideration. This Bill now obligates and shall be applicable to all our 47 county governments. Therefore, it shall not be different in one as you move to the other.

First, is the need to protect consumers of goods, services, ensure public safety, and provide and promote environmental protection. This is important because it is being assumed, and rightly so, as Sen. Mariam Omar notes, that if you unify the county licensing procedure, there are challenges that certain counties will not be very keen or diligent while observing these provisions. They say, in any case, if we are not the ones that make the final determination of how this particular licensing procedure is, then they do not have to ensure compliance.

For example, there is the issue of environment that is a very potent conversation going on in our county and globally as well. We are preparing in the month of September to host a big global conference on climate change. Therefore, it is encouraging to see that as we do our legislations, we are speaking to issues such as the promotion of environmental protection.

Let us say you are in a business that a county government actually requires you to provide evidence. For example, people who are in the renewable energy space need to provide office of disposable part of the wares that you trade in are well handled in ways approved by the National Environmental Management Authority (NEMA). You do not dump illegally the effluence and waste that are by-products of whatever you are producing. That there is that obligation on you.

If we make it uniform in terms of the procedure for determination, then you will find that certain counties are strong in enforcement, while others are not. That can bring a challenge because county governments are what the leaders of those counties have chosen them to be.

If you find a county government where the Governor or those that are responsible are keen to enforce environmental protection laws, then you will be obligated to do the same. If you find a county where there is no strength to follow up on the same, then you may find people disregarding those laws, and that can present a very serious challenge.

Therefore, it is good that we have made it a provision in law that the obligation is on you. Despite the fact that this is a uniform procedure and there will be one platform upon which we license all these businesses across the county, we are not taking away your power as a county to oversight and ensure that there is enforcement of standards of goods.

For example, if people consume contaminated food in a particular hotel, you will not blame the unified procedures and say that you used to do it differently. I believe all county governments will sign on. This is because the minute we pass this Bill as a Senate of the Republic of Kenya, it will apply to all the 47 county governments. It will be tantamount to a voice of all the people of Kenya. We will still have placed the obligation on the local county to ensure that those standards are observed.

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The licensing authority, as well, shall ensure that the process of applying for licenses from respective authority is efficient and effective by providing mechanisms for people that make simultaneous applications for more than one license and preventing multiple licensing procedures.

This is the same so that if your business is obtained in more than one county, then with one click of a button, the transaction will be completed. This being the digital world that we live in, our hope and aspiration of a county government is that you do not have to run with pieces of paper from Kisumu to Siaya; Siaya to Homa Bay, then to Kericho and move to Kisii, if you are operating in the Western part of the country.

If you are operating in the western part of the country, of course, it provides as well, in Section 7 of the Bill for the licencing procedure. It is good that it is defined because, when you do not legislate, when you do not provide the proper information and guidance, then there is room for abuse. Many people may come up with whatever they consider.

It is clearly defined in the Bill that an application for the grant renewal and replacement of a licence shall first need to be made in writing in a certain form and it needs to be signed by the applicant. The procedure needs to be set out and the authorities that determine it.

There is a provision, which I heard Sen. M. Kajwang, verily refer to, and it is something that we need to engage our heads on properly before deciding on it.

Clause No.27 on this Bill continues to give powers to a Cabinet Secretary. I do not think that is right. We cannot be passing legislation as the Senate of the Republic of Kenya that continues to centralize power. I want the attention of Sen. M. Kajwang because when I served in the Committee on Devolution and Intergovernmental Relations with him as our Chairperson, we began this conversation. We wanted to ensure that as a Senate, instead of legislating every time, we give the ultimate power to a Cabinet Secretary. Let us domesticate the Council of Governors (CoG) in Statute so that we can begin to include them in law.

We have our views on CoG, we have gone through all the views that we agree on and which we do not agree with them. The CoG and the Senate have come of age and should be the ones that are making these regulations as opposed to giving the power to the Cabinet Secretary. This is part of the claw-back. We should not assist part of the claw-back on devolution as the Senate. Why are we obligating a Cabinet Secretary to make regulations that affect county governments and as the Senate are happy to pass that particular Bill? That is the challenge that I have with Clause 27 of this Bill and when Sen. M. Kajwang mentioned it, it struck my attention and I said that I need to read that particular provision.

Sen. Mariam Omar should convince us before we give her the final vote on passing. She needs to rethink and tell us what she is going to do with Clause 27 of this particular Bill. I am not comfortable with us giving delegated power instead of empowering our county governments who are returning them back here in Nairobi, to get regulations.

Let us quickly conclude the business. I do not know how many Members of the Senate Standing Committee on Devolution are in the House. We need to complete this

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business of domesticating CoG in Statute, as well as County Assembly Forum (CAF), so that when we do legislation, we incorporate them. I know the struggle is to find an anchor point where all the 47 county governments fit.

The lazier thing to do is simply to send them to the national Government yet that is not what we need. That is not entrenching devolution, which is one of the reasons for our existence as a House.

I propose that we quickly move in that particular space so that each time we do legislation such as this - anything that requires the coming together of all the 47 county governments - let the CoG take the lead in making the regulations. They are many, even those that we are doing, including the law that you have proposed to this House on amendment to the Tea Bill.

Part of the challenges we have is the number of representatives of the county government *vis-à-vis* those of the national Government. We know that agriculture is largely devolved, yet when you see the board that we passed here, you have a representative from the Ministry of Trade, from the Ministry of the National Treasury, Ministry of Agriculture and only two representatives from the CoG. These are conversations that we need to have.

Over and above that, there is a proposal for the licencing authority to be required to serve notice on people. I love that because it is very easy for people to misbehave. Thanks to this particular law because there will be an imagination that local law enforcement will be hindered by the fact that this law has been uniformly passed here at the Senate and so the specific county government does not have the power to hold a particular individual to account.

I like what Sen. Mariam Omar has provided for and there is still power to the local licencing authority who can give notice if you are not compliant. You know the conversation, for example, that we are having about liquor licencing. I know for a fact that very soon part of the proposals that we shall be having will be those on liquor licencing. If there has ever been a timely Bill that is alive to the situation and a conversation that is going on in the country, it is this Bill, with the alcohol and drug abuse situation in our county governments. You find that a particular county has passed certain laws, however, when we handed over the powers to licence to our county governments, that is when we started to have the challenges that we are having in various parts of the country.

You find in a small shopping centre that because of the contribution that the liquor licences providers give to our county governments, the train has been opened and in that small centre there are two or three kiosks, then 17 bars that have all been licenced. In such a place, you find that there is only one butchery, so that if there is a drunkard who is rich on that particular day, that is where they stream, while the rest of his colleagues are in the 16 other bars.

We need to make it uniform. That procedure and that authority is what has been provided with this particular law so that even counties can benchmark to know how we are handling this situation. What number of bars are you licensing per square foot per population of people; distance, proximity to school; procedures that can be listed down and county governments can learn from each other. That is extremely important.

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I, therefore, celebrate the good work that has been done by our colleague, Sen. Mariam Omar. I wish our colleagues can continue to generate such business for us to consider as a House so that we can entrench the success of devolution.

I support this Bill with only that right and provision and challenge Sen. Mariam Omar to guide us on what we are going to do with Clause 27 of the Bill. I am a bit uncomfortable with us returning county governments to be subject to regulations that are made by the national Government.

With those many remarks. I support and congratulate Sen. Mariam Omar.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senate Majority Leader.

Sen. Ogolla, you have the Floor.

Sen. Ogola: Thank you, Mr Temporary Speaker, Sir. I rise to support this Bill by Sen. Mariam Omar and just as my colleague Senators have indicated, she is a young legislator whom I admire so much.

In short, the Senator is a God-fearing young legislator, sober, objective and responsive. Senator, you are going far, especially having listened to the commendations by our ranking Members such as Sen. M. Kajwang' and my old friend, the Senate Majority Leader, Sen. Cheruiyot.

I start from where the Senator of Kericho had mentioned that as the Senate, sometimes we contribute to clawing back some of the benefits that we have made so far in devolution. Sen. Cheruiyot pointed out the reference to the Cabinet Secretary; a reference that many of us continue to make in so many other Bills.

That is probably the only thing I agree with Sen. Cheruiyot whom especially in the last few weeks, I have not been very impressed with. He is a Senator I used to look up to in debates even before I came here. However, he must come back on track and follow the God given path.

Mr. Temporary Speaker, Sir, coming back to this Bill by Sen. Mariam Omar, I support it because it promotes efficiency and effectiveness. The sponsor of the Bill refers to doing away with multiple application procedures that we have always seen in some of the licensing procedures in our county governments.

The Bill promotes a uniform way that calls for standardization and promotes efficiency and effectiveness. This Bill ensures that licensing is consolidated. Once it is consolidated, it makes our people have ease of doing business. That is the main purpose of doing business. Once a business individual is licensed, it provides ease of operation. The Bill ensures that there is a prescribed standard of how goods and services are offered. It is clearly spelt out.

I support the Bill because it spells out the procedure of licensing, the duration of the license, and the conditions for renewal. It also indicates how license records are going to be kept. The only thing I would like the Senator and mover of this Bill to consider is that once licensing is done, it should provide income for the county governments. Once the traders are provided with licenses, the county governments must also give back to the business people in terms of services.

When you walk around our counties and visit markets, trading centers, and certain municipality headquarters, you see our people doing business. However, sanitation is

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not to standard yet the businesses are licensed. The rules of natural justice require that once you get some income from me, I am entitled to some service. Sen. Mariam Omar should consider having that spelt out. Our people should get certain services so that they can access their business premises such as having access roads established. Once you avail these services such as transport and infrastructure, it means that you are giving access to businesses, employment and availing water and health services to the people.

As the Bill indicates, there must be conditions for which the licenses shall be issued. There must be some reference to clawing back by the county government where business people are entitled to certain services.

Mr. Temporary Speaker, Sir, the Bill is convenient to the extent that it consolidates licenses. It has been inconveniencing most business people because as the last speaker has indicated, you get a license for business a, and another for b, c, d, and e. However, with the process of consolidation, it will make it easier.

Another area that has impressed me is that this Bill shall ensure that the fees collected are not prohibitive and do not hinder doing business. There has been a perception in the counties that big business entities are not licensed. The fees that are attached to their licenses are not equivalent to the businesses. Some of these small business people are women selling tomatoes worth Kshs500, Kshs2000, or even Kshs1000 per day. However, fees is collected from them.

I am impressed that the Bill shall ensure fees will not be prohibitive and, therefore, our people are going to do business with ease.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Methu proceed to give your contribution.

Sen. Methu: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this well-thought-out Bill by my colleague, Sen. Mariam Omar. She is a Member of a committee that I Chair. If Members of the committee were here, they would tell you that we refer to her as our midfielder. Sen. Ogolla and herself rarely miss any meeting. They are the fulcrum around which the committee operates. I am happy they are Members of my committee.

We have never faced quorum hitches when they are around. Just as the Senate Leader of Majority has mentioned, they are always with a book and pen, taking notes and contributing to the various proceedings both in the House and in committees. I congratulate her on taking this bold step of coming up with this Bill.

Without taking so much time so that I allow my colleagues to also give their input on the Bill, I feel that this Bill is timely just as my colleagues who have spoken before me have stated. Even though part of the own source revenue from most counties is from licensing, it must be regularized. One of the principles of application that have been proposed in this Bill---

One thing that has caught my eye is the simplicity of the process. I believe the simplicity of the process is meant to address the very small businesses that are coming up. It does not make any sense that a *kinyozi* person in a small town called Heni has to go all the way to another sub-county headquarters in Nyandarua County called Engineer to apply for a license for three or four days. This process should be simple and easy.

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Government should create an enabling environment for business people so that they can do business.

Another principle of application for licensing proposed in this Bill is equity, transparency and accountability.

Mr. Temporary Speaker, Sir, more often than not, this has been a preserve of a few people. Many people apply but not every person is subjected to a standard procedure of getting licenses. For example, licenses for a bar and alcoholic drinks in Nyandarua County is one of the major areas where governors used to reward their people. People are not subjected to a standard way of licensing. There has not been equity in this particular area. I feel proud and happy that it is been addressed by this Bill.

Another principle is access to information relating to licencing. In Section 11 of this Bill, Sen. Mariam Omar has proposed that part of how information shall be availed to the public is to have this information printed on the print media of one of the major dailies.

However, I wish to ask my colleague, Sen. Mariam Omar, to widen that scope. More often than not, there will be an advertisement which would be meant to be seen by specific people. There will be a small liner in the newspaper, next to the obituaries and you will not see it.

If anything, the leading newspapers in Kenya print less than 100,000 copies for 50 million Kenyans. We should increase this scope to not only include print media but also electronic media. It should be announced on radios and televisions so that a person in a small remote village in Homa Bay County will know that the Licencing Authority has opened that avenue.

This privilege is abused by just opening a window of 14 days for people to apply. Then you put a small advertisement in a newspaper and alert your people that the advertisement is there, for them to apply. When other people complain, you tell them that it was in the media and that they did not apply, that is why they have been locked out.

Another principle that has been proposed in this Bill is to enable licence holders to adjust to changes with minimum friction. It is ringing in my mind how many businesses were affected in the just ended COVID-19 pandemic. Many businesses were forced to readjust.

For example, if I am operating a bar and restaurant, the licence that I get for selling alcoholic drinks allows me to remain open for 24 hours. Government had ordered that all bars must be closed by 7.00 p.m. There was a lot of friction for application of the licences because your licence says you are not supposed to close but you are being told by the Government to close by 7.00 p.m. This friction should be addressed.

As it is now, the Government has given licences for harvesting and thinning foreign trees. I am the Chairperson of Committee on Lands, Environment and Natural Resources. The licences have not been issued because harvesting forest products has been banned for quite some time. There should be a framework so that we allow those that have licences to do their business in peace.

On the licencing procedure, Sen. Mariam Omar has proposed that in three years, all licencing authorities should allow electronic application. This is a major departure from the past. Sen. M. Kajwang' is my Chairperson in the Committee on Public Accounts

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of the Senate. It has been mentioned by many governors that for them to succeed in raising their revenues and seal all the loopholes in the revenue streams, electronic application is the way to go.

A person in a small village in Marsabit County should be able to apply for a licence and get it without necessarily visiting the sub county office, knowing Sen. Chute or the governor for Marsabit county. If a person in a village in Marsabit County wants to open a *kinyozi* or salon, they do not need to travel all the way to the sub county headquarters to apply for a licence. It should be made easy to apply. The Licensing Authority could even visit your village and issue you with the licence so that you are able to do your business.

Mr. Temporary Speaker, Sir, another matter that has caught my eye is Clause 13 of this Bill that says-

“The period upon which an application for a licence must be considered must be 28 days.”

I imagine a person that is applying for a licence is a person who is either in business or wants to open one. If you are Government and you are not efficient and do not want to process their licence in good time, then you are not creating an enabling environment for that businessperson. Therefore, 28 days is good enough. If it were me, I would even reduce it.

It has also been proposed in the Bill that the notice of decision to either grant or refuse to grant you a license must be given to you within seven days. This is something that has been abused for a long time. Your application is not approved, they sleep on the papers, you do not know whether it has been approved or not and you cannot appeal. You just sit not knowing what has happened.

I was expecting that Sen. M. Kajwang’ would speak about it because he speaks about it every time we sit in the Committee on Public Accounts. We were told and heard when we were looking at the books of a certain county government that I would not want to mention here, that some officials of the Licencing Authorities produce their own licences, take them to the business people and do not have any feature that would distinguish them from the real licences. This then leads to loss of public funds.

I feel like this has been cured by the proposal in the Bill by Sen. Mariam Omar in Article 16-

“A licence issued under this section shall include a unique identifier.”

Original licences from the Licencing Authority are able to be distinguished from fake licences from rogue licencing officers who collude with business people. You produce your own licence, go talk to the business people, get the money and the money never makes it to the own source basket. This is a major loss for the counties. This is because the win for the counties is to expand their own source revenue so that they can move ahead.

It will include the name of the licencing authority and the licensee so that it is not transferrable. If Sen. Madzayo has applied for a license, it will remain in his name until it expires. It cannot be transferred to his friends as it has been the case in the past.

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Mr. Temporary Speaker, Sir, finally, with regard to the cancellation of licences, I am praying that this shall not become an avenue for appointing authorities to punish people who disagree with them. I find that the Clause has left so much room for the Licencing Authority. At the whim of the Licensing Authority, your license could be cancelled.

I do not know how we will tighten that part, so that we protect people applying for licenses.

Mr. Temporary Speaker, Sir, I support the Bill. Few amendments are required to make this Bill a good law for our counties in order to strengthen devolution and county governments by enabling them to collect enough revenue within the right framework.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Methu, thank you for your contribution.

Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to this Bill. I would like to congratulate my colleague, Sen. Mariam Omar for thinking through this important issue.

Trading at the county level will trigger and grow the economy of Kenya. At the centre of trading is licensing which is an extremely important issue. I am glad that Sen. Mariam Omar, who is being disrupted by Sen. Methu who has dressed like a Serjeant-at-Arms---

For a second, I thought it was the Serjeant-at-Arms going to do something there.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mumma, proceed.

Sen. Mumma: Mr. Temporary Speaker, Sir, this is an important Bill. I would like to support what colleagues who have spoken before me have said. It is a good Bill, but can be made better by incorporating the proposals given. I hope the Senator will take that into account.

Trading is not limited. Most people involved do not trade in one county. One of the problems we have had since the inception of devolution is the requirement of multiple licenses and permissions in each county.

Imagine the challenge that somebody who trades in three counties that are next to each other or six counties across the country experience. For example, if you have goods from Kitui going to Nakuru, by the time you go through different counties to reach Nakuru, in each county that you pass through, it requires you to pay some levy or other charges. You may also find a trader who has a business in Kakamega, with customers in Bungoma, Vihiga, Kisumu and Eldoret.

Whereas this Bill has properly focused on issues of licensing around a county, I would have wanted to see a reflection of the nature of devolution in Kenya. Devolution in Kenya is cooperative and consultative. As we have said time and again, the weakest link in the implementation of devolution in Kenya has been how to strength the intercounty relations, both for the national and county governments and county-to-county governments relations.

This Bill will provide an opportunity for the 47 counties to come up with minimum common standards and leave just a little for variations that will be specific to each county's unique situation.

I would have wanted to see opportunities that allow for intercounty trade and licensing that would make sense for intercounty trade. We should have clauses that facilitate consultation and cooperation between counties in order to facilitate better and easier trading in the counties. However, that is not clear.

I urge that Sen. Mariam Omar considers providing clauses that will ensure we have inter-county cooperation, consultation and recognition of licenses of one county by the other, in order to ease multiple burdens against traders as they pass from one county to another.

The Mover of the Bill should also relook at the definition of the "licensing authority". According to the Bill, the definition appears to be a person who provides licenses. This definition is loose. When you look at the actual Bill, the licensing authority is either a person or entity with so much power that is not precisely anchored for us to know what it means.

The Mover of the Bill might want to begin with an enabling Clause that mandates a county to establish a licensing authority for purposes of performing several roles. The authority should either be a legal mechanism or a person. However, you need to know whether it is best placed on an individual or an entity, while being careful not to establish an unnecessary semi-autonomous entity at the county that can only take away more funds from the taxpayer.

Please think through the issue of the licensing authority and how we should anchor it in this Bill. Moreover, we need to know the relationship one licensing authority will have with another in a different county, where the businesses we are talking about will transcend across the counties and require that we provide easier routes for those taking part in a particular business.

I agree with the Senate Majority Leader that Clause 27 should not be here. The licensing business is for the counties. Therefore, we should not take their functions to the national Government or mandate a Cabinet Secretary to start making regulations.

Once we make this law, we need to state the minimum standards that will apply across the 47 counties. Thereafter, each county assembly will make the necessary regulations for purposes of implementing the law at the county. That power could be given to the County Executive Committee Member (CECM) in charge of trade, in consultation with the county assembly, or whatever way we will find to be best suited to deliver on that issue. We also have regional blocs.

I happen to be a Member of the Committee on Devolution and Intergovernmental Relations. In the committee, we are trying to find ways of legislating the intergovernmental entities that can facilitate the thinking through this.

The Intergovernmental Relations Act provides for sectoral committees. We have the Sectoral Committee on Trade, Tourism and Cooperatives established under the Intergovernmental Relations Act. To what extent will the law that we are making be a subject area for the Sectoral Committee on Trade, Tourism and Cooperatives and other related matters?

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Therefore, I urge that we find a way of making those linkages that are provided for and contemplated by the constitutional provision on intergovernmental relations for consultation and cooperation. Let them know that we will have entities that are just serving one county but entities that are actually able to serve a region or two counties.

Mr. Temporary Speaker, Sir, if the Senator takes all these into account and makes the necessary linkage, I believe she is in the right path. We need a law that can help to ease business within the counties. This is because I do believe it is at the counties that the economic growth of this country will happen. If we do not put in place the necessary regulatory framework to facilitate that, we will be delaying what we needed like yesterday.

I thank you.

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

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, you know the respect that I have for debate and Sen. Mumma is a very well-informed lawyer. You could help the drafter of this Bill if you could expound a little bit just in two or three minutes, why you are uncomfortable with the Cabinet Secretary drawing the rules and regulations.

My understanding is that the drafter is perfectly in order. You and the Leader of Majority are wrong for the reason that the law that is being drafted is a national law. Having drafted a national law, if there are – in fact, there should be rules and regulations accompanying – they are not drafted by county governments. County government Chief Executive Committee Members (CECMs) draft rules for county laws. This is one national law that cuts across the 47 counties.

Why are you asking the Minister to leave his work and market to county assemblies? The threat, if you explain to me, is that if you throw it back to the CECMs, you will find us back to where we are. In that, the CECM of Busia County will make his own regulations that will now start to hamper business from being done by the neighbouring counties. If you could just help us. As you do so, also help us by referring to the principle of conflict between national and county laws.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Speaker, Sir. Licensing of county business is a function of counties. The law we are making is a national law that guides the 47 counties to come up with some uniform operations around the issue of licensing. Does that give constitutional power back to the central Government to do that? No. We are saying that two counties can come together and cooperate and consult to do something.

For instance, that is what Article 189 on Intergovernmental Relations contemplates, that you can come together. That is the thinking that informed the coming together of the regional blocks. This is because they feel we are in the same region, we can come together and we can decide that instead of the 14 counties in the Lake Region Economic Block (LREB) coming up with 14 hospitals, all doing orthopaedic surgery, they can agree to have Homa Bay County do all orthopaedic business and Kisumu to do all cardiology business. All our people will go to Homa Bay and Kisumu counties

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respectively for those specialised services. They could agree to let Eldoret specialise in renal services and everybody will go there. Nothing stops the 14 counties from coming together in this manner.

The law we are making here is a similar law. It is actually getting the 47 people to come together and say, are there common minimums that we can bring together around county licensing of businesses, that we can make uniform so that we do not cause a lot of confusion?

I agree there will be a number of those laws that we can say this is the minimum. Let us have this particular procedure and these minimum requirements. However, taking into account the uniqueness of Wajir as comparable to Kakamega, Wajir may make further regulations that deal with the specific issue. Kakamega County would make further regulations that would deal to their issue.

Who makes that regulation? It cannot be the Cabinet Secretary and the national Government that is making a regulation for how Wajir or Kakamega County will implement. It can only be the people of Kakamega County.

Therefore, who will that be? The relevant Ministry and the County Assembly of Kakamega. What we need to do in order to deal with the fear that the bull fighter has of going back to where we are is to ensure that within this law, we give directives that are more precise to ensure that we have left broad latitude that sends us back to where we are.

This means the minimums that will put that would be applicable to the 47 counties and would be thoroughly done in such a way that they are able to facilitate a uniform process. However, the detail that is left in terms of the detail of the regulation can speak to the specific situation of any particular county and that can never be a Cabinet Secretary's business. It is the business of the counties.

What would the role of the Cabinet Secretary be given that this is a national law? Now, the role of the Cabinet Secretary as it has been said in Clause 27(2) says that –

“The power of the Cabinet Secretary to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfilment of the objectives specified under this.”

Maybe we need to use the language that helps the Cabinet Secretary just to operationalize the law. This is because it is a national law. However, once it is operationalized in terms of implementation, it is the county government entities that should make any further law if there is any that is required that is specific to the ground.

It is in that sense that, yes, I acknowledge this is a national law. However, it is a national law that is actually bringing out an intercounty law as it were, that has been brought at the national level because the 47 counties are all buying into it. However, it is a law still on a county function that operationalizes or functionalizes the county functions in a better manner.

I hope I have persuaded the bullfighter. I can see him thinking deeply.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mumma for your contribution. The Chair noted that twice in your responses, you referred to the Hon. Sen. (Dr.) Khalwale as a ‘bull fighter’. The Chair reminds you of the provisions of Standing Order No. 101(6) on contents of speech:

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“That a Senator shall refer to another Senator by the title “Senator (name of the Senator)”.

Sen. (Dr.) Khalwale and not bullfighter.

Sen. (Dr.) Khalwale, I hope you are convinced with the contributions that she has made with regard to the issue that you raised.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, this is what we call debate. Not the shouting that you normally see at the beginning of the Sitting and walk-outs and so on. When we listen to each other like this, it helps us to improve our understanding and probably change our minds.

However, as for the issue of the “bull fighter” I have absolutely taken no offence because as my kid sister, she is just expressing her love for her elder brother. In our community, the name “bull fighter” is a big honour.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Dr.) Khalwale.

Sen. Oketch Gicheru, you may proceed to contribute while seated.

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir. It is nice to see you as well. It has been a while. I thank you for giving me an opportunity to contribute to this Motion. It is a very good and timely Motion.

The Kenya Kwanza Government has really struggled with the idea of mainstreaming what it calls “hustlers” especially those hustlers that might be doing business at the grassroots level, in terms of small-medium enterprises (SMEs) that need to be mainstreamed in to the formal economy. We have had a number of statistical analysis in the country and many of these micro-small and medium enterprises (MSMEs), about 70 to 80 per cent, are still in the informal sector. This is a behaviour of business, the same way we have the behaviour of investors in the international stage.

Government regulations in general have highly contributed to investors and business alike, small or big, medium or large, not being able to effectively participate in doing businesses. One of those Government regulations is definitely licensing. It is a regulation framework that is aimed at ensuring that a business or investors in our country comply with some issues.

Given that this Bill predominantly yearns to ensure that there is uniformity of procedures that are followed by different businesses and MSMEs in our counties, in terms of getting permission to do business, I do applaud it. This is definitely a Bill that we must all support.

However, I want to inform my sister, Sen. Mariam Omar, that procedures for licensing form a very small part of the difficult reasons that make it difficult for businesses to be able to thrive and even engage in a way that they can be mainstreamed in the formal sector and do better in business.

First, I wish to encourage Sen. Mariam Omar to look at Clause 7 of this Bill and define further the definition and purpose of licensing. That definition will perhaps help us explore the thoughts that Sen. (Dr.) Khalwale the “bull fighter” was trying to engage with Sen. Mumma.

If you only look at procedures of licensing, then you are dealing with one problem of ease and effort it takes to get licenses in this country. If you only deal with the effort

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and, therefore, become innovative in terms of bringing things like electronics and a harmonized way of registration, then that is just part of it.

This is lucrative to the delegated power that is given to the Ministry because it only deals with one definition of why licenses exist, which for Government is to raise revenue. The Government is primarily there to raise revenue. Therefore, if they bring license in terms of procedure, then the Government is ensuring that it makes money.

However, if you broadly study the behaviour of MSMEs in terms of doing business, then one of the definitions that should come out very clearly in terms of the licensing procedures, is the fact that license in the context of this Bill must look at consumer protection against harmful product. We should start talking about licenses that are geared towards businesses and investors, who must ensure quality assurance and safety of products to consumers.

Secondly, another definition that must also appear in the delegation of legislative powers that must be made clear in this Bill is fair competition to businesses. The moment you talk about fair competition, quality and safety of goods and products that we produce in our economy and businesses we are going to engage in, then go to Part I of the Bill, read together with Part III, which is actually the core of this Bill - licensing procedure - then Sen. Mariam Omar should look at other problems that emanate and make it difficult to actually harmonize licenses in this country.

There are three that I want you to take note of. One is that procedures go hand-in-hand with the issue of cost. If procedures are harmonized with costs, then we will not have a situation where SMEs have got excellent procedures but are still dissuaded from registering or seeking licenses because of the issues of cost.

A good case in point is the hospitality industry where you will find that a small enterprise that calls itself a hotel with maybe 10 rooms in some place in Keekorok or Mandera is really struggling with paying Tourism Licensing Board a fee. They will be required to pay the county government a fee.

They will need to pay a number of different parastatals that have come up with different kinds of licenses that are completely unnecessary and are actually tantamount to quadruple taxations in the name of licensing. Therefore, the cost of licensing must go together with the procedures of those licenses

Mr. Temporary Speaker, the second one which I think Sen. Mariam Omar has attempted to do very well in terms of addressing the elements of innovation and electronic kind of engagement is the issue of the time that it takes for people to get licenses. I will not dwell much on that because I think the Bill addresses it very well.

However, along the cost of licensing, the delegated powers in Clause 27 must be able to establish the bare minimum and maximum number of licenses that businesses of a certain category must have. If you do not articulate that, then we will see rogue county governments as well as rogue ministries just coming up with random licenses any time they want.

Lastly, I want to finish with the most important framework, which I think this Bill will help us solve in terms of licensing in this country. The truth is that the biggest problem about licensing in this country, whether nationally, regionally or at the county level, is corruption that is curbing corruption that issues in how people get licenses. The

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corrupt deals that SMEs are subjected to in order to get licenses, their default settings will be what we call informal settlements.

That informal payment is another high level of bribe for SMEs, which form the bulk of businesses in counties. If this Bill wants to explore procedures that will make sure there is effective licensing in this country, it cannot ignore that. How do you deal with the issue of corruption with regard to issuance of licenses?

Mr. Temporary Speaker, Sir, I was thinking that my dear sister, Sen. Mariam Omar, would be inspired by the Bill she brought into this House sometimes back on prompt payment. I really liked it although we had some existing Bills.

This is where we need you to perhaps think about some serious punitive measures for anybody who is engaged in corruption with regard to issuance or manipulating procedures and process of licensing in this country. That way, we can have a very clear nexus between the national and county governments in creating an enabling environment, for not only business in the counties, but also more broadly, to investors who want to explore setting up business in the county.

Otherwise, this is a very good Bill. This is because licensing is at the heart of doing business and making sure that we have legally registered businesses in this country that can plow back investments of the Government. This will make sure that they are effective and productive in the county and everybody ends up being in a win-win situation. Businesses and consumers must win but Government must also win in terms of getting any kind of revenue.

I support it fully. I hope some of the areas that we have explored can be included in the Bill so that this becomes a fulcrum of ensuring that our businesses are doing well.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Oketch Gicheru. I welcome you back and wish you a quick recovery so that you can afford to comfortably address the House and be present as you were before the injury.

Sen. Tabitha Mutinda, you may have the Floor.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I notice how you call my name in reverse. I appreciate.

I rise to support this good Bill by my sister Sen. Mariam Omar. I say it is a good Bill because as a businessperson, more specifically, a manufacturer, this is an issue that is affecting very many businessmen and women.

For any business to thrive, there are factors that ensure that a business environment is conducive. Some of these factors range from political stability, economic, social, technological, labor and legal factors.

The Bill that Sen. Mariam Omar is bringing on board as far as licensing is concerned, is key. This is because it ensures that every business is doing business as per the regulations required in that specific region.

Mr. Temporary Speaker, Sir, as my brother Sen. Oketch Gicheru also stated earlier, despite the level of any business, be it a startup, small or big business, it is important to note that there is always a start point for any journey. For any business to be able to be where it is then, it had a starting point.

As a Kenya Kwanza Government, you note that we have really been championing for what we call the *mama mboga* aspect and ‘hustler’ business. This is because when

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these businesses are held on together tomorrow, they thrive and become multi-billion businesses. They must have a starting point.

However, on the payment of devolved government, it is very important to ensure that there is a conducive working business environment between different counties.

Mr. Temporary Speaker, Sir, one of the factors that has been affecting businesses is the issue of license. For example, a manufacturer in Machakos who wants to move goods to a place like Kisumu, the number of payments that he need to make are many. Hence, this increases the cost of the end product eventually.

We are going further to look for international business and that is okay, but, we are also supposed to encourage inter-county businesses. One of the best way to encourage inter-county business is to ensure that factors of license cost should be looked into.

Mr. Temporary Speaker, Sir, I appreciate what our Nairobi governor, Hon. Sakaja has done. In his manifesto, he focused on ensuring that there is going to be one license instead of having over 10 licenses for one business. If Sen. Mariam Omar could include that, we encourage and propose that all counties should follow suit what Nairobi County is doing in terms of having one license.

This makes it easier for business people, that instead of moving from one office to the other, they are able to have one encompassed license that covers everything broadly. The more they are spread the more issues that have been mentioned earlier like corruption are prone and continue because you give room for people to move from one office to another for different licenses. Sen. Mariam Omar should consider this and include a clause that talks about one license for each county.

Mr. Temporary Speaker, Sir, on Clause 22, I note that it had indicated a duration of 14 days to be given. It requires licenses that notify a respective a county licensing authority within 14 days. I suggest that we put it to a maximum of 21 days so that in the event there is feedback that needs to be given, there will be a seven-day notice. You realize the Government procedure is usually seven days' notice for most communication that is done. A maximum of 21 days will be fine.

As a Member of the Committee on Finance and Budget, I note that we have been encouraging counties to have own-source revenue. It is by curbing these licenses to one that will ensure that counties increase their own-source revenue instead of depending on the National Treasury. Counties will encourage business people to do business within different counties and even the ease of licenses becomes much easier, unlike when they are spread.

Mr. Temporary Speaker, Sir, if Sen. Mariam Omar can consider different products with different amounts on what needs to be charged. There are different products supplied in different counties. It would be better if someone is doing timber business and another production of bags, those charges should depend on the product.

In our Finance Bill, we focused on increasing tax on products like the fish products in order to discourage the import of these products, so that our local fishermen do much more business. In that regard, we will be encouraging more business within the counties themselves. We will be improving our counties and increasing their own-source revenue.

Mr. Temporary Speaker, Sir, the products can be ranged depending on which products are being moved or need to be licensed.

On the issue of penalties, of course, by the end of the year, the license expires. It would be fair that these licenses are given depending on the duration that you pay your license for. If you do it between the year, then, it needs to be renewed the next year so that it serves you maximumly for twelve months. A lot of corruption takes place during the window when people who are in charge of ensuring that businesses have licenses come. So, that penalty should be considered in this Bill.

Mr. Temporary Speaker, Sir, lastly, there is the issue of digitisation of the licensing system. This will ensure that at the comfort of your seat in your business, you can apply for a license and automatically get it instead of the manual process that has been in place in different counties.

Sen. Mariam Omar, should consider and ensure that this process of licensing becomes digital. It will also ensure that there is minimal corruption because these systems are digitized, hence the process will be prompt.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Tabitha Mutinda. I note that there are no more requests from Senators who want to contribute to this Bill. I, therefore, call upon the Mover to reply.

Sen. Mariam Omar, kindly proceed.

Sen. Mariam Omar: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. Almost eleven Senators responded. I appreciate them for their contributions.

This Bill will strengthen devolution by increasing own source revenue, and unlock more businesses for the private sector to enjoy to do business with counties. Some speakers said that it will fight corruption. On that, I will use the example of our area of Mandera County. If you ferry food from here to Mandera, you have to pay at each roadblock, which may in the end increase the cost of the food and other commodities. If we do this uniformly in all the 47 counties, corruption on the roadblocks will reduce.

Many commented on the electronic system. This is a good input. Others talked about digital hoarding because instead of the roadblocks asking you whether you have paid your licenses, digital hoarding in an electronic system will make it easier for businesses.

On the digitisation of advertisements, I agree with Senators because nowadays, technology is advanced. Instead of advertising through newspapers only, there are vernacular radio stations in each county, which can run the advertisements. It can also be done on a WhatsApp platform. We can, therefore, do an amendment to Clause 11 on advertisements.

Mr. Temporary Speaker, Sir, this will support our youth and give them a broad approach to business. With no employment in the counties, they can do their licensing for each county without paying for the individual 47 counties.

I agree with Clause 27 but I disagree on the Council of Governors (COG). If I go by it and the counties to do their regulations, we will go back to what we have now. If we leave it to the Cabinet Secretary to do the regulations, it will be uniform in all the counties.

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This Bill promotes efficient product standardisation. The standardisation can be done by the individual counties because we should not restrict ourselves to the prescribed standardisation on the side of the counties to give their review. I agree with the equity and transparency of licensing.

With those many remarks from the Senators, I seek to establish a standard uniform framework that will form a basis of license processing in all counties. A uniform framework for licensing will guarantee the steady predictability for businesses owned in trading within the counties; and enhance ease of doing business in the county. Business environments underpinned by the certainty, productivity and predictability will boost entrepreneurship, create employment for our youth, reduce the cost of doing business and promote reliable revenue stream for our counties.

With those many remarks, I beg to reply. Pursuant to Standing Order No.67 (3), I request that you defer the putting of the question to a later date.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mariam Omar.

Pursuant to the provisions of Standing Order No.66 and owing to the Senators present in the House at this hour, we will defer voting on Division to the next Sitting.

(Putting of the Question on the Bill deferred)

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

Hon. Members I note that it is one minute to 6.30 p.m., time to adjourn the House. The remainder of the items in the Order Paper from Order No. 16 are deferred to the next session.

ADJOURNMENT

Having reached 6.30 p.m., Hon. Members, we may rise.

Hon. Senators, it is now 6.30 p.m. time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 27th July, 2023, at 2.30p.m.

The Senate adjourned at 6.30 p.m.