

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 2nd August, 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): Clerk, do we have quorum?

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

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we do have quorum now. Kindly stop the Bell.

Clerk, call the first Order, please.

PETITION

ALLEGED PUBLIC MONEY STOLEN THROUGH THE SGR PROJECT

The Speaker (Hon. Kingi): Hon. Sen. Okiya Omtatah, please proceed.

(Sen. Okiya Omtatah was not in the Chamber)

The Speaker (Hon. Kingi): Is there anyone holding brief for Sen. Okiya Omtatah? That Petition is dropped.

(Petition dropped)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

INESSANT SUPPRESSION AND CLAWBACK OF DEMOCRACY IN KENYA

The Speaker (Hon. Kingi): I am made to understand that hon. Lemaletian is out on official duty, in Kampala. Therefore, that Statement will be deferred until she gets back.

(Statement deferred)

Hon. Wambua, please proceed.

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

The Speaker (Hon. Kingi): We are going to come back to hon. Wambua because the Statement is yet to be brought to the Clerk.

Statement pursuant to Standing Order No.53(1), Hon. Chimera please proceed.

STATUS OF REGISTRATION OF UASU

Hon. Chimera is not in the Chamber. That Statement is dropped.

(Statement dropped)

The Speaker (Hon. Kingi): Hon. Sen. Ogola, please proceed.

POLLUTION IN LAKE VICTORIA

Sen. Ogola: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding pollution in Lake Victoria.

In the Statement, the Committee should -

(1) Identify entities and any indirect contributors that discharge raw waste into Lake Victoria.

(2) Elucidate the types and treatment levels of the waste being discharged to the lake.

(3) State the regulatory framework governing disposal of waste by these entities into Lake Victoria considering the transnational nature of the lake

(4) Outline targeted interventions in the short and long term to curb pollution of the lake, furnishing the Senate with compliance report of measures taken to protect the Lake.

The Speaker (Hon. Kingi): Sen. Kibwana has three Statements. Sen. Kibwana, proceed to present your three Statements.

STATUS OF MEDICAL CARE AT MATHARI MENTAL HOSPITAL

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Health regarding the status of medical care at Mathari Mental Hospital.

In the Statement, the Committee should-

(1) Appraise the Senate of the current status of infrastructure at Mathari Mental Hospital, indicating the capacity of hospital in terms of the number of beds available and plans in place, if any, to expand the hospital's infrastructure to meet the growing demand for mental health care services.

(2) Indicate the staffing levels of the hospital, stating the number of qualified mental health professionals such as psychiatrists, psychologists, nurses and other essential staff currently employed, listing any challenges or gaps in staffing and measures put in place to address them.

(3) Report on the quality of care provided at the hospital, highlighting established standards guidelines that ensure patients receive appropriate and evidence-based treatments, listing challenges encountered in providing quality of care to patients and the actions taken to address and identified issues.

(4) Indicate the budget allocation and other funding for the hospital as a proportion of the national health budget allocated to mental health services and state whether there are plans to increase funding for the hospital.

(5) Recommend measures to strengthen mental health services, including the establishment of additional mental health facilities, the integration of mental health services into primary health care, and the establishment of community-based support systems for mental health care.

ALLEGED MEDICAL NEGLIGENCE AT KIAMBU COUNTY REFERRAL HOSPITAL

Mr. Speaker Sir, I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Health regarding alleged medical negligence at Kiambu County Referral Hospital, resulting in the death of an unborn child.

In the Statement, the Committee should-

(1) Give details of the incident that occurred on 5th July, 2023, at Kiambu County Referral Hospital, where the pregnant woman tragically lost her unborn baby due to alleged negligence by health and medical practitioners and the hospital.

(2) Report on the progress made in investigating the incident, stating actions taken against the medical staff involved.

(3) Explain the measures in place to ensure the provision of quality health care services, particularly for pregnant women in public hospitals across the county, giving an assessment of staffing levels, training programmes and protocols for handling emergency cases.

(4) Provide information on the support and compensation offered to the affected woman and her family, as well as any measures in place to prevent a recurrence of such incidents in future.

(5) State plans and strategies for improving the overall health care system, including the allocation of resources, infrastructure development and recruitment of qualified medical personnel.

SEXUAL EXPLOITATION OF MINORS ONLINE

I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Information, Communication and Technology on the actions taken by the Ministry of Information, Communications and the Digital Economy to protect minors from online sexual exploitation.

In the statement, the Committee should-

(1) Articulate the steps taken to reinforce penalties on online sexual exploitation of minors, given that existing laws may not impose severe enough punishments to deter potential perpetrators.

(2) State initiatives undertaken to initiate a national campaign to raise public awareness about the perils of online sexual abuse.

(3) State the amount of public funds allocated in the Financial Year 2023/2024 to bolster the capacity of law enforcement agencies to investigate and prosecute cases of online sexual exploitation of minors, detailing how training, advanced tools and personnel deployed to tackle these intricate and sensitive issues.

(4) Appraise the Senate on the existence of database of convicted online sexual predators stating plans, if any, to publicize the same.

(Loud Consultations)

The Speaker (Hon. Kingi): Order, Senators. May the Hon. Senator be heard in silence.

Sen. Kibwana: Mr. Speaker Sir, I will repeat number five.

(5) Provide a status update on the commitment to fully implement recommendations outlined in the National Plan of Action to tackle online child sexual exploitation and abuse in Kenya 2022 /2026.

Thank you.

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

MINING IN KISHUSHE AREA OF TAITA
TAVETA COUNTY

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity. I stand pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources concerning mining in the Kishushe Area of Taita-taveta County.

In the Statement, the Committee should-

(1) Provide a list of all companies conducting mining in the Kishushe Area and details of artisanal miners in the said area.

(2) Specify the type of minerals each company and group of artisanal miners are excavating with evidence of licenses in accordance with Section 32 (3) of the Mining Act.

(3) Table Environmental Impact Assessment (EIA) reports for mining activities in Kishushe Area, consent from the land owners and mining contracts detailing evidence of signing of Corporate Social Responsibility (CSR) agreements, if any, including proof of public participation.

(4) Authenticate land ownership by Kishushe Ranching Co-operative Society, providing evidence of resolutions by ranch members who signed the mining consent, and tabled the attendance register of those present during the meeting and minutes of such meeting.

Thank you.

The Speaker (Hon. Kingi): There is a Statement that we had dropped earlier by Sen. Chimera. Sen. Chimera has since approached the Chair and explained the reason why he was not in the Chamber when the Statement was called out. He had a very valid reason. Therefore, I will allow the hon. Senator to proceed to make the Statement.

Proceed, Sen. Chimera.

STATUS OF REGISTRATION OF UASU

Sen. Chimera: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the status of registration of the Universities Academic Staff Union, commonly known as UASU.

In the Statement, the Committee should –

(1) State the status of registration of the Universities Academic Staff Union (UASU) with the registrar of trade unions.

(2) Investigate reports of denial of registration to UASU by the Registrar of Trade Unions, identifying the specific reasons for the denial, if any, and indicate whether any attempts have been made by UASU officials or relevant parties to address the said reasons.

(3) Evaluate the potential ramifications of the non-registration of UASU on academic staff welfare, rights and overall labour relations within the higher education sector.

(4) Recommend solutions to address these challenges with the view to promoting fair and transparent registration processes in strict compliance with the law.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, I will allow limited comments on these Statements that have been made pursuant to Standing Order No. 53(1). Hon. Sen. Wambua, you may proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I have a comment on the Statement requested by Sen. Ogola on the pollution of Lake Victoria. I appreciate the central role played by that water body in not just offering transportation but also that it is a source of fish for domestic and international consumption.

Over the years, that Lake has experienced a lot of pollution. It will not be long before we start receiving further bans on export of fish and other water foods from that Lake. As the Committee looks into that matter of Lake Victoria and the pollution thereof, I urge it to also extend that investigation into the pollution of major rivers in this country.

Mr. Speaker, Sir, I will give the example of Athi River which has been seriously polluted by industries letting raw affluent flow into that River. The section of Tana River water passes through Ukambani, has turned green. That water is used to irrigate vegetables, which are consumed locally in the Lower Eastern Region and in the city.

That Committee needs to take that matter very seriously so as to take care of the health of our Nation. I thank Sen. Ogola for bringing that Statement.

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

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Naunga mkono Taarifa iliyoletwa na Sen. Hamida, kuhusu kuzembea katika hospitali ya Kiambu. Hili jambo la madaktari pamoja na wauguzi wale wengine kuzembea katika kazi yao imekuwa donda sugu katika hospitali zetu.

Kuna yule mtoto ambae Kamati yetu iliingilia na kuchunguza. Alikuwa amegongwa na jembe kwa kichwa, akazungushwa mahospitalini na mwishowe akaaga dunia. Wale madaktari walikua wakiangalia na hakuna jambo lolote walifanya.

Bw. Spika, tumeripotiwa jambo lingine lililotendeka pale Kiambu. Kamati inayohusika inapaswa iangalie haya maswali kwa undani na waangalie ni jambo lipi linalosababisha mambo kama hayo. Je, ni ukosefu wa vifaa vya kutosha, uchache ama upungufu wa wauguzi ama ni ile watu kutojali wenzao?

Bw. Spika, vile vile, nachangia Taarifa iliyoletwa kuhusu hospitali ya Mathare ambayo inashugulikia watu walio na shida za kiakili. Ukitembelea hospitali ile, utapata ni ndogo sana ili wagonjwa ni wengi sana.

Maswali aliyouliza Seneta huyo ni mazuri sana. Ni madaktari wangapi wanaoshugulikia mambo ya akili wako pale. Wakati mmoja, ilipatikana kwamba hospitali yenyewe ilikuwa ni chafu, wagonjwa wamewachwa na uchafu umetapakaa kila mahali katika hospitali ile. Kwa hivyo, Kamati hii ya Afya ina jukumu muhimu ya kuzingatia ya kwamba hospitali zetu zinatekeleza mambo ambayo yanapaswa kutekelezwa kwa njia ambayo Wakenya watafurahia.

Bw. Spika, sio hiyo pekee yake. Ukitembelea hospitali zingine kama ya Laikipia, utapata hospitali hazina dawa na watu wanaandikiwa dawa. Wagonjwa wanaambiwa hata ijapokua wana kadi za National Health Insurance Fund (NHIF), hospitali hazina dawa. Wagonjwa wanaohitaji kupiga picha, wanaelekezwa mahali fulani. Inakaa wale madaktari wanapata mlungula kwa sababu wanakuelekeza kwa duka fulani ya kununua dawa.

Watu wanakisia ya kwamba hospitali zikipatiwa dawa na Serikali, dawa zinazwa na kupelekwa pale nje kisha wananchi wanaambiwa waende kununua dawa hizo huko nje. Kwa hivyo, Kamati inayohusika iangalie haya mambo kwa undani na kuleta mapendekezo ya kudumu.

The Speaker (Hon. Kingi): Sen. Madzayo, you may proceed.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Nampa kongole dadangu Sen. Kibwana kwa kauli aliyoleta Seneti. Tunaelewa ya kwamba, Wakenya wenzetu walio na akili punguani wanaenda hizo hospitali za akili punguani ili kupata matibabu. Lakini, tukiangalia zile sehemu zao za matibabu na vifaa vinayotumika kuwaweka katika yale maeneo, hali ya usafi na hali ya chakula, Serikali inafaa itafakari zaidi na kuhakikisha kuna madaktari wa kutosha ambao wana ile taaluma inayotumika kufanya hayo matibabu.

Nilitembelea hospitali ya Port Reitz, eneo la Pwani. Matokeo tuliona kule yalikuwa hayafai hata kidogo. Hali ya usafi imepungua. Hali wanavyokaa wakati wanapokea matibabu, haiwezi changia watibiwe na kupona. Mtu, hata kama ana akili kidogo, akifika pale anazidi kuharibika.

Bw. Spika, inatikikana tupate madaktari wenye taaluma ya kutosha, madaktari wa hali ya juu ili wakienda kukagua au kutibu wagonjwa wawe ni madaktari wanaweza kabisa kukabiliana na magonjwa kama haya ya akili punguani.

Pili, ni upande wa malazi. Katika mahospitali haya yote tumeona, hata kule Mathare nimetembea na kushuhudia kwamba malazi yao yanakua mabaya sana. Hali ya afya na mazingira inakua ya kupungua kabisa. Saa zingine hata wakiitwa akili punguani, sijui kwa sababu gani, matibabu na hali yao ya kuweza kujikimu pale ndani inakua hali ya kusikitisha sana.

Bw. Spika, naunga mkono kauli hii. Kauli iliyoletwa ni safi na inaweza pia kusaidia. La muhimu ni kwamba, majukumu kama haya au kuwa na hospitali za watu wenye akili punguani, inaweza pelekwa mahali kama Meru, kule kwa yule ndugu yangu, Naibu wa Spika.

Huko kunahitaji pia. Mimi ninajua watu kama hao wenye akili punguani wako sehemu kama hizo.

Watu kama hawa wanapatikana katika nchi nzima, katika kila kaunti. Wanastahili kuwekwa katika hali nzuri.

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

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

Sen. Kathuri: Bw. Spika, huyu Kiongozi wa Walio Wachache ametaja jambo la huko Meru akisema kuwa hospitali ya wale watu walio na akili punguani ipelekwe huko. Najua anajua Meru vizuri. Visa vya watu walio na akili punguani ni vidogo sana huko Meru. Kwa hivyo, sioni kama ni vizuri vile umepeana mfano wa Meru. Mimi nikiangalia pale Kilifi, ukitembea hata Mtwapa peke yake unaweza hesabu wengi sana ambao wanahitaji huduma kama hiyo.

(Laughter)

Kwa hivyo, ungepeana mfano wa kwako ili hiyo hospitali ipelekwe Kilifi lakini sio Meru.

Asante Bw. Spika.

The Speaker (Hon. Kingi): Hon. Senator, I think this is healthcare and it is needed across the country. So, let us leave it at that. Proceed, Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika kwa hilo ulilolitamka. Nakubaliana na wewe kabisa ya kwamba sikutaja Meru pengine afikirie mimi nimesema huko tu. Huko kuna watu wangu na ndugu zangu wengi. Niko na familia ambayo damu yao iko upande huo. Kwa hivyo ninakubaliana kabisa na yale aliyosema. Sikusema hivyo.

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

The Speaker (Hon. Kingi): Sen. Cheruiyot, Hoja yako ya nidhamu ni gani?

The Senate Majority Leader (Sen. Cheruiyot): I can speak very good Swahili. Naweza kuzungumza Kiswahili

(An Hon. Senator spoke off record)

Wacha nitumie Kiswahili basi.

Bw. Spika, nina hoja ya nidhamu kwa kiongozi mwenzangu. Wewe unajua vizuri kwamba mke wake anatoka sehemu zile za Meru. Na ukiwa umeoa mahali fulani, katika desturi zetu na mila zetu sisi kama Waafrika, unawatakia mambo mazuri.

Unawapangia mashemeji zako mambo makuu ambayo yatawasaidia. Mimi nimekuwa naye katika Bunge hili karibu miaka kumi na tano. Sijamsikia hata siku moja akitaja jambo lolote ambalo angependa lipelekwe Meru. Jambo ambalo amelitaja siku ya kwanza ni kwamba anataka kuwapelekea hospitali ya wendawazimu.

(Laughter)

Hiyo ni heshima kweli kwa shemeji zake?

(Laughter)

The Speaker (Hon. Kingi): Order, Senators.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, naomba nimjibu kwa sababu message ambayo amepeleka ni mbaya.

(Laughter)

The Speaker (Hon. Kingi): Sen. Madzayo, let us not have this generate its own debate. I think I made a very clear indication on this particular matter that such hospitals are needed across the country. Let us leave it at that. It could be in Kilifi, Meru, or Kitui. So, proceed to prosecute the point you wanted to put across and conclude, please.

The Senate Minority Leader (Sen. Madzayo): Wakati mwingine watu kama akina Sen. Wambua wakichangia, tunasema pia hospitali kama ipo, iko huko Kitui. Lakini la kumalizia ni kwamba, taarifa hii ni nzuri na iko na mwelekeo mzuri. Tunaomba kabisa itakapopelekwa kwa Kamati itakayo shughulika nayo, ionelee ya kwamba katika kila eneo katika kaunti arobaini na saba, kuwe na hospitali kama hizi.

Asante.

The Speaker (Hon. Kingi): Sen. Cheptumo, you may proceed.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir, for giving me a chance. The issue raised in this Statement is really important. I think the challenge we have now in our country is the state of our hospitals. Recently, in my county, two doctors were arrested. They were found stealing medicine from the very hospital they are serving in, in Baringo County.

It is unfortunate that those given the responsibility to take care of our sick people in our hospital are participating in activities that do not help in the process. The situation in this county where there is some element of negligence on the part of the doctors is unfortunate. It is important that those in charge should take appropriate action against these doctors.

The whole issue of the medical condition in our hospitals across the country is a challenge. Even when we do the devolvement of health facilities to the counties, the county governments should focus on the counties. The Governor of Mombasa said that he would like to convert that hospital into a parastatal.

The doctors from the Ministry do not give appropriate focus in our referral hospitals in the administration, management and control. I think that measures should be taken in so that these hospitals have legal instruments that can employ qualified people to manage the hospitals. The Baringo situation is also wanting. I would like to say that even when they receive this Statement, it is good for them to look at other hospitals in a country like Baringo and others.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for the opportunity. I just want to comment on the Statement on Lake Victoria sought by Sen. Ogola. It is extremely

important. I come from the lake which is a shared resource between three countries; Tanzania, Uganda and Kenya.

The lake is a source of livelihood for millions of people living around it. However, there is a report from the United Nations (UN) that states that the lake is dying because of pollution from factories like the sugar mills around it, hospitals and other sources of pollution including the raid of the lake by hyacinth menace.

If no steps are taken to control the pollution of the lake, it is estimated that within the next 50 years, the lake will be dead. So, this Statement which is sought by Sen. Ogola is important. Let the committee fully investigate the lake and find out exactly how it can be revived so that the fish stocks which are diminishing including those that I used to eat when I was young and have disappeared--- This is because of pollution.

Mr. Speaker, Sir, you know that Kenya is the one which contributes most of the rivers which drain into Lake Victoria. I think it is only Kagera, which is the other major Lake getting into Lake Victoria. Fish like breeding in warm waters. When they breed in these warm waters, they migrate to Tanzania and Uganda. When our fishermen go to look for fish around there, they are arrested and heavily fined. The lake is a source of livelihood. It is the *kahawa*, the tea and the gold for those people living around the lake.

Mr. Speaker, Sir, I hope this Committee will come up with a very good report which will help brighten the future of this very important resource for the people living around the riparian land near the Lake.

Thank you.

Sen. Onyonka: Asante Bw. Spika. Ningependa kuchangia hili jambo ambalo Seneta kutoka kaunti ya Migori amechangia.

Ninawasihi ndugu zangu wanaokaa kwenye Kamati ya Ardhi, Mazingira na Maliasili itakayoshughulikia hili jambo la mazingira ya Ziwa Victoria, ---

Shida nyingi tulizo nazo sasa, zinahusu kuzingatia oboreshaji wa mazingira na kuhakikisha mito yetu ina maji. Tusipochunga Ziwa Victoria, huenda likaisha maji. Shida ni kwamba tumekua tukifanya haya makosa kwa miaka mingi.

Kama sasa, Serikali imeamua kuwa jamaa wakate miti misituni. Wale tunaishi karibu na hili Ziwa, tunajua kwamba miti ndiyo inaleta mvua. Hii miti ambayo imechungwa na serikali zote tangu nchi yetu ipate uongozi, ndio imekua ikileta maji kutoka upande wa juu.

Katika Kaunti ya Kisii, tuko na maji siku 24 kwa siku 30 za mwezi, kwa sababu tuko upande wa juu wa Ziwa Victoria. Tumejaribu kuhakikisha miti inapandwa ndiposa mazingira ya Ziwa hili yasiharibike.

Ninakubaliana na Sen. Ogola kwamba hili ni jambo muhimu sana. Sisi kama Maseneta, tuhakikishe kuwa katika majimbo yetu 47, tumeleta sheria na mipangilio ambayo itasaidia kuhakikisha mazingira yetu, haswa ya Ziwa Victoria, yanachungwa na kulindwa kwa manufaa ya vizazi vinavyokuja.

Ninamshukuru Sen. Ogola ninashukuru sana. Hili ni jambo muhimu na lazima tuendeleo kulizungumzia, ili tuhakikishe tumepata suluhu la kudumu la kuhifadhi mazingira yetu.

Asante.

Sen. Mumma: Thank you, Mr. Speaker, Sir. I wish to support the Statement by Sen. Kibwana on mental health. I request that we take mental health seriously. The exchanges that we have had by in-laws, just shows how stigmatized the matter of mental health is in this country. It has taken a long time.

This country only had Mathare as the only hospital dealing with mental health and it is not well equipped to carry out this function. The issue that is being raised is so serious, that I request the Committee to look at it as a need for all of us. It is a need for a service that is required for our children in schools. We have lots of suicides. It is a need that is required even for Members of Parliament (MPs) and everybody.

Mental health is about depression and other issues. It is not a disease to be stigmatized. I must say I was a bit disappointed at the little exchange we have had about people worrying whether a mental health hospital should or should not be in their county. It is a serious issue and we need the Government to invest heavily in mental health care for all cadres and ages of people. I request the Committee to take that seriously.

I thank Sen. Ogola for the Statement on the issue of Lake Victoria. I request the Committee that will look at this issue, to go further and require that the blue economy counties within western Kenya, those around Lake Victoria, should actually be asked to come together and possibly come up with an inter-county arrangement that can help them.

I can see them work together and have cooperation with the national Government to ensure that Lake Victoria, which is a very important resource in this country, is taken care of. Lake Victoria is not just about the people and counties that live near Lake Victoria; it is a national resource that we need to care for seriously.

I ask that the vision of the country on the blue economy looks beyond the Indian Ocean and looks at Lake Victoria and other lakes as well. The vision should get the counties near these lakes to take responsibility and ensure that we care for these waters, including rivers, so that we are able to secure this nation.

I support.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. This matter that we are canvassing is very serious. I have listened to comments by colleagues on the need to properly place and advance the issue of mental health in our communities.

I note with concern the very comments made by Sen. Mumma, who may misconstrue the exchange that we had earlier, to think that we do not give this space the seriousness that it deserves. For her comfort, I wish to assure her that mental health matters. As leaders, it is in our place to advance and advocate for its proper placing in society, ensure that we have facilities available for the victims of mental health challenges in whatever format.

I wish to challenge Sen. Kibwana to take up the mantle that was left by a former colleague, Sen. Kasanga. During her tenure here in the Senate last Term, she distinguished herself and spoke and reminded us on World Mental Health Awareness Day and pushed many policies. Unfortunately, many of those policies have not come to fruition. By way of Motion, she had a Bill on the same.

I would wish that, apart from the question that Sen. Kibwana has brought, that this is a space that she takes keen interest in and lead us in seeing ways in which we can help our county governments.

Mr. Speaker, Sir, the truth of the matter is that mental health facilities are in such scarce nature. We need them in each of our 47 counties. I have been to Mathare Mental Hospital many times because I had a childhood friend who would be admitted there on many occasions. Each time I visited; you could see the want in terms of support. The institution continues to suffer rundown with under-investment over the years.

That was more than 10 or 20 years ago. I can imagine how it looks now and perhaps it is the only known public institution publicly. You can imagine what people have to do in the far-flung counties that many of us come from.

Mr. Speaker, Sir, we need to have this conversation around the Universal Health Coverage (UHC) as we move towards its realization and its roll-out in all the 47 counties.

This is a time that we need to question as we speak about the changing policy and investments that need to be done in our various referral hospitals in our counties; that at least some funds are set a side and that there is training and good facilities to take care of fellow Kenyans.

This is something that I believe the Committee of Health - and if I am not mistaken Sen. Kibwana is a Member of that committee - can lead this Senate into pushing for that positive change from the Ministry of Health when they come to respond so that we know what is the long-term plan specifically for the country but more importantly for the individual counties that we represent in this House. Therefore, I hope that can be done.

I thank you.

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

Sen. Faki: Asante Mhe. Spika kwa kunipa fursa hii kuchangia Statement mbili ambazo zimeletwa Bungeni; moja ya Lake Victoria na nyingine ya matatizo ya akili, yani *mental health* na maswala ya madhara ya *mental hospital*.

Nikianzia hii ya pili ni kwamba ni ukweli matatizo ya afya ya akili imekuwa kidonda sugu. Utapata kwamba kama Maseneta waliotangulia walivyosema, vituo vya matibabu katika Kenya viko viwili pekee yake: Mathari na Port Reitz katika Kaunti ya Mombasa.

Lakini hakujakuwa na uwekezaji wa kutosha katika taasisi hizi kiasi ambacho wengi wanaoenda pale wanateseka baadala ya kuangaliwa na madaktari ama wauguzi walio katika hospitali zile.

Bw. Spika, tatizo kubwa pia ni kuwa kuna unyanyapaa katika familia za wale ambao wameathirika kwa sababu mtu wa akili pungwani mara nyingi huwa hausishwi kwa jambo lolote mpaka aanze kufanya fujo na kupigana ndiyo anapelekwa hospitali. Akifika hospitali, anawekwa huko na hapati matibabu ya kisawa sawa.

Juzi nilibahatika kuenda katika hospitali ya Port Reitz. Cha kusikitisha ni kwamba mgonjwa wa akili akifika pale lazima kwanza alipe Kshs10,000 ndio aweze kupokelewa na ahudumiwe. Kwa hivyo, ningependa hii Kamati ya Afya pia izuru hospitali ya Port

Reitz, iangalie kwa makini ni vipi watu wale wanaangaliwa kwa sababu matatizo ya akili sasa yameingia katika kila jamii ya Kenya.

Vile vile, maswala ya mazingira ni muhimu sana. Kule Mombasa tumeona uchafuzi wa mazingira umeingia katika Bahari la Hindi. Ukienda katika ufuo wa bahari, kwa mfano, ukitoka Nyali Bridge ya zamani uzunguke mpaka Statehouse, utapata uchafuzi wa mazingira umekithiri sana. Utapata kwingine hata maji machafu yanayotoka kwenye nyumba zetu yanaingia moja kwa moja katika bahari ambapo yanaharibu mazingira ya samaki kutaga mayai na pia kuzaana. Vile vile, wale samaki watakapovuliwa hawatakuwa halali kuliwa na binadamu kwa sababu mazingira yao yamechafuliwa.

Utupaji wa plastiki na takataka nyingine ambazo kwa kizungu wanasema “*they are not biodegradable*” inamaanisha kwamba samaki akila takataka zile, zikiingia katika mwili wake, baadaye tukikkula wale samaki, tutakuwa tunadhuru afya yetu. Ndio maana visa vingi vya saratani ya mwili vinatokana na mazingira na kukula vyakula vinavyoathiriwa na mazingira kama hayo.

Bw. Spika, ningependa pia Kamati ya Mazingira itakapokuwa inaangalia swala hili, pia wazuru Mombasa kwa sababu ile mchafuko inayoendelea katika Bahari Hindi yanaathiri pakubwa uzalishaji wa samaki, uvuvi na maisha yetu sisi katika eneo la pwani.

Asante kwa kunipa fursa hii.

The Speaker (Hon. Kingi): Hon. Senators, we have expended quite sometime on comments. Therefore, we will leave it at that and move to Statement that we had deferred under Standing Order No. 52(1) by Sen. Wambua.

MISSING LINK IN THE LIST OF KDF RECRUITMENT CENTRES IN KITUI COUNTY

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of countrywide and general topical concern, namely the missing link in the list of the Kenya Defence Forces (KDF) recruitment centres in Kitui County.

Mr. Speaker, Sir, I applaud the KDF as it prepares to recruit servicemen and women to keep our borders safe.

The list of the recruitment centres in all the 47 counties in Kenya is out. I wish our young people across the country well as they compete for the available slots. May the very best get the coveted opportunity to secure our borders.

I have keenly gone through the list of recruitment centres in the great county of Kitui. In view of the sensitivity and importance attached to this national exercise, I have consulted widely on this list. My office has consulted the office of the Kitui County Commissioner, including the County Commissioner himself, Mr. Erastus Mbui and the Deputy County Commissioner (DCC) in Mumoni Sub-County.

I have personally but unsuccessfully attempted to get in touch with the Cabinet Secretary of Defence, Hon. Adan Duale. I pray that he shall find time and reason to return my call.

Mr. Speaker, Sir, there is a missing link in the list of recruitment centres in Kitui County. Mumoni Sub-County in Mwingi North constituency of Kitui County has been left out of the list.

In this Statement, I am making a legitimate case for the residents, especially the youth of Mumoni Sub-County in Mwingi North Constituency of Kitui County. For many years, the youth of Mumoni have been recruited to join our national disciplined forces at Katse Primary School in Katse Town.

However, to the dismay of the residents of Kitui County, Mumoni Sub-County has been left out in the list of recruitment centres. Emotions are running high in the Sub-County, arising from the unfortunate omission.

Mr. Speaker, Sir, I spent a greater part of my formative years as a child and youth in the army barracks when my father served in the then Kenya Army before he retired into the ministry of the gospel of Jesus Christ. I am a responsible leader and would be the last person to unnecessarily politicize the recruitment exercise by the KDF.

In the year 2017, a new Sub-County called Tharaka Thagicu was created. It was administratively hived off from Mumoni Sub-County. Before this new Sub-County was created, which I seriously celebrate because I took a front role in pushing for it, Tharaka Ward was administratively under Mumoni North Division.

In the list of recruitment centres, I fully support the inclusion of Nthangani recruitment centre for Tharaka Thagicu Sub-County. However, to avoid visiting the same inequality on the people of Mumoni Ward which we cured for the people of Tharaka, I implore the KDF to quickly reconsider the list and include Katse primary school as the recruitment centre for Mumoni Sub-County.

Mr. Speaker, Sir, the Hansard will show how consistent I have been in fighting for the issuance of a Sub-County code for Tharaka Thagicu Sub-County. This was always guided by a strong conviction that the people of Tharaka who have been marginalized for long time need to access government services closer to home and not compete for opportunities with your brothers and sisters in Mumoni.

The idea was to bring to an end the suffering visited on our people in Tharaka Ward as they seek national Government services including the upcoming KDF recruitment.

Mr. Speaker, Sir, requiring the youths from Mumoni and Tharaka to compete for the same opportunities at Nthangani would be rendering the entire effort of creating a new Sub-County and exercise in futility.

Last year, the KDF recruited service men and women from both Nthangani and Katse and this should be the natural thing to do. Merging the two recruitment centres denies the youth of Kitui County opportunities for recruitment to the Kenya Defence Forces (KDF).

The KDF slots available at Thangani Recruitment Centre should be left for the youth of Tharaka to compete for. The youth of Mumoni should compete for their own KDF slots at Kasee Primary School as the tradition has been.

Mr. Speaker, Sir, on behalf of the eligible young people of Kitui County in general, and specifically the youth of Mumoni and Tharaka Sub Counties, I submit that

the Kasee Recruitment Centre be reinstated and a date given for this year's KDF recruitment exercise in Kitui County.

May our best youth in Tharaka, Mumoni and all the recruitment centres in Kitui County and the country at large be successfully recruited to join the ranks and file of the KDF. It shall be well.

I thank you.

The Speaker Hon. Kingi): Before we move to Statements pursuant to Standing Order No.56 (1), allow me to make the following Communication.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ARAP MOI JUNIOR
SECONDARY SCHOOL, KAJIADO COUNTY

The Speaker (Hon. Kingi): Hon. Senators, in the Public Gallery, we have 108 students accompanied by seven teachers from Arap Moi Junior Secondary School in Kajiado County, who are in the Senate on an education tour.

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

I thank you.

(Applause)

I will allow the Senator for Kajiado, Sen. Seki, under one minute to welcome the delegation.

Sen. Seki: Mr. Speaker, Sir, I take this opportunity to thank the teachers and pupils from Arap Moi Junior Secondary School. The school is located in Nkoroi Ward, Kajiado North Sub County, in Kajiado County.

I thank you for choosing the Senate as an institution to come and learn from. I believe you came at the right time and you have seen quite a number of activities in the Senate. I am sure you will take a lot of knowledge back home. Definitely, we will continue to interact at home.

On behalf of my colleagues, I welcome you to the Senate. God bless you as you go back home.

(Resumption of Statements)

The Speaker (Hon. Kingi): Chairperson of the Standing Committee on Trade, Industrialization and Tourism, you may proceed.

ACTIVITIES OF THE STANDING COMMITTEE ON
TRADE, INDUSTRIALIZATION AND TOURISM

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Sen. Seki: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the Activities of the Senate Standing Committee on Trade Industrialization and Tourism for the period commencing 1st April, 2023 to 30th June, 2023. During the period under review, the Committee held a total of 21 meetings.

The Committee considered the following Bills-

(1) The County Licensing (Uniform Procedures) Bill (Senate Bills No.9 of 2022). The Bill seeks to establish standard uniform procedures for licensing by county governments.

The Bill mandates national and county governments to adhere to the need to protect consumers and provide access to information on conditions for issuance of licenses, cost-effectiveness in the licensing process and prevention of multiple licensing processes.

The Committee processed the Bill and tabled its report in this House on 12th April, 2023. The Bill is currently at the Committee of the Whole stage.

(2) The Startup Bill (Senate Bills No.14 of 2022). This Bill seeks to provide a framework to encourage innovation and incentivize the establishment of startups through incubation programmes and a streamlined administrative mechanism for registration and operations.

The objectives of the Bill include, among others, to promote an enabling environment for the establishment, development, conduct of business, and regulation of startups.

The Committee processed the Bill and tabled its Report in this House on 16th April, 2023. The Bill is currently at the Committee of the Whole Stage.

Regarding legislative proposals and pre-publication scrutiny, the Committee undertook pre-publication scrutiny of the following two legislative proposals-

- (a) The Street Vendors (Protection of Livelihood) Bill, 2023; and,
- (b) The Price Control (Essential Goods) (Amendment) Bill, 2023.

The Committee held a one-day retreat on Tuesday, 16th May, 2023, to consider the two legislative proposals and approved them to proceed for publication.

Concerning Petitions, during the period under review, one Petition was presented on 30th May, 2023, by Sen. Wakili Sigei, regarding fraudulent dealings at Diageo Plc, East African Breweries Limited (EABL), Kenya Breweries, and UDV (Kenya) Limited.

In consideration of the Petition, the Committee held engagements with the Petitioner, Mr. Nicholas Rono and the Chief Executive Officer (CEO) of Capital Markets Authority (CMA).

In the Petition, the Petitioner raised pertinent questions about safeguarding Kenyans' shareholding in publicly listed companies against competition from international investors. The Petitioner requested the Committee to allow the review of the prayers in the Petition, to which the Committee agreed to provide a holistic trail of the inherent gaps in the transactions relating to mergers, acquisitions and takeovers.

The Committee held a meeting with the CMA to substantiate the issues raised in the Petition regarding the Authority's approval of the acquisition of additional shares by Diageo Plc.

The Committee has further scheduled a meeting with the Competition Authority of Kenya (CAK) to address the competition issues raised in the Petition and a meeting with the Group Managing Director of the EABL before it proceeds to prepare a report.

Mr. Speaker, Sir, in following up on the emerging issues raised in the Statement sought by Sen. Agnes Kavindu Muthama, regarding the Status of the Revocation Notice of Drumvale Farmers' Co-operative Society Limited in Machakos County, the Committee undertook a factfinding visit to Drumvale Farmers' Cooperative Society in Machakos County on 9th June, 2023.

Mr. Speaker, Sir, during the period under review, the Committee considered 23 Statements as follows. I shall try to scale them into three-

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

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwa Hoja ya Nidhamu, ukiangalia tabia za wale Maseneta wengine walio hapa ni vizuri kutimiza zile Kanuni za Kudumu.

Sen. Orwoba ametoka upande ule akafika hapa katikati na kupita badala ya kwenda kwa mlango na kuinama, ili aje upande huu mwingine kulingana na taratibu zetu. Jambo lingine vile vile, Sen. Miraj amefanya kitendo kama hicho hapa mbele yetu. Sijui kama wanafaa kuomba msamaha kwa vitendo walivyofanya ama wakirejeele ili walifanye sawa sawa.

The Speaker (Hon. Kingi): Sen. Miraj and Sen. Orwoba, you have now come of age. We have taken you through a lot of training and teachings on the Standing Orders. You now know how to conduct yourselves when you are in this Chamber.

At this juncture any breach of the Standing Order will be deemed deliberate and will attract some kind of punishment. You all know that if you need to cross from one side of the House to the other, you need to walk all the way to the Bar, bow to the Chair and then proceed to the other side.

Sen. Orwoba, there is a time you did the same and I reprimanded you. I did not send you out of the Chamber. I am going to use the same words. In this House unlike a chicken *banda*, you cannot move freely. You move pursuant to our Standing Orders. Sen. Orwoba and Sen. Miraj, I call you to order and give you a first caution of the day.

Sen. Seki, proceed.

Sen. Seki: Thank you, Mr. Speaker, Sir.

(1) Statement sought by Sen. Alexander Munyi Mundigi, MP regarding the High Cess Levied on the *Muguka* Cargo Transporters in Mbeere, Embu County. The Statement was considered by the Committee and finalized. The Committee resolved to hold a workshop with County Executive Committee members (CECMs) responsible for Trade in the counties of Mombasa, Nairobi, Garissa and Embu to discuss levies charged on *Muguka* cargo transporters. The Committee has also scheduled a fact-finding visit to Embu County in the first quarter of the current financial year, in order to interact with the affected transporters.

(2) Statement sought by Sen. Mohamed Said Chute, MP, on the status of the Management of Museums and Heritage Sites in Kenya. The Committee held a meeting

on Thursday, 25th May, 2023 and considered a response from the Cabinet Secretary for Tourism, Wildlife and Heritage regarding the Statement.

The Committee identified various gaps in the response and resolved to invite the Chairperson of the National Museums of Kenya, who apprised the Committee on the following supplementary issues -

(a) the relationship and status of collaboration between national and county museums;

(b) list of gazetted museums before and after devolution and those that were handed over to the counties; and,

(c) measures taken to compensate Marsabit County for the resources used to conserve the environment within which Ahmed the elephant lived and whether the artifact, Ahmed the elephant, can be handed over to Marsabit County.

It was resolved that the National Museums of Kenya will facilitate the casting of Ahmed the elephant to be handed over to Marsabit County. The Committee will undertake further engagements with the Standing Committee on Intergovernmental Relations Technical to unbundle the museum function for the benefit of the counties. The Statement was concluded.

(3) Statement by Sen. James Murango, MP regarding the Marketing of Kenyan Produce in Foreign Countries. The Committee vide letter dated 13th April, 2023, received a response from the Cabinet Secretary for Investments, Trade and Industry. The response was considered by the Committee and the Statement concluded.

The Speaker (Hon. Kingi): Hon. Chair, you have one minute to go.

Sen. Seki: Okay let me try and conclude. We have five statements that are still yet to be considered by the Committee and 12 Statements that are awaiting responses from the Ministries. Seven responses are from the Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSMEs) Development. There are three Statements from the Ministry of Trade, Investment and Industry and two Statements from the Ministry of Tourism, Wildlife and Heritage.

Mr. Speaker, Sir, I wish to conclude by giving the challenges we are facing as a Committee. The main challenge experienced by the Committee was non- responsiveness by the Cabinet Secretaries, with specific reference to the Cabinet Secretary for Investments, Trade and Industry and the Cabinet Secretary, Ministry of Cooperatives and MSMEs, respectively.

The Committee at its meeting held on Tuesday, 1st August, 2023 resolved to write to the Cabinet Secretaries to submit timely responses---

(Sen. Seki's microphone went off)

The Speaker (Hon. Kingi): Hon. Chair, I am going to allow you an extra meeting to conclude.

Sen. Seki: Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, the Committee is scheduled to consider the following business in the next quarter -

(a) undertake an inspection, visit to engage with members of Drumvale Farmers' Cooperative Society Ltd in Machakos County;

(b) undertake an inspection visit to Mbeere, Embu County to engage with affected *muguka* cargo transporters;

(c) further facilitate a conference for the CECMs for the counties of Embu, Nairobi, Mombasa and Garissa;

(d) undertake a fact-finding visit to Busia and Malaba One-Stop Border Posts to evaluate the status of regional trade and the Kenya -Uganda trade flows; and,

(e) undertake an international study visit on 22nd and 27th August within the mandate of the Committee.

The Speaker (Hon. Kingi): Hon. Chairpersons, kindly note that any Statements that are made pursuant to Part 12 of our Standing Orders can only be made within 10 minutes, unless with leave of the Speaker. Therefore, as you prepare your Statements, please, abide by that Standing Order.

If you feel the 10 minutes are not adequate, then make prior arrangements to seek the Speakers' permission, so that we do not have to do what we have just witnessed today.

The Chairperson Standing Committee on Roads, Transportation and Housing, please, proceed.

ACTIVITIES OF THE STANDING COMMITTEE ON ROADS, TRANSPORTATION AND HOUSING

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 56 (1) (b) to make a Statement on Activities of the Standing Committee on Roads, Transportation and Housing for the period commencing 1st April, 2023 to 30th June, 2023.

During the period under review, the Committee held 17 sittings and one joint sitting with the Standing Committee on Land, Environment and Natural Resources.

Regarding Bills, the Committee considered a legislative proposal on The Motorcycle Public Transport Service Bill, 2023, which seeks to provide for the regulation of the *boda boda* industry that was sponsored by Sen. (Dr.) Khalwale, CBS, MP.

The Committee considered the legislative proposal on 8th June, 2023 and had an engagement with Sen. (Dr.) Khalwale, CBS, MP on 20th June, 2023. The Committee resolved that it be published with amendments that were agreed upon by the sponsor and communicated to the Speaker on the decision for publication of the proposal with amendments on 11th July, 2023.

It is good to note that our Committee is aware of Standing Order No.131 (1) (b) that no Committee has vital power to kill anybody's Bill. Bills are killed on the Floor of the House, but not at the Committee level.

Mr. Speaker, Sir, on Petitions, three Petitions have so far been referred to the Committee and are at various stages of consideration as follows-

One is the Petition concerning public transport in Lake Victoria between Mfangano Island in Suba Central Sub County and Mbita, Homa Bay County. We invited the petitioners and met with them on Tuesday, 8th November, 2022, where the Committee

was apprised on the challenges that the petitioners experienced as a result of lack of a public ferry plying the Mbita-Mfangano route.

We met with the Cabinet Secretary (CS) for Roads and Transport, where the Committee was informed that Kenya Ports Authority had made a budgetary provision of Kshs300 million in the Financial Year 2022/2023, for acquisition of the ferry to ply in Lake Victoria and another Kshs300 million in Financial Year 2023/2024 for acquisition of a second ferry.

The Committee sought information on the status of acquisition of the two ferries to ply Lake Victoria route. Once the information is received, the Committee will retreat to write the report in this month of August.

The second Petition concerns eviction and demolition of the Buxton Estate, Mvita Constituency in Mombasa County by former residents of Buxton Estate. They were evicted and their houses demolished to pave way for redevelopment of the estate. The Petition was committed to the Committee on 1st March, 2023. The Committee has undertaken the following steps in consideration of the Petition-

- (1) Considered the Petition on Tuesday 7th March, 2023.
- (2) Met petitioners on 15th March, 2023.
- (3) Met the Governor of Mombasa County and the developer of Buxton Estate on 24th March, 2023.

(4) Met the Cabinet Secretary, Ministry of Lands, Physical Planning and Housing on 20th May, 2023.

(5) The Committee has received submissions from the County Government of Mombasa, the developer of the estate, State Department for Housing and State Department for Lands.

The Committee is retreating this month to compile the final report.

The third Petition concerning access to title deeds for properties bought at Jamii Bora Estate, Kisaju, Kajiado County was committed to the Committee on 14th March, 2023.

The Committee has undertaken the following steps in considering the Petition-

- (1) Met Petitioners on 4th May, 2023.
- (2) Visited Jamii Bora Estate on 15th May, 2023.
- (3) Met Directors of Jamii Bora Charitable Trust on 18th May, 2023 and 8th June, 2023.

(4) Met the management of Kingdom Bank on 22nd June, 2023.

(5) Met the Governor, Kajiado County.

The Committee has received submissions and information from: -

- (1) Petitioners.
- (2) Kajiado County Government.
- (3) Business Registration Service.
- (4) State Department for Lands and Physical Planning.
- (5) Kingdom Bank.

The Committee is considering the responses from the stakeholders and was not satisfied with the responses and sought further information.

On the fourth Petition concerning the construction of a pedestrian bridge at Chiromo, we were unable to trace the petitioner. The Committee has, of course, received the response to the Statement and will proceed to write a report in this month of August.

Mr. Speaker, Sir, I have 23 Statements, so I will jump them. I have met so many Senators who have appeared before the Committee and have requested for supplementary information. That is the information we are waiting from the various departments. Those are 23 Statements awaiting.

We also have one message from you. We were to sit down with the Committee on Lands, Natural Resources and Environment, so that we can look at the Petition that was brought by the County Assembly of Nyandarua.

We are in the process. We visited the roads in Nyandarua County and are waiting for the Environmental Impact Assessment (EIA) study from National Environment Management Authority (NEMA). Once they bring that, we are going to expedite.

Finally, if you can allow me one minute to read the recommendations, I wish to highlight just a few challenges that the Committee and Members have experienced during the period under review as follows-

(1) The Committee sought to invite one of the petitioners to a meeting, but could not trace the Petitioner as he did not submit his telephone or email contacts. In light of this, the Committee recommends that Standing Order No. 232 (3) be reviewed to make it mandatory that both email and/or telephone contacts of petitioner(s) are provided as a requirement for approval of petitions.

(2) The conclusion of the Statements before the Committee has partly been delayed by the unavailability of Senators who requested the Statements when invited to appear before the Committee for consideration of their Statements.

In order to avoid a backlog of business, the Committee has since resolved to proceed to consider responses to Statements even where Senators are unavailable.

I thank you.

The Speaker (Hon. Kingi): The Chairperson Committee on County Public Accounts, please, proceed.

ACTIVITIES OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS

Sen. M. Kajwang’: Mr. Speaker, Sir, I rise pursuant to Standing Order No. 56(1)(b) I rise to make a Statement on the Activities of the County Public Accounts Committee for the period commencing 1st April, 2023 to 30th June 2023.

During the period under review, the Committee held a total of 31 sittings, in which it interrogated reports of the Auditor-General on financial statements of 15 County Executives and 11 County Assemblies.

The Committee adopted 15 reports for County Executives and nine for County Assemblies and will be tabling them in the current session.

Mr. Speaker, Sir, during our deliberations, an issue arose regarding the potential conflict of interest where a sitting Senator was the Governor, Chief Executive Officer or

Accounting Officer during the financial year of an entity appearing before the Committee.

Whereas Standing Order No.219 allows a Senator to attend the meeting of any select committee, the Committee observed that the principle of “*nemo judex in causa sua*” required that “no one should be a judge in their own case”. The Committee, therefore, resolved that Senators who find themselves in that situation would not be allowed to sit as friends of the Committee.

Nairobi City County Executive had evaded oversight by the Senate for a long period and had outstanding audit reports for three financial years. The Committee eventually invited the Nairobi City County Government to review the Audit Reports for the Financial Years 2017/2018, 2018/2019 and 2019/2020 and made the following observations-

There were systemic challenges in collection of Own Source Revenue (OSR) and the Committee requested the Auditor-General to conduct a forensic audit of OSR for the three financial years and present its findings to the Senate within three months. The variances cited by the Office of the Auditor-General were to the extent of close to Kshs9 billion between the collections and the reports.

Nairobi City County cited frustrations in accessing records maintained by the defunct Nairobi Metropolitan Service (NMS). The Committee invited the State House Comptroller, who assumes responsibility for the residual functions of NMS, and directed that systems access be granted to the County Government. The Committee also directed the fast tracking of the handover and requested the Office of the Auditor-General to conduct a forensic audit on pending bills for the three financial years.

Mr. Speaker, Sir, with regard to Nairobi City County, the Committee also resolved to conduct a public inquiry into colossal legal fees, Government to Government debts Local Authorities Provident Fund (LAPFUND) and Local Authorities Pensions Trust, (LAPTRUST). The Committee also resolved to conduct a public inquiry into the Kshs5 billion commercial bank loan that the county has failed to services leading to huge interest and penalties.

The Committee also took an interest in the unhealthy size and growth of wage bills in many of the counties. Consequently, the Committee wrote to seven counties; Kisii, Homa Bay, Nairobi, Nyamira, Nandi, Mombasa and Garissa to explain the measures they have taken to reduce their wage bill to the recommended 35 per cent threshold. The Committee has since invited Kisii County and given recommendations to ensure fiscal prudence.

The Committee has seen an improvement in financial management in County Assemblies. The main weakness across most assemblies relates to poor assets management. Majority of county assemblies do not possess titles to the land on which the assemblies sit. The Committee has recommended that the Intergovernmental Relations Technical Committee (IGRTC) should assist assemblies to secure ownership of these assets as well as those inherited from defunct councils.

The Senate through the County Allocation of Revenue Act has over the years increased budgetary ceilings to county assemblies way above the recommended seven per

cent threshold under the Public Finance Management (PFM) Act, 2012. In some cases, assemblies have received as much as 13 per cent of a county's revenue, while on the other hand some assemblies still receive less than seven per cent, for example the Mombasa County Assembly.

The Committee recommends that the relevant Committee undertakes a thorough analysis on the needs of county assemblies, so as to ensure uniformity in allocations and compliance with the PFM Act, 2012.

The Committee also recommends the fast tracking of legislative and administrative measures that will afford county assemblies financial autonomy.

During the period under review, the Committee scheduled a visit to the Coast Region for audit review and project inspection. The visit was postponed to early July, where the Committee interrogated audit reports for Mombasa and Tana River County Executives.

The Committee also carried out physical inspection of the Mombasa Stadium and Early Childhood Development Centers that had been cited by the Office of the Auditor-General for lack of value for money. The Committee is grateful to Mombasa County Assembly for offering their Chambers and hospitality for the meetings.

Pending bills continue to be a financial burden for most county governments. The Committee shall convene a meeting in the next quarter with relevant entities; Office of the Auditor-General (OAG), Controller of Budget (COB), Council of Governors (CoG), the National Treasury and the Ethics and Anti-Corruption Commission (EACC), to define actionable measures to ensure the integrity and completeness of accounts payables across the counties.

There is lack of uniformity in the accounting policies used in county entities. Whereas financial statements of county funds and corporations are prepared on accrual basis, those of county executives and assemblies are prepared on cash basis. This has made it impossible to obtain consolidated financial statements for county governments and has further amplified the problem of pending bills and returned County Revenue Fund (CRF) issues.

The stakeholders meeting proposed above will also propose a timeline for all county entities to migrate to the accrual basis and for the preparation and audit of consolidated financial statements.

In conclusion, I wish to thank the members of the Committee and the dedicated secretariat that usually sits for long hours to ensure we reduce the backlog of audit reports. The Committee will use various strategies, including sub-committees and merger of financial years to shift to a more proactive mandate and ensure that the Senate is current in its interventions.

I thank my Vice Chairperson who has chaired various subcommittees, and that has helped us to be up to date. Sen. Methu calls himself the "assistant chairman of the Committee," the same way he calls himself "assistant majority leader". Nonetheless, all Members of the County Public Accounts Committee have done an excellent job for us to be up to date.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No. 56(3), I will allow comments for not more than 20 minutes.

Sen. Osotsi, proceed.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for this opportunity. The Committee system is an efficient way of processing matters in any Parliament. As you have seen, Committees have done a commendable job. I have been listening keenly to the reports presented by chairpersons. Clearly, a lot is happening within the Committees.

Nonetheless, I am concerned that whereas Committees are useful in processing business that is brought to the Chamber for debate and action, we have budgetary constraints.

We had a meeting of the Committee on Liaison and this matter came up. We are concerned that with this trend, we may not perform our role effectively as Committees. This is a matter that the Senate, as a whole, needs to look at, so that we have budgets that will allow us to run Committees efficiently. Conducting public participation has become a problem. Several Chairpersons have had to use their own resources to process some aspects of public participation. As we commend our committees for the good work they have done, it is important that we critically review the budget allocated to Committees. Committees will not have meetings outside Parliament because there is no money. This is a concern that we all have as chairpersons.

I also encourage the chairpersons of Committees to strictly ensure that the provisions of Article 96 are adhered to, which is to protect county governments and their interests. We are beginning to see claw backs of the gains we have made in devolution. We have seen attempts of taking back some of functions to the national Government. The national Government is spearheading county functions like deployment of community health volunteers and housing. Regardless of which side of the political divide you are in, we must protect devolution and adhere to Article 96 of the Constitution. I encourage chairpersons and Members of Committees to ensure that, that is done.

In my Committee on County Public Investments (CPIC), we have made tremendous steps in addressing one of the major challenges in the counties, that is, the management of water resources under the water companies.

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

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

This is a major issue that we are addressing. I hope that in the next audit cycle, we will have water entities that are efficiently managed in our counties. Otherwise, I want to commend the Chairpersons and the Members of these Committees for working extremely hard under the circumstances.

Nonetheless, I want to encourage the Senate, as a House, to fight for its space and budget. This is because, at this rate, we will not be able to function well if we do not have an adequate budget. Therefore, it means we will have less business to transact on the

Floor of this House because the Committees will die. Therefore, there is no agenda to be processed in this House.

Madam Temporary Speaker, I hope that this issue of the budget will be addressed with the finality it deserves. I also want to commend the County Public Accounts Committee (CPAC) for the good work that they are doing.

We as CPIC are also following in your footsteps. We are ensuring that the governors or the officials and the officers who work under governors are accountable for the decisions they make.

It is important for this House to take serious steps in ensuring that financial management in our counties is enhanced, so that we are able to protect the resources that we send to the counties.

Madam Temporary Speaker, with those few remarks, I want to further thank the Committees for the good work that they are doing.

I thank you.

(Applause)

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.

Proceed, the Senate Majority Leader, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker, for this chance. You have given us this opportunity of 20 minutes to listen and celebrate the work of our various Committees.

We have listened to the reports of the CPAC on the good work that they are doing. We have also listened to the Committee on Roads, Transportation and Housing and the Committee on Trade and Investments. I am impressed by the reports that have been brought by the Chairpersons.

When we began the campaign a few days ago, we sounded like lonely voices when we said that Chairpersons must read and perhaps re-read Standing Order No. 56 (1) and (2), to understand what this Standing Order provides.

This is because we felt that the report that was being brought to the House was completely underwhelming. However, I must commend that later, after that discussion, I see there is a change in how the reports are presented before this House.

Madam Temporary Speaker, they are more updated and it is not just about quoting the statistics, but some of them speak to issues that are alive to the society. These are things that the members of the public can identify and give us the standing that we need as a House.

The citizens of this country do not pay the amount of money that they pay to keep us in Nairobi so that we just enjoy a good AC in this House. I will perhaps take a short time because I do appreciate that it is only 20 minutes allocated to all the Senators. Therefore, maybe everyone of us should perhaps take two or three minutes only and be able to compress our comments and thoughts on what has been said.

Unfortunately, Sen. Thang'wa has left. The only thing that I noted is that one of the questions that we talked about last week is that each Chairperson must ask themselves: if you were to go to a public participation forum and say that 'I am here on

behalf of the Senate representing the Road, Transportation, and Housing Committee,' what questions will you be asked?

Out of five questions that the members of the public will ask you is what is likely to take a center stage? I think any public meeting today on transport-related issues will not end. At least, each of the three first five speakers will speak on this topic of road safety.

The fact that we continue to lose almost 5,000 Kenyans each and every year in a civilized society, is completely unacceptable. The statistics continue to grow.

I expected this Committee to tell us what we can do even as we build better roads, without changing our ways and without the Government giving us the proper response on what we can do, so that we stop losing lives of our citizens on the road.

I hope as they retreat to continue and carry on with their duties, that they will update this House and the country on how specifically they are holding the National Transport and Safety Authority and their Cabinet Secretary to account, so that we can reduce on the statistics.

Each and every civilized country has succeeded by way of technology, road signages and so many other things to bring down the statistics. It is only in the developing world, Kenya being one of them, that we continue to see this problem.

I have a strong feeling that more needs to be done. I hope the Committee on Roads, Transportation and Housing, who are here this afternoon are listening. Consequently, in the next quarter, as they do an update, they will tell us what measures have been put in place.

I have seen policy pronouncements by Hon. Murkomen, the Cabinet Secretary in charge of Transport. However, as a House that is charged with the mandate of oversight, we should hold this Cabinet Secretary to action. Compare what they say in public to what is actually happening, so that we know for sure that a lot is being done.

I say this because last month, the people of Kericho were visited by a heavy tragedy. We lost more than 50 Kenyans in one go due to a traffic accident. I hope that this Committee, in honour of such victims and many other Kenyans that continue to lose their lives through no fault of their own, just because we have not been properly organised around the road safety topic, can ensure that Kenyans feel that their Government understands the challenges that they are going through.

Finally, there is a very interesting case that the Committee on Trade and Investments has presented to this House. This must be the Senate or the Parliament that breaks the new barriers in legislation. One of the things I enjoy doing is sometimes watching other parliaments on the kind of work that they do. I enjoyed watching the post-COVID-19 trials that used to happen in the Senate of the United States in 2021.

Perhaps, I took a particular interest in Sen. Elizabeth Warren taking on bank Chief Executive Officers (CEOs), specifically the Wells Fargo CEO. The kind of exchange that they had was holding them to account for what they were doing to individual citizens during the COVID-19 period and pre-that period.

At that particular time, the bank executives tried pleading with the all-mighty quoted phrase by corporates. They were saying that their Government should be able to

protect investments. Nonetheless, she asked a question that we must ask ourselves. Is it corporates that need protection or citizens that need protection from corporates in this world, knowing the power and influence that certain corporations wield?

Sen. Seki read before this House a Petition that was brought by a citizen on the operations of Diageo in Kenya. Perhaps, only Sen. (Dr.) Khalwale was in Parliament in 2003. However, those that were in Parliament in 2003 will recall the big debate that happened in the country when the then Kenya Breweries Limited was being sold to International Investors.

There were fears about what has now happened if what the Petitioner that brought that Petition to this House is alleging is true. Therefore, the fears of Kenyans at that particular time have been confirmed.

The Kenya Breweries Limited used to be a very successful company. It had depots and transportation facilities across the country, and was employing more than 6000 Kenyans. It had a football club and so many things that you could celebrate. Moreover, all the profits remained in this particular country.

That Petition, as you---

The Temporary Speaker (Sen. Veronica Maina): Would you wish to be informed by Sen. Faki?

The Senate Majority Leader (Sen. Cheruiyot): I do not mind Madam Temporary Speaker.

Sen. Faki: Yes, I want to inform my colleague, the Majority Leader, that Kenya Breweries Limited still supports Kenya Breweries Football Club.

I thank you.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, I am not very sure how useful that information is. Sen. Faki will know that I personally have an interest in one of the local football clubs. Unfortunately, we were relegated last season.

However, the Tusker Football Club (FC) of 2023 is nothing to write home about compared to Kenya Breweries Limited of the 1990s. If you are a good fan of football, you will know that.

Not to lose my point, this Petition challenges us, as a House, to look into the operations of big corporations that come into this country pretending that they are investing, but in the real sense, all they are doing is stripping the assets of big corporations that have been built by the sweat of Kenyans and repatriating the profits out of the country. There is nothing exceptional about brewing beer that warrants investors from other parts of the country or globe, to come and do the kind of things that we are reading about in that particular Petition.

Madam Temporary Speaker, of course, I have listened to the Chair mention that Capital Markets Authority (CMA) appeared before us and they are coming back one more time, to look and respond to the questions being raised in that Petition regarding the operations of the East African Breweries Limited (EABL). Non-competitive practises to shrink other players out of the market and so many other things are being alleged in that Petition.

Many of us should follow that Petition. There are many corporations that invest in this country and we feel happy about it and yet in the real sense, what they get *vis-à-vis* what Kenya enjoys for hosting and providing them with an opportunity to invest in this country, are not compatible. It is a well-known patriotic philosophy across countries nowadays, that even as you negotiate in trade deals, you first look out for your national interests *vis-à-vis* that of those who are investing in the country. Therefore, we will be keenly following this Petition that is before that Committee.

Madam Temporary Speaker, with those many remarks, I support the reports that have been tabled. We will continue to keenly follow the works and operations of our committees.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Senator.

Proceed, Sen. Sifuna.

Sen. Sifuna: Thank you, Madam Temporary Speaker. Of course, I am a proud Member of two of the committees that have made presentations this afternoon.

First, I congratulate the Chairs and Members of the Committee on County Public Accounts (CPAC) and the Committee on Roads, Transportation and Housing, of which I am a Member. Being a Member of these two committees, I must admit that I have learnt a lot. We have many challenges in our counties. They have become apparent in the sessions that we have held with the CPAC.

There could be some challenges that we face as Committees, in terms of our effectiveness to deliver real time solutions to the problems facing our counties. Sometimes, arguments are made that Committees such as the CPAC, are morticians that deal with matters that are historic. However, in my view, there are things that we have achieved in that Committee that I want to point out, which have made me extremely proud to be a Member of that Committee. The first one was the question of Kenya Revenue Authority (KRA) levying penalties on late payment of statutory deductions by county governments.

I remember it was during a session of CPAC that we asked the rationale. I think it was in the presence of the leadership of KRA and the National Treasury, when we asked; what sense does it make for you to levy these penalties on late releases of payments for those statutory deductions when we know that it is occasioned by late exchequer releases by the National Treasury?

(The amber light was switched on)

I have seen the light come on. I do not understand why because I do not think I have spoken for even a minute. I saw my colleague here, the Senate Majority Leader ---

(Sen. Cheruiyot spoke off record)

(Laughter)

Madam Temporary Speaker, perhaps, I can be given directions on how much time I have.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senator, the light means that you are remaining with five minutes. It is for the 20 minutes which was allowed for comments.

Sen. Sifuna: Madam Temporary Speaker, I think I was confused by the amount of time that the Senate Majority Leader took. I guess it is because of his position in the Senate but let me proceed.

(Laughter)

Madam Temporary Speaker, our Committee has also been faced with a spectre of pending bills. For instance, I was happy that the leadership of the former Nairobi Metropolitan Services (NMS) admitted that they were not going to load the Kshs15 billion pending bills that were on NMS books to Nairobi City County Government. In fact, that money was going to be paid from State House. I can see that there are current issues which we have addressed in CPAC. I feel very proud and privileged to be a Member of that Committee.

We have also tried to explain to counties that we are actually friends and partners in the success of devolution. Therefore, there should not be an adversarial relationship between the Committee and county governments.

I was very happy when the Committee on Roads, Transportation and Housing visited Mombasa County to discuss the question of re-development of Buxton Estate. Here in Nairobi City County, we have many old City Council estates earmarked for re-development. However, because of hue and cry in Buxton Estate, we have made a resolution as a Committee, that we would never allow what has happened in Buxton to happen in any other place in the Republic of Kenya. We have, therefore, asserted ourselves as a Committee.

I am very happy that when I wrote, as the Senator for Nairobi City County to the Committee Chair, Sen. Thang'wa, to look and take up the issues in Ofafa, Jericho and California estates; the action by the Committee has led to institutions that are responsible for this re-development – especially the County Government of Nairobi City – to listen to these residents. As we speak today, I received a message from the Chairman of Ofafa Jericho, Mr. Mungonda, saying that they have now been formally invited to have a conversation with the County about re-development of Jericho. This is a positive product of their engagement with the Committee.

I have attended those public participation fora. I have heard the Senate Majority Leader allude to them. It is clear that there is an effort being made by the Nairobi City County to engage the residents. I continue to laud the Governor and his people for finding an opportunity to hear the residents who are going to be affected by these developments.

Finally, is the Petition on EABL that the Senate Majority Leader has spoken about. Indeed, the Petition that has been brought regarding the issues of EABL is a

matter that we should all take an interest in. I have heard some of the submissions that have been made before the Committee.

As the Chairman himself confirmed, the CMA appeared before that Committee. From the perspective of CMA, there was no wrong doing during the transfer of those shares.

It is also not something to be overlooked my brother, Senate Majority Leader. In fact, this institution continues to provide Kenyans with a lot of employment opportunities. There are farmers in western region who are growing sorghum and barley and thus earn a living from EABL.

We should find ways of resolving issues that arise, when companies such as this that are major employers in the country and contribute to the economic development of this country, in a way that does not scare investors or vilify companies that are just trying to do business.

Madam Temporary Speaker, as a regular consumer of the products of EABL, one of the problems that this country faces is high taxation. In fact, if you speak to the management of EABL, they will tell you that just these last few months, the sales have gone down because many people can no longer afford these products.

(Loud consultations)

Madam Temporary Speaker, please protect me. I know there are Christian fundamentalists in the House. The point is, even as we take the war on illicit alcohol to the villages, it is very critical that we do not send even those people who could afford the regular beer a few months back, to now start looking for cheap illicit brew. This is all because they can no longer afford to buy products such as those sold by EABL.

Madam Temporary Speaker, sales going down means a reduction of taxes that would otherwise be collected from this particular product. It has an effect on everyone and everything.

If a company does not have spare resources, for instance, if their profit goes down, then even their involvement in social and community projects such as Tusker FC, the EABL FC that Senate Majority Leader was talking about reduces. It is not possible for you to spare money for some of these projects if you do not have sufficient sales and are not making the sort of profits that you were making.

Indeed, I recall the good old days when East Africa Breweries Football Team would come to Kakamega County where I grew up to play MotCom from the then Ministry of Transport and Communication. Big as they were, we used to whip them. The fact that the team is not performing as good as it did in the 1990s, does not necessarily mean that EABL is now a bad company.

(Sen. Sifuna's microphone went off)

The Temporary Speaker (Sen. Veronica Maina): Your time is up, Sen. Sifuna. Sen. Methu, you are either a Christian fundamentalist or a regular consumer like your colleague.

I will reorganise the Order Paper. I request the Clerk-at-the-Table to call out Order No. 8.

BILL

First Reading

THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)

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

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Madam Temporary Speaker, yesterday, Sen. Oketch Gicheru stood on a point of order and requested that I table a letter I had referred to. I beg to table it because the Speaker had directed so, to indicate the statement that I had made. I request to table it so that the matter rests.

The Temporary Speaker (Sen. Veronica Maina): Proceed to table.

Sen. Cherarkey: I beg to table the letter from the Ministry of Interior and National Administration.

(Sen. Cherarkey laid the document on the Table)

The Temporary Speaker (Sen. Veronica Maina): I will look at the letter that is tabled and make a finding.

What is your point of order, Sen. Osotsi?

Sen. Osotsi: Madam Temporary Speaker, I think it will be right for the letter to be tabled when Sen. Oketch Gicheru is around for him to confirm the allegation that he made and whether that letter substantiates those allegations.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Madam Temporary Speaker, there is nowhere indicated that we cannot table a document when a Member is not in the House. There is an assumption that the Member's ears and eyes and through the Holy Spirit, they can follow what we are doing on the Floor of the House. There is also the HANSARD. I, therefore, do not know why Sen. Osotsi wants to be mischievous by objecting my tabling of the letter. There is no basis under the Standing Orders.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, now that I had already directed that you table the letter, it is before the House. We will look at it and give a finding as to whether it is sufficient.

Clerk, next Order.

Sen. Tabitha Mutinda, you had a balance of 58 minutes. We hope you can do it in less than 58 minutes. She had moved the Motion.

MOTION

APPROVAL OF THE COUNTY GOVERNMENTS
EQUITABLE SHARE CASH DISBURSEMENT
SCHEDULE FOR FY 2023/2024

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

(Sen. Tabitha Mutinda on 01.08.2023)

(Resumption of debate interrupted on, 01.08.2023)

Sen. Tabitha Mutinda: Madam Temporary Speaker, I had started moving this Motion yesterday.

Article 202 (1) of the Constitution provides that revenue raised nationally shall be shared equitably among the national Government and county governments. This is a requirement that is after the enactment of the Division of Revenue Act (DORA), pursuant to Article 218(1) of the Constitution.

Following the enactment of the DORA, Parliament is required to process the County Allocation of Revenue Act (CARA) pursuant to Article 218. This is an Act whose mandate is to share monies to the 47 counties. This is a very important point of this Senate. It is one of our key roles as a Senate where we ensure that counties get their money on time. The Standing Committee on Finance and Budget ensures that we pass these Bills on time and that this Schedule is also tabled in this House on time.

In the allocation of these funds to the different counties, there are different parameters and indexes that are used. They range from the agricultural services index, which is about 10 per cent, the equal share at 20 per cent, the urban services 5 per cent and health services at 17 per cent. Other county and population matter at 18 per cent. Land space at 8 per cent, road index 8 per cent and the poverty index at 14 per cent. The parameters that I have mentioned are what we use to determine allocation for the

different counties. This is because different counties receive different allocations based on the different parameters that I have mentioned.

Madam Temporary Speaker, once CARA has been assented to as it was assented to by the President, pursuant to Section 17(6) and (7) of the PFM Act 2012. It is required that we prepare and submit to this House the equitable share disbursement schedule. As I table this Report, I note that the Schedule is in place. It is signed by the Cabinet Secretary for National Treasury and Economic Planning, Hon. (Prof) Ndung'u. It is part of this Report that I am tabling.

Section 17(6) of the PFM Act provides that the National Treasury shall disburse monies to the county governments at the beginning of every month and not later than 15th of every month. Therefore, this is a Schedule of how much is going to be disbursed to each county each and every month. The calculation and the tabulation has been done. This is what we passed in DORA. That is the Kshs385.425 billion.

A case in point is Nairobi City County which is going to receive over Kshs20 billion this financial year. Calculation of how much the funding will be for each and every month has been done. This Schedule helps the counties to do budgets depending on the funds that they are supposed to receive in every quarter of every year. These funds move from the Consolidated Fund to the County Revenue Fund (CRF) Accounts for the different counties.

The disbursements help the counties to deliver their services to the citizens as they promised during their public participation. This is one of the key schedules that really helps them to set their budgets correctly. The Schedule operationalization ensures implementation of Article 219 of the Constitution, which provides that county equitable share shall be transferred to the counties without undue delay.

Madam Temporary Speaker, at times, we have experienced National Treasury delaying funds to the county governments. This is something that we have noted. I am happy because at the moment, all funds for the financial year 2022/2023 have fully been disbursed to the counties. The last one was just last week when I witnessed the Permanent Secretary for National Treasury and Economic Planning, Mr. Kiptoo, disbursing the final batch of Kshs32 billion. This is something that we also laud the Kenya Kwanza Government for. In our manifesto, one of the key goals was to ensure that counties receive their monies on time.

This Schedule is very key to the counties because, if it is approved by this House, the counties will plan better. It also gives the National Treasury the opportunity to disburse the funds on time. If we delay passing this Schedule, it only delays funding to the counties.

Following the enactment of the County Allocation of Revenue Act (CARA) No.8 of 2023, which provides individual county allocations for FY 2023/2024, the National Treasury submitted the Cash Disbursement Schedule to the Senate on 6th July, 2023, for consideration and approval. As I stated, the Schedule was tabled in the House on 18th July, 2023, and committed to the Committee on Finance and Budget, pursuant to Standing Order No.189(2).

In preparation of the Cash Disbursement Schedule, the National Treasury informed us that it is an annual schedule for each county allocation for Financial Year 2023/2024, which spreads across the 12 months of the year. The 12 months begin from 15th July to 15th June. Disbursements are usually quarterly. So, the expected disbursement for this financial year should be in September.

As I said earlier, it is good to note that in this financial year, the total amount we passed in the Division of Revenue Bill, which is now an Act, is Kshs385.425 billion. That is what we will be distributed to the 47 counties considering different parameters that we have stated.

I would like the House to note that the parameters are for Financial Year 2019/2020 because the law says they apply for five years. As a Committee, we will propose a new formula that will determine different amounts of funds for different counties.

As I stated, on 15th of every month, allocation of funds will be disbursed to the counties. It is good to note that the total amount of disbursement per month is about Kshs32.1 billion. It is calculated at around 8 per cent. However, in the final part, we rounded off to 9 per cent of the total allocation.

I thank Members of the Committee on Finance and Budget because it is one of the busiest committees. We have many Bills and they are always prioritized. I thank the House for that.

Our core mandate is to ensure that counties have funds which they should also receive on time. We are also guided by timelines of each and every Bill assigned to us because if timelines are not considered, then we will not be abiding to the Constitution.

I thank Members of my Committee because they are committed. We have the Senate Majority Whip, Sen. (Dr.) Khalwale, Sen. Onyonka, Sen. Faki, Sen Shakila Abdalla, Sen. Oketch Gicheru, Sen. Ali Roba who is the Chairperson, Sen. Korir and Sen. Tabitha Keroche. They are committed to ensure timely responses on Bills.

There are stakeholders who walk with us. They include the Cabinet Secretary for National Treasury and Economic Planning and the Commission on Revenue Allocation (CRA). They ensure that we get their input on Bills tabled and directed to the Committee on Finance and Budget.

I do not want to forget the input of the Council of Governors (CoG), led by their Chair, the Governor of Kakamega, Hon. Barasa, his deputy and other governors such as Hon. Simba Arati. They have actively supported our committee, something that we appreciate.

Our secretariat is usually on top of all that needs to be done to ensure that we table our Bills on time. We also applaud them.

Regarding the processes, there are observations we have made as a Committee. One of the observations is that there is need to align the timelines for submission of the cash disbursement schedule and the passage and assent to the CARA.

(Loud consultations)

Madam Temporary Speaker, there is some noise. I would like to concentrate when talking about funds.

The Temporary Speaker (Sen. Veronica Maina): Could the Senator be heard in silence? Sen. Cheptumo is the one behind that noise because now it has dissipated.

Proceed, Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Much appreciated, Madam Temporary Speaker. This is one of our core mandate where, as a Senate, we talk about how much we have given to the counties, while at the same time, we oversight in regards to services that have been rendered. We establish whether funds have been used well. This report is about the Cash Disbursement Schedule, which concerns all the 47 counties.

I have given an example of Nairobi City County, which I represent. We will receive over Kshs29 billion in Financial Year 2023/2024. I urge all the elected 47 Senators to familiarise themselves with the amount of money that their respective counties will receive, so that when they go to *mashinani*, they will be able to observe whether projects requested by citizens are worth or whether they passed budgets in line with the Schedule.

The Cash Disbursement Schedule is available. It is important for them to know the amount of money that will be disbursed to different counties.

I want to talk about what we observed as a Committee. That is in regards to timelines and when the Cash Disbursement Schedule is supposed to be brought to the House.

There is need to align the timelines for submission of the Cash Disbursement Schedule to the passage and assent to the CARA. Article 218(1)(b) of the Constitution requires that the introduction of the County Allocation of Revenue Bill in Parliament should be done by 30th April every year. Once the Bill is passed, preparation of the Cash Disbursement Schedule, which is what we have done, follows. Hence, if the assent to the CARA delays, the Cash Disbursement Schedule cannot be prepared for approval and publishing in the Kenya Gazette by 30th May. That means that county governments cannot receive their funding on time, hence occasioning delays. The delays affect citizens who wait to enjoy the services of the devolved governments. Therefore, the time factor is important.

With regard to remittance of money to the County Revenue Fund (CRF) accounts, most of the time, the National Treasury has failed to adhere to the approved cash disbursement schedules. That causes delays and it is against the law.

The Committee feels we should relook at the Public Finance Management (PFM) Act and make some adjustment as far as timelines are concerned. That will give the National Treasury ample time to publish and table disbursement schedules on time, so that disbursement of funds is also timely.

Madam Temporary Speaker, as I stated earlier, different programmes and projects by counties are delayed. Some time back, governors and county assemblies indicated that they would go on strike, simply because of the delay in disbursement of funds.

As the Committee on Finance and Budget, we have encouraged governors. We continue to encourage county governments to maximize on what we call own-source-revenue.

These are areas that we feel have not been tapped so much by the county governments. If the emphasis is also put by us, the Senators, who oversight them, apart from them waiting for the Kshs385 billion, they need to also ensure that they maximize their collections within their different counties.

As a Committee, we also note the delay of projects that have started including projects that have stalled. There are also infrastructural projects that are in place but are not operational because of the equipment that is supposed to be in these institutions, for example, hospitals.

In Nairobi, you find that Nairobi Metropolitan Services (NMS) put up hospitals but they are not functioning because the other facilities and equipment needed to be in that infrastructure are not in place. So, the disbursement of the funds and the whole ideology of funds at the county governments is very key at all times in this House.

Having considered this Cash Disbursement Schedule, the Committee has also made some few recommendations including that the Senate approves that the county governments equitable share Cash Disbursement Schedule for Financial Year 2023/2024 be tabled, which is what we are on right now.

Also, in the disbursement of the funds to the counties, the National Treasury should adhere to the approved cash disbursement schedule and Article 219. Yes, I applaud the National Treasury. Last week, they were on time and were able to disburse the funds on time.

We ask them that they ensure that it was not just the final figures that they have issued for the last Financial Year 2022/2023 but to have the same kick start for the Financial Year 2023/2024 and to progress on the same.

We are very optimistic as the Committee on Finance and Budget. We are always meeting with the Cabinet Secretary for National Treasury and Economic Planning, and they are optimistic about their tax and revenue collection. They are looking at even surpassing set targets. Right now, they have shared that they are at past 95 per cent.

If that is going to be surpassed, we expect that counties will be able to receive their funding and monies on time so as to execute all their plans, projects and budgets.

However, for emphasis, so much is whereby we have seen pending bills. These have been brought about by the narrative of lack of funds and that the National Treasury has not disbursed funds. That is why the governors should know the reason why this Schedule is in place. Equally to the Senators of all the counties.

The reason they need to inform and share these schedule is that the County Assemblies and the county governors need to plan with the funds that they are going to receive or project to collect. They cannot keep on having pending bills in place and then planning becomes a problem yet these schedules are public for them to see and plan well.

We need to get out of the issue of the pending bills. As a Committee and as a House, we have been able to share and indicated that this is what is in place. There is no way you know very well that your salary is amount X and you want to spend X squared.

It cannot work out. You need to plan with the X figure that you know is within your mandate.

As a Committee, just to state, we are asking about pending bills and we are going to set an example with the County Government of Kisii. We are going to receive all the amount of the pending bills and have an open forum to talk to the service providers who for years have not been paid. As we speak right now and as I have state, the National Treasury has disbursed the final funds to the county governments.

The Temporary Speaker (Sen. Veronica Maina): Sen. Tabitha Mutinda, hold your thoughts there. I have a communication to make then you will proceed.

(Interruption of debate on the Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM BARTABWA DAY AND
BOARDING PRIMARY SCHOOL, BARINGO COUNTY

The Temporary Speaker (Sen. Veronica Maina): I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Bartabwa Day and Boarding Primary School.

The group comprises of seven teachers and 62 students who are in the Senate for a one-day academic exposition.

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

I will now welcome Sen. Cheptumo to welcome the team.

Sen. Cheptumo: Thank you, Madam Temporary Speaker. Allow me to welcome the pupils and the teachers from Bartabwa Day and Boarding Primary School to the Senate.

This House continues to receive students and pupils from various primary and secondary schools in our country. It gives an opportunity to see what their leaders do as they watch live debates under your leadership.

I thank the teachers for planning to bring the students to this House. I also welcome the pupils to this Senate. I learned in this school and did my Certificate of Primary Education (CPE). So, it is a special day for me.

This school is also in my village. So, I am really happy to have them here. All I want to tell is that they all need to work very hard, be focused and resilient in their studies. From that village, you should know that you can come all the way.

The parents of these students and the teachers voted for me for three consecutive terms. I can confirm that they supported me all through. Even when again I went before them now to be elected as Senator, again, they gave me a chance.

So, it is a great honour to receive them in this House. I wish them well as they go back home. Go back home knowing that the sky is the limit. You can be what you want

to be. If you keep determined and resilient in your studies and disciplined, you can one day, one time be in this position that we are.

I also appreciate the girls. You see the person chairing the Senate is Sen. Veronica Maina. It is possible for our girls someday to sit on that Chair which is now being occupied by our Temporary Speaker today.

So, I want to wish you well as you go back home, take my greetings. I will, however, have a moment with you outside here.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Thank you very much, Sen. Cheptumo.

Sen. (Dr) Khalwale, can you welcome the students? They come from a special zone having gone through some difficulties with security.

Sen. (Dr.) Khalwale: That is a big honour. I have never been to that school but unlike many of you who are struggling to have children, I want to speak on behalf of people who have children. Children, we love you very much. Welcome to the Senate.

Sen. Cherarkey: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Cherarkey?

(Laughter)

Sen. Cherarkey: Madam Temporary Speaker, I rise pursuant to Standing Order No.98 and 105. Did you hear what Sen. (Dr.) Khalwale said?

The Temporary Speaker (Sen. Veronica Maina): Which specifically?

Sen. Cherarkey: Does he have facts to say those people who have children and do not have? Can he substantiate this because how sure is he? You know, it is imputing improper motives for people who do not have children. You can fail to have biological children and be a foster parent.

The Temporary Speaker (Sen. Veronica Maina): That is true.

Sen. Cherarkey: On that note, I have relatives who have not been blessed with children. It is a very sensitive issue. Can he rephrase what he is saying as our leader?

I know his prowess in the number of children he has across is known beyond Luhyaland. I am told, every examination year, Sen (Dr.) Khalwale must have a child doing an exam, which is a good thing.

The Temporary Speaker (Sen. Veronica Maina): Sen. Cherarkey, point well noted.

Sen. (Dr.) Khalwale, proceed and make sure you address that point appropriately.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. Sen. Cherarkey never ceases to amaze. He is now misleading the country that every year, I never miss to have a child.

(Laughter)

He should say facts. If he wanted to talk about it, he should have said that in some of the years, I have more than one child. This is because I have the gene of twinning, and I am so proud of it.

Madam Temporary Speaker, these children who are here have parents. As we congratulate them for this momentous occasion to come to the Senate. I wish that they will all succeed. There is nothing greater for a woman or man, than to see their own child succeed.

Today, I had an occasion where I met a parent accompanied by her daughter. This daughter studies in London and she has been away for almost a year. When the mother was introducing the daughter to me, I saw tears in her eyes because I have been intimidating her elsewhere that she does not have children.

Children are a very good thing. My dear children, boys and girls, welcome. Teachers, take care of our children. Please, say no to drugs and alcohol. Leave alcohol for adults like us.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. (Dr.) Khalwale.

Sen. Tabitha Mutinda, you can resume the Floor.

(Resumption of debate on Motion)

Sen. Tabitha Mutinda: Thank you, Madam Temporary Speaker. As I conclude, I am happy with how the two leaders have given warmth to our children. Also, as a mother, I am very proud of them.

I continue to encourage them that if I am here, they can also be here. This space is not limited to anybody. It is open to any Kenyan.

As I conclude, I was just discussing the issue of the pending bills that are rampant in most of the counties. With this Schedule in place, the county should be able to plan better.

We encourage governors and the county assemblies to have proper budget guided by the schedules. I also ask my colleague, Senators, to understand the amounts that have been allocated each and every month for each county so that there is proper planning.

As I have said earlier, I appreciate Members and the secretariat led by clerk, Gitonga, Beverlyn, the legal team, Lucy Makina and all the other members that are in the Committee on Finance and Budget.

At this time, Madam Temporary Speaker, I beg to move and request my colleague, the Senate Majority Whip, Sen. (Dr.) Khalwale, to second.

The Temporary Speaker (Sen. Veronica Maina): Thank you Sen. Tabitha Mutinda.

Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. I rise to second this Motion as moved by my vice-Chair.

I will have no much to add because she has said everything. I only emphasize that I could not agree with her more. As Senators, we need to own the figures.

When you go to a public function and you tell the people of Kisii County, for example, that you have given Governor Simba Arati, this much money, you speak to the billions, millions, thousands, up to the last shilling, Governor Simba Arati will realize that there is a sheriff in town.

Madam Temporary Speaker, we also, as Senators, need to encourage ourselves to quickly go before our county assemblies and tell them about the arrival of this money.

Many times, governors have given Members of the County Assemblies (MCAs) the impression that money is hard to come from Nairobi. We have lived by our mantra of bottom up. We have released money to all the governors. With this Schedule still here, it is not easy for the Central Bank of Kenya (CBK) to make the money to hit accounts.

I would like my statement to prick my colleagues from Azimio-One Kenya Alliance. Sen. Ogola, in the report of the Controller of Budget (CoB), they have itemized the performance of our counties from the time of their last election.

They have indicated how much money each governor is collecting as Own Source Revenue (OSR). Sadly, the top counties, and with due respect, are Kenya Kwanza counties. Murang'a, Kirinyaga, Bungoma *et cetera*. The Azimio-One Kenya Alliance counties, in this last month, are indicating a drop. I would like you to familiarize yourself with this because it is painful.

It does not mean that when *mama mboga* is selling her vegetables or fish, she is not paying taxes. They are paying but these people do not declare.

If we do not put pressure on them, they will cheat you that Kakamega has raised Kshs2 billion, when in fact, it has the capacity to raise Kshs6 billion.

If you go to Kisii County, which has very enterprising people, those thousands of people you see in Kisii Town at the market place and other centres, pay taxes. So, if we do not put pressure, the governors just share that money in the evening as they go home. We have a job to do.

Governors take advantage of MCAs because of their poor remuneration. So, MCAs are not able to oversight them strongly. We need to give them the proper backup.

Having said that, I inform the people of Kakamega that we are very lucky that this year, the Governor is going to spend Kshs17,370,287,053. He has no excuse.

We expect the Governor of Kakamega to hit the road running to ensure that stalled projects like Mumias Hospital, Butere Hospital, Nambacha Market, Malinya Market, Khayega Market and Shiamakhubu Hospital are completed quickly together with Bukhungu Stadium because the money is there in billions of shillings. This applies across the board. Therefore, we have every reason to insist that they perform.

Last, but not least, at the risk of anticipating debate, my Vice-Chair is not here. There is a Bill I have seen which has come through the National Assembly. It is seeking our concurrence.

Colleagues, it is trying to shift public debt from being benchmarked on debt ceiling to anchoring, so that the debt is a percentage of the Gross Domestic Product (GDP), which is the modern way of doing things. Colleagues, the reason why it is worrying me is that I have seen a clause there, which has now been approved, if we agree. They are saying that whereas, it should be anticipated to be at 55 per cent and the

Cabinet Secretary can be allowed to borrow at not more than 5 per cent, this clause should be suspended for five years.

If you pass a law to create debt anchor and suspend the clause that is supposed to be implemented, it means we are giving the Cabinet Secretaries an open cheque to borrow as they wish.

Madam Temporary Speaker, this House is supposed to also protect the President. When the Goldenberg scandal happened in this country, Moi as the President thought all was well. Had the Parliament of that time protected him, Mr. Kamlesh Patti would not have run away with those billions of shillings.

Similarly, when Anglo-leasing took place, President Kibaki thought all was well. So, as President Ruto works very hard, Parliament must remind him that we have got to be cautious on the some of the decisions being made by the Treasury.

My brothers and sisters, we are building the country. The children have just left the gallery. So, if we do not grow the economy so that those children are better off, it means all of them will just find themselves on the streets jobless. Today, we have more than 4 million children on the streets yet they are holders of degrees, diplomas and certificates because our economy is not growing.

Thank you so much. I second the Motion.

(Question proposed)

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker. I rise to support the Motion. I begin by appreciating the Vice-Chairperson of the Committee for elaborately taking us through the Motion and also the seconder of the Motion, Sen. (Dr.) Khalwale.

Madam Temporary Speaker, devolution is the heart of service delivery to the people of Kenya. It is, indeed, the one that ensures that the lowest level of leadership in this country feels the service delivery by the Government of the day.

We can only then support that devolution by making sure that resources are availed to the county governments. This disbursement schedule ensures that the resources, which have been shared by all the county governments, are disbursed for their utilization. I would like to support the disbursement schedule that has been shared.

We have been notified in this Motion that when it is fully complied with, there will be facilitation of service delivery by all the county governments and that they will have no excuse at all as to any delay in the service delivery.

County governments are able to execute on their mandates when funds are made available. These funds can only be available when these schedules have been adopted and the National Government ensures that the same is fully complied with for the period that it is aimed at.

Madam Temporary Speaker, cash disbursement in terms of this particular schedule enables the county governments to be able to predict and plan on the services that they have for their people. In this case, I would expect, therefore, that we will not be having the long list of pending bills that we have been witnessing across almost all the

counties. Each and every county has previously been sending out list of pending bills, not because of anything, but because funds have been allocated and not yet disbursed.

With this particular schedule and with the latest experience and pronouncement that was made; that all the funds to all the county governments were disbursed, it is going to ensure that no county government should exhibit any pending bill because no funds will be held once the schedule is approved.

We definitely do not also expect to experience the delay in payment of salaries of employees of the county governments. Once these disbursements are made available, there will be no reason why service delivery cannot be felt across all the counties.

The role of this particular House is to ensure that devolution works. Once we are able to do the oversight, the services to the people will definitely be seen and felt.

Madam Temporary Speaker, I noticed that in the schedule that has been given, all the county governments have been given the specific benefit that they are going to get in the funds. In this case, the parameters equally for this particular disbursement is given.

We are talking about agriculture at 10 per cent and equalization fund at 20 per cent. It, therefore, means that all the services which each county government is expected to deliver for the people will not be limited because of failure to have the disbursements.

In this case, the county government that I represent, Bomet County, it has got an allocation of Kshs6.9 billion for the Financial Year 2023/2024 with disbursements scattered for the months beginning July, Kshs593 million; August, Kshs558 million; September, Kshs593 million; October, Kshs558 million; November, Kshs593 million; and December, Kshs558 million.

We expect as the Sen. (Dr.) Khalwale said, that there will be no excuse by any governor or county government for their failure to deliver to the people on the services which have already been given the funds. In this case, the entire county government machinery should be able to run and roll out the services to their people.

We also call upon Members of the County Assembly who in this case are the first port of call for purposes of ensuring that services to the people are delivered. This is an opportunity for them to ensure that the executives of the county government do not give excuses for their inability to ensure that roads are done and hospitals are supplied with medicine. Any other service that is devolved, particularly in every other sector should be delivered to the people of the country.

Madam Temporary Speaker, as I conclude, I would like to appreciate the Committee for their immediate submission of this Motion. This is because having passed the County Allocation Revenue Act (CARA), this is the opportunity then for the county governments to ensure that they receive the disbursements in their accounts for the services to the people of our respective counties.

Madam Temporary Speaker, I support as I thank you for the opportunity.

The Temporary Speaker (Sen. Veronica Maina): Proceed, Sen. Onyonka.

Sen. Onyonka: Thank you very much, Madam Temporary Speaker for this opportunity to contribute to this very important issue.

First, I would like to thank my Chairperson, Sen. Ali Roba, and my Vice Chairperson, Sen. Tabitha Keroche; the two individuals who have been extremely

hardworking individuals. They have tried to summon us when we are late; they have always consulted us; they have always talked and told us about the responsibility we have been carrying.

As I contribute to the issue of the Disbursement Schedule that is being done by the Senate Standing Committee on Finance and Budget from where I sit; honestly, the way the Vice-Chairperson spoke, the truth is that we have been banning the midnight oil to make sure that these reports are completed on time. This is because we, as Committee, can present our Schedule and ensure that devolution does not collapse.

One of the things that I would like to discuss is that, first, I am happy that most of the committees now, after 10 years of devolution, are beginning to understand their responsibility. Our major role is to have our committees act, or indeed the Senate acts as a secondary oversight role in making sure that we follow up on the amounts of money that the national Government releases to the county government.

Again, we are supposed to follow up with the primary oversight authority, which is the county assembly, to make sure that resources that they get are used and channelled directly to the county governments that we represent.

My major responsibility has been to follow up and do my job; accept what my mandate and my responsibility is. That mandate is to act as the oversight officer, follow up on the detailing that the Kenyan public is listening to and how this money is released where it goes, and how it is spent.

To a large extent, what normally happens is that there is confusion, which is created deliberately. We have heard some of our colleagues here mentioning that it is very common and obvious to hear some governors saying how money has not been released by the Government. In fact, the Government is the one that is not paying salaries.

I have been telling my colleagues in the opposition where we belong that at some point when a Government is in office and it participates in doing something that is appreciated, we should give them credit.

[The Temporary Speaker (Sen. Veronica Maina) left the Chair]

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

Mr. Temporary Speaker, Sir, I actually would like to officially give credit to the Kenya Kwanza Government because, for the first time, all the money that is supposed to go to the county governments has been released.

That is what we would want to encourage the Government to do. This money being released is not supposed to be done as a punishment; it is supposed to be done because one, it is constitutional. Secondly, it is the national Government's responsibility.

In this case, the Kenya Kwanza Government's responsibility is to make sure that our money is released and taken to the county governments where it is supposed to mitigate the issues which are affecting our people.

The second issue that I have discovered or experienced since coming to the Senate and being in this Committee and many of the other committees like the County Public Accounts Committee (CPAC), is that the Senate Standing Committee on Finance and Budget, which we are talking about now, and the Senate Standing Committee on Devolution, has been quite amazing.

First, I have understood that unless we protect devolution fiercely, there is a possibility that even by default, not by design, devolution can fail. We must take responsibility as the Senate, which is the body that is mandated to make sure that we oversight and make sure that the resources that are raised from our people are used well, effectively, and openly without any corruption or wastage.

This is the message we sent to the governors and also, indeed, to the national Government because the two governments as we are observing, seem to be having many of these issues. You will hear everybody talking about wastage, wastage, wastage.

It is the same way I saw President William Ruto asking why we have Cabinet Ministers traveling to Seychelles. You find 17 people on a flight going to the Seychelles. They do not even know that Seychelles is one of the largest countries that produces sugar in Africa. They just go and stay on holiday for two weeks and come back, paid the per diem, which we all get, and assume life is normal.

We have the same county governments. I am shocked that Kisii County is one of the county governments where the governor has just taken about 40 Members of the County Assembly (MCAs) to China on holiday, and they are using public money.

Can you imagine what 40 individuals will consume when they travel abroad? I can tell you that it is not less than Kshs2 million. A sum of Kshs2 million multiplied by 40 individuals is Kshs80 million and yet Kisii Level 6 Hospital does not have medicine. Kisii Level 6 Hospital and other peripheral health centres do not have enough nurses. Can you imagine what Kshs100 million can do in a year in terms of providing community healthcare workers, who are paid kshs5,000 a month, and they are 1,000 in Kisii? If you multiply with the amount of money that we are using to take a trip to China---

I would not say that Kisii's case is particularly unique. This is what all the county governments are doing. They say that they are going to benchmark about growing something, or that they are going to benchmark about the construction of our roads. We have all the blueprints in the Ministry of Public Works.

If you want to do a road in West Pokot and you want the Bill of Quantities (BQ), it is there. What you have to factor in is only the inflation and you know what the figures are. However, MCAs and indeed this House suffers from that disease.

That is why I am so happy that President William Ruto has said that Cabinet Secretaries should travel with only three people. All the Members of the National Assembly (MPs) should only take two or three trips.

Let us try and save our people the pain, anger, and annoyance of electing us every five years. These people are being taxed heavily because we are to catch up with the past mistakes of misuse and abuse of public funds.

I want to plead with my colleagues that let us be careful and let us understand that our people expect better from us. That our people want us to make sure that our counties

are run properly, the resources are utilised well, and services are provided on time so that our country can move forward because this is what we want for our country.

Mr. Temporary Speaker, Sir, when you look at the audit reports, because I sit in the Senate Standing Committee on Finance and Budget, as you saw it being announced by the Kenya Kwanza Government, the pending bills are about Kshs560 billion.

Hon. Members of this Senate, I would like to plead with you, let us make sure that we look for a structured way how we can sit down and come up with a proposal on how we can make sure that the issue of the pending bill is sorted out, once and for all.

One of the suggestions that I would like to make is that I saw my Vice-Chairperson, Sen. Tabitha Keroche, raise the issue. Why are county governments and national Government departments agreeing to go to tender for jobs when they know very well that the jobs they are tendering for, do not have the resources to complete the construction or the implementation of these projects?

Let us be prudent with ourselves; let us spend what we have. If we know that we have Kshs3 trillion, let us put all our eggs in that Kshs3 trillion. Let us agree that we cannot continue spending money that we do not have.

That is the reason why it is attractive to borrow. It is attractive to break our borrowing ceilings; it is attractive to spend the money because, we in this Parliament; the National Assembly, and the Senate, go out and agree that certain projects are going to be done yet we know very well that we have no money to do these projects.

Mr. Temporary Speaker, Sir, by default, we deliberately borrow. Instead of bringing the money to do the projects, we divert it from the projects, which were supposed to be completed eight years ago. We now start new projects because we have an interest in them and we have been elected to these positions.

Sen. (Dr.) Khalwale, this is why you find county government executive officers; serving governors, do not want to pay pending bills which were incurred by the previous governors. This House must talk to the governors. We must tell them that if people worked and you can confirm so by providing a certificate. The Auditor-General, the Ethics and Anti-Corruption Commission (EACC), the Controller of Budget (CoB) have confirmed it, then as a governor, why do you refuse to pay these individuals?

I have a man who I would like presented before the Standing Committee on Finance and Budget in the next two weeks when Kisii County Government is being summoned to appear. The man is in civil jail in Kisii prison. His wife died. The man had borrowed Kshs7 million, eight years ago. He lost the money because the tender was for KShs16 million. He has been committed to civil jail and the County Government has refused to pay him.

An Hon. Senator: What?

Sen. Onyonka: Mr. Temporary Speaker, Sir, how then do you expect me as the Senator for Kisii County, to look at it? It is an injustice and unfair. We know cartels came and did some ghost projects. However, there were genuine Kenyans who did works. They can produce certificates from the same officers in the county governments who will then confirm that they completed the works and ask them to collect their cheques. However, the money was paid to somebody else.

I request this House to come up with a solution on how to solve the problem of the pending bills. I am also proud of this Committee. Sen. (Dr.) Khalwale and my friends who are here, when you look at the Public Accounts Committee (PAC) and all the other audit reports from the Auditor General; we are now two years away from breaking even.

I believe that by 2024, we shall be able to audit all the reports being presented from county governments. This means we shall not be morticians any more, colleagues. We shall now audit and oversight State and county resources on a yearly basis because we shall get the reports on our tables.

That is the way you introduce prudence and proper management of public resources. Finally, on the other issue my colleagues have mentioned; we went through it. Nairobi City County was a case. We looked into on-source revenue collections. By the time Hon. Sakaja became Governor, it was collecting close to Kshs1.6 billion a month. This is why I wanted to mention to my brother, Sen. (Dr.) Khalwale, that I respect him tremendously. However, when you make an allegation, verify your facts.

Nairobi City County and Hon. Sakaja's revenues have been declining for the last nine months. That is not his problem. We discovered that within the structures that were set up, there were three to four companies, that were running the outfit for collecting revenue within the county government. At the same time, the same people that the previous Governors – hon. Sonko and hon. Kidero – had, are the same ones collecting the revenue.

We are happy that Hon. Sakaja came in and stopped what was going on. I am very proud. Last week when he met our Committee, he said that the revenue has now picked up. The City County might end up collecting close to Kshs26 billion this year alone. That is the management and leaders that we want.

Our people do not want excuses of why we are at a Kshs3 trillion budget, yet we have no medicine or water in the hospital and doctors are not being paid on time. They do not want excuses of having unpaid Early Childhood Development Education (ECDE) teachers, medical practitioners, community health workers and technical vocational training teachers. We must be the people to come up with deliberate decisions of how to change the direction of our country.

Sen. (Dr.) Khalwale, I hope since you belong to Kenya Kwanza Government, they shall surprise me. That they shall come up with a proper and structured way on how to make sure that the nonsense going on in our country – where leadership has always taken for granted the Kenyan population with the assumption that whatever they take shall not be questioned – stops.

Right now, Kenyans are demanding good governance and proper utilization of resources. We want to change the direction our people are taking. We want to lift our people from poverty. It has been done in other countries and we can do it in Kenya too.

With those few remarks, I support the Motion. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Onyonka. I wanted to remind you shortly before you ended your address, that you were meant to address the Chair and not the Hon. Senator, bull fighter. You missed that particular requirement.

Sen. Onyonka: Mr. Temporary Speaker, Sir, I apologise. I will follow the rules of the House.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. Sen. (Dr.) Khalwale what is your point of information?

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. This is a House of record and I have just consulted quickly. The revenue collection for Nairobi City County did not decline. It increased by 16.4 per cent between January and March, 2023. They collected a total of Kshs3.44 billion. I am still right that the Kenya Kwanza were collecting. Allow me to table the information I am reading.

[Sen. (Dr.) Khalwale laid the document on the Table]

Sen. Onyonka: Mr. Temporary Speaker, Sir, I agree with you. The only thing is that by March, when the money was being collected it was being collected by NMS. From the time Hon. Sakaja took over, there was a dip which worried us, as a Committee. I am willing to table the data on the next sitting of this House.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir, for the indulgence. I am referring to January, 2023. The person in office was Hon. Sakaja. Am I lost?

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale and Sen. Onyonka, that is fine. As far as ---

Sen. (Dr.) Khalwale: It is healthy.

Sen. Onyonka: Mr. Temporary Speaker, Sir, I shall correct the Senator. The people who were handling the accounts for the on-source revenue collections were NMS. Up to now, we still do not have the pins or codes that are meant to open. That is what Governor Sakaja came to ask our Committee to do. He asked the people who had been working with NMS and are now working in State House to come and open the system to enable the Governor start collecting his revenue and putting it in a certain account.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): That was quite healthy. It is important to also get the facts because this is the essence of the debate we are having.

Sen. Gataya Mo Fire, proceed.

Sen. Gataya Mo Fire: Thank you, Mr. Temporary Speaker, Sir. I am happy that my brother, Sen. Onyonka, has adequately advised Sen. (Dr.) Khalwale. As I speak, there is a serious stalemate in State House because of some disconnect between the previous and current administration. Over and above, I am happy for the Committee because they have been up to the task to make sure that as a House we have done what is supposed to be done. Our core responsibility is to make sure we have money in the counties.

I am happy that for the first time since inception of devolution, we have seen counties getting money. I can refer to the fact that as we closed the last financial year, the national Government did so with zero balance to all our counties. This is a very big plus. Allow me to go on record and thank the kind administration for leading the true spirit of devolution and dispatching all the money to the counties.

Under this arrangement, we are now going to see our people get services. We are going to see contractors paid. Stalled projects will be revived and many salaries paid. We have had a lot of issues with salary payments as you can remember.

We have had very many departments which have gone for months without salaries. Under this arrangement, away from these governors getting money, I call upon all the oversight committees, including the County Public Accounts Committee (CPAC) where I sit and the County Public Investments Committee (CPIC), which is chaired by my brother Sen. Osotsi, to make sure that we play our key role of keeping governors on their toes. If we play our role of oversight effectively, these people can make proper use of the resources that we devolve to them.

Mr. Temporary Speaker, Sir, we have had a lot of issues where people have taken counties as their personal property. As a Senate, we should be very vigilant regarding such an arrangement because it might cause quite a number of issues. You find that money has been used and yet two or three years down the line we are unable to make a follow up.

Under this arrangement, I concur with what Sen. Onyonka has said because quite a number of times, as oversight committees we have been treated as morticians. We just come to do post mortem for money which was stolen decades back. We have to review and make sure that we revise some regulations or Standing Orders to see how we can ensure that these governors and others use this money prudently.

This Motion will ensure that we realise the full potential of our counties by making sure that we get money devolved to counties without delay. I am sure this is something very positive. We are supposed to ensure we put these governors on notice that we are not going to allow any misuse of money as we are likely to see through our oversight committees.

Mr. Temporary Speaker, Sir, I support.

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

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for allowing me to contribute to this Motion. I wish to commend the Committee for preparing the report. I also wish to urge us, as the Senate, to quickly pass this Schedule so that the monies can be disbursed to the individual counties.

I will be very quick with this. I have listened to contributions that have been made and I thought I should bring it to our attention the need to first congratulate the Government for electing to disburse all the money. In the last few months, the counties have gone through hell. They have not been receiving the money allocated to them on time. So, this is a good gesture that I believe should trigger better activity and functions of the county governments.

I would hope that this will be the trend going forward; not just a one off that is happening. With that having happened, I would like to remind us, as the Senate, of our responsibility to protect counties and county governments.

Listening to Sen. (Dr.) Khalwale, he seemed to talk about the individual Senators going back and being able to speak to the amounts that have come and carrying out oversight. That is in order for elected Senators even as you go back, but I also want to

remind him that the oversight function in the Senate is a collective function best carried out through the committees.

Mr. Temporary Speaker, Sir, the committees that I have sat in have had to cut down their activities because of the kind of budget we have had. If we are to follow up in the manner that colleagues are suggesting that we oversight the activities of the counties, I hope we are moving to a level where it would be taken seriously that the funds this Senate requires to carry out its oversight functions have to be adequate in order for us to do that task. I would hope that the counties can start mainstreaming the implementation of activities that will also bring on board issues of inclusion.

Earlier today, we were discussing some of the issues about marginalised areas, gender inclusion, disability and youth inclusion. Those of us who represent interest groups that are marginalised in this country, we will also be looking out to oversight counties on how well they are carrying out development and employment in an inclusive manner and ensuring that everyone is catered for.

Finally, I caution the idea of saying the Kenya Kwanza governors versus the Azimio governors. I would like to remind us that county governors are county executives who we are supposed to oversight as a Senate.

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

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

QUORUM

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.41. It says: -

“If at any time in the course of the proceedings of the Senate, a Senator objects that there is not a quorum present, the Speaker or the chairperson shall count the Senators present in the Senate or the Committee as the case may be.”

I rise pursuant to Standing Order No. 41 to request you to confirm if there is sufficient quorum on the Floor of the House.

The Temporary Speaker (Sen. Wakili Sigei): We have confirmed that there are only five Members in the House. Serjeant-at-Arms, could you please ring the quorum bell for 10 minutes.

(The Quorum Bell was rung)

Sen. Mumma, you will have 15 minutes to contribute tomorrow.

ADJOURNMENT

The Temporary Speaker (Hon. Wakili Sigei): Hon. Senators, having failed to attain quorum at the expiry of 10 minutes, the House stands adjourned, pursuant to Standing Order No.41(2)(a), until tomorrow, Thursday, 3rd August, 2023, at 2.30 p.m.

The Senate rose at 5.57 p.m.