

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 13<sup>th</sup> February, 2025

### Afternoon Sitting

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

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kathuri): Clerk, can you confirm whether we have quorum?

Serjeant-At-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, I can confirm that we have quorum. Clerk, kindly read out the first Order.

### COMMUNICATION FROM THE CHAIR

#### PROCESSING OF SESSIONAL PAPER NO.1 OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

Hon. Senators, I have a Communication to make. As you may recall, at the morning Sitting of yesterday, Wednesday, 12<sup>th</sup> February, 2025, the Senate Majority Leader laid on the Table of the Senate the following documents-

- (1) Sessional Paper No.1 of 2025 on the Foreign Policy of the Republic of Kenya.
- (2) The CRA recommendations on the county governments recurrent expenditure budget ceilings.

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(3) The CRA on the Fourth Basis for Revenue Sharing among county governments for the FYs 2025/2026 to 2029/2030.

With respect to the first document, at a meeting held on 21<sup>st</sup> January, 2025, the Cabinet approved Sessional Paper No.1 of 2025 on the Foreign Policy of the Republic of Kenya. The Cabinet further authorized the transmittal of the Sessional Paper to Parliament for consideration.

The Sessional Paper presents a comprehensive framework for conducting the nation's foreign relations and diplomatic engagements. I hereby direct that Sessional Paper No.1 of 2025 on the Foreign Policy of the Republic of Kenya be committed to Standing Committee on National Security, Defence and Foreign Relations for consideration.

The Committee will be required to scrutinise and undertake public participation on the Sessional Paper and submit a report to the Senate within 30 calendar days.

*(The Sessional Paper was committed to the Standing Committee on National Security, Defence and Foreign Relations)*

PROCESSING OF REPORTS ON CRA RECOMMENDATIONS ON CEILINGS FOR  
COUNTY GOVERNMENTS FOR FY 2025/2026 AND THE FOURTH BASIS FOR REVENUE  
SHARING AMONG COUNTY GOVERNMENTS FOR FYs 2025/2026 TO 2029/2030

Hon. Senators, the other two documents relate to the recommendations of the Commission on Revenue Allocation (CRA) on recurrent expenditure ceilings for county governments for Financial Year 2025/2026 and recommendations on the Fourth Basis for Revenue Sharing among County Governments for FYs 2025/2026 to 2029/2030.

As hon. Senators are aware, Article 217(1) of the Constitution states that—

“Once every five years, the Senate shall, by resolution, determine the basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government.”

Hon. Senators, you will recall that the first basis was approved on 27<sup>th</sup> November, 2012, and was used to share revenue for FYs 2013/2014 to 2016/2017. The second basis was adopted by Parliament on 21<sup>st</sup> June, 2016, and was geared towards provision of adequate financing to counties, correction of economic disparities, minimisation of the development gap and stimulation of economic optimisation and incentives to counties to generate revenue. This basis was used to share revenue for FYs 2017/2018 and 2018/2019.

The Third Basis was approved on 17<sup>th</sup> September, 2020. It has been used to share revenue among the county governments for FYs 2020/2021 to 2024/2025.

Hon. Senators, you can have your seats.

*(Several Senators walked into the Chamber)*

Can you be a bit fast, Sen. Gataya Mo Fire?

*(Sen. Chimera consulted loudly)*

Sen. Chimera, you are out of order! I will kick you out of this House. You have been here for three Sessions and you should be aware of what happens in the Chamber.

Hon. Senators, pursuant to Article 217(2) of the Constitution, in making its determination, the Senate is required to request and consider recommendations from the CRA, taking the criteria stated in Article 203(1) into account; consult the county governors, the Cabinet Secretary responsible for finance and any organisation of county governments, and invite the public, including professional bodies to make submissions to it on the matter.

Hon. Senators, in connection to the recommendation from the CRA on recurrent expenditure for county governments, Section 107(2A) of the Public Finance Management (PFM) Act states that—

“Pursuant to Articles 201 and 216 of the Constitution and notwithstanding subsection (2), the Commission on Revenue Allocation shall recommend to the Senate the budgetary ceilings on the recurrent expenditures of each county government.”

Consequently, and upon the tabling of the two documents in the Senate, I hereby direct that the CRA recommendations on expenditure ceilings for county governments for FY 2025/2026 and the fourth basis for revenue sharing among county governments for FYs 2025/2026 to 2029/2030 be committed to the Standing Committee on Finance and Budget for consideration.

I urge the Committee to expeditiously consider the two matters, noting that the recommendations are earmarked for the next financial year, which begins on 1<sup>st</sup> July, 2025.

Yes, Sen. Boni?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, now that you have made a communication on the CRA formula for sharing revenue, I do not know whether I am allowed as a Senator with an interest in Kakamega and Kenya in general, to express my anger for only one minute. If you allow me, I am very angry. I want to express that anger so that it is on record.

I have no doubt that the Committee will be on it, but we were in Naivasha---

**The Deputy Speaker** (Sen. Kathuri): Sen. Boni, I am sure you sit in that Committee and you will have all the time now to interrogate the formula, call the stakeholders, including the CRA and anybody else, for that matter. This business is rightly placed in the Committee for interrogation by the Senators, including the Senator for Kakamega, Senator for Narok, Nairobi City, Senator for Kitui, Senator for Meru and so on and so forth. You will have that opportunity. We will be coming to your Committee because we have a lot of interest in the formula.

Proceed, Sen. Olekina.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, what the Senate Majority Whip is trying to communicate is that we had a way forward and we discussed, so that we do not have to reinvent the wheel and vote 10 times.

Before the Committee looks at this, we can decide whether the two sides can appoint other Members to work together with the Committee, so that this issue of the revenue formula is dealt with, instead of leaving that work to be done by the committee alone. I think that is the message he was trying to convey because we agreed on the way forward during our retreat.

**The Deputy Speaker** (Sen. Kathuri): Let us benefit from the wisdom of the Senator for Kitui County.

**Sen. Wambua:** Mr. Deputy Speaker, Sir, I hear what my colleagues are saying. The problem here is because we had a chance to see this document before it was formally committed to the House. Therefore, that opportunity should just inform our interaction with the document when it is properly before the Senate.

Since the document is before us, let the committee take hold of it. All of us are friends of that committee because we have an interest in the matter. In fact, without going into the debate on that document, I would be hesitant to have a situation where a few Senators are appointed to sit with the Senate Committee on Finance and Budget. I would rather that matter is open to every Member and we do it here on the Floor of the House, so that everybody makes an input into that document.

I submit.

**The Deputy Speaker** (Sen. Kathuri): Thank you. I think you have given a good way forward. This Senate can only interact with any document or information through respective committees. From where I sit, I have no doubt in my mind that the Committee on Finance and Budget will guide us. If they require us to sit in a *kamukunji*, we are ready to do so. Let us give the opportunity to the committee to interrogate the document and report back to the Senate.

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

Sen. Boni, you know that this is a very urgent matter, which should be expedited so that we close it before the financial year starts in July.

Clerk, let us go to the next Order.

### PAPERS LAID

Hon. Members, there are Papers to be laid by the Senate Majority Leader and Sen. Wakili Sigei.

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THE 2025 BUDGET POLICY STATEMENT  
AND RELATED DOCUMENTS

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I beg to lay the following papers on the Table of this Senate, today, 13<sup>th</sup> February, 2025-

1. 2025 Budget Policy Statement.
2. 2025 Medium-Term Debt Management Strategy Paper.
3. Draft Division of Revenue Bill, 2025.
4. Draft County Allocation of Revenue Bill, 2025.
5. Draft County Governments Additional Allocations Bill, 2025.

*(Sen. (Dr.) Khalwale laid the documents on the Table)*

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL  
STATEMENTS OF VARIOUS ENTITIES

Again, Mr. Deputy Speaker, Sir, I beg to lay the following papers on the Table of this Senate, today, 13<sup>th</sup> February, 2025-

Reports of the Auditor-General on the Financial Year 2024, representing the financial statements of the city of Kiambu, the County Executive and the County Assembly.

Report of the Auditor General on Financial Statements of the City of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Executive of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Assembly of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Government of Kisumu – County Revenue Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Receiver of Revenue - Revenue Statements - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Kisumu County Revenue Board Government of Kisumu - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu Emergency Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Assembly of Kisumu Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Kisumu County Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2024.

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Report of the Auditor-General on Financial Statements of Kisumu Education Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Jaramogi Oginga Odinga Teaching and Referral Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu County Referral Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Ahero County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Chulaimbo County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Nyakach County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kombewa County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Ojola Sub- County Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Lumumba Sub- County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Migosi Sub- County Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Gulf Water Services Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Nyanas Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu Lakefront Development Corporation for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kisumu County Climate Change Fund for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Mavoko Municipality for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on Financial Statements of the Mavoko Municipality for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the Mavoko Municipality for the year ended 30<sup>th</sup> June, 2024.

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Report of the Auditor-General on Financial Statements of Kangundo/Tala Municipality for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kangundo/Tala Municipality for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Executive of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Assembly of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the County Revenue Fund - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Receiver of Revenue – County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Machakos County Executive Committee and Chief Officers' Car Loan and Mortgage Scheme for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Machakos County Assembly Housing and Car Loan Scheme Fund - MCAS for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Machakos County Assembly Housing and Car Loan Scheme Fund - Staff for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Machakos Level 5 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kimiti Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mutituni Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Masinga Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Ndithini Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Matuu Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kalama Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mwala Level 4 Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Mr. Deputy Speaker, Sir, allow me to put on record that when I was working as a medical officer in Machakos District, we founded Mwala Health Centre which has now become a Level 4 Hospital.

Report of the Auditor-General on Financial Statements of Kathiani Sub-County Hospital - County Government of Machakos for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mavoko Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Mwala Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Yatta Water Services Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Kathiani Water and Sanitation Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of Matungulu Kangundo Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on Financial Statements of the Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2024.

I thank you, Mr. Deputy Speaker, Sir.

*(Sen. (Dr.) Khalwale laid the documents  
on the Table of the Senate)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Sigei Hillary. There is a Paper you are supposed to lay.

REPORT ON CONSIDERATION OF NADCO AND THE  
MULTI-SECTORAL WORKING GROUP ON THE REALISATION  
OF THE TWO-THIRDS GENDER PRINCIPLE

**Sen. Wakili Sigei:** Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 13<sup>th</sup> February, 2025-

The Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-Sectoral working group on the realization of the two-thirds gender principle.

I thank you.

*(Sen. Wakili Sigei laid the document  
on the Table of the Senate)*

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kathuri): Order, Senators. Sen. Kisang and Sen. Olekina.

*(Sen. Kisang and Sen. Olekina consulted)*

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I want to give guidance on some of the papers that have been laid. There is this communication on the consideration of the 2025 Budget Policy Statement by the Senate.

*(Several Senators remained upstanding)*

Hon. Senators, just have your seats. Thank you for understanding the Standing Orders the way they should be and not running here and there like what Sen. Kisang' is doing.

*(Sen. Kisang' crossed the aisle)*

### COMMUNICATION FROM THE CHAIR

#### CONSIDERATION OF THE 2025 BUDGET POLICY STATEMENT BY THE SENATE

Hon. Senators, I have a Communication to make relating to the budgeting process for the next financial year.

As you may have noted, the Senate Majority Leader has tabled the following documents-

1. The 2025 Budget Policy Statement
2. The 2025 Medium-Term Debt Management Strategy
3. The Draft Division of Revenue Bill, 2025
4. The Draft County Allocation of Revenue Bill, 2025
5. The Draft County Governments Additional Allocations Bill, 2025.

Section 25 of the Public Finance Management Act and Standing Order No.186 of the Senate requires the National Treasury to prepare and submit the Budget Policy Statement to Parliament by the 15<sup>th</sup> February each year.

Hon. Senators, as you are aware, the Budget Policy Statement is an important financial instrument that sets out the broad strategic priorities and policy goals that will guide the national Government and county governments in preparing their budgets both for the following financial year and over the medium term. It contains, among other things---

*(Sen. Chute consulted with Sen. Cherarkey)*

Hon. Senators, the Speaker is giving communication. Sen. Chute, you should listen to the Chair when he is giving communication.

1. An assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts.

2. The financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term.

3. The criteria used to allocate or apportion the available public resources among the two levels of Government and various programmes and projects.

4. The proposed expenditure limits for the national Government, including those of Parliament and the Judiciary and indicative transfers to county governments.

5. The fiscal responsibility principles and financial objectives over the medium-term, including limits on total annual debt.

Hon. Senators, as you are also aware, Section 25 (7) of the Public Finance Management Act provides as follows-

“Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.”

With respect to consideration of the Budget Policy Statement (BPS), the Senate Standing Order No.186 (4) states that upon being read before the Senate, the Budget Policy Statement shall be committed to each Standing Committee to consider and submit its recommendations to the Standing Committee on Finance and Budget within seven days.

Pursuant to Standing Order No.186(5), the Standing Committee on Finance and Budget is required within twelve days following the tabling of the BPS, to consider the BPS and the recommendations received under Paragraph (iv) and table a report for consideration in accordance with Section 25(7) of the Public Finance Management (PFM) Act.

Cognizant of the importance of the BPS and the above timelines, I direct that the BPS be considered by all standing committees. Each committee is expected to concentrate on matters that fall under its mandate, highlighting any policy and financial recommendations thereof. These recommendations should be forwarded to the Standing Committee on Finance and Budget on or before Thursday, 20<sup>th</sup> February, 2025.

Thereafter, the Standing Committee on Finance and Budget will be required to consider the recommendations from the other Standing Committees as well as to consult the institutions referred to under Standing Order No.186(6) in finalising its report on the BPS. The Standing Committee will be required to table its report on or before Tuesday, 25<sup>th</sup> February, 2025.

Consequently, the Senate will be required to consider and make a determination on the report by the Standing Committee on Finance and Budget by Thursday, 27<sup>th</sup> February 2025.

Hon. Senators, in a nutshell, it means that any proposal that Senators have regarding the BPS, the draft Division of Revenue Bill 2025, the draft County Allocation of Revenue Bill, 2025, the draft County Governments Additional Allocations Bill 2025, and the financing structure therein, among other recommendations, must be canvassed and forwarded to the Cabinet Secretary for the National Treasury and Economic Planning for consideration when finalising the Budget for the relevant financial year.

*(Sen. Wafula walked into the Chamber)*

Who is this Senator walking around the Chamber when the Chair is on his feet?  
Can you go back to where you were at the back?

*(Sen. Wafula walked to the Bar)*

This is a requirement according to Section 25(8) of the PFM Act and Standing Order No.186 (9) of the Senate.

In conclusion, I urge Standing Committees to prioritize the scrutiny of the BPS, taking into consideration our most important function of protecting the interests of counties and their governments and safeguarding devolution.

I thank you.

Next Order

### NOTICE OF MOTION

**The Deputy Speaker** (Sen. Kathuri): Senator Wakili Sigei, please proceed.

*(Sen. Wakili Sigei consulted the Clerk-at-the-Table)*

#### ADOPTION OF REPORT ON CONSIDERATION OF NADCO AND THE MULTI-SECTORAL WORKING GROUP ON THE REALISATION OF THE TWO-THIRDS GENDER PRINCIPLE REPORTS

**Sen. Wakili Sigei:** Thank you, Mr. Deputy Speaker, Sir. The confusion is occasioned by the fact that I had already laid the Paper on the Floor of the House.

Mr. Deputy Speaker, I wish to give a Notice of the following Motion-

THAT the Senate adopts the joint Report of the National Assembly Department Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee, NADCO and the report of the Multisectoral Working Group on the realisation of the Two-Thirds Gender Principle laid on the Table today, Thursday 13<sup>th</sup> February, 2025.

I thank you.

Speaker, I beg to move.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Next Order.

## QUESTIONS AND STATEMENTS

## STATEMENTS

Hon. Senators, we have Statements under Standing Order No.53(1). We start with the Senator for Mombasa County, Sen. Mohamed Faki Mwinyihaji.

KUZOROTA KWA HUDUMA ZA AFYA  
KATIKA KAUNTI YA MOMBASA

**Sen. Faki:** Asante, Bw. Naibu Spika, kwa kunipa fursa hii. Mimi nasimama kwa mujibu wa Kanuni za Kudumu Nambari 53(1) ya Kanuni za Seneti, kuomba kauli kutoka kwa Kamati ya Afya kuhusiana na kuzorota kwa huduma za afya katika Kaunti ya Mombasa.

Kaunti ya Mombasa inajivunia kuwa jiji la pili nchini na pia kuwa na bandari inayohudumia, kando na nchi yetu, nchi kadhaa za ukanda wa Afrika Mashariki ikiwemo maziwa makuu; Uganda, Rwanda, Burundi, Congo, Sudani Kusini na vile vile Ethiopia.

Mombasa ndiyo jiji lenye uwanja wa ndege wa kimataifa katika eneo nzima la kanda ya Pwani na ndiyo makao makuu ya eneo la Pwani. Hivyo basi, ni kaunti ambayo inahudumia watu wengi na serikali ya kaunti inapaswa kujitahidi kutoa huduma kwa kiwango cha hali ya juu.

Afya ni huduma muhimu sana na imegatuliwa na ndiyo ilikuwa huduma iliyoboreshwa zaidi na serikali ya awamu ya kwanza katika kaunti hii.

Ni masikitiko kwamba baada ya muda wa miaka miwili tu ya serikali iliyoko, huduma zimedorora kuliko ilivyokuwa hapo zamani. Hakuna pesa zozote za serikali ambazo kaunti inatoa kwa vituo vya afya ili kuboresha huduma kwa wananchi.

*(Sen. Betty Montent consulted Sen. Olekina)*

Bw. Naibu Spika ninaomba unilinde kwa sababu ninasoma taarifa hapa na ninaona kuna majadiliano ya watu wa ODM.

**The Deputy Speaker** (Sen. Kathuri): Sen. Faki unaomba kulindwa kutokana na Sen. Montent, nami ninashidwa nitakulinda vipi.

**Sen. Faki:** Lakini Bw. Spika kuna Maasai hapa nyuma yangu.

*(Laughter)*

Katika Kauli hii, ninaomba Kamati hiyo -

(1) Iorodheshe hatua ambazo Serikali ya Kaunti ya Mombasa imechukua kusuluhisha tatizo la hali mbaya inayoendelea, kudorora kwa utoaji wa huduma za afya ikizingatia kuwa kuna upungufu wa madaktari, wauguzi, wachunguzi wa mahabara na

hata walinzi wa milango na maeneo ya hospitali na zahanati nyingi za Kaunti ya Mombasa.

(2) Ibaini sababu zilizopelekea Serikali ya Kaunti ya Mombasa kupuuzwa uboreshaji wa huduma kwa kutoshughulikia miundo mbinu kama vile ukarabati wa majengo ya vituo hivyo, hususan Hospitali ya Tudor ambapo hivi majuzi mgonjwa aliangukiwa na dari wakati anasubiri huduma katika hospitali hiyo. Vile vile, zahanati za Maweni na Ziwa la Ngomo ambazo huvuja na pia hufurika maji wakati wa mvua pamoja na usambazaji wa maji safi ya mifereji.

(3) Ieleze hatua ambazo zinachukuliwa na Serikali ya Kaunti kununua na kuboresha vifaa vya kuhudumia wagonjwa kama vile mashine za X-ray, MRI na ambulensi, ikizingatiwa kuwa MRI ya Kaunti nzima inapatikana katika Hospitali ya Coast General na mara kwa mara mashine hii inakwama kwa sababu ya uwezo mdogo na vile vile kuhudumia watu wengi kwa wakati mmoja.

Bw. Naibu Spika, Kaunti ya Mombasa ina *ambulance* nne pekee zinazofanya kazi kuhudumia kaunti nzima yenye wadi 30 na maeneo Bunge sita.

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

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

(4) Ieleze sababu zilizochangia kutokupatia vituo vya afya mapato wanayokusanya kwa matumizi yao yaani *Facility Improvement Fund* pamoja na sababu zilizofanya kutoa agizo kwamba vituo vya afya havina ruhusa kuajiri vibarua, licha ya kwamba vibarua hao wamekuwa wakihudumu kwenye vituo hivyo kwa mda mrefu.

(5) Ifafanue mantiki ya kulipa mishahara ya wahudumu bila kununua dawa wala kujenga chochote ikiwa ni pamoja na kushindwa kuchukua hatua ya kubadilisha paa za *asbestos*.

Bw. Spika wa Muda, jana kulisomwa taarifa kwamba *asbestos* inasababisha saratani. Paa za *asbestos* zilipigwa marufuku humu nchini kwa kuhofia kusababisha ugonjwa wa saratani, ilhali kuna pesa zilitengwa kwa kusudi ya kutoa huduma hizo za afya kwa wakaazi wa Pwani na Mombasa.

(6) Ifanye uchunguzi ili kubainisha chanzo cha kudorora huku na ichukue hatua zinazofaa ili kuhakikisha kuwa wananchi wanapata huduma zinazostahili, pamoja na kuchunguza sababu zilizochangia kutotumika kwa hospitali ya Shonda katika eneo la Likoni na Marimani katika sehemu ya Kisauni, zilizomalizika kujengwa mnamo mwaka 2022.

Bw. Spika wa Muda, asante kwa fursa hii.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Faki.

Sen. Hamida Kibwana or anyone nominated by her, proceed.

DEATH OF A MEDICAL INTERN AT  
THIKA LEVEL 5 HOSPITAL

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir. I will read the Statements on behalf of Sen. Hamida Kibwana. I rise pursuant to Standing Order 53 (1) to seek a Statement from the Standing Committee on Health regarding the tragic death by suicide of Francis Njuki, a medical intern at Thika Level 5 Hospital on November, 2024. This incident came just two months after the death of Dr. Desree Moraa, who until her death by suicide was a medical intern at Gatundu Level 5 Hospital in Kiambu County.

This highlights the urgent need to address rising mental health concerns and toxic work conditions faced by medical interns in Kenya. The death of these young medical professionals are not only individual tragedies, but also a stark reminder of systemic issues within our health care system.

It is imperative that the Senate take swift action to ensure the safety, well-being and dignity of all those who dedicate their lives to serving our nation's health.

In the Statement, the Committee should-

(1) Investigate the working conditions and schedules of medical interns at public hospitals, specifically addressing claims of excessive working hours and poor working environment.

(2) Examine the existing mental health support programmes available for medical professions, particularly interns and recommend enhancement of these programmes to prevent such tragic outcomes.

(3) Assess the role of hospital administrations and the Ministry of Health in safeguarding the welfare of medical interns, including measures taken to address their grievances and provide mentorship.

(4) Provide a detailed report on policies governing the development, deployment, supervision and work-life balance of medical interns and propose reforms where necessary.

(5) Recommend actionable steps to create a safe and supportive working environment for all medical professionals with a particular focus on addressing mental health challenges within the sector.

The Statement is signed by Sen. Hamida Kibwana who is a Nominated Senator.

VIABILITY OF AGREEMENTS FOR SUPPLY AND LEASE OF  
MEDICAL EQUIPMENT TO COUNTY PUBLIC HEALTH FACILITIES

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a statement from the Standing Committee on Health regarding the viability of agreements entered into by the Ministry of Health and county government under the National Equipment Support Programme (NESP) for supply and lease of medical equipment to county public health facilities.

In the Statement, the Committee should-

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(1) Disclose the names and credentials of suppliers contracted by the Ministry of Health under the NESP to supply and lease medical equipment to county public health facilities, explaining how the said suppliers were selected.

(2) Provide a detailed schedule of payment made by each of the county government under NESP in the 2024/2025 Financial Year, highlighting any deductions made directly from the county government equitable share of revenue raised nationally, if any.

(3) Explain the role of the respective county governments and the Council of Governors (CoG) in the negotiation and execution of the agreement under NESP, outlining the steps taken to ensure strict compliance with public procurement laws.

(4) Explain the role of the state measures put in place to ensure the supply of medical equipment meets the required standards and are appropriately utilised once delivered to the health facilities.

(5) Outline measures put in place to ensure that the agreements for supply and lease of medical equipment are financially sustainable for county governments in the long term.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Olekina for holding brief for Sen. Hamida.

Sen. Richard Onyonka, proceed.

#### IMPENDING DISSOLUTION OF THE PYRETHRUM PROCESSING COMPANY OF KENYA (PPCK)

**Sen. Onyonka:** Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the impending dissolution of the Pyrethrum Processing Company of Kenya (PPCK), which is located in Nakuru.

The PPCK owns a significant portfolio of assets, including extensive tracts of prime land and valuable properties across various counties of this Republic. These assets represent public wealth accumulated over decades. It is imperative to establish certain facts, including who currently holds the title deeds of these properties, the fate of these assets following the intended dissolution and what impact this dissolution will have on stakeholders, especially pyrethrum farmers and company employees, who have been making a profit as they run this corporation. The PPCK is a Government parastatal that does not have a board of directors as we speak.

In this regard, I request the Committee to-

(1) Explain the reasons behind the move to dissolve the company and the fate of the employees, who have been working in that company, some of them close to 25 years.

(2) Conduct a detailed review of all the properties owned by the PPCK with a view to establish the status of these assets and to ensure that public resources are safeguarded.

(3) Provide a report of the PPCK's financial status, operational challenges, including a full impact assessment with consideration of a potential to restructure this corporation, instead of dissolving it since it has been making a profit in its operations.

(4) Outline measures that the Ministry of Agriculture and Livestock Development is taking to ensure that farmers, employees and other affected parties are consulted to find an amicable way on how this matter could be sorted out.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Onyonka.

Now, finally, we call upon Sen. Alex Mundigi.

POOR STATE OF MUTHATAARI-  
SIKAGO ROAD IN EMBU COUNTY

**Sen. Munyi Mundigi:** Mr. Temporary Speaker, sir, I rise pursuant to Standing Order No. 53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the poor state of the Muthataari-Kiamuringa-Siakago Road in Embu County.

In the Statement, the Committee should-

(1) State the budgetary allocation in the current financial year for the re-carpeting of the same road which spans a length of 26 kilometres and serves as a vital link to part of Manyatta, Mbeere South and Mbeere North constituencies.

(2) Explain whether the said budgetary allocation is sufficient for the repair works and, if not, recommend measures that will be deployed to adequately fund the road works.

(3) Find out whether the Ministry of Roads and Transport has prioritised the renovation of the said roads as a matter of urgency, and further cause the Ministry to visit the said roads to assess their condition and come up with an accurate estimate to allocate sufficient funds for the rehabilitation of the road.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Dr. Mundigi. You forgot today to make a reference to your title 'Dr.' Mundigi, thank you.

Hon. Senators, I will allow comments for those who would be interested to comment on the statements read out on behalf of Sen. Hamida Kibwana, Onyonka and Sen. Mundigi as well as Sen. Faki.

Sen. Mungatana, and Sen. Sifuna, are your requests for previous---

**Sen. Sifuna:** No.

Okay, Sen. Sifuna, please.

**Sen. Sifuna:** Thank you, Mr. Temporary Speaker, Sir. I want to briefly comment on the statements by Sen. Faki and Sen. Hamida. However, before I do so, this is the last Sitting of the week before a major event happens in Addis Ababa. I am happy that Sen. Olekina is back from Addis.

He was there overnight to just ensure that everything is okay. He has assured me that everything is going well. After this Sitting, he will also be leaving back for Addis to



ensure that everything goes well. I wish Baba and the team that is there representing us well. The rest of us are here holding the fort.

We have treated the people who work in our medical institutions with absolute contempt. I remember last year in the last session, medical interns were seated here. We, as a House, had made a promise to them that we were going to support them to ensure that not only are they absorbed into the workforce, but also that they were fairly treated and remunerated per their qualifications.

I remember the big debate on whether interns were interns in the sense of the word as is used in other professions or whether these were qualified medical practitioners and full doctors who were being mistreated. I remember there was a long period when there was a doctors' strike. Sen. (Dr.) Khalwale remembers that period and we thought that all these matters had been resolved.

We speak to some of these interns and some of them were lucky to get employment in places like this gentleman in Thika Level 5, others in Nakuru, and even here in Nairobi. Some of them after being out of employment for so long, after being promised good working conditions, even those counties are not paying them salaries. Some of them have arrears of up to three or six months.

As a House and the Standing Committee on Health that has just been reconstituted, we need to be serious about our medical health practitioners. Yesterday, we were talking about the way the Community Health Promoters (CHPs) are being treated. I had an occasion together with my delegation of Senators from Nairobi to have a meeting with a section of the CHPs in Nairobi.

The horror stories that we heard from that group require that we, as a House, do something. You can imagine people going to work without basic protective equipment. Here in Nairobi, most of these CHPs are working as front-line workers in places such as our slum areas. When it rains, you cannot go in there without proper shoes or gumboots.

Can you imagine the CHPs in Nairobi numbering over 7,000 asking a Senator like myself to buy them gumboots because the county government is unable to supply them? When I spoke to the management at Bata, Sen. (Dr.) Khalwale, one pair of gumboots is going at Kshs700.

Everybody knows my salary and you know what the taxman has done to our pay slips. How can a Senator be expected to spend Kshs5 million on buying gumboots for CHPs and yet, we resource our county governments properly for them to be able to equip our CHPs to work for us?

When we talk about the deteriorating levels of health services in counties and the statement that was brought by Sen. Faki, we also need to look at the financing element for our hospitals.

I was speaking to the Chief Executive Officer (CEO) of Mbagathi Hospital today to just find out the status of the repayment by SHA. This was prompted because when I looked at my payslip again, I was deducted Kshs32,000. We were told that this will be the panacea of all our problems in the health sector. The CEO at Mbagathi tells me that they are billing SHA Kshs4 million per day.

If you do the math, it is over Kshs120 million per month that SHA is supposed to pay in Mbagathi Hospital. However, SHA is paying Mbagathi Hospital a measly Kshs15 million per month. How are they supposed to provide services? As I speak today, SHA owes Mbagathi Hospital alone Kshs400 million.

Then, we expect these hospitals to serve the people of Nairobi? Therefore, we must raise these issues. We want the committee that has been charged with these two statements to ensure that they come to the bottom of all these issues so that we are able to not only treat our CHPs. The medical interns and everybody who works in the health sector with dignity, but also can unlock the problem of financing from SHA.

Lastly, at the invitation of the Senator of Mandera, some colleagues and I can see has walked in, visited the health facilities in Mandera. One of the things is that much of the equipment that had been procured under the medical leasing scheme, contracts is coming to an end. The information we gathered from Mandera is that the suppliers of the new equipment are putting very onerous terms in terms of percentages of the money that is supposed to be paid to those suppliers on these county governments. They told us it is as high as 60 per cent of the payment that is paid for that service is required to go back to the equipment supplier.

We, as a Senate, must bring those contracts into focus here, and I urge the Health Committee to ensure that this is done, so that our people can enjoy proper health facilities.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Samson Cherarkey?

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, thank you for this opportunity. I support Sen. Mohamed Faki, Senator 001 from Mombasa, for this wonderful Statement. I agree. I thought Mombasa was better.

In terms of poor service delivery of health services, Nandi should be number one. On 1<sup>st</sup> December 2024, I visited Kapsabet County Referral Hospital, which should be our referral facility.

I remember you calling me. You saw the pictures of the pathetic and dilapidated situation at Kapsabet County Referral Hospital. Some of us who have walked this journey of devolution, have always thought that we form a National Health Commission. The crisis that you see in Mombasa, Nairobi and Nandi among other counties, is saddening.

I remember you lost a young child because of negligence. Is it Kaplong or Tenwek Hospital? It was a hospital in Bomet.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, the incidents occurred in Longisa Hospital and the second one was in Cheptalal Hospital, both in Bomet County.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, those are grim statistics. The right to health should be a basic right for every Kenyan. Some of us do not want to encourage the clawback of county functions to the national Government.

When we see statistics such as the poor health facilities and provision of poor health services in Mombasa County. We always feel sad and imagine that we can claw

back the health function of the national Government. Will it be better? Many Kenyans ask.

Out of the 196 facilities that I have in Nandi, including the Kapsabet County Referral Hospital and level four hospitals, there is nothing to write home about. We must ask ourselves the hard question: Why do Kenyans go to health facilities and not get drugs? Why do Kenyans walk into some hospitals and the watchmen give them drugs? In Turkana County, a Form Four dropout was dispensing drugs. We need to be serious because this is unfortunate.

I want to ask Sen. Faki, through the Committee of Sen. Mandago – if he is elected the chair of the Committee on Health – to start a commission of enquiry into the state of health facilities across the 47 counties. Even in Kisii County, there is nothing to write home about.

I want to encourage the Sen. Mandago-led Committee to look at Mombasa County and let this be a precursor to an enquiry on the state of health across 47 counties. In Nandi County, my people are suffering. Even today, as we are talking, if they are not suffering in hospitals, they are suffering in towns.

The governor was evicting residents from their main market. Sen. Oburu knows Kapsabet well because he asked me about the town of Kapsabet on several occasions. Residents have been evicted. You are suffering when you are well and you are suffering when you are in the hospital.

So, I want to thank Sen. Faki, and I expect the deputy Orange Democratic Movement (ODM) party leader to do better. I want to send the ODM deputy party leader, Sen. Osotsi, to encourage Governor Abdulswamad Sharrif Nassir. It is not the tradition of ODM to perform poorly. Sen. Sifuna, as the Secretary General of the ODM party, you need to pull up your socks.

As a party, you could invite your governor, so that we do not embarrass him in public. Sen. Sifuna can read the Riot Act. The Secretary-General has so many powers.

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

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna, what is your point of order?

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, the constitutional mandate of oversight to county governments is vested in only one institution; the Senate, for which the member of Nandi is a member. Is it in order for him to demand that a political party, which he knows does not have the same powers as this House, rein in members of the CoG, even if they belong to my political party?

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Sen. Sifuna. Sen. Cherarkey, you are aware of exactly what Sen. Sifuna has said. It is not within the party's province to do oversight, nor is it in the province of the ODM Secretary General to rein on his members to act. However, it is your mandate as a Senator and member of this House, to make sure that we firm up and do what is right. That is, to protect devolution and protect the county governments.

Proceed.

*(Sen. Sifuna spoke off record)*

You are reminded that you are a Member of the County Public Accounts Committee (CPAC).

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I am a member, but Sen. Sifuna should pick a side. When it is convenient, he says ODM is doing well. However, when ODM performs poorly, he wants to disassociate from the ODM's deputy party leader.

I agree that we have an oversight role. Still, I challenged him as the Secretary-General to assist the Governor of Mombasa, to run the governor, and to run the county of Mombasa because Mombasa County elected an ODM governor.

*(Loud consultations)*

*(Sen. Abdul Haji, Sen. Boy and Sen. Faki consulted loudly)*

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Hon. Senators. Sen. Abdul Haji, Order. Let us allow Sen. Cherarkey to be heard in silence. If you are consulting, please, do so in low tones to avoid disruptions in the House.

Proceed.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I can see Sen. Sifuna is taking notes. Sen. Osotsi should follow up. Finally, this is on the statement by Sen. Munyi Mundigi on the poor state of Muthataari-Siakago Road.

I thank Sen. Munyi Mundigi because I have never seen him bring any other statement about any other place except Embu County. It shows that Sen. Munyi Mundigi loves the people of Embu with all his heart. We were there with him sometimes back, and this road must be fixed.

I am told we have a pending bill for roads close to Kshs1 trillion. There is public participation in road tolling, as the Government wants to raise Kshs230 billion. We are tolling our roads to raise Kshs230 billion. We will also raise funds through the Road Maintenance Levy Fund, which the governors have fought.

We should allow the tolling of our roads, so that we can fund their maintenance, especially this one from Muthataari to Siakago. I had a chance to visit the Mau Mau roads, which were designed to go to Nyeri County.

I want to request that Sen. Munyi Mundigi include it on Mau Mau roads, so that as it goes to Nyeri, the duelling from Murang'a all the way to Nyeri under Mau Mau roads, this Siakago road should be included. I believe the Mau Mau were also roaming in Embu County. Also, there was Mau Mau in Embu County. The roads in Embu should be included in the Mau Mau roads.

Sen. Karungo Thang'wa should agree that we should include this road in Mau Mau roads, so that the people of Embu can also benefit from it. Kindly, Members, let us

participate in public participation in road tolling, so that when we pass something, we do not come to complain.

Mr. Temporary Speaker, do you remember my issue in Nandi County? The Nandi-Himaki road has not been fixed, nor has the one from Chemuswa-Danger. The road at Kurgung, all the way to Chepterwai, to Chepsaita - you know Chepsaita very well; your friend comes from there—to all the way to Mudete has not been fixed. The one from Meteitei, all the way to Uasin Gishu, where Sen. Mandago comes from, has not been fixed.

The road from Chepteret all the way to Moi University has been rejected. The roads in Mosop, Kipngetch and Ngechek have not been fixed. We must work towards ensuring that we fix our roads across the counties in the future. I support and commend Sen. Munyi Mundigi for bringing up this issue.

I want to wish everybody who is travelling to Addis all the best. I am told the prices of air tickets have gone up to Kshs250,000 in the economy. I want to wish all members who are going to Addis all the best and a safe flight, and we hope that it will be well.

With those many remarks, I support and thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): I will limit time to everybody who is interested in contributing to three minutes per Senator so that we have an opportunity as members to contribute. I do believe that is reasonable in the circumstances and whoever is speaking, henceforth, let us limit the contribution to three minutes per Senator. I will allow Sen. Mwaruma to proceed and contribute.

**Sen. Mwaruma:** Asante, Bw. Spika wa Muda, kwa hii fursa umenipa ili kuchangia kwenye kauli ya Seneta wa Mombasa Sen. Faki, kuhusu kudorora kwa hali ya afya kwenye Kaunti ya Mombasa.

Hospitali za Jiji la Mombasa ni muhimu sana. Tukiangalia Coast General Teaching and Referral Hospital inasaidia kaunti jirani za Pwani kama Taita Taveta, Kilifi, Tana River na zinginezo. Hii ni hospitali ambayo iko kimikakati au kwa Kingereza *strategic* kwa sababu inahudumia hizo kaunti zote.

Tukisikia kwamba hali ya afya katika hospitali hii imedorora basi ni jambo la kuhuzunisha na kutia wasiwasi. Nilikuwa na Mswada muhula uliopita; nafikiri nitaurejesha. Mswada huo ulikuwa unaangalia ni vipi hospitali ya Coast General inawezakuwa hospitali ya rufaa kwa sababu ina umuhimu mkubwa sana.

Kaunti ya Mombasa ina watalii wengi. Ni lazima kuwe na huduma za afya za kutosha ambazo na za kiwango cha juu. Jana tuliambiwa na Sen. Miraj kwamba kuna mgonjwa ambaye alitoka hospitali ya Taita-Taveta juu ya ukosefu wa huduma za kujifungua na ikabidi aende hospitali kule Mombasa.

Kama hospitali ya rufaa kule ingekuwa nzuri basi angepata matibabu lakini ilibidi aende hospitali ya Aga Khan ambayo ni private. Pesa ambayo wanadai kutoka kwake sasa ni zaidi ya milioni tisa. Huyu mama alifariki.

Bw. Spika wa Muda, ni vyema *county governments* ziangalie hali ya afya ya hospitali zetu. Sen. Miraj alitoa hoja jana ya kwamba mama huyu hakutibiwa kwa sababu

serikali ya kaunti ya Taita-Taveta haikuwa imelipa Social Health Insurance Fund (SHIF). Huyu mama alikuwa tayari ashakatwa zile pesa lakini haikufika kwenye shirika hilo wala hakupata huduma za afya.

Kaunti hii ilialikwa hapa Seneti na kamati ya Health na walikuja na kuahidi kwamba watalipa pesa hii. Jambo la kushangaza ni kwamba hadi sasa hawajalipa. Ni vizuri tufuatilie mambo haya kwa sababu kulikuwa na shilingi milioni 800 ambazo zilikatwa kutoka kwa mishahara ya wafanyikazi wa kaunti ya Taita-Taveta na ilikuwa kama *pending bill*. Tutasukuma haya ili kaunti hii ifanyiwe *special audit* ili pesa yote wafanyikazi wamekatwa ielekezwe kwenye SHIF na wapate huduma za afya.

Kuna Hoja ambayo imeletwa na Sen. Kibwana kuhusu Medical Equipment Scheme (MES). Kaunti nyingi bado zinapata huduma kutoka MES lakini mkataba ule haeleweki kuwa ni nani atafanya *repair* ya zile mashine zitaharabika---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mwaruma, your time is up.  
Sen. Mungatana, MGH proceed.

**Sen. Mungatana, MGH:** Mr. Temporary Speaker, Sir, I want to comment only on one statement by the Nominated Sen. Kibwana on the Ministry of Health's National Equipment Support Programme.

Mr. Temporary Speaker, Sir, I had the rare privilege yesterday of addressing the Tana River County Assembly. Thereafter, we sat with the Members of the County Assembly (MCA), in a private *kamukunji*. One of the issues that came up was about the maintenance of medical equipment. When the equipment brake down, it takes a whole year to repair.

In fact, the engineer or the repairman who was supposed to fix some equipment in Hola County Referral Hospital, finally arrived two weeks ago after two years. The extra equipment is brought and then it cracks somewhere along the line. The county government is paying the national Government every month under these agreements and yet, the service is not there because the equipment is broken down.

Mr. Temporary Speaker, Sir, we need to review this equipment and the question then must be asked, why is the national Government interfering with health, which is a county government function? Why is the national Government continuing with unconstitutional agreements where they are forcing county governments such as Tana River to pay for services and equipment that we are not benefiting from?

The equipment is broken down, but the county government is still being forced to pay. I support this statement and urge that when the Standing Committee on Health sits down to engage, they should also invite all of us who are affected so that we can give them more information to deal with this matter effectively.

I thank you.

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

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir. I rise to comment on two statements. One, the Statement by the distinguished Senator for Mombasa County, Sen. Faki. This Senate has one critical function which is to defend our counties and their

interests. This picture which has been displayed here by Sen. Faki about the health facilities in Mombasa, is the same across the country.

It is imperative that we become serious in pushing for these county governments to at least just focus on delivering one service; health care. As I comment on this statement because of my short time, I will be remiss not to comment on the Statement by Sen. Kibwana on the MES. In the last Parliament, we had a huge scandal on the MES. All this equipment is being leased, yet the hospitals have got no drugs.

The hospitals which have the equipment are dilapidated. I think we just need to be serious. I concur with the distinguished Senator from Tana River County and say that when the Standing Committee on Health - which I am happy to be part of - will be investigating this matter, it should be opened up to all the members so that we can go across all the 47 counties.

Today, I propose that we stop all the budgets of flying out of the country for anything else and this year we concentrate on going to all 47 counties and look at health facilities. We should take our governors to task. It is ridiculous. You heard what Sen. Sifuna said. If now during our oversight trips we are required to buy gumboots for the Community Health Practitioners (CHPs), what exactly are we talking about?

Have you looked at the budget for Social Health Authority (SHA)? It is getting only Kshs25 billion this year in the 2024/2025 budget. If they cannot support the communities, what exactly are we doing here? We are lying to ourselves that we care about health facilities.

In fact, people out there should start looking at these governors. Only vote for a governor who can deliver at least even one thing. Let them not say they are developing. What are they developing?

If they cannot help you in your healthcare, basic welfare of citizens, then what exactly are we doing? It is quite seldom that all of us are here and we really become invested in a matter that changes the life of our citizens. We are here and called honourable because we are given that opportunity by the citizens in our---

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

**Sen. Wafula:** Bw. Spika wa Muda, ningependa kuisitiza kuhusu Taarifa ambayo Sen. Faki ameleta hapa kuhusiana na hali ya afya katika Kaunti ya Mombasa. Coast General Teaching and Referral Hospital ina mapacha katika kaunti tofauti ambao wanafanana kabisa.

Tulizungumzia masuala ya matabibu wanaojitolea ambao hali yao ni ya kusononesha sana. Kuna wahudumu wengine katika hospitali zetu ambao kwa wiki kadhaa sasa wamekuwa kwenye migomo, zikiwemo kaunti za Kisii na Bungoma. Kaunti za Nairobi na Mombasa zinafanya mazoezi.

Itakuwaje kaunti za humu nchini, ikiwemo Bungoma kuwa na mustakabali ama makubaliano ya kurejea kazini na kwamba kutakuwa na marupurupu ya kununua mavazi, kupandishwa vyeo ama madaraka kwa madaktari kwa wakati unaostahili ilhali wanapouliza kuhusu makubaliano hayo wanatishwa, mishahara yao kusimamishwa na wengine kusimamishwa kazi? Wakati umefika kwa magavana kuwajibika. Viongozi wa

madaktari wako kwenye migomo ilhali magavana hawaoni kama kuna shida katika kaunti zao.

Nashukuru Maulana kwa kunipa nafasi kuwa mwanakamati wa Kamati ya Afya katika Seneti. Tukiwa na Sen. Olekina pamoja na wengine tutalivalia njuga suala hili. Tunafaa kutembea katika kaunti hizi, kuwataja kwa majina na kuwaeleza kinagaubaga kadamnasi ya umma wale ambao kwa sasa wako katika nchi za ng'ambo kufanya utafiti na kuzuru miradi ya kule ilhali kwao nyumbani ni aibu tele na haitupi sisi moyo kwamba wao ni magavana.

Baadhi ya hospitali zetu hazina dawa. Wamejenga hospitali gushi. Kuna majumba yasiokuwa na matabibu na madaktari. La muhimu ni kuwa wanajenga vyumba---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Wafula, your time is up and you are not on the microphone. Thank you for your contribution.

Proceed, Sen. Boy Issa Juma.

**Sen. Boy:** Asante sana, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia Taarifa ambayo imeletwa na Seneta wa Mombasa, Sen. Faki. Kusema kweli, Coast General Teaching and Referral Hospital ni hospitali tunayotegemea sisi kama watu wa pwani.

La kusikitisha ni kuwa hivi karibuni, nadhani ilikuwa mwezi jana, kuna kijana mdogo wa umri wa miaka miwili ama mitatu hivi aliyezaliwa katika Kaunti ya Kwale. Mtoto huyo ni mvulana lakini sehemu zake za siri zimeingia ndani sana. Ilibidi apewe rufaa kwenda Makadara.

Mimi nilienda nikamwona daktari mkuu, Dkt. Kalwala, ambaye alinisaidia sana. *Ali-refer* mtoto huyo kwa *specialist* wa watoto. Ilishindikana kule Mombasa kwa kuwa hakukuwa na daktari ambaye angeweza kumfanyia upasuaji.

Kwa hivyo, Taarifa hii ambayo imeletwa hapa na Sen. Faki ni ya muhimu sana. Ikiwa Coast General Teaching and Referral Hospital ni hospitali ya rufaa, inatakikana iwe na madaktari ambao wameboba na wanaweza kutibu watu. Isiwe kuna mgonjwa ilhali hakuna daktari. Vile vile, utapata kuwa hakuna dawa. Hilo ni jambo la kusikitisha sana.

Kuhusiana na kesi ya mtoto huyo, mimi kama Seneta wa Kwale nitajaribu kadri ya uwezo wangu. Nikirudi kule, nitahakikisha kuwa nimemleta mtoto huyo Nairobi ili aweze kupata huduma anayostahili.

Kwa hivyo, naunga mkono Taarifa hii iliyoletwa na Sen. Faki.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Thang'wa.

**Sen. Thang'wa:** Thank you very much, Mr. Temporary Speaker, Sir, for giving me this opportunity to also comment on a few Statements that have been raised, especially by the Senator for Mombasa on the issue of medical services and treatment in Mombasa hospitals.

It is not just Mombasa that is not giving proper medical facilities but in almost all the counties. That not only affects patients but also nurses and doctors working in those facilities.



As a Senate, we have been handed a golden opportunity, which is to come up with a revenue sharing formula that will see us give more money to the counties. I urge this House, especially Members of the Committee on Finance and Budget, to introduce a parameter when scrutinising this report, to have a revenue sharing index based on health.

Why am I saying that? Health is universal and you cannot stop a person from going to a certain hospital. People leave their counties to go to others to seek for health services. For instance, in Thika Level 5 Hospital in Kiambu, we get patients all the way from Garissa, Machakos and Murang'a. If we cannot use health index when sharing money to the counties, we will continue to experience this issue of poor health facilities.

Remember some of the people who visit these hospitals come from counties that are poorer and therefore receive more money because they use the poverty index, yet those counties are becoming poorer than before. What I am trying to say is that we have been handed an opportunity to solve this issue by making sure that we give more money to counties that are giving proper medical services.

Mr. Temporary Speaker, Sir, lastly is on the Statement by Sen. Hamida. It is very sad. In Kiambu County, in a span of four months, we have lost two medical interns by suicide. That shows that we need to interrogate Kiambu County Government and hospitals in Kiambu County because we lost Francis Njuki at Thika Level 5 Hospital four months ago---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, your time is up. Definitely they have heard you.

Proceed, Sen. Eddie Oketch.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, before saying anything, this being the last session, I think it is in order to wish our candidate as a country or nation, Hon. Raila Amolo Odinga, well in Addis Ababa, as well as the President of this country because he is a voter.

We have sent quite a good team there to give them moral support. I want to make it clear to the country that any Member of Parliament (MP) that I know of who is going there is self-sponsored. They have not been sponsored by the State. I have sponsored some MPs who did not have resources to go there. Therefore, it is self and not state-sponsored. Everyone is going there to support in their own capacity.

Secondly, I agree with the Statement by Sen. Faki. I hope that the Committee will do a good job to help the county government think through. As we do that, I would like to emphasise that one of the biggest challenges that big counties like Mombasa and Nairobi are facing is that they do not only serve their own populations; they tend to support big populations from outside. Mombasa hospitals serve Kwale, Kilifi and Taita-Taveta in terms of people who live in those areas. Therefore, one thing that we must fight for is that. The Budget Policy Statement (BPS) that is going to be read in this House is a Kshs4.6 trillion Budget.

How do we fight for more money to go to healthcare? This is because, from the Kshs50 billion that counties get, they can only invest about one billion shillings in healthcare. However, the national Government remains with a lot of money when it

comes to healthcare to only deal with issues of policies and the five referral hospitals. This is something we must critically look at and make sure that we allow counties to get more money.

Mr. Temporary Speaker, Sir, I would like to inform my brother, Cherarkey, that Kisii County is not doing bad in this area. It does not have many challenges in healthcare and with the little they get.

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

**Sen. Oketch Gicheru:** I have not even finished my point.

**The Temporary Speaker** (Sen. Wakili Sigei): I have not given you the microphone.

**Sen. Onyonka:** Mr. Temporary Speaker, Sir, a colleague Senator cannot talk about my county where I come from, and he is making false allegations.

*(Sen. Onyonka and Sen. Eddy Oketch spoke off record)*

**The Temporary Speaker** (Sen. Wakili Sigei): I will give you the opportunity to intervene.

**Sen. Onyonka:** On a point of order Mr. Temporary Speaker, Sir. I find it completely unacceptable that my colleague, Eddy, that I respect--- We went to Migori and we asked to be taken to Ombo Hospital to see what services there are, and his governor did not allow us. I do not know when Sen. Eddy went to Kisii Hospital, Level 5, inspected the facility and confirmed that everything is working, other than the fact that he is sanitizing my governor on this Floor. I find that completely objectionable.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Eddy, proceed to conclude in one minute.

**Sen. Oketch Gicheru:** Thank you, Mr. Temporary Speaker, Sir. I had one minute. It is unfair for the Senator for Kisii to attack my Statement in anticipation. I had not said what I wanted to say. If he has personal beef with his governor, that is his personally.

However, I was saying that compared to what I see in Migori County, there are a number of counties close to each other like Kilifi and Taita Taveta, which depend on Mombasa for healthcare services. It is also true that Migori County heavily depends on a number of hospitals in Kisii County. I have had my parents and family members go to Tabaka in Kisii for medication and for referral services in Kisii because they have better facilities than Migori County. That is a fact. It is not a lie.

Mr. Temporary Speaker, Sir, it is out of order for the Senator for Kisii to say that I am sanitizing Kisii when I am giving my experience. Even the people of Migori will tell him that for better referral services, we get them in Kisii and Bomet counties, a place called Tenwek Hospital. That is where most of our people go and get medication because Migori is struggling in these services. I still say that Kisii has got better facilities than us Migori County and my governor must work harder to reach the level of Kisii and Nairobi.

On the issue of medical equipment, the House must know that these medical equipment are getting old but when the contracts were being signed, there was nothing on disposal. We are going to face serious health hazards if as a Senate, we will not work with medical officers in these counties to figure out proper disposal for medical equipment across our counties.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Eddy. For your information, you have made reference to Tenwek Hospital. It is not managed by the county government, but is a mission hospital and probably, that is why the services are better than those managed by the county government. However, it is in Bomet county.

The next person is Sen. Keroche Tabitha.

**Sen. Tabitha Keroche:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I also rise to support the Statement brought by Sen. Faki.

I know Mombasa is a city and it is unfortunate that the hospital in Mombasa is in such a state. However, the state of the Nakuru health sector is the worst in all the 47 counties. If you look at the health sector and the way all Senators here are complaining about their counties, then the state of our healthcare should be referred to as a national disaster.

As Senators, we should come up with a law where, if you are elected as a governor or the president of this country, you should not be allowed to go out of the country to seek for medical services. The reason is that our governor had the audacity to tell her Chief of Staff to write a memo to Nakuru County people, saying that she has gone to America to give birth, while our women in Nakuru County are giving birth on the roadsides.

We had such an incident yesterday, not even some time back. A woman from Kuresoi South, Amalo Ward gave birth by the roadside. Women had to remove their clothes, shouting and saying, “you Susan, your Excellency our governor, you went to America to give birth and you left us here in Nakuru County with no medical equipment.”

**Hon. Senators:** Shame! Shame!

**Sen. Tabitha Keroche:** You can become a governor or a president of this country, but Senators should come up with a law where you are told that your hospitals should be properly equipped with medication and all the necessary infrastructure. They should also ensure that they have the human resource for the hospitals and they are functional, and the quality of their services can meet their status. This is so that every woman and every person in our counties can go to those hospitals.

Mr. Temporary Speaker, Sir, if you look at America, President Trump cannot get out of America to get treated, but he will be treated there. If you go to London, the Queen of United Kingdom gets treated there. That is how we are supposed to treat our country and our counties.

*(Applause)*

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We should also ensure the state of health in our counties---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, for purposes of information, Sen. Keroche and Sen. Cherarkey, the time allowed for purposes of comments is one hour. That one hour has since ended.

So that we can progress with the other business of the House, we will end there. I still have many Members who have requested to speak to the statements but we need to transact other businesses of the House.

Hon. Senators, under Standing Order No.57, there is a Statement by the Senate Majority Leader that is supposed to be read by the Senate Deputy Majority Leader, Sen. Tabitha Keroche.

*(Sen. Dr. Khalwale consulted Sen. Cherarkey  
and Sen. Tabitha Keroche)*

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Order, Sen. (Dr.) Khalwale.

Sen. Tabitha Keroche, you are supposed to read a Statement on behalf of the Senate Leader of the Majority. Proceed.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 18<sup>TH</sup> FEBRUARY, 2025

**Sen. Tabitha Keroche:** Thank you, Mr. Temporary Speaker, Sir. This is a Statement by the Senate Majority Leader as the business of the Senate for the week commencing Tuesday 18<sup>th</sup>, February 2025.

Pursuant to Standing Order No.57 (1), I hereby present to the Senate the business for the week commencing Tuesday, 18<sup>th</sup> February 2025. Before I proceed with the Statement, allow me to take this opportunity on behalf of the leadership of the Senate to welcome Hon. Senators to the Fourth Session.

At the risk of sounding like a broken record, let me reinstate the pending legislative business before the Senate –

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Fifty-four Bills are pending conclusion, of which 44 are at the Second Reading stage and 12 are at the Committee of the Whole stage; twelve Motions are pending conclusion; twenty-two Petitions are pending conclusion, out of which 17 are due for reporting by the respective Standing Committees; and 431 Statements sought pursuant to Standing Order No.53(1) are under conclusion by respective Standing Committees in addition to the five that were referred to respective committees during yesterday's afternoon sitting.

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It is evidently clear that we commence the Fourth Session with a heavy agenda. You recall that during the Senate Midterm Assessment and the Fourth Session Planning Retreat held on 5<sup>th</sup> and 6<sup>th</sup> February, 2025 in Naivasha, Nakuru County, we agreed on a set of priorities for this session. These are crucial in shaping the legacy of this Senate.

Key among them was the prioritization and participation in plenary and committee sittings. It is imperative that all Senators prioritise plenary and committee sittings to transact the business scheduled.

Hon. Senators with business listed in the Order Paper for any day are required to be in the Chamber to prosecute the business.

In the last two sittings, the momentum that we have set in debating the Bills in Orders No.11 and 12 in today's Order Paper is commendable. However, we must divorce ourselves from the practice where Senators take their leave after making their contributions to a Bill or Motion.

We must be ready to listen to each other and enrich our perspectives by remaining in the Chamber after one has made their comments. We must also be ready for the next phase, which is the Division. In this respect, I request the majority and minority party whips to ensure that we have the requisite number of county delegations to undertake Divisions when required.

Mr. Temporary Speaker, Sir, as you will recall, yesterday, Wednesday 12<sup>th</sup> February 2025, the Senate approved Motions for the constitution of select committees. This action was meant to reshape how committee business is undertaken and to bring in new blood.

So, to speak in the membership of committees, I cannot emphasize enough the need to have reports tabled within the timelines stipulated in the statute and the Standing Orders. I look forward to more vibrant engagement that advances the business of the select committees to the next level and in so doing, facilitating information and constructive debate in plenary.

On Tuesday, 18<sup>th</sup> February 2025, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper as well as the business indicated in the Notice Paper.

The tentative business for the morning and afternoon sittings on Wednesday, 19<sup>th</sup> February 2025, will include business not concluded from the Order Paper for Tuesday, 18<sup>th</sup> February 2025 and the following Bills at the Second Reading stage: The County Wards Equitable Development Bill, (Senate Bills No.20 of 2024); The Public Finance Management Amendment Bill, (Senate Bills No.27 of 2024); The County Government State Officers Removal from Office Procedure Bill, (Senate Bills No.34 of 2024); The Community Health Promoters Bill, (National Assembly Bills No.53 of 2022); The Kenya Health Products and Technologies Regulatory Authorities Bill,( National Assembly Bills No.54 of 2022); and, the Technopolis Bill (National Assembly Bills No. 6 of 2024).

In the Committee of the Whole stage, we have the following: The Early Childhood Education Amendment Bill, (Senate Bills No. 54 of 2023); the County Public

Finance Laws Amendment Bill, (Senate Bills No.39 of 2023; the County Government Election Laws Amendment Bill, (Senate Bills No.2 of 2024); the County Assembly Services (Amendment) Bill, (Senate Bills No.34 of 2023); the Street Vendors Protection of Livelihoods Bill, (Senate Bills No.41 of 2023); the Local Content Bill, (Senate Bills No.50 of 2023); the Land (Amendment) Bill, (National Assembly Bills No. 40 of 2022); the Energy (Amendment) Bill, Senate Bills No.42 of 2023); and, the Cooperative Societies (Amendment) Bill, (Senate Bills No. 53 of 2023).

The Projected Business for Thursday, 20<sup>th</sup> February 2025 will include business not included in the Order Paper for Wednesday, 19<sup>th</sup> February 2025, and any other business scheduled by the Senate Business Committee (SBC).

Additionally, there are Motions on diverse matters that were filed by standing committees. These Motions will be scheduled accordingly by the SBC following the constitution of select committees.

Mr. Speaker, Sir, in conclusion, there are documents that were tabled yesterday and today that will soon have a bearing on the business of the Senate. These are Sessional Paper No.1 of 2025 on the Foreign Policy of the Republic of Kenya; Commission on Revenue Allocation recommendations on the County Government's Recurrent Expenditure Budget Ceilings for Financial Year 2025/2026; Commission on Revenue Allocation, Recommendations on the Fourth Basis for Revenue Sharing among the county governments for the FY2025/2026 to FY2029/2030; The 2025 Budget Policy Statements and the 2025 Medium-Term Debt Management Strategy.

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I urge the respective Standing Committees that these documents have been referred to roll up their sleeves and get down to work. We must burn the midnight oil to ensure that the reports are tabled within the required timelines in Statutes and in the Standing Orders.

I thank you all and hereby lay Statements on the table of the Senate.

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

**The Temporary Speaker** (Sen. Wakili Sigei): Clerk, next Order.

## **BILL**

### *Second Reading*

#### THE PUBLIC HOLIDAYS (AMENDMENT) BILL (SENATE BILLS NO.31 OF 2023)

**The Temporary Speaker** (Sen. Wakili Sigei): This is a Bill by Sen. Karungo Thangw'a.

**Sen. Thangw'a:** Thank you very much, Mr. Temporary Speaker, Sir, for giving me this opportunity. I rise pursuant to Standing Order No.159 to withdraw the Public Holidays (Amendment) Bill (Senate Bills No.31 of 2023). One of the reasons is that

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when we were in Naivasha for a retreat of the Senate, we all agreed that we should give priority to business or proposals that are of urgent need to the people of Kenya.

If you look at today's Order Paper and probably yesterday's, you can see I have other important Bills. One of them is Equitable Development of Wards by Governors. That is a very important Bill that tells the governors that they have to equitably develop the wards across the country. Some governors will always skip some wards if they do not get the support from the Members of the County Assembly (MCAs).

The Senators that contributed yesterday said that we need to consolidate all bursaries so that we can make secondary education free. That is one of the other proposals I have in this Senate. Therefore, I have decided to drop the Public Holidays (Amendment) Bill (Senate Bills No.31 of 2023) - not that I do not believe in it. I believe in it because it is holiday economics. However, before we get there as Kenyans and understand how important it is, let us first of all discuss issues that for sure will benefit the Kenyans today, not tomorrow.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, you have submitted a letter to that effect and has been processed. As a consequence, the Bill is hereby accepted as withdrawn and is, therefore, dropped from the legislative list of the House to give room for other urgent business, as you have said.

*(Bill dropped)*

Clerk, call the next Order?

Hon. Members, before we rearrange the Order Paper, there is also a proposal to defer Order No.9 and 10, which I hereby defer to the next sitting of the House.

## MOTION

### ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

THAT, the Senate adopts the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), laid on the table of the Senate on Thursday, 5<sup>th</sup> December, 2024 and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167 (3) of the Senate, approves the mediated version of the Bill.

*(Motion deferred)*

**BILLS***Second Reading*THE PUBLIC FUNDRAISING APPEALS BILL  
(SENATE BILLS NO.36 OF 2024)*(Bill deferred)*

We will move to the next Order. Clerk, proceed to call Order No.11.

*Second Reading*THE ENVIRONMENT LAWS (AMENDMENT) BILL  
(SENATE BILLS NO.23 OF 2024)*(Sen. Abdul Haji on 12.2. 2025)**(Resumption of debate interrupted on  
12.2.2025 – Morning Sitting)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, this is resumption of the debate that was interrupted on Wednesday, 12<sup>th</sup> February, 2025 in the Morning. As at the time, the Hon. Sen. Abdul, who was the Mover of this, was supposed to reply.

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

I have just been corrected. Prior to that, Sen. Onyonka had 15 minutes to conclude on his contribution. We will then proceed from there.

**Sen. Onyonka:** Thank you, Mr. Temporary Speaker, Sir. I will be very brief. First, I want to give a rejoinder from the point where we stopped the other day. It is true, we went to Mandera and I thanked Sen. Roba for the good work they had done in planting trees within Mandera Township. I then made a recommendation to Sen. Haji to possibly look at who is going to be in charge of the management of the forest or the tree planting activities without overloading the Bill.

I also raised the issue that we need to lay emphasis on environmental studies, whether as environmental law or environmental civic education within our schools. I believe that can come into this Bill. I also pointed out that as we are seriously considering passing this Bill, our counties are the most important.

I am also suggesting to Hon. Haji to look at if we can create environmental regional bodies that would be interlinked and interfaced from one county to the other. This is for the simple reason that what flows from Kisii County would very easily move

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to Migori County and very easily go to Homa Bay County because all counties are neighbors. My suggestion is that we make sure the trees recommended to be planted in these areas are going to be sustainable.

Last year, there was an issue that I brought to the floor of this House. I said it is high time that we create botanical gardens within our counties, either within our municipalities or townships. I also suggested that these botanical gardens would be allocated land by the county governments, where we will plant trees that have medicinal values or general values like food.

I remember in Kisii County where I grew up, there are some trees which would be utilised to make sure that they cover planted coffee and tea from the sun. Some research needs to be done on those trees so that we can have a proper ecosystem designed in order to come up with environmental planning and arrangement for all the trees we are going to plant.

I also wanted Hon. Abdul Haji to realise that there is a recommendation from someone. Someone called me last night and said, could you ask the Senator so that we can also start planting trees around road reserves to some of the areas that are dusty. Someone else made a recommendation and I totally agree with it. We need to look at what we have done to our schools.

I remember when I was going to school as a young man, we would plant trees and keep the compound clean and making sure that the vegetation looked nice and all that. I believe this is something that we can bring back.

For some of you who are older, you will remember we used to have the 4K clubs, where young students who are in primary, secondary schools were taught and educated on the value of having a good environment and planting our beautiful African trees. This will enable us to maintain our indigenous plants, trees and all that is helping our community.

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

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

The last point is from the document that Hon. Abdul Haji has tabled here. It says:

“We shall promote the planting of trees in all public land vested in the county governments. We shall ensure that all trees that are felled for the implementation of any county project are relocated to an area designated by the service and any person who harvests a tree shall replace the trees under the direction and in those areas that have been designated by the service.”

Mr. Temporary Speaker, Sir, I think you picked this from the template that existed during the 1970s and 1980s. As usual, we then went back to the bad behavior and started cutting trees within our townships.

We made sure that our towns and municipal areas were left bare. This therefore encourages me because as I have said on the Floor of this House, the County Government

of Kisii have given a Chinese company the right to cut trees within Kisii unabated. They do neither replant nor ask anybody. You just see lorries which are picking trees and you are told that they are going to China.

I believe that this Bill will stop such activity and make county governments responsible. I believe that this will make our country become a green country. I hope that we will adopt green technology in all our spheres. At some point, we are going to have to relook at our behaviours. Why is it that we are cutting trees when it is easier for us to use the sun so that we can solarize our schools, Parliament and all big institutions in our Republic?

There is research that has been done by the World Bank that shows that if we solarize even just 30 per cent of our institutions, the Kenyan Government will end up saving something like Kshs50 billion. I believe that is the direction to go.

I thank you, Mr. Temporary Speaker, Sir for bringing this Bill. We will support it. I am sure that many of our colleagues are seized of this matter.

I support.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Onyonka.

Sen, Mungatana.

**Sen. Mungatana, MGH:** Asante sana Bw. Spika wa Muda kwa kuleta Mswada huu kuhusu mazingira katika Seneti. Nasimama kuunga mkono kwa dhati huu Mswada ambao wewe Seneta jirani Abdul Sen. Abdul Haji umeileta kwa Bunge. Naunga mkono sana hasa kipengele cha sita kinachosema ya kwamba Seneti ikipitisha Mswada huu, kila mwaka kuanzia tarehe 5 hadi 21 Machi tutakuwa na wiki moja ya kupanda miti kama Wakenya.

Naanzia mazungumzo yangu pale Seneta mwenzangu wa Kisii, Sen. Onyonka alipokomea. Tukipitisha huu Mswada ya kwamba kila mwaka kuna siku tumeziweka katika mwezi wa tatu za kupanda miti, tutatengeneza utamaduni utakaotuingia katika akili zetu ya kwamba ni lazima tutunze mazingira yetu.

Sen. Onyonka amezungumza kuhusu 4K Clubs. Tulipokuwa watoto shuleni, tulikuwa tunaambiwa ni lazima tujenge na tutunze mazingira yetu. Kwa hizi klabu, tulifunzwa matumizi ya miti kadha wa kadha. Kwa mfano, tungeambiwa mti huu ni wa dawa, huu ni wa kivuli, kuzuia maji yasipite na kadhalika. Miaka imepita na watoto hawafunzwi tena mambo haya.

Mimi mwenywewe nilipokuwa mdogo, nilisoma Shule ya Msingi Ronald Ngala ambapo baba alikuwa anafanya kazi. Baadaye, nilienda Shule ya Msingi ya Arap Moi-Ngao. Mti nilioupanda miaka ile katika shule yangu ya msingi mpaka leo mti huo upo.

Nilipokwenda Shule ya Upili ya Alliance, tulifunzwa ya kwamba huwezi kukanyaga nyasi. Mtu yoyote ambaye amefunzwa hizi tamaduni huwezi kumpata akikanyaga nyasi. Hata mimi leo nikiona leo mahali palipo kijani kibichi, mimi kukanyaga pale ni vigumu sana. Hata kama watu wanapita, mimi hutafuta namna ya kupita nje kwa sababu ya ule utamaduni niliyojifunza nikiwa mdogo.

Hivyo basi, tukiweka utamaduni wa kitaifa wa kwamba Wakenya wote ifikapo Mwezi wa Tatu tutakuwa sote tunaenda kupanda miti kwa wiki mzima, serikali zetu za

kaunti tukifika Mwezi wa Tatu tarehe 15 sote tunaenda kupanda miti, hili litaleta tabia mpya itakayotusaidia kutunza mazingira yetu.

Hii ni tamaduni tunayotaka kuikuza kwa watoto wetu. Leo hii tukiwa tunatembea na watoto wangu niliyowazaa, nikichukua chupa ya plastiki na nijaribu kuitupa, watoto wananiambia, baba hiyo ni tabia mbaya. Kwa nini? Wamefunzwa umuhimu wa kuweka mazingira safi.

Sasa huu Mswada tunataka tuunge mkono na kuupitisha. Kwa miaka yote, itakumbukwa ya kwamba Sheria ya Sen. Abdul Haji ndio tunayoifuata. Kila mwaka tukienda kufanya hilo zoezi, tutakuwa tunakukumbuka. Hiki ni kitu kikubwa sana ulichopitisha. Nimefurahi kukuunga mkono.

Ukienda katika kila kaunti hususan Kaunti yangu ya Tana River, utakuta kuna nafasi ambazo magavana wemeka miti na kuitengeneza ili wananchi wapate nafasi ya kupumzika pale ama kujivinjari. Lakini kitu ambacho kimenishangaza sana ni kwamba magavana wa kaunti zetu sehemu hizo walizozijenga na kupanda miti zimefungwa.

Watu hawaendi huko kujivinjari ama kupumzika tena. Sehemu ya Hola katika Kaunti ya Tana River palipopandwa miti ili kuboresha mazingira yawe mazuri, hakuna watu wanaokubaliwa kuingia. Wanasema ukiingia unaenda kuharibu. Sasa mimi nashangaa, haya mazingira tunayotaka kuyajenga ni kwa nini yasiwe wazi kwa wananchi.

Sio Tana River pekee. Hapa Nairobi, kuna hii sehemu inaitwa Uhuru Gardens. Ilikuwa ni mahali pazuri sana ambapo wananchi wengi wanaoishi katika sehemu hiyo walikuwa wanaenda kupumzika. Watu wengi watakuambia walienda na wakapata wachumba wao kule na hata wakafanya sherehe za kuona sehemu hiyo. Sasa Uhuru Gardens imechukuliwa na Serikali hiyo hiyo ilhali pesa za wananchi walewale ndizo zimejenga mahali pale pakubwa pa sherehe.

Sasa imekuwa ni Sherehe ya Rais peke yake. Hakuna mwananchi anayekubaliwa kuingia.

*(Applause)*

Ni kwa nini haya maeneo tunayoyatumia tunataka kuyajenga yasifaidi wananchi wa kawaida? Ukiangalia Tana River, wamepafunga kabisa mahali palipo na miti sehemu ya Hola. Hapa Nairobi, Uhuru Gardens imefungwa. Mwananchi wa kawaida aliyekuwa anaishi sehemu za Lang'ata hana mahali pa kujivinjari. Ukifika pale unaona Lango kubwa na askari wengi. Hakuna mahali pa kujivinjari hadi siku ambayo Rais anaenda huko pengine kufanya sherehe kama vile ya Madaraka Dei ama Jamhuri Dei. Watu wanaingia na punde tu Rais akitoka, panafungwa tena.

Zamani, ilikuwa ni mahali wazi. Kila mtu anapata nafasi ya kujivinjari na kufurahia mazingira yetu.

Hapa Nairobi watu wengi wanaishi kwa *apartments*. Uhuru park hufungwa, sielewi hawa watu hufikiria vipi. Uhuru park wameachilia pande moja. Uhuru gardens wameifunga. Tulipokuwa *university* wanawake ambao tumeoa hatungeweza kupeleka '*dates*' nje. Tulikuwa tunanunua njugu kisha tunaenda Uhuru Gardens na kukaa kando na

kuingiza msichana *box*. Watoto hawa wanatafuta wachumba wao kwa kusimama barabarani. Ajali zinaongezeka Lang'ata Road.

Sehemu zetu za mazingira zifunguliwe ili wananchi waweze kufurahia Nairobi na Kaunti ya Tana River. Naunga mkono huu Mswada na naomba maseneta wote waunge mkono huu Mswada ili tupitishie kwamba kila mwaka tarehe 15 tusheherekee upanzi wa miti.

Bw. Spika wa Muda, nashukuru sana asante kwa kunipa nafasi

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

Sen. Ogola, proceed.

**Sen. Ogola:** Mr. Temporary Speaker, Sir, I rise to support the Environment Laws (Amendment) Bill (Senate Bills No. 23 of 2024).

I support and congratulate Sen. Abdul Haji for this amendment. When we talk about the environment, we are talking about our future. I look up at the public gallery, and I see young Kenyans sitting. If we do not preserve, protect, expand and take care of our environment, we will literally have killed the future of the young Kenyans that are seated at the gallery today.

The environment speaks to restoring land. Land is our future. With a good environment, we can eliminate certain disasters in the world today. In the recent past, we have seen many disasters in our country, including droughts and floods that have destroyed property and led to the loss of life.

We get our food through the land. The food comes from land and a good environment. The clothes we put on come from a good environment. The medicine we take comes from our environment. The shelter we have, including the house we are in today, looks like all the components that have been used to build this house come from a good environment. This is why I passionately support this Bill.

This Bill talks about afforestation and reforestation and promotes tree planting on all public land. However, the Bill should limit tree planting not only on public land but also on private land. We have public land all over, and most of these lands are just bare.

I support the idea that if we plant trees in most of this public land, especially in the county public lands, we will have a good environment that will determine the future of humankind.

When we talk about public and private land, this brings me to the idea that we should even relook at amending the Physical Planning Act. As houses are built and planning is happening, there needs to be enforcement of planting trees on those spelt out in the Physical Planning Act.

Even in urban centres, we must encourage estates; the houses that are built undergo a lot of greening as they are built. The amendment talks about replacing trees if they are felled. We have our people down in our communities, felling trees sometimes, even for charcoal.

This may not be the bad part. The bad part is that once these trees are felled, the ground is left open. I encourage that this must be addressed so that once somebody falls a

tree, whether it is for harvesting, normal harvesting, or dead trees, a number of trees must be planted to replace it.

In my county, we had the Ruma National Park and Koderia Forest, which had a lot of trees some years back. However, if you go there today, the ground is open. This is why I want to support the afforestation and reafforestation programmes.

In this country, we have national tree-planting days. I pray that we go ahead and even establish family tree-planting days. As we plant trees as a nation, why can our families not adopt the national tree-planting notion so that they can plant trees when the rainy season begins? This requires public education. I also want to enhance this by saying we must increase the planting of Indigenous trees as we plant the rest. The county departments of forestries can implement this.

*[The Temporary Speaker (Sen. Abdul Haji) left the chair]*

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

I want to support this Bill because Section 4 spells out offences and fines for people who break some of those rules. It would also be important that we make it mandatory that young people, for example, the young people that we have in the gallery today—in school or out of school plant trees. This can be enforced.

Sometimes, people complain that they have no access to tree seedlings. This amendment should also establish public tree seedling areas where members of the public can go and pick tree seedlings to plant at the beginning of the rainy season so that people do not have the excuse that they are not able to plant trees.

I support this Bill, and I want to emphasise that a good environment is the source of our food, clothes, shelter, and medicine; hence, we must take care of our environment.

I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Ogola. Before I give the last, I believe, we still have two more Senators who are yet to contribute. I have a communication to make. This is with regards to visiting teachers and students from Birithia Girls High School in Nyeri County.

*(Interruption of debate on Bill)*

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION FROM BIRITHIA GIRLS

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon visiting teachers and students from Birithia Girls High School, Othaya Constituency in Nyeri County. The

delegation comprises four teachers and 98 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 thank you.

In the absence of the Hon. Senator from Nyeri County, I will allow Sen. Sifuna, in under one minute, to welcome them.

**Sen. Sifuna:** Thank you, Mr. Temporary Speaker, Sir. I want to take this opportunity, not only as Senator for Nairobi City County, but as one of the leaders in this House, to welcome our students to the Senate this afternoon. I hope that you get to learn a few things about how we do our business here.

I am hoping that there are future Senators in the group that has visited us today. Since their home Senator is not here, so I undertake that between myself and the newly minted Chair of the County Public Accounts Committee (PAC), we shall ensure that these girls have a good time when they are here in Nairobi City County.

I thank you.

**The Temporary Speaker (Sen. Wakili Sigei):** Thank you Sen. Sifuna, for holding brief for Sen. Wamatinga from the Nyeri County in welcoming the visitors to the Senate. Sen. Mariam Omar proceed.

*(Resumption of debate on Bill)*

**Sen. Mariam Omar:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I rise to support this Bill; whose author is Sen. Abdul Haji. It is our responsibility to ensure a sustainable environment for our generations. It is up to us protect our natural resources, safeguard and mitigate the effects of the climate change.

The Bill is promoting afforestation and reforestation in Arid and Semi-Arid Land (ASALs) in counties. In this scenario, Mandera County has engaged in planting trees. We have employed almost 1,500 women which has created jobs for them to plant and sustain the trees.

We have conducted tree planting to prevent encroachment on the road. This is to also let people know the importance of tree planting which also creates income through carbon credits.

In Clause 2 (b), the Bill formulates and implements a plan for sourcing the tree seeds and seedlings that are suitable for the environment and the climate condition in various parts of the country. In this scenario, we need a specialist to do that because some trees which grow in certain counties may not do well in others.

Mr. Temporary Speaker, Sir, it also establishes at least one tree nursery in each of the 47 counties so that our people can get seedlings and plant trees everywhere. The Bill is specific for tree planting in public schools, but we also need private land. We have to also encourage the private sector also do tree planting.

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I like Clause 4(a), which states that the person who harvests a tree shall replace it in the area and under the direction designated by the service. There is a law that if you cut one tree, you plant three. We have to enforce this so that we replenish our environment.

When the counties took over this position of tree planting, we needed them to have this responsibility so that they could do well and have enough parameters for their revenue sharing.

The County Allocation of Revenue Act (CARA), and shared revenue authorities must also take initiative to check on the responsibilities of the counties so that they can do well in tree planting such as Mandera County. Mandera County got an international award because of tree planting. Planting trees has an impact on our planet. We have to responsibility to ensure that there is sustainable environment for the next generation.

The Bill also incorporates the tax and physical incentives to boost investment in the forest land utilization as suggested by the Cabinet Secretary for National Treasury. The Bill further mandates the county governments to promote tree plantings in all public land.

In the amendments, Sen. Abdul Haji can maybe incorporate private land also so that it will not only be discriminative to the public sector. Moreover, the private sector also can take initiatives and responsibility that it is important to take care of our natural resources.

Mr. Temporary Speaker, Sir, maybe we can also incorporate the councils or societies to take care of our trees. We can portion our counties into societies the same way we did in Mandera County. Those societies can be taking care of tree planting so that everywhere will be greener.

With those few remarks, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna proceed.

**Sen. Sifuna:** Thank you, Mr. Temporary Speaker, Sir, for giving me opportunity to also contribute to this Bill. I want to make it clear that I support it.

We are famously known as the children who grew up under the Nyayo regime. I remember he used to tell us that when you cut one tree, you plant two. That was one of his rallying calls. I do not know why Sen. Abdul Haji has proposed in this particular amendment under Clause 4 that you cut one, you plant one instead of what Nyayo used to tell us, that you cut one, plant two.

Hon. Sen. Abdul Haji, I know you also grew up during that era. We should at least encourage growth from that position of the late President Moi and even adopt the position that has been given by Sen. Mariam Omar where if you cut down one tree you plant three.

As the Senator for Nairobi City County, many Nairobians believe that in 2004 we had one of the best town clerks by the name John Gakuo. He is credited for providing a clean environment to the people of Nairobi City County. He sorted out the garbage menace at that particular point in time.

He is famously known for dreaming of a city in a forest. In an interview just a few months before he passed away, he said his one biggest regret was that he was not able to achieve that dream.

Many people can still remember how Mombasa Road, all the way through to Uhuru Highway used to look. It was a boulevard with very nice mature trees in the median and also on the side of the road. However, subsequent developments have come, including the construction of the Expressway, that have ensured that all those trees that used to be in those places were cut down.

We as a leadership of Nairobi are extremely concerned with the state of the environment in the City. These include some of the issues that have been brought up by Sen. Mungatana, including continued closure or barring of residents from accessing Uhuru Gardens and Central Park, which is part of Uhuru Park.

Mr. Temporary Speaker, Sir, in April 2024, the Cabinet Secretary for Defence, Hon. Aden Duale, appeared before the plenary of this House. He committed to this House that he was going to hand back Uhuru Park, Central Park and Uhuru Gardens back to the people of Nairobi.

The situation that has been described by Sen. Mungatana is something I can attest to. If you go to Langata Road on a Saturday, when ordinarily many people do their laundry or household chores, you will find many women who do those chores have nowhere to sit. They sit along the road and it is quite an unsightly thing to see, not to mention lack of facilities for the people of Nairobi to relax.

Therefore, we must continue to call on the Ministry of Defence, because these two parks were taken over by the Ministry of Defence in February 2022, and they were being renovated by the military. The Cabinet Secretary himself committed here. You heard him say that he was going to do it the next day, which was 18<sup>th</sup> April, 2024. We are almost coming to a year since that pronouncement by the Cabinet Secretary and that situation is unacceptable.

There was another baffling piece of news that I saw this week. The President told us that they had planted 750 million trees over a period of 12 months in 2024. For many of us, the math was not “*mathing*”, as they say in the streets, because that would translate to two million trees per day. Two million trees being planted per day is not something you can hide. We hope that these figures can be backed up by those who participated in tree-planting.

*(Sen. Cherarkey spoke off record)*

I can hear Sen. Cherarkey confirming that he planted at least two million trees a day in Nandi. Let him show us where those trees have been planted.

Mr. Temporary Speaker, Sir, we even went ahead and created a holiday for tree-planting in this country but the incentives are not there. There is a serious lack of transparency surrounding the question of where seedlings are procured. Some of us might not look like we know much about tree-planting, but if I share with you my life history,



in 2010, I was working for a billboard company here in Nairobi. Part of my duty was to plant trees.

As hon. John Gakuo had said, the biggest enemy of trees in Nairobi were people who were running the billboard business. The company that I used to work for decided that they were going to take initiative in making sure that if there is any tree that is affected because of a billboard, we would plant at least 100 seedlings to replace that one tree.

Since I was the head of administration then, I was in charge of that programme. Believe it or not, in my suit as an advocate, I used to know all the suppliers of tree seedlings in Nairobi from the Kenya Forest Service (KFS) because they had a nursery along Kiambu Road. I also knew all the people who sell trees along Ngong Road. All those people were my friends.

I used to have suppliers of manure and red soil in Wangige who I knew by name. We used to do tree-planting sponsored by that company.

You can see that since we have let go of the rules of the City, there is a serious proliferation of billboards in Nairobi and nobody does tree-planting anymore. We hope that this particular amendment to the law will bring about some sanity and make sure that we return the City to the dream that hon. John Gakuo had, even if he was met ignominious end.

I want to be on record supporting this amendment Bill. On behalf of the people of Nairobi, we must return this City to the people. For those facilities that were taken over by the military, it is now long overdue. We do not have to summon the Cabinet Secretary for Defence to this House for him to again make promises. We just want the people of Nairobi to have access to Central Park, Uhuru Park and Uhuru Gardens.

Lastly, I have made it clear that I have a problem with the way this Government communicates. A few months ago, we were all shocked when we started seeing videos on social media of tree-cutting that was allegedly going on in Karura Forest. We were all alarmed, only for the KFS to follow up after the outrage with a communication claiming that they were harvesting mature trees.

If the Government or the KFS intends to harvest trees in any of our forested areas in Nairobi, they need to communicate to us what is going to happen. They should not wait for social media outrage then follow up with a communication that it is harvesting of mature trees that is going on. Besides, they have not told us any plans to replace that deforestation that happened.

We were also very alarmed. One day we just woke up and when we were driving on the Southern Bypass, you could find a whole section of a forest there cleared and nobody gives any explanation. Thereafter, you could hear that there was somebody building a golf resort.

Why are these things done in the manner in which they are done? If the Government intends to run such a programme, I want them to change the way they communicate with the public. Make it clear that in the next six months, we want to undertake a certain programme and that this is going to be the environmental effect for

the people of Nairobi to know that it is a project being undertaken by Government and not by unscrupulous business people.

With those many remarks, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Sifuna.

If there is anybody who probably would be doubting that you were spearheading tree-planting in the course of one of your assignments in 2010, yours truly can confirm that indeed you managed that sector very well when you were dealing with the billboards sector. You did a good job. I also expect that in the course of your duties as a Senator, please, ensure you plant trees wherever you are, in and outside the City of Nairobi.

Proceed, Sen. M. Kajwang’.

**Sen. M. Kajwang’:** Mr. Temporary Speaker, Sir, I rise to support the Environmental Laws (Amendment) Bill 2024. I also want to congratulate Sen. Abdul Mohamed Haji who is the Sponsor of this Bill.

This is an important Bill. It is surprising that existing legislation has not provided for what Sen. Abdul Haji is calling for in this amendment Bill. This Bill seeks to amend the existing Act, to make further provisions for afforestation and reforestation of forests in counties in Kenya. This was a pet subject in the administration of President Daniel Arap Moi.

Out of the many things he did, for those of us who were in the 8-4-4 system of education, afforestation, reforestation and deforestation were concepts that always came up in our Geography, History and Civics (G.H.C) syllabus and examination. I am not very sure how the Competency Based Curriculum (CBC) has taken care of this. I hope that the education curriculum has picked these concepts to encourage our children that a tree planted today is not for today’s child but for our children, grandchildren and great grandchildren.

It is noble for the Senate to call upon county governments to ensure that they promote tree-planting and also become actively involved in the National Tree Planting Week. I think it was last year that we were given a holiday out of the blues. In the Kenyan humour, particularly Kenyans who have lived for a long time in Nairobi, they decided to plant trees in all kinds of holes. We are waiting to see, perhaps after nine months, whether those trees have germinated.

Mr. Temporary Speaker, Sir, if you give Kenyans a public holiday without clearly telling them what they are supposed to do and without a clear build-up on the activities of that day, Kenyans will misuse it. They will take advantage of the day for *sherehe* and do other things that do not promote that objective.

On that national Tree Planting Day, we saw the national government, especially members of the national Executive flying in choppers going around the country, releasing carbon into the atmosphere and further causing serious damage to our climate as well as going to hills and forests. This was a one-day affair. We are not sure whether those trees were taken care of.

Mr. Temporary Speaker, Sir, I wish Sen. Ledama Olekina was in this House because, I do recall when there was a fight for Mau forest, he had a very innovative

approach. He went and approached friends from South Africa who gave him a small aircraft and seed balls. I recall him flying all over the Mau and dropping seed balls.

We should not think about this issue of reforestation through the prism of the traditional digging of a hole and planting a tree. Even seed balls have been found to be quite effective. I encourage county governments to adopt that approach. It would be easy to use youth groups, women groups and organized groups and give them those seed balls. Let them scatter them and spread them so that when the rain starts falling like they did today in Nairobi, those seed balls can germinate.

However, beyond the seed balls, it is also a bright idea, as Senator Abdul has proposed, that we need to establish tree nurseries in each county. I hope we are not going to have this situation we have started seeing in a few counties. I have seen a program called Climate Works Mtaani and it has good intentions, but if it is not scrutinized or oversighted, then governors are just going to be organizing militias with the next election in mind.

If we are going to do legitimate climate works in our county governments, let us ensure that they go out of the clutches and the control of governors because they are going to get their goons and their usual cheering squads into those programs; and those people will be there, not for the love of the environment, but to get a small income.

I do recall in Tharaka Nithi county when we looked at in the Public Accounts Committee (PAC), the Governor had set up small units of youth in every ward, and the number was high. Even though they were not involved in climate or tree planting, they were involved in the maintenance of roads. That triggered some concern that some of these things we establish purportedly to benefit the youth can be easily abused.

For the tree nurseries in counties, I hope we can come up with a model where we can empower self-help groups and community-based organizations. Let the county governments not throw these people who parade plants and seedlings out of business for the county governments to do a giga nursery the way they are doing giga kitchens for school feeding. I hope this is not going to lead to giga tree nurseries controlled by county governments, consuming public resources that is overpriced and overvalued. Let us hope that this is going to spread out.

Mr. Temporary Speaker, Sir, I already can see how this will work in my county of Homa Bay. Sen. Beatrice Ogolla knows that along the lake, on the shores of Lake Victoria, there is a very fertile zone, because of the silt that comes upstream and goes into the lake. It is extremely fertile. A lot of young people, for lack of employment, have now resorted to going to the shores of the lake, at those silted areas although some areas are fairly swamp where they are growing vegetables, tomatoes, *sukuma wiki* and cabbages.

Mr. Temporary Speaker, Sir I can tell you they are doing extremely well. In my village, the boys and girls who are doing farming next to the lake are doing better than those who are operating boda bodas on the tarmac. These are already existing groups and if we can give them an incentive, that if they can set up tree nurseries, there will be an off-tech program by the county government, I believe this can broaden their revenue sources and put more money in the pockets of youth in the counties.

I further support their proposal that there would be tax and fiscal incentives to boost investments in forest land use and utilization. If someone does good for the environment, let them get some benefit and let them get something in return for doing good. This would be the best justification for fiscal incentives because we are making investments that are going to last beyond generations. Many a times when we are talking about our finance bills and our fiscal policies, it is always about the increase in tax. The conversation on reliefs is not usually amplified.

Mr. Temporary Speaker, Sir, I do hope that if Cabinet Secretary Mbadi was listening, this would be a very genius insertion into his fiscal plan and the Finance Bill that he would be bringing to Parliament. So that instead of starting his speech by saying that we are increasing Value Added Tax (VAT), the housing levy or we are increasing the social health, he would start his conversation by saying that we are giving an incentive to people who plant trees. We are giving incentives to corporates who as part of their Corporate Social Responsibility (CSR) have decided that they are going to reforest and ensure that our country's tree cover and forest cover is maintained and is optimized.

This is because, corporates sometimes engage in CSRs that might not have very consequential long-term effects. I know a number of corporates have gone into the sports arena because it is in sports that there is visibility. I would have gone ahead and proposed that out of the resources we get from betting and gambling companies, a certain percentage should be ring-fenced and directed towards climate adaptation and climate mitigation activities.

Mr. Temporary Speaker, Sir, that industry is extremely liquid, not because it is exploitative, but because in our country, our young people have a gambling culture as a result of lack of opportunities. I believe that we could put a sin tax on gambling as we have done on tobacco. We could put a sin tax on alcohol, but direct it, not just to the overall budget support that we have done, but put a percentage to go to climate change activities.

If the National Tree Planting Week is well coordinated and organized, I believe that if all primary schools, secondary schools and universities in this country knew three months in advance, or if it was put in the annual calendar of the nation; that on a certain day we are going to plant trees, it would be much more effective than a date being gazetted in an ambush fashion, as it was done in the last year.

Mr. Temporary Speaker, Sir, when the Senate Leader of the Majority was making comments on this Bill yesterday, he challenged the Climate Change Caucus, which I have the privilege to lead, to do much more in terms of climate action. I do agree with the Senate Leader of the Majority that a lot of conversations around climate have existed in boardrooms, conferences and we have had conferences of parties. Right now, we are at Conference of Parties (COP) 28 going to COP 29, and yet whenever we go there, it turns out to be a talking shop. We come back without making substantive progress.

Last year, when we went to Baku in Azerbaijan, African countries and the least developed countries wanted a new collective quantifiable goal on climate finance that would mobilize USD1.3 trillion for climate change adaptation and mitigation. It was

quite a disappointment that out of that Conference of Parties, the developed countries were not able to achieve much. I believe that the commitments that were made did not exceed USD300 billion out of more than USD1 trillion that was required.

Mr. Temporary Speaker, Sir, it is further troubling that the United States of America (USA) has given notice of withdrawal from the United Nations Framework Convention on Climate Change (UNFCCC) under which parties organize themselves under the Conference of Parties. The rest of the world cannot afford to go to sleep simply because the United States of America has decided to be irresponsible. You do not stop taking care of your garden. You do not stop fumigating your house simply because your neighbour is not fumigating theirs.

That seems to be the very irrational decision that the United States has made, because they argue that they should not be penalized for success but that success has been at great expense for the rest of the countries. Therefore, I believe that if democracy was to hold sway and that in the next three or four years, the residents of the USA will see the folly of the decisions they are making today, they will come back to the UNFCCC.

Mr. Speaker, Sir, I put it on record that within the Climate Change Caucus, we have appreciated that we must go beyond the talk and do some action. In this session, we will be initiating a program known as Parliamentarians for Climate Change.

Mr. Temporary Speaker, Sir, this is a program that has been financed by the Green Climate Fund through the United Nations Industrial Development Organization (UNIDO), and it is being implemented by Climate Parliament, which is a global organization that brings together parliamentarians who are passionate about climate change.

The theme of this engagement is to encourage the establishment of green investment zones in each country. Think about a green investment zone the way we look at the EPZs, industrial zones, and county aggregation parks.

A green investment zone would be an area that is custom-made with proper laws, proper regulations and proper infrastructure for people to come and put in investments in renewable energy.

Now, you can imagine that today, if you wanted to put up a solar firm, and I have this experience where we had a USA investor who wanted to put up a 40-megawatt solar firm on the hills of Nyakwere. I think Sen. Beatrice Ogola was a County Executive Committee Member (CECM) in Homa Bay County at that time. I believe she was involved in ensuring that the land was acquired in bringing in the investor.

The investors were quite ready to put millions of U.S.A Dollars into this project, to put in 40 megawatts. However, then the problem came up in OFTEC because the Energy and Petroleum Regulatory Authority (EPRA) and the rest of the entities, statutory bodies involved in the uptake and transmission of electricity, had a dim view of solar. They said solar is intermittent power and not stable, and therefore, they were not prioritising it into the national grid.

Mr. Temporary Speaker, Sir, advances in solar energy and technology have outstripped advances in any other sector. We see courtesy of electric vehicles, the

advances in the storage of power, the advances in inverters, and in solar panels. This country needs to have a clear and robust renewable energy strategy that puts solar at the center.

One country that has just recently suffered the vagaries of climate change, must be Zambia. Their energy mix is heavily reliant on hydro, and then there was the El Nino and La Nina that hit Southern Africa recently. There was a devastating drought in Southern Africa. The rivers dried, and so the hydro-power stations could not generate electricity. That country was engulfed in darkness.

In Kenya today, we generate our electricity from renewable sources like the geothermal towards Naivasha and we also have wind energy in Turkana, but we still have about 20 to 30 per cent reliance on hydro.

If, indeed, the forecasts that we are being given are true, that we are going into a season of drought, then you can tell if we switch off 20 per cent of our power sources, there would be a huge impact on the economy.

So, this Parliamentarians for Climate Change initiative on green investment zones aims to encourage the government to establish dedicated zones for investors to put up serious investments in renewable energy. It could be green hydrogen, solar, wind, or any other form of renewable energy.

Where parliamentarians come in is in ensuring that there is proper legislation, proper regulation and proper fiscal incentives because this is the province of parliament.

A study that was conducted in India on the factors that affected the implementation and adoption of renewable energy put regulation and legislation among the top three factors. The other one was off-tech because once you have invested, you find regulatory bodies that are not willing to take it up.

Mr. Temporary Speaker, Sir, we were doing all these initiatives around green investment because we have cut down our forests, we have cut down our trees, and we have gotten to a point where we are not able to absorb the carbon that comes out of industrial activity.

Finally, the issue of carbon credits has always come up. When we plant a lot of trees, we can go to the market and claim carbon credits and get an additional source of income. However, under the Paris Agreement, there is Article 6 that talks about internationally transferred mitigation outcomes.

Some countries are taking advantage of that Article to come to Africa to buy forests to take up parks, and we have seen it. There is a company from the United Arab Emirates that so far has signed up deals in Africa to take up African forests. They say the size is equivalent to the entire United Kingdom so that they can continue mining fossil fuel, drilling oil in the Arabian Peninsula, and then they net off with the oxygen that is emitted from African forests.

It is a matter that those of us who go for the conference of parties need to talk about robustly because you cannot continue polluting and then you come to Africa and purport that you have bought or you own a forest and say that the carbon capture by that

forest is equivalent to the emissions you are making. It is conmanship at the international level, and this country must be wary.

I do hope that if we are going to hold the second Africa Climate Summit, which I am being told might be held in Africa, these are some of the conversations that will be there and that this Parliament will be robustly involved in the conversation at the Africa Climate Summit.

It has been good when the chair of that committee at the African Union is the president of the Republic of Kenya. We hope that the numbers and figures we will be taken to the AU, to the Africa Climate Summit, will be numbers that will be verifiable because if you say we have planted a billion trees, it would be a great folly if Kenyans on social media then unpack it and realise that it was all a pack of lies.

I will finalise by taking on the call that many Senators have given, that all of us must walk the talk. We are in talks with the Kenya National Highways Authority (KENHA) for the next rainy season in April to go to Gembe Hills. Gembe Hills is a gazetted forest next to my home village, and in the last National Tree Planting Day, the Cabinet Secretary Hon. Kipchumba Murkomen was there. He led a tree-planting exercise and he challenged KENHA to donate hundreds of thousands of seedlings.

I want to assure you and the House that this rainy season in April, I will join KENHA and other players, and I will also mobilise resources through

the Kajwang Foundation so that during the rainy season, we go out to the forest and do what Sen. Abdul Haji is calling on the government to do.

Thank you, Mr. Speaker. I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Now, Hon. Senators, that brings us to the end of our debate on this particular Bill. I now call upon the Mover of the Motion, Sen. Abdul Haji to reply.

**Sen. Abdul Haji:** Thank you very much, Mr. Temporary Speaker, Sir. Let me take this opportunity first to thank all the Senators who have contributed and to appreciate them for the many ideas and suggestions that they have given to the Bill.

When I came up with this Bill, it was an attempt to correct something that was already missing in the environmental law by introducing vegetation in arid and semi-arid areas. In no way did this Bill intend to alienate any of the other regions. The other regions had already been covered in the existing Bill.

As Senators, we went to Mandera. I think I was privileged to have in attendance Sen. Sifuna, Sen. Onyonka, Sen. Eddie Oketch, and the other Senators. We saw for ourselves that vegetating an arid or semi-arid area is something that is very much doable.

Mandera has been able to do it. You can imagine that in Mandera, temperatures usually soar up to the height of 40 degrees centigrade and when the wind blows, it feels like you are in a microwave.

Sen. Ali Roba, who was the Governor at that time, initiated a program to vegetate Mandera. Ten years later, the trees have grown and they act as a buffer to the hot winds, ensuring that the people of Mandera do not suffer from heat waves.

Mr. Temporary Speaker, Sir, the Senators that have contributed have enriched this Bill. I would like to appreciate every one of them, from Sen. Cherarkey, Sen. Olekina, Sen. Cheruiyot, Sen. Wambua, Sen. Okenyuri, Sen. Maanzo, Sen. Munyi Mundingi, Sen. Dullo, Sen. Miraj, Sen. Veronica Maina, Sen. Wamatinga, Sen. Kisang, Sen. Abass, Sen. Wakili Sigei, yourself, Mr. Temporary Speaker, Sir, Sen. (Prof) Kamar, Sen. Omogeni, Sen. Onyonka, Sen. Joyce Korir, Sen. Kajwang, Sen. Sifuna, Sen. Mungatana, Sen. Beatrice Ogola, and Sen. Mariam Omar. I look forward to working with every one of the Senators to ensure that we introduce the clauses that they have proposed.

Before I move to reply, I would just like to highlight some of the contributions that have been made by my colleague Senators.

Sen. Cherarkey intends to introduce a clause to expand the vegetation cover of the Kenyan mass land to 30 per cent. He also proposed that instead of planting two trees for every one cut down, we adopt the trees to ensure they reach maturity. That was a typo or an oversight in the Bill. I do not think that is the way we should go. If you cut one tree, you should plant more than three trees.

Sen. Cheruiyot also requested that logging regulations should require that only mature trees are harvested, which I thought was a very good idea.

Sen. Cherarkey also suggested that we utilise the prison land for agroforestry, allowing inmates to plant, adopt and maintain the trees. He also suggested that we introduce community service orders, where offenders are assigned to planting and maintaining as a project, which I also thought was a good idea.

Sen. Olekina opposed the idea that whenever a tree is felled, it must be replaced in a location designated by Kenya Forest Services (KFS). The Senator objects to this requirement arguing that it introduces unnecessary bureaucracy.

Mr. Temporary Speaker, Sir, you had also mentioned that. He proposed an alternative approach where an individual who cuts down a tree should immediately plant two to three trees in the same location rather than having to wait for KFS to designate an area. He also proposed that we introduce a clause to take care of the Mathenge plant, which is a very destructive plant in most of the Arid and Semi-Arid Land (ASAL) areas.

There were also several propositions to the week for planting trees. Sen. (Prof.) Kamar, Sen. Olekina and several other Senators suggested that one week is not enough. We should have a tree planting and growing month. That is something we will have to discuss and see if we can include in this Bill.

There was also the popular suggestion that we should introduce a curriculum in our schools where we teach our children so that we can inculcate in the culture of planting and growing trees. That was also a good idea.

Sen. Cheruiyot proposed that we consider integrating tree planting practices in special occasions such as when heads of state and dignitaries visit Kenya.

Sen. Wambua wanted us to find out a way to include provisions in the Bill either expressly or implicitly, that ensures leaders take a leading role in environmental conservation efforts.



Sen. Essie was requesting that we have a way to track trees and know whether they are still standing or have been cut down. Sen. Essie is a youth so she is probably thinking how we should be more futuristic in this Bill. That is something we will consider.

Sen. Mundigi was interested in medicinal value of trees and how we can commercialise that in our counties. Sen. Fatuma Dullo commented on medicinal trees too. She wanted us to consider how we can have licensing for trees for medicinal purposes so that there is a need to increase investment and research. She also suggested that there is a need to increase investment and research in issuance of licences to qualified individuals and institutions.

Sen. Miraj was interested on how we can introduce a clause in the Bill where the youth can benefit from any initiative of planting and growing trees.

Sen. Veronica took the opportunity to challenge the Kenya Revenue Authority (KRA) to come up with initiatives to reward companies and the private sector when they take up initiatives of planting trees. The comments are many.

Mr. Temporary Speaker, Sir, your proposal was one of the most interesting. You suggested that we should include the word “grow” in the Bill instead of just having planting trees. That is important because most of the areas we were targeting with this Bill, you cannot just plant trees, you have to grow and nurture them. That is something we should include in the Bill.

There was also the issue of nurseries. The Bill had proposed a nursery in every county. There was a proposal that it should be in every sub-county as Sen. Joyce Korir had suggested. Sen. (Prof.) Kamar had a similar opinion. She wanted a nursery in every school in every sub-county, which is the same thing. That is something we can consider and agreed to be part of the amendment.

Sen. Omogeni wanted us to strengthen the required meaningful public participation before any trees are cut down, which is very important. We should include that in the Bill.

Sen. Mungatana raised a very important matter about the Uhuru Gardens. That is also something we should take up as Senators. Uhuru Gardens was intended for the public. Going by the name, it should be converted into a botanical garden so that people can visit and be educated on the different species of trees, flowers and other vegetations.

Mr. Temporary Speaker, Sir, as I had mentioned earlier, this Bill was intended to bring the Arid and Semi-Arid Lands (ASAL) into the fold of planting trees. It is very difficult to plant trees in ASALs. That is why this Bill was introducing indigenous trees that can withstand the harsh climate in our areas. When we introduce a Bill in Parliament, it is intended to make sure that it covers all the regions and benefits all the people of the country. Laws are supposed to govern each one of us equally.

I was a bit disheartened and heartbroken by comments by certain leaders in our country who decided to criticise the initiative by the President to remove the extra vetting of Identity Cards (IDs) for the people of Northern Kenya and border counties. It was very reckless for an individual like Governor Natembeya of Trans Nzoia County to prejudice

and criticise a whole community in the region and label them as terrorists. As an elected leader, he should know that injustice anywhere is injustice everywhere. When a law is introduced to discriminate any Kenyan, it should not be in place. He should understand that.

Mr. Temporary Speaker, Sir, I beg to reply to the Bill. Pursuant to Standing Order No.66 (3), I request that the putting of the question be deferred to a later date.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Haji. As requested, putting of the question on this Bill is deferred to the next sitting of this House.

*(Putting of question on Bill deferred)*

**The Temporary Speaker** (Sen. Wakili Sigei): Now, we will call the next Order.

## BILL

### *Second Reading*

#### THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)

*(Sen. Okenyuri on 12.2.2025)*

*(Resumption of Debate interrupted on 12.2.25 - Afternoon Sitting)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, this is a resumption of the debate that was interrupted yesterday, the 12th of February, 2025, in the afternoon sitting. By the time the House rose, the Hon. Sen. Julius Murgor had a balance of 19 minutes. He is not in the House. Those 19 minutes, therefore, are going to be forfeited in his absence. I will, therefore, proceed to call upon the Senators who are present to continue contributing.

Senator Samson Cherarkey, you may proceed.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, sir. From the onset, I want to congratulate Sen. Esther Okenyuri.

In our now formative and at the beginning of this leadership role and legislative agenda, Sen. Esther Okenyuri continues to distinguish herself as one of the youngest, brilliant Senators of our generation, which I am proud to strongly associate with.

I am happy that since she joined the Senate, and coincidentally, the God of Sen. Esther Okenyuri must be very near where she comes from. Initially, it was Sen. Soipan Tuya, who is now the Cabinet Secretary in charge of Defense. She joined us midway, but I am impressed she has learned the ropes very quickly.

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Her commitment zeal and passion in how she does her legislative agenda is quite impressive. I am happy, you know, when you are nominated, you do not have an obligation. She and Sen. Ogola are some of the committed Nominated Members that every time we are in the House, they are always there from the beginning to the last.

What I am impressed about Sen. Okenyuri is I normally see her in the village, interacting. I want to appeal to the people of Kisii, I have never done this before, that if God favours Sen. Esther Okenyuri, please, in the next 14<sup>th</sup> Parliament, and she should join us as an elected Member of Parliament (MP) to be part of the transformation of this country. I have seen her wearing even school uniform to appeal, even wearing church clothes and interacting.

I assure the people of Kisii that Sen. Okenyuri, is up to the task. We are proud as our generation that we have one of the finest. Just in closing, because I have two comments and then I have four for the Bill, is, you know, Sen. Esther Okenyuri continues to be an inspiration to the girl child.

You know, women sometimes feel inadequate, they feel they cannot compete. However, since this platform has come, Sen. Okenyuri has distinguished herself. I am happy she has not seen herself through the lens of gender.

I want to borrow the words of Sen. Ogola when a matter came before the House some time back, which was emotive. I am happy she is not seeing herself through the gender lenses. She sees herself as an equal Member of this House, and we are proud of what she is doing. My sister, we are proud of you, and I wish you well.

I hope one day and one time you will remember on 13, just before Valentine's of 2025 I did make this prophecy. On a lighter note, some of us men tomorrow, are told not to get close to the other gender because there is a flu that is affecting men. So, we will not be available tomorrow.

We will be available maybe in children's homes to show love to the less fortunate and others. Secondly and finally is on the Bill. I am impressed. Mr. Speaker. The reason why Gen Z, and what happened is sad, where this Parliament was attacked, is because I was surprised in the last session, the Third Session, that there was a lot of misinformation on Finance Bill 2024.

You know, because of a lack of civic education and public participation. When you used to go to functions in Bomet, I go in Nandi, Sen. Ogola goes to Homabay, Sen. Okenyuri goes to Kisii, you sit in a public baraza and you hear what people are saying, it is not even in the Finance Bill. It was because of a lack of civic education.

Public participation is a key component. I am happy that it is now mandatory to do civic education. I want to challenge you. You heard I was talking about the tolling of our roads, where the Government want to toll major highways to raise Kshs230 billion.

The public participation is being done now. Many people will not attend, but when it is passed, they will start running around the country saying they were not being involved during public participation in the tolling of our roads.

Even with the Finance Bill of 2025, I want to encourage Kenyans to participate. I am happy, and I regularly give accolades, as you know me. However, I was impressed by

Certified Public Accountant (CPA), Cabinet Secretary John Mbadi who went to Jevanjee Gardens and tried to demystify what the Finance Bill is, and what is in there, so that we go ahead with the facts before what Donald Trump calls fake news, continues to reign among us. You know this country; we thrive on fake news.

I am happy that the Cabinet Secretary in charge of the Treasury is taking the lead. I want to challenge Members, as we do budget Policy Statements, I want to challenge members of the public and members of the National Assembly Finance and Budget. As they go around the country, they should at least ensure they go through 290 constituencies for this public participation and even on other Bills.

So, the reason the Finance Bill 2024 led to uproar is because there was a lot of misinformation. People are saying you want to tax the dead, you want to tax land, but when you read our Finance Bill, you agree with me on what is happening. Let us use the medium, I saw today you were in Citizen, the State of the Nation, and you are also doing civic education because you are telling Kenyans the facts so that people do not thrive on misinformation.

Number two, I am happy that public officials will be taken through mandatory in Clause number five. It says-

“Public officials, including elected, and appointed officials at National, shall undergo mandatory civic education.”

Can you believe, for example, in Nandi today, if you go to Nandi County Assembly and ask for the budget, no one will give it to you, not knowing that under Articles 34 and 35, there is a right to information and there is a right to media freedom?

You go to the Governor's Office in Nandi, we have demanded the budget, we have demanded annual development plans, County Integrated Development Plan (CIDP), the status of projects, but they will never give you, yet it is a public document and it is a right of every Kenyan.

I have even seen in Homa Bay or Nandi or Bomet when they are doing public participation for the Finance Act or Finance Bill of County Assembly, they will call a few characters, give them soda and *mkate* and say they have done public participation. And they say, sign your name and Identity Card number and phone number. Then they take it back, yet civic education has not been done. What is the content that is inside that Bill that we are proposing? So, I am happy that all officials should know that public participation precedes civic education. Let us as leaders, even though I know politics is sweet, you go to a funeral, you go to a public function, let us use even one or two minutes to engage our people and educate them on the roles that we should give.

Even on civic education, I know, most of the Non-Governmental Organisations (NGOs) have been funding this issue of civic education across many other areas, but I am happy there will be a structure that will continue to engage them. I want to challenge that there is a budget. You know, civic education, and you know Sen. Ogola has been a County Executive Committee Member (CECM) in former Cyprian Awiti's Government.

She knows very well, she will tell you from my experience, that most of the civic education awareness was being financed by NGOs. There was no allocation of budget,

and if it is there, it is for Soda and *mkate*. You know Donald Trump has suspended everything under USAID.

So, you know most of the NGOs used to finance civic education awareness. However, I am happy in Clause Number Nine, the county government shall ensure that there is an allocation of budget for civic education and we should brace ourselves, the USAID now is gone.

I want to thank Donald Trump, and I want to thank the head of DOGE- Elon Musk. Although he has been fighting re-appropriation of land in South Africa to try and emasculate the South African Government.

I agree that USAID funds must be audited. A few months before Donald Trump won the election, USAID in Kenya purchased five cars, the latest Toyota Prado, for Kshs100 million. At Wilson Airport, you will find the USAID consultants flying to Kakuma in the morning and coming back in the evening.

They live in posh estates like Runda, Karen, where you are paying Ksh400,000 rent. This means that out of the Kshs84 billion that USAID has sent to Kenya to support Kenyans, only 10 per cent of the funds were used for the intended purposes.

Therefore, we agree with the US government, led by President Donald Trump, that USAID must be used for its intended purpose and audited. You will find consultants sitting in hotels like Java with laptops, and they are being paid in dollars. Yet the real intention of the funds could not be realised.

Therefore, most of this civic education awareness was financed by Non-Governmental Organisations (NGOs). I am happy that now we have a structure for engaging. Whenever public participation is done in Longisa, let us list the names of the participants.

Section 87 of the County Governments Act on public participation has a critical component. I am happy Senator Okenyuri is proposing something. She is giving life to article 10 on principles of good governance and national values. One of them is public participation, which is anchored in civic education and awareness in our republic. I expected all senators to be here to support this Bill.

The reason we are fighting on the ground is because the county governments who are corrupt will never like to show the true reflection of what is happening. This is why, as a senator, whenever you go and tell the people – for example, in Nandi, in the last financial year, I made sure around Kshs10 billion was taken to Nandi County. People will be shocked because what they see on the ground is not reflective of the equitable shareable revenue, conditional grants, and county own-source revenue. Therefore, I am happy there will be an important structure.

Clause 17 concerns grounds for deregistration, which is critical. There was a crackdown on NGOs. At that time, those NGOs were being cracked down because they were doing something that was not intended. Also, as we allow civic education to be funded by NGOs, we do not want civic education to be done to incite the public against the Government or incite the public against their own country.

If you remember, in 2017, some of us were serving in this house, and some of the NGOs were being accused, allegedly, of financing terrorism in the country. Some of them were being accused of funding destabilisation.

You remember, even during the Gen-Z revolution, there were allegations that the George Soros Foundation was financing the revolution under the guise of civic education and awareness. I am happy there is a legal framework to control the type of NGOs that come to the country.

Let me go on record crystal clear that we are not objecting that NGOs should not be part and parcel of the civic awareness process. However, we must know who they are and what their intention, purpose and object are. We do not want NGOs to be used to destabilise governments in Africa.

Across the world, only the NGOs that bring civic awareness on political and civil issues are heavily financed in Africa. We saw the sad reality of the Gen-Z revolution: in as much as the young people had the right intention to try and fix the problems that we are facing, somebody somewhere, through the NGOs, hijacked the process until they wanted to destabilise the country.

I want to challenge the National Intelligence Service (NIS), our security apparatus, that they must vet the NGOs that do civic awareness. The only way we can fix them is to ensure that they are catalogued and know what they are doing.

The final part concerns false statements. I agree that fake news must be flagged. I am happy that all social media have been directed to have physical offices in Nairobi or Kenya.

When you open Facebook, it has misleading information. The same is true for X, formerly *Twitter*, *TikTok*, or any other social media, Instagram, and others you rarely and hardly see. I heard the comments of the Cabinet Secretary for Information Communication and Technology. I am lucky I survived, and I am still a member of the Committee on Information, Communication, and Technology with my sister, Sen. Ogola.

Can you believe it is only in Kenya that when you open your social media, you will get pornography being displayed on our social media? However, when you go to countries in the Middle East, like Saudi Arabia and the United Arab Emirates, they have proper regulations and discipline regarding all these social media accounts. It is because we have been given too much freedom that does not have discipline.

I want to recommend to Sen. Okenyuri that this offence of false statements and the issue of calling people and telling them lies the way some NGOs are doing in this country. I want to propose that the fine should be Kshs5 million for anybody who spreads false statements.

Mr. Temporary Speaker, Sir, imagine if an NGO does civic awareness in Kaplong, and they tell them to hypothetically overthrow the government. Is the side effect not more expensive than the punishment? All NGOs and anybody who does civic awareness on false statements must ensure that there is a punitive fine of Kshs5 million. Alternatively, they should be in jail for ten years.

The cost of losing our country and our society is high; ask Somalia. I was on the sidelines of the talks on the issues of DRC and the M23 crisis, and I sat with the people. Some friends from Somalia told the DRC not to follow their route. Since it is expensive to come back from where Somalia is, this has destabilised the north of Africa. We do not want Rwanda and DRC to go in that direction. We hope that on Saturday, Sen. Ogola will not give me the exact date when the AUC elections will be held.

*(Sen. Ogola spoke off record)*

It will be Saturday, immediately after Valentine's Day. I am trying to get a private jet to that destination. I want to assure the naysayers that Raila Amolo Odinga will be elected the chairperson of the African Union Community.

I want to ask Baba Raila Odinga that his first assignment will be to bring stability to the DRC crisis. We want a peaceful Africa as Raila takes over as AUC to spearhead the issue of resolving the crisis in DRC so that we become more stable as a continent.

Finally, as I conclude, I do not know what is wrong with some Kenyans. Many people are praying for Raila to fail. We are no longer patriotic. Go to Tanzania. You saw this even when Mama Samia Suluhu and my brother, my close friend Ambassador Nchimbi, who is the presumptive deputy president of Tanzania; you should know that the incoming Deputy President of Mama Samia Suluhu Hassan is my close friend. Those people are very patriotic.

Do you remember when they were doing their national delegates of Chama Cha Mapinduzi (CCM) in Dodoma? All musicians from Diamond, Shusho, and the rest showed up to show support because of their country's patriotism. However, when you come to Kenya, some people are praying, and I am told others have gone to the mountains. Others are consulting witch doctors in the Indian Ocean for Raila to fail. *Tunasema washindwe katika jina la Yesu*. Raila must thrive.

With those many remarks, I congratulate Sen. Okenyuri and wish her well. I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, as you were closing, you went overboard in your language use, contrary to the Standing Orders. Place yourself in order next time. Your comments regarding Sen. Ogola and Sen. Okenyuri show their dedication to work and their responsibility as Members of this House.

I commend the two senators for that because it can only be better when Members are committed to their work. Sen. Cherarkey, I commend you for commending the honourable Mover of this Bill.

I will allow Sen. Ogola to add her voice to the Bill.

**Sen. Ogola:** Thank you, Mr. Temporary Speaker, Sir. I congratulate Sen. Okenyuri, just as Sen. Cherarkey has indicated. The Senator is a young, enterprising legislator who is committed to her work, not only in the House, but even back in her community.

Sen. Okenyuri has often invited me to go with her to Kisii land, just to support the community. I want to tell the people of Kisii land that with Sen. Okenyuri, you will never get it wrong.

However, following from where Sen. Cherarkey has left, I wanted to assure him that he does not need to be worried about people who pray negatively. Prayers are for good. Wisdom has indicated that, when you point somebody with one finger, little do you know that the other fingers are pointing back at you. There is an Arabian proverb, that says unlike the stomach, the brain never alerts you when it is empty.

For those Kenyans or whoever is negative to what is happening in the whole of Africa, we can only forgive them. I assure you they will never stop the will of the Lord.

On the same note, I want to state to the heads of states that will be casting their votes on Saturday to elect the Rt. Hon. Prime Minister, Eng. Raila Amolo Odinga, to be sure and confident that they will be getting the best of the best; a patriot. When you cut Raila his blood will show his love for Africa.

Look at his manifesto, his passion for security in Africa and to see that Africans---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Ogola, I direct that you confine your contribution to the Bill that is before the House. You are actually going outside the relevant---

**Sen. Ogola:** Mr. Temporary Speaker, Sir, I am guided. As I remain and pray that I remain guided, I would like to wish Baba well on Saturday. On behalf of everybody else in this Republic, we are sure His Excellency the President will do his best.

Mr. Temporary Speaker, Sir, let me now come to this outstanding Bill on civic education. Education is a lifelong activity. I am happy that Sen. Okenyuri has brought the Civic Education Bill (Senate Bill No.4 of 2024). Just to reflect on how far you want me to confine myself, even the last sentences I made about the African Union (AU) are about civic education. However, let me come back to the Bill that is before the House.

Education is an ongoing process. Some of the challenges we have had to deal with about the public in the counties is about less knowledge and the limits of public participation. If we had this Bill in place, our people would be prepared throughout the year on what public participation is, even before they are called for such activities.

One of the reasons why I support this Bill is because it takes note of and refers to the national values we have in the Constitution.

I would like us to remind ourselves that some of them are honesty, obedience, loyalty, self-discipline, self-reliance and patriotism that we have been talking about. What better way can we have a system where these national values are imparted on our people throughout and enshrined in this Bill that has been brought about by Sen. Okenyuri?

Mr. Temporary Speaker, Sir, this will be a solution to most of the challenges we have with our communities. Sometimes there are topical issues that come up. Some of the topical issues we have had to deal with and are still going on are issues like femicide, abductions or disappearances of people and those we have had previously, like the National Dialogue Committee (NADCO) or Independent Electoral and Boundaries Commission (IEBC).



The reason I mentioned some of these topical issues is because when we go back to our communities, we are only left with functions like funerals or you happen to meet people impromptu. Members who are nominated like me may not have the capacity to run full-time physical offices where you can meet your people if you go to the ground.

It follows that wherever you meet them, whether it is in your home or in a funeral, that is when as a leader you have an opportunity to address and talk to them about pertinent issues like femicide. If we had this law, county governments would have an opportunity, as enshrined in the structures that are here, to educate our people, particularly young girls and women who continue to lose their lives as a result of femicide.

I am left wondering why in this community, every day when we wake up, you hear that either a three-year or 12-year old girl has been abused and killed. Just the other day, I mentioned a young girl that I taught in school called Mercy who was murdered in the middle of the night in Ndhiwa Town. We hear those stories every day. Some of them are even published in the dailies.

This will be an opportunity to take our people through cautionary measures. County national Government officials will have an opportunity and structures where they can progressively take our young girls through certain ways in which they can protect themselves or smell danger around them. As I have said, education is an ongoing exercise.

If you can recall, when we had the NADCO discussions--- I want to congratulate our two leaders; the President of this country, Hon. (Dr.) William Samoei Ruto, and the enigma, Hon. Raila Amolo Odinga, who took an opportunity to ask us to forget about the chaos and sit together. They put up a team of leaders from the Senate and the National Assembly that brought about the NADCO Report.

As we talk about the NADCO Report, are we sure the general population in this country is aware of the details or the nitty-gritties in it? In this Bill, we should have a way of letting our people know some of those topical issues that we discuss as leaders that affect their lives.

In most of the conversations that I have with my community and the public, there are always issues coming up about the IEBC. People want to know when we will have new commissioners, when our boundaries will be reviewed, or when we will start preparations for the next election. I am saying this because these are topical issues that always come up.

I support this Bill because through it, some of these topical issues will be related to our people.

Mr. Temporary Speaker, Sir, I am also happy that this Bill mentions that public officials, be they national or at county level, will undergo a mandatory civic and training on their roles and responsibilities. A number of people get to positions, some of them even elected, appointed or nominated like some of us, but sometimes, it is pathetic when you see the way some of us undertake our roles.

It is like they are not sure of the responsibilities they are in those offices for. It is a pity, that when we go back to our counties, some leaders get sought by their electorates. They never see the leaders that represent them. We do not know whether they go back to their communities or their homes at night because during the day, they are not available because their people are always looking for them.

Mr. Speaker, Sir, I refer to elected leaders because elected leaders are representatives of the people and they must go back to their electorates. They must go back to their people and the people who elect leaders must be told through civic education about the roles they are bestowing on some of the officers they elect to offices. So, whether they are appointed or elected, I am happy that they will be undergoing mandatory civic education and training so that they are enlightened more on some of their responsibilities. Our people must also know some of the mandates their leaders have. This is so that when they do not perform those mandates well, the voters or our people should know what to do with them in future.

Mr. Speaker, Sir, the other point why I support this vibrant Bill is that it talks about the registration of county education providers and it goes ahead to mention that some of the county civic education providers are not limited to Non-Governmental Organizations (NGOs). Some of them are non-state actors.

Why do I say it is important to have a registration of these civic education providers? It is our right to know who is providing which activity and where. Sometimes back when I happened to be incorporated as a woman leader in a structure of government that was overseeing development in my region, we came up with an idea that in Homa Bay District then, we needed to know who is coming in and what are you coming to do. However, it was a pity that most of these NGOs and non-state actors did not even want the government to know what they were doing and where they were doing it.

I will go ahead to give an example of my District then. You have often been informed that in Homa Bay, our prevalence level in Human Immunodeficiency Virus (HIV) or early pregnancies and gender-based violence is very high. However, it is a pity that because of these statistics, we end up attracting so many NGOs and non-state actors that come with a lot of funding to address these issues.

What is the is that we remain with the same, same statistics despite the fact that we have so many NGOs and non-state actors that are addressing these issues.

Mr. Temporary Speaker, Sir, the question that worries some of us as leaders is, what is it they are doing? Is it adding value? Is it just about using those statistics to seek for funds elsewhere? Is it just about after you get funds as an NGO, then you come to the region and you masquerade as if you are doing some activities but it does not translate to any value for our people?

Mr. Temporary Speaker, Sir, we have often been worried about where some Non-Governmental Institutions (NGOs) get their funding. A number of this funding goes to administrative issues. That is why I applaud this Bill because it is going to let us have an inventory of who you are, what activities you are doing and where you are doing it. I

would like us to go further. We must have targets for these NGOs and non-state actors wherever they come.

The Bill also goes ahead to talk about how there will be a registry of providers that will be kept. That reflects on what I am saying, that we need to know who you are and go ahead to talk about the amount you have and how much you are going to spend on that activity.

It will not only be enough that we will have NGOs and non-state actors coming to our regions to provide civic education, but we must also have their budgets. Those must be in the public know-how so that we can decide whether they are giving us value for money.

The Bill will even help us support our people in knowing what are the devolved functions that they are entitled to and what are the services that they are entitled to. We have had this fear that functions sometimes were devolved from the national Government, but they were re-centralized again at the county headquarters.

We would like our people to know that it is their right to get those devolved functions, that those functions were devolved from the national Government and they should further be devolved to the sub-counties and the wards so that our people access services and not run back for services to the county headquarters. This Bill is going to support that.

Lastly, I support this Bill because it refers to the Bill of Rights; the rights to association, the right to assemble, the right to demonstrate, and the right to labour relations. This is a very noble Bill and all of us and the whole country should support it. It will have saved us a lot from the lack of knowledge of the rights of our people who cry or suffer because they lack knowledge of certain things that they are entitled to.

The Constitution that we have talks about all these rights. We are here as representatives of the people, and so we must ensure that our people know, I, therefore, support this Bill, and I want to call upon all my colleagues in the Senate to support it so that our people have a right to education, which I have stated is an ongoing activity and never stops.

When devolution was coming in in 2010, after voting, there was a lapse for a period in which the national Government had a duty even to give civic education on devolution. However, you and I and all of us know, that this never happened effectively and efficiently. It is for that reason that our people are still suffering from a lack of knowledge.

Mr. Temporary Speaker, Sir, I support the County Civic Education Bill, 2024 as moved by Sen. Esther Okenyuri.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Beatrice Ogola, thank you for your contribution to this Bill.

Hon. Senators, there being no other Member who wishes to contribute, I call upon Sen. Esther Okenyuri, the mover of this Bill, to reply.

**Sen. Okenyuri:** Thank you, Mr. Temporary Speaker, for this opportunity again. At this point, I first want to start by appreciating Sen (Dr.) Bonnie Khalwale, the Senator for Kakamega County who seconded my Bill.

I also want to appreciate Sen. Faki, the Senator for Mombasa County. I heard you well and clearly.

You quite understand what we are talking about when I passionately speak about why we need to have informed citizens. I also appreciate Sen. Mariam, my neighbour right here; Sen. Murgor, the Senator for West Pokot County; Sen. Cherarkey, who has passionately spoken about my attributes. I am very honoured by those kind words, Senator for Nandi County. Much appreciations.

I also appreciate my colleague, Sen. Beatrice Ogola, one who is always very supportive any time we have such proposals in the House. I am so grateful that you had to sit to this time to support the County Civic Education Bill (Senate Bill No. 4 of 2024). That shows your commitment to having people understand their responsibilities and how they need to take account the kind of leaders they elect to office.

I thought Sen. Mungatana would have time to comment on this, but he ran short of that. However, I wish to appreciate all colleagues. I brought this proposal as a Statement at first, but most Members gave ideas that we need you to come up with a legal proposal. I went back and this is what we have and we keep furnishing it so that we have a product which is going to make sense to elected members and members of the public. At the end of the day, we agree that we need members or citizens who are informed so that no one is going to take advantage of an ordinary member down in Nyamakima or Nyamarambe or Kenyanya or Mombasa or Kisauni.

The people need to be informed before they make any decisions. We are currently calling people to do public participation on a subject they do not understand. That is why when something is brought to an area, people think it is a favour whereas they deserve that service or good.

Mr. Temporary Speaker, Sir, I would not want to speak more than my colleagues. I have spoken about this from times back and I keep emphasizing on this. This evening, I want to make a plea to the media fraternity. These are some of the proposals we need to highlight in the media because they are shaping conversations positively.

In this century, young people are sharing their opinions on social media either by retweeting on *X* or by sharing on *Facebook*, *WhatsApp* or *TikTok*. That is where conversations are currently happening. I request the media fraternity to highlight this as a very progressive proposal, which is going to help curb misinformation and pass positive information that is building people.

Finally, pursuant to Standing Order No.66(3), I request that the putting of the question be deferred to another day.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you. Pursuant to Standing Order No.66 (3), putting of the question is deferred to the next sitting of the House.

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

Hon. Senators, having directed that we defer the putting of the question on Order No. 12; the County Civic Education Bill (Senate Bill No. 4 of 2024), I further direct that Order No.13, 14, 15, 16, 17, 18 and 19 are deferred to the next sitting of this House.

## **BILLS**

*Second Reading*

THE CREATIVE ECONOMY SUPPORT BILL  
(SENATE BILLS NO.30 OF 2024)

*(Bill deferred)*

*Second Reading*

THE LIVESTOCK PROTECTION AND SUSTAINABILITY  
BILL (SENATE BILLS NO.32 OF 2024)

*(Bill deferred)*

*Second Reading*

THE SPORTS (AMENDMENT) BILL  
(SENATE BILLS NO.33 OF 2024)

*(Bill deferred)*

*Second Reading*

THE COUNTY GOVERNMENTS (AMENDMENT)  
BILL (SENATE BILLS NO.39 OF 2024)

*(Bill deferred)*

*Second Reading*

THE COUNTY LIBRARY SERVICES BILL  
(SENATE BILLS NO.40 OF 2024)

*(Bill deferred)*

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*Second Reading*

THE STREET NAMING AND PROPERTY ADDRESSING  
SYSTEM BILL (SENATE BILLS NO.43 OF 2024)

*(Bill deferred)*

*Second Reading*

THE SPORTS (AMENDMENT) (NO.2) BILL  
(SENATE BILLS NO.45 OF 2024)

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, you may now rise. There being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 18<sup>th</sup> February, 2025 at 2.30 p.m.

The Senate rose at 6.25 p.m.