

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 3<sup>rd</sup> April, 2025

*[The House met at the Senate Chamber,  
Parliament Buildings, at 2.33 p.m.]*

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?

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

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

*(The Quorum Bell was rung)*

*(Several Senators walked into the Chamber)*

**The Speaker** (Hon. Kingi): Order. Hon. Senators, we do have Quorum now. Clerk, you may proceed to call the first Order.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM THE DEPARTMENT OF ADMINISTRATION OF THE PARLIAMENT OF GHANA

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Department of Administration of the Parliament of Ghana. The delegation comprises seven staff who are on a benchmarking visit to the Parliament of Kenya to equip them with the best practices and operations on their administrative function.

I request each member to be upstanding when called out, so that you may be acknowledged in the Senate tradition.

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- (1) Ms. Patience Cibil Osei
- (2) Ms. Sheila Janet Noye
- (3) Mr. Edwin Anyetei Ayeng
- (4) Mr. Ari Nuseli Alma
- (5) Mr. Hayford Bekoe
- (6) Mr. Dudu Frederick
- (7) Ms. Maud Asnam Ameyibo

On behalf of the Senate and my own behalf, I extend a warm welcome to you and wish you a fruitful visit.

*(Applause)*

Hon. Members, I also have another Communication to make.

VISITING DELEGATION FROM MARANDA BOYS  
HIGH SCHOOL, SIAYA COUNTY

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Maranda Boys High School in Siaya County. The delegation comprises 58 students and four teachers who are undertaking an academic exposition.

On behalf of the Senate and my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

VISITING DELEGATION FROM GITHUKIMUNDU  
COMPREHENSIVE SCHOOL, NYERI COUNTY

Also, I would like to acknowledge the presence in the public gallery this afternoon of visiting students and teachers from Githukimundu Comprehensive School in Nyeri County. The delegation comprises 45 students and five teachers who are undertaking an academic exposition.

On behalf of the Senate and my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

I call upon the Majority Whip to extend a warm welcome to the delegation from the Parliament of Ghana, under one minute. Thereafter, the Senator for Siaya County to also extend a word of welcome to the delegation from Maranda Boys High School. I will also ask Sen. Orwoba to welcome the delegation from Githukimundu Comprehensive School in Nyeri County.

Proceed in that order.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir, for nominating me to welcome our visitors from Ghana. On behalf of my colleagues, I assure them that they will have an enjoyable experience. Kenya is a wonderful country and they should not feel confined to the precincts of Parliament. Instead, they are encouraged to explore further. If they wish, I am happy to share my contact information with them.

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Additionally, I would like to mention that I am well-acquainted with Ghana, having undergone training at the World Bank Group located on Independence Avenue in the rich suburbs of Accra.

*(Applause)*

Mr. Speaker, Sir, I assure them that during my time in Ghana, I had the pleasure of enjoying *fufu*, a special and interesting dish. You eat it and remain satiated for 24 hours without feeling hungry. It was only after experiencing this dish that I understood why Ghanaian players excel in soccer. Please, extend our greetings to our colleagues in Accra.

Thank you.

**Sen. (Dr.) Oburu:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to welcome Maranda High School to this august House. For the information of the House, this is my home school, where I began my education in Standard One, studying under the shade of trees. This is also the school where my father was educated, the same school where my brother, Hon. Raila Odinga, attended and indeed the school that all of us in my family hold dear.

I am an alumnus of Maranda High School. It is remarkable that despite being a small village school, it once rose to become the number one school in the entire nation of Kenya, even surpassing Alliance High School. I am very proud of this school. It is always among the top schools, and we urge them to maintain the standards and keep the banner flying high. Let the flame of excellence continue to burn brightly.

Mr. Speaker, Sir, we are deeply honored to welcome them to the Senate. I am so happy that they have chosen to visit the Senate, which is the ‘upper’ House

Thank you.

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to extend my warm regards to the students in the gallery and to welcome them to this ‘Upper’ House, the Senate of Kenya. As you can see, this is not a House exclusively for older men. It is a House where women are represented, alongside a number of young legislators.

First and foremost, I want you to feel welcome. Additionally, I urge you to learn not only from the work we do here, but also from our mistakes, so that you can avoid repeating them when you eventually join this House in the future.

I also wish to extend a warm welcome to the delegation from Ghana. Ghana is like my second home. I have studied and worked there, and I have a large family in Ghana. In fact, I have even been given a name in Ghana—they call me Emefa, derived from Ewe. Please, feel welcomed. I look forward to connecting outside of the Chamber over a cup of tea to discuss further opportunities for collaboration and building on the strong relationship we already share.

Thank you.

**The Speaker** (Hon. Kingi): Next Order.

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**PETITION****EVICION THREATS TO RESIDENTS OF  
GANDA WARD, KILIFI COUNTY**

Hon. Senators, pursuant to Standing Order No.232 (1) (a), I report a Petition regarding threats, intimidation, harassment and eviction of residents of Ganda Ward by agents or private developers. The Petition has been submitted through the Clerk by Hon. Oscar Wanje, a Member of the County Assembly (MCA) of Kilifi County, representing Ganda Ward.

*(Sen. Madzayo consulted loudly)*

Senate Minority Leader, you may wish to listen to this Petition.

As you are aware, under Article 191 of the Constitution, and I quote,

“Every person has the right to petition Parliament to consider any matter within its authority, including to enact, amend, or repeal any legislation.”

The salient issues raised in the petition are as follows-

THAT there are over 6,000 households residing on Plot No.87, 170, 216, 238, 240, 255, 256, 288, 299, 308, 372, and 403 in Ganda Ward who have faced persistent threats, intimidation, harassment and eviction attempts by alleged agents or private developers.

THAT the residents have lived on the said plots for over 50 years and have established homes, schools, churches, mosques and social amenities.

THAT the residents occupying these plots have experienced constant harassment by alleged private developers. These actions have escalated tensions within the community and raised security concerns among the local residents and leaders.

THAT on 7<sup>th</sup> October, 2024, the residents wrote to the Mombasa Land Registrar and the National Land Commission (NLC) requesting an official property search and intervention regarding the threats they were facing. However, these efforts yielded no results.

THAT on 28<sup>th</sup> October, 2024, the residents submitted another request to the County Land Registrar for the deed plan for the plots. However, these efforts were also unsuccessful.

THAT despite numerous attempts to seek redress from the Land Registrar, the NLC, and the Ministry of Lands, Public Works, Housing and Urban Development, responses have been unsatisfactory. The lack of resolution has left residents vulnerable to further harassment and intimidation.

THAT the concerns raised in this Petition are not pending before any court of law or other constitutional or legal body.

Consequently, the petitioner prays that the Senate intervenes and investigates the concerns raised in this Petition with a view to do the following-

(1) Makes appropriate recommendations including making proposals for legislative interventions as may be necessary to address the issues raised in the Petition.

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(2) Recommends the fast-tracking of the process of adjudication and granting ownership of the land to the residents of Plot Nos.87, 170, 216, 238, 240, 255, 256, 288, 299, 308, 372 and 403 in Ganda Ward.

Hon. Senators, pursuant to Standing Order No.238 (1), I commit the Petition to the Standing Committee on Land, Environment and Natural Resources for consideration. In terms of Standing Order No.238(2), the Committee is required, in not more than 60 calendar days from the time of reading the prayer, which is today, to table its report in the Senate for consideration.

I thank you.

*(The Petition was committed to the Committee on  
Land, Environment and Natural Resources)*

Let us go the next Order.

### PAPERS LAID

#### REPORT OF THE AUDITOR-GENERAL ON KITUI COUNTY CLIMATE CHANGE FUND FOR THE PERIOD ENDED 30<sup>TH</sup> JUNE, 2024

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 3<sup>rd</sup> April, 2025-

Report of the Auditor-General on Kitui County Climate Change Fund for 15-month period ended 30<sup>th</sup> June, 2024.

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

**The Speaker** (Hon. Kingi): Next is a Paper to be laid by the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations.

#### REPORT ON PETITION: RESTRICTING COUNTY GOVERNMENTS FROM HIRING LAW FIRMS FOR LEGAL REPRESENTATION

**Sen. Abass:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 3<sup>rd</sup> April, 2025-

Report of the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Laban Omusundi concerning restraining county governments from hiring law firms to represent them in court cases.

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

**The Speaker** (Hon. Kingi): Let us go the next Order.

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**NOTICES OF MOTIONS****RESOLUTION TO EXTEND THE TENURE OF THE  
IEBC SELECTION PANEL**

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise to give Notice of the following Motion-

AWARE THAT, vide Gazette Notices Nos. 1901 and 2643 dated 14<sup>th</sup> February, 2023 and 1<sup>st</sup> March, 2023, respectively, His Excellency the President declared one (1) vacancy for the position of the Chairperson of the Independent Electoral and Boundaries Commission (IEBC), and six (6) vacancies for the position of Member of the IEBC;

FURTHER AWARE, that vide Gazette Notice No. 715 of 27<sup>th</sup> January, 2025, His Excellency the President appointed members of the Selection Panel for the Recruitment of Nominees for Appointment as the Chairperson and Members of the Independent Electoral and Boundaries Commission;

NOTING that, upon its appointment, the Selection Panel commenced the recruitment process and longlisted all applicants and subsequently shortlisted qualified applicants for the positions of Chairperson and Member of the Independent Electoral and Boundaries Commission;

FURTHER NOTING that, paragraph 6(1) of the First Schedule to the Independent Electoral and Boundaries Commission Act, CAP 7C, provides that the Selection Panel shall finalise the recruitment exercise within ninety days of its appointment and forward the names of the nominees to the President;

CONSCIOUS that, the Selection Panel is currently undertaking the interviews of the shortlisted candidates for the positions of Chairperson and Members of the Independent Electoral and Boundaries Commission, and that, given the interview schedule of all shortlisted applicants, the Selection Panel has inadequate time to conclude the recruitment process;

FURTHER CONSCIOUS of the need for the Selection Panel to ensure the recruitment process complies with the constitutional principles of regional balance, representation of the youth and overall inclusivity, while ensuring that the interviews are conducted as far as is practicable, within official working days and hours;

NOW, THEREFORE, pursuant to the provisions of paragraph 6(2) of the First Schedule to the Independent Electoral and Boundaries Commission Act, CAP 7C, the Houses of Parliament RESOLVE to extend the tenure of the Selection Panel for the Recruitment of Persons for appointment as Chairperson and Members of the Independent Electoral and Boundaries Commission by a period of fourteen (14) days from 28<sup>th</sup> April, 2025.

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

ADOPTION OF REPORT ON RESTRICTING COUNTY GOVERNMENTS  
FROM HIRING LAW FIRMS FOR LEGAL REPRESENTATION

**Sen. Abass:** Mr. Speaker, Sir, I beg to give the following Notice of Motion- THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations and the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by Mr. Laban Omusundi concerning restraining county governments from hiring law firms to represent them in court cases, laid on the Table of the Senate on Thursday, 3<sup>rd</sup> April, 2025.

**The Speaker** (Hon. Kingi): Let us go the next Order. We will start with Statements pursuant to Standing Order No.53(1).

**QUESTIONS AND STATEMENTS**

**STATEMENTS**

UNPROFESSIONALISM IN THE PUBLIC  
SERVICE TRANSPORT SECTOR

**Sen. Lemaletian:** Mr. Speaker, Sir, I am reading the following Statements on behalf of Sen. (Prof.) Tom Odhiambo Ojienda, SC.

Mr. 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 professionalism in the public service transport sector.

Mr. Speaker, Sir, on the 12<sup>th</sup> of March, 2025, a conductor of a Super Metro Sacco Limited Passenger Service Vehicle (PSV) pushed a passenger out of a moving bus leading to the passenger's untimely death. This reckless and inhuman act is not only a violation of human rights, but also raises concerns about the professionalism and conduct of PSV drivers and conductors across the country.

In the Statement, the Committee should address the following-

(1) The actions being taken by the National Transport and Safety Authority (NTSA) and other law enforcement agencies to fastrack investigation into the specified tragic incident and to prosecute those responsible.

(2) The measures in place to ensure strict adherence to PSV operators to establish professional standards in respect of licensing and training of drivers and conductors and enforcement of ethical conduct amongst the drivers and conductors.

(3) The steps taken to curb misconduct and violence by PSV drivers and conductors including the disciplinary and monitoring mechanisms in place to guarantee passenger safety.

(4) Policy or legislative proposals to enhance professionalism, accountability and overall passenger safety in the public transport sector.

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## VIOLENT CLASHES IN SONDU TOWN

On my second Statement, Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the violent clashes that occurred on the 22<sup>nd</sup> February, 2025 in Sondu Town, which is located along the border of Kisumu and Kericho counties which tragically resulted to three fatalities.

In the Statement, the Committee should address the following-

(1) The causes, timelines and impact of the clashes including the number of casualties, extent of property destruction, displacement of residents and any historical disputes or boundary ambiguities contributing to tensions in the area.

(2) The immediate security interventions undertaken to restore calm including the deployment of law enforcement personnel, coordination between the national and county governments and efforts to prevent further escalation.

(3) The role of local traders, elders and peace committees in conflict and mediation and assessment of the effectiveness of existing peace accords and community-based conflict resolution mechanism.

(4) The long-term strategies being implemented to ensure sustainable peace and development in the region outlining community engagement initiatives, infrastructure investment and social economic programs to address root causes of conflict.

(5) The measures in place to ensure accountability for those responsible for violence including investigations, arrests, prosecution and steps taken to break the cycle of impunity in the region.

ESTABLISHMENT AND CONSERVATION OF  
WILDLIFE CORRIDORS IN KISUMU COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the establishment and conservation of wildlife corridors with a specific focus on Kisumu county.

Mr. Speaker, Sir, the rapid urbanization and agricultural expansion have increasingly encroached upon key ecological zones threatening species such as hippos, impalas and over 115 bird species found in the Kisumu Impala Sanctuary. Additionally, human wildlife conflicts particularly around Lake Victoria cause risks to both local communities and wildlife populations given that Kenya's tourism sector contributes approximately to 10 percent of the Gross Domestic Product (GDP) and provides over 1.8 million jobs.

Safeguarding these corridors is crucial for maintaining ecological balance and sustaining economic benefits

In the Statement, the Committee should address the following-

(1) Existing and proposed wildlife corridors in Kisumu County, their significance in conservation and biodiversity protection and the role in Kenya Wildlife Service (KWS)

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and county authorities in the management and the level of funding and resources allocated by both national and county governments for their development and long-term sustainability.

(2) The impact of human settlements infrastructural projects and agricultural expansion on wildlife movements and ecological balance in the region.

(3) Measures put in place to mitigate human-wildlife conflicts particularly in areas where the wildlife corridors intersect with community settlements.

(4) The Government's efforts to secure land for conservation and any plans to encourage local communities in core management strategies.

(5) Data on wildlife species affected by the habitat fragmentation in Kisumu County and the conservation strategies being implemented for their protection.

#### SCHEME OF SERVICE FOR CHIEFS AND ASSISTANT CHIEFS

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order (53(1)) to seek a Statement from Standing Committee on National Security, Defence and Foreign Relations concerning the scheme of service for national Government administrative officers, specifically chiefs and assistant chiefs.

In the Statement, the Committee should address the following-

(1) The scheme of service currently guiding the recruitment, promotion and career progression of chiefs and assistant chiefs including when it was last reviewed and updated.

(2) The criteria used for hiring and promoting chiefs and assistant chiefs including the entry level, job group, highest attainable job group within the ranks and the minimum and maximum duration an officer stays within a job group before promotion.

(3) The breakdown of emoluments received by chiefs and assistant chiefs including, but not limited to basic salary, housing allowance, transport allowance, extraneous allowance and annual salary increments.

(4) The existing gaps and reforms needed in the current scheme of service to address stagnation in career progression and improve motivation and retention among these officers.

**The Speaker** (Hon. Kingi): Let us have Sen. (Dr.) Khalwale representing the Senate Majority Leader to present the Statement on the business for the coming week.

#### BUSINESS FOR THE WEEK COMMENCING TUESDAY, 8<sup>TH</sup> APRIL, 2025

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, pursuant to Standing Order 57(1), I hereby present the business for the week commencing Tuesday 8<sup>th</sup> April, 2025.

Before I proceed with the Statement, I take this opportunity to welcome honourable Senators back from the short recess. I hope they took time to rest, spent time with family and friends - for those who have - reconnect with constituents and rejuvenate themselves for Part Two of the Fourth Session.

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As hon. Senators will recall, on Thursday, 27<sup>th</sup> March, 2025, the Senate held a Special Sitting during which Motions on the adoption of the Reports of the County Public Accounts Committee and the County Public Investments and Special Funds Committee were considered and approved. Additionally, the County Governments Additional Allocations Bill (Senate Bills No.1 of 2025) was considered and passed at the Second Reading stage.

I take this opportunity to thank Hon. Senators for availing themselves for the Special Sitting and for their dedication to the work we were able to accomplish.

The status of legislative business pending before the Senate is as follows-

(i) Fifty-one Bills, of which 42 are at the Second Reading Stage and 17 are at the Committee of the Whole stage;

(ii) Thirty-three Motions are pending conclusion;

(iii) Twenty-six petitions are pending conclusion, out of which 18 are due for reporting by the respective Standing Committees; and

(iv) Five hundred and sixty-eight statements pursuant to Standing Order No. 53(1) are under consideration by Committees.

As Hon. Senators will recall, during yesterday's afternoon sitting, Wednesday, 2<sup>nd</sup> April, 2025, the Speaker gave directives concerning the processing of Statements. In this regard, I implore Hon. Senators to adhere to the provisions of Standing Order No. 55 when making a request for a Statement.

On Tuesday, 8<sup>th</sup> April, 2025, the Senate Business Committee 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 Sitting on Wednesday, 9<sup>th</sup> April, 2025 will include the Schedule of Questions to Cabinet Secretaries as approved by the Senate Business Committee, as well as Motions. The Questions scheduled include: -

- (a) Question to the Cabinet Secretary for Environment, Climate Change and Forestry by Sen. James Murango, MP;
- (b) Question to the Cabinet Secretary, the National Treasury and Economic Planning by Sen. Enoch Wambua, CBS, MP;
- (c) Question to the Cabinet Secretary, the National Treasury and Economic Planning by Sen. James Murango, MP;
- (d) Question to the Cabinet Secretary, the National Treasury and Economic Planning by Sen. (Prof.) Tom Ojienda, SC, MP;
- (e) Question to the Cabinet Secretary for Roads and Transportation by Sen. Mohamed Chute, MP;
- (f) Question to the Cabinet Secretary for Roads and Transportation by Sen. James Murango, MP;
- (g) Question to the Cabinet Secretary for Roads and Transportation by Sen. (Prof.) Tom Ojienda, SC, MP;
- (h) Question to the Cabinet Secretary for Roads and Transportation by Sen. Daniel Maanzo, EBS, MP; and,

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- (i) Questions to the Cabinet Secretary for Roads and Transportation by Sen. Fatuma Dullo, CBS, MP.

The tentative business for the Afternoon Sitting on Wednesday, 9<sup>th</sup> April, 2025, will include business not concluded from the Order Paper for Tuesday, 8<sup>th</sup> April, 2025 and the following-

Bills at the Second Reading stage: -

- (i) The County Governments (State Officers Removal from Office) Procedure Bill (Senate Bills No. 34 of 2024);
- (ii) The Creative Economy Support Bill (Senate Bills No. 30 of 2024);
- (iii) The County Governments (Amendment) Bill (Senate Bills No. 39 of 2024);
- (iv) The Labour Migration and Management (No. 2) Bill (Senate Bills No. 42 of 2024); and
- (v) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024).

Also included will be business at the Committee of the Whole: -

- (i) The Early Childhood Education (Amendment) Bill (Senate Bills No.54 of 2023);
- (ii) The Local Content Bill (Senate Bills No.50 of 2023);
- (iii) The Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41 of 2023);
- (iv) The County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023);
- (v) The Co-Operative Societies (Amendment) Bill (Senate Bills No.53 of 2023);
- (vi) The Public Fundraising Appeals Bill (Senate Bills No.36 of 2024);
- (vii) The Heritage and Museums Bill (Senate Bills No.8 of 2023); and,
- (viii) The County Library Services Bill (Senate Bills No.40 of 2024).

The projected business for Thursday, 10<sup>th</sup> April, 2025 will include business not concluded in the Order Paper for Wednesday, 9<sup>th</sup> April, 2025, and any other business scheduled by the Senate Business Committee.

Mr. Speaker Sir, I thank you and hereby lay the statement on the Table of the House.

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

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes on the Statements that have been requested. Can we hear from the Senator for Nandi County?

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. My remarks are on the Statement sought by the Senator for Taita-Taveta County on the issue of scheme of service for national government administration officers, especially chiefs and assistant chiefs.

How I wish the Senator also added the scheme of service for *Nyumba Kumi* and village elders. I think we can discuss these issues when the Cabinet Secretary appears before the Committee. I say this because chiefs and assistant chiefs are over-glorified social workers. This is because we depend on the chiefs for everything that happens in the village, sub-location and location level.

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The chiefs in Baringo are becoming easy target of criminals and bandits in that region. They have actually become easy targets of criminal attacks everywhere. They, therefore, must be protected at all costs. We must provide them with schemes of service for them to discharge their duties without fear or favour.

I am happy that with the amendment of the law, the assistant chiefs and chiefs have now been assigned administration police officers for easy enforcement. People go to see the chiefs for marital problems, land issues, cultural differences, and they are normally present.

Secondly, we need to look into the case of the *Nyumba Kumi* leaders because they ensure that there is peace. The other day, in Kwale or Kilifi, there were machete wielding criminal gangs. This happens in many areas. I want to ride on this Statement and state that we must include the village elders. It is not enough to give them stipend. Those village elders are very critical.

I appeal to the Ministry of Interior and National Administration that they should not include academic qualifications. The only academic qualification the village elders need is to understand the cultural norms and behavior of a community. Those village elders have become the cornerstone of the rule of law and order within the community.

We do not even need to know whether the village elders went to school or not. If one wants to become a village elder in Sen. Wambua's village, all they need is to be above 40 years old, married and have an understanding of the local culture of the place. If they fit that criteria, then they should be given the job and paid. It is not right to ask the village elders to have academic qualifications. This is because we have brilliant fools in this country.

There are many brilliant fools in this country who cannot do a quarter of what our village elders are doing. We should make the stipend to village elders a salary. We should also give them an office, beck and call of administration police officers to ensure they enforce the law. When we do that, they will assist on marital issues, cultural differences and they will also assist track criminals within our society.

Mr. Speaker, Sir, I support this Statement and hope that the scheme of service for assistant chiefs, chiefs, village elders, and *Nyumba Kumi* leaders are well factored in for the protection of societal order within our villages, locations, and even within our counties.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Wambua, you have three minutes.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. I would like to also make comments on the Statement brought by the Senator for Taita-Taveta on the schemes of service for chiefs and assistant Chiefs.

The service provided by these administrators at the local level is so crucial that an assistant chief plays the roles of a judge, family counsellors, administrators and arbitrators. So, the services that they offer are so critical that there is need for a proper scheme of service, complete with clarity on career progression path, such that, someone can begin as a village elder or assistant chief, and aspire to go through the administrative ladder and one day become a regional commissioner. That progression must be so clear that the people that grow in the system are people who understand how the system works.

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Mr. Speaker, Sir, I do not agree with Sen. Cherarkey on a lot of things, but I agree with him on the issue that he has brought to the Floor about village elders. Let us not even make the service of village elders too academic or elitist. Why do you need a university degree to be able to resolve small village issues? The best qualification for a village elder is a person who is mature enough to understand the challenges of the village and who is known within the village, who knows the boundaries of the village, relationships within the families of the village and the culture of the village. We should not make these things too academic. Otherwise, we are going to have a situation where we shall say that the people who work in our farms must have degrees in agriculture.

Let us be realistic. Where the rubber meets the road in the villages, let us have mature men and women who can arbitrate on issues, people who understand the issues in their villages.

I support.

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

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Allow me to laud the Senator of Taita-Taveta County. The issue of the role of chiefs is truly misunderstood. Chiefs and assistant chiefs are important; you do not have to ask. The moment you enter Magarini and meet an assistant chief, their discipline, demeanour and grasp of local issues is always congruent to what I find in Lwakhakha in Bungoma. What is lacking is the national appreciation of their work.

Mr. Speaker, Sir, look at the critical area of alternative resolution of disputes. Chiefs and assistant chiefs are the only ones who are not corrupt in that court. They are able to preside over serious issues, including land issues, and they settle those cases amicably, without having to be corrupted. However, allowed to go through the normal legal process, families will spend years without end, waste hundreds of thousands of shillings, and no resolution of the dispute will come.

Mr. Speaker, Sir, I would like to add that we should have clear distinction between the key issues of the court, the chiefs and their roles, and the new-look police stations. There are now so many police stations in the villages. So, the police will ask the assistant chief to go and arrest criminals. The chiefs and assistant chiefs risk their lives because some of these criminals are violent people. When they hand them over at the police station, at the police station, the Officer Commanding Station (OCS) creates a kangaroo court and releases the same criminals. The criminals go back to the village and attack the assistant chief and the chief. We need to protect these people, and this protection should appreciate that they also need medical cover.

Mr. Speaker, Sir, our chiefs require to be trained and formally armed with firearms for their own protection and their facilitation to carry out their duties.

Finally, most governors across the country have created a parallel administrative unit. Some call it village administrators. Whatever they call them, we need to harmonize between the two levels of Government, so that there is no clashing. Sometimes you go to public functions and hear the chief being contradicted by the community area administrator from a county government.

I support this important Statement.

**The Speaker** (Hon. Kingi): Sen. Faki, kindly proceed for three minutes.

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**Sen. Faki:** Asante, Mhe. Spika, kwa kunipa fursa hii kuchangia kauli iliyoletwa na Sen. Mwaruma.

Kazi inayofanywa na machifu na wazee wa mitaa ni muhimu sana katika nchi yetu. Kwa hakika, wanafanya kazi ngumu. Kwa mfano, katika Kaunti ya Mombasa, kuna mzee wa mtaa alipigwa risasi na kuuliwa na majambazi ambao walikuwa wanahusiana na ugaidi, yaani *Al Shaabab*. Familia iliondoka patupu. Mambo ambayo yanapelekwa kwa polisi na kufika mahakamani yanachukua muda mrefu kutatuliwa kuliko yale ambayo yanazungumziwa kwa chifu na kupitia kwa wazee ambao wanakaa kwa chifu, hususan maswala ya kijamii kama vile ugomvi katika ya bibi na bwana nyumbani.

Kwa hivyo, Mhe. Spika, hawa ni watu muhimu sana. Hivi sasa, kwa sababu ya ukosefu wa kazi, baadhi ya machifu ambao wanaajiriwa wamefika mpaka chuo kikuu na wana shahada ya digri katika masomo na taaluma mbali mbali ambazo wamesomea. Walakini, kwa sababu ya ukosefu wa kazi, wanaendelea kufanya kazi ya chifu. Kwa hivyo, ni muhimu sana kwa jamii kuwatambua hawa watu na umuhimu wao katika jamii.

Mhe. Spika, zamani hata wanafunzi wa *university* walipokuwa wanafukuzwa lazima wangeripoti kwa chifu. Ijapokuwa chifu hakusoma, ilikuwa lazima uripoti kwake ili uone ile *authority* ama umuhimu wa kazi ya chifu. Kwa hivyo, ni lazima *terms* za kazi za watu hawa ziboreshwe ili wanapofanya kazi na majukumu ambayo wamepewa wayafanye kwa kuzingatia kwamba kazi yao inatumbulika.

Juzi, Waziri Murkomen alitoa agizo kwamba, iwapo kutapatikana pombe haramu katika eneo fulani, chifu wa hiyo eneo atapoteza kazi. Hiyo sio njia ya kuwashajisha machifu kufanya kazi. Wanafanya kazi muhimu na kazi yao ni lazima itambuliwe na vile vile, waweze kulipwa mshahara ambao utazingatia zile kazi na changamoto wanazozipata katika kazi zao.

Asante.

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

**Sen. Kinyua:** Asante Mhe. Spika, kwa kunipa fursa hii kuchangia kauli iliyoletwa na Sen. Jones Mwaruma.

Ni vizuri ijulikane wazi kwamba machifu na manaibu wao wana kazi muhimu wanayofanya. Ikumbukwe kwamba, hawa manaibu wa chifu ndio wanashughulikia mambo ya usalama pamoja na wazee wa mitaa. Kwa mfano, ukitembea Kaunti ya Laikipia, utapata machifu wengi ndio wanahusika sana na mambo ya usalama. Kwa mfano, katika eneo la Doldol, kumeuwa chifu kwa sababu yeye ndio anahusika. Ngómbe wanapoibiwa, wao ndio wako katika mstari wa mbele kufuata. Kwa hivyo, wanapaswa kushughulikiwa. Unapata chifu anatumia pikipiki yake ambayo hajapewa na serikali na mafuta yake. Chifu anatumia pesa zake na hawezi kupewa fidia na serikali.

Kwa hivyo, kauli hii imeletwa na imesema ya kwamba kuongezwa kwa mamlaka ama madaraka haifuati kiwango cha masomo waliyonayo. Wengi wao, ambao ni manaibu chifu, walijajiriwa wakiwa ni naibu chifu na atastaafu akiwa naibu chifu. Hawezi kufika kiwango kingine.

Ni vizuri kuangaliwe kazi anayofanya. Kitambo kidogo, manaibu wa chifu na chifu walikuwa wanapewa askari ambao wangetumia iwapo wangetaka kufuata wezi na wagama wanaotengeneza pombe. Lakini wakati huu, chifu hana mlinzi yeyote. Yeye ni

kama mwananchi wa kawaida. Kile alichonacho pengine ni ile sare ya maafisa wa usalama lakini hana chochote kingine. Kwa hivyo, yeye ni kama mwananchi wa kawaida.

Haya mapendekezo yakipelekwa katika kamati kunapaswa kuletwe mapendekezo yatakayosema hata machifu wanapaswa warejeshewe wale maafisa wao. Kama sio hivyo, machifu wapewe bunduki kwa sababu wanatumika vizuri. Sio tu kwa mambo ya usalama. Hata nakumbuka tulipokuwa wanafunzi tukiwa pale chuoni, kila wakati ukitaka kujaza bursary, chifu angeulizwa kwa sababu anajua kila mwanafunzi na kila mzazi katika sehemu yake. Angeweza kueleza kwa ufasaha ni nani huyu, je kwao ni maskini ili ajulikane vizuri.

Bw. Spika, naunga mkono Kauli hii ambayo imewasalishwa na Sen. Mwaruma na kukabidiwa Kamati husika. Nawaahidi tutaiunga mkono.

Asante, Bw. Spika.

**The Speaker** (Hon. Kingi): Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Asante, Bw. Spika, kwa kunipa fursa hii nchangie hii kauli iliyoletwa na Sen. Mwaruma. Kauli hii ni muhimu sana kwa sababu manaibu wa machifu na machifu ni watu muhimu sana kwa kila eneo. Utapata ya kwamba hata Serikali ikitaka kujua vile kijiji kinaendelea, wanapitia kwa manaibu wa machifu na machifu.

Naunga mkono kauli hii. Hawa machifu wanapaswa kupewa ulinzi kwa sababu wanafichua njama za watu waovu wanaoweza kuwarudia na kuwaumiza. Hili lina hatarisha maisha yao wanapofichua njama za wahalifu kwenye vijiji.

Pia, ningeomba Sen. Mwaruma na Kamati itakayokabidhiwa Taarifa hii waweze kuangalia hata wazee wa nyumba kumi ambao pia hufanya kazi nyingi sana. Machifu na manaibu wao hawawezi kufanya kazi vizuri bila wazee wa vijiji na viongozi wa nyumba kumi. Wao ndio hufichua kule pombe haramu huuzwa na wahalifu kijijini. Hata mtu aliye mgeni akiingia kwa kijiji, watu wa kwanza kumtambua huwa ni wazee wa kijiji, chifu na naibu wao.

Ni vizuri pia wawe wanapandishwa vyeo kulingana na muda uliowekwa. Pia, Kamati inapoenda kuangalia Kauli hili, wahakikishe pia hawa wazee wanalipwa. Wazee hawa huamshwa usiku wa manane kwenda mahali kuna mgonjwa au uhalifu bila kuogopa ilhali hawapewi chochote na Serikali. Kwa hivyo, ni vizuri hata hao wazee wa nyumba kumi wawe wanalipwa ama wapewe pesa ya usafiri ili kwenda kule wanakohitajika.

Utapata hata polisi kufanya kazi nzuri katika stesheni zao inabidi watumie machifu na manaibu wao na wazee wa nyumba kumi ili wapate ripoti za wale wahalifu mahali waliko.

Asante sana, Bw. Spika. Ninaunga mkono Taarifa hii.

**The Speaker** (Hon. Kingi): Sen. Wakili.

**Sen. Wakili Sigei:** Thank you very much, Mr. Speaker, Sir. I appreciate Sen. Mwaruma for bringing out such a very important aspect of the national administration. The positions of assistant chief and chief are the lowest level of administration in the national Government. The proposal that this particular statement is seeking to have a scheme of service for national Government administrative officers is something that should have been done a while back.

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This is a team of men and women who run our affairs as a nation at the lowest level of administration. They are the people who deal with every case before it gets to the police station, court and any other *baraza* that deals with it. They are the first point of call when there is a problem in any family or society.

Having a scheme of service for these chiefs and assistant chiefs will help them in so many ways. One of the critical things is to motivate them to know that you grow in the system. Having been employed as an assistant chief, you have an opportunity to have your career progress when there is a scheme of service. Failure to have such an arrangement will always discourage them from performing their roles. We have had sessions with a number of these people. Over the weekend, I can confirm that I had a session with a number of them who, besides operating without resources and offices, most of them operate from their homes.

These are people who receive all kinds of problems and they are expected to deal with them. Having a scheme of service, having them in a structured kind of arrangement that they know when they get into office, within three years, they will move to the next level, this will have them supported, so that they deliver for the people that they represent. This, as I have said, is the team that is also supporting the Government. In most of the public participations that we conduct, the people who convene these meetings, the people who call upon the residents to participate are the area chiefs and assistant chiefs. Without them, I am very sure we are unable to reach out to the people who are more important than those who are in white-collar jobs in the offices.

I call upon the Committee that will deal with this particular statement to go beyond the scope of service and ensure that part of what they come up with also addresses the operationalisation of several administrative units that have been gazetted across. I know for a fact that in my county, we have over 100 administrative units that have been gazetted, but have not been operationalised.

I ask that this Committee goes beyond this aspect on their scheme of service and ensures that they support them, so that they are able to do the job of the chief and assistant chief, which supports the national Government in helping the residents who are looking up to them.

Mr. Speaker, Sir, I support and ask that this Statement be expedited because it is very important.

**The Speaker** (Hon. Kingi): Hon. Senators, we have expended the 15 minutes interrogating these statements. We will, therefore, move to the next Order.

Clerk, call out the next Order.

## MOTION

### CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO.7 OF 2023)

THAT, the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023) be now considered.

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*(Sen. Murgor on 2.4.2025 - Afternoon Sitting)*

*(Resumption of debate interrupted on 2.4.2025 - Afternoon Sitting)*

**The Speaker** (Hon. Kingi): Hon. Senators, this is a matter that does not affect counties and, therefore, voting shall be by voice.

Clerk, do we have the requisite quorum before I put the question?

We do?

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

All right.

*(Question put and agreed to)*

Next Order.

## **BILL**

*Second Reading*

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL  
(SENATE BILLS NO.10 OF 2024)

*(Sen. Cheruiyot on 1.4.2025)*

*(Resumption of debate interrupted on 1.4.2025 -  
Afternoon Sitting)*

*(Bill deferred)*

Next Order.

## **MOTION**

REPORT OF THE MEDIATION COMMITTEE ON THE CONFLICT OF  
INTEREST BILL (NATIONAL ASSEMBLY BILL NUMBER 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 No. 167(3) of the Senate, approves the mediated version of the Bill.

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*(Sen. Wakili Sigei on 25.2.2025)*

*(Resumption of debate interrupted on 20.3.2025)*

*(Division)*

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

**The Speaker** (Hon. Kingi): Now, Hon. Senators, if you look at Orders No.11, 12, 13, 14 and 15, they are Committee of the Whole. I do not see Sen. Crystal Asige, I can see Sen. Edwin Sifuna. I do not see the Senate Majority Leader, who is supposed to handle Orders No.13, 14 and 15. I will, therefore wish to defer the Committee of the Whole for now.

### **COMMITTEE OF THE WHOLE**

THE ENERGY (AMENDMENT) BILL  
(SENATE BILLS NO.42 OF 2023)

*(Committee of the Whole deferred)*

### **COMMITTEE OF THE WHOLE**

CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE  
PERSONS WITH DISABILITIES BILL (SENATE BILLS NO.7 OF 2023)

*(Committee of the Whole deferred)*

### **COMMITTEE OF THE WHOLE**

THE COUNTY ASSEMBLIES PENSIONS SCHEME  
BILL (SENATE BILLS NO.14 OF 2024)

*(Committee of the Whole deferred)*

### **COMMITTEE OF THE WHOLE**

THE NATIONAL DISASTER RISK MANAGEMENT BILL  
(NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE LAND (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO.40 OF 2022)

*(Committee of the Whole deferred)*

We, therefore, move to Order No.16, which is the Extension of time of the Selection Panel for the Recruitment of Nominees for Appointment as the Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC).

Proceed to call that Order.

**MOTIONS**

RESOLUTION TO EXTEND THE TENURE  
OF THE IEBC SELECTION PANEL

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I rise to move the following Motion-

AWARE THAT, vide Gazette Notices No.1901 & 2643 dated 14<sup>th</sup> February, 2023 and 1<sup>st</sup> March, 2023, respectively, His Excellency the President declared one (1) vacancy for the position of the Chairperson of the Independent Electoral and Boundaries Commission (IEBC) and six (6) vacancies for the position of Member of the IEBC;

FURTHER AWARE, that vide Gazette Notice No.715 of 27<sup>th</sup> January, 2025; His Excellency the President appointed members of the Selection Panel for the Recruitment of Nominees for Appointment as the Chairperson and Members of the Independent Electoral and Boundaries Commission;

NOTING that, upon its appointment, the Selection Panel commenced the recruitment process and longlisted all applicants and subsequently shortlisted qualified applicants for the positions of Chairperson and Member of the Independent Electoral and Boundaries Commission;

FURTHER NOTING that, paragraph 6(1) of the First Schedule to the Independent Electoral and Boundaries Commission Act, CAP 7C, provides that the Selection Panel shall finalise the recruitment exercise within ninety days of its appointment and forward the names of the nominees to the President;

CONSCIOUS that, the Selection Panel is currently undertaking the interviews of the shortlisted candidates for the positions of Chairperson and Members of the Independent Electoral and Boundaries Commission, and that, given the interview schedule of all shortlisted applicants, the Selection Panel has inadequate time to conclude the recruitment process;

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FURTHER CONSCIOUS of the need for the Selection Panel to ensure the recruitment process complies with the constitutional principles of regional balance, representation of the youth and overall inclusivity, while ensuring that the interviews are conducted as far as is practicable, within official working days and hours;

NOW, THEREFORE, pursuant to the provisions of Paragraph 6(2) of the First Schedule to the Independent Electoral and Boundaries Commission Act, CAP 7C, the Houses of Parliament RESOLVE to extend the tenure of the Selection Panel for the Recruitment of Persons for appointment as Chairperson and Members of the Independent Electoral and Boundaries Commission by a period of fourteen (14) days from 28<sup>th</sup> April, 2025.

Mr. Speaker, Sir, by merely reading the Motion, I have explained the reasons behind this particular request. It boils down to the question of time. We have all been witnessing the interviews and they have been nice to watch.

Knowing the critical role and centrality of the IEBC, these 14 days would not be too much to bear. I want to appeal to the House that we agree with them on their request and also point out to the House that our sister House has been able to sit on this matter and they have granted this request.

It will be useful, although that statement does not sit very well with leadership of Kitui, but the Constitution of Kenya recognizes the fact that if the two Houses do not work in concurrence, then Parliament has not spoken. On this one, Parliament must speak.

I, therefore, want to request my colleagues, but as I do so, I would like to sound a warning to the Members of the Selection Panel. The constitutional timelines that were envisaged were not born out of guesswork. People with the necessary competencies did the timing and knew that within 90 days, this was doable.

Sometimes, we get worried, but because we have our oversight role in the expenditure of public funds, I want to warn the members of the Selection Panel that if you are extending merely for purposes of having more days from which you can draw an earning, then that is not normal. The national cake is too small for us to waste.

I have looked at some of the interviewees and they have discharged themselves very well. I hope that through this process, we are going to get not just the Chairperson, but the best Chairperson that we should have gotten.

For Members who find it difficult to extend these days, may I beg you; we have five constituencies in Kenya today that do not have representation. In fact, the Selection Panel needed to rise to that challenge.

You all know that our colleague, the late Sen. William Cheptumo, left us and the people of Baringo County would like an opportunity to replace him. Back home in Malava Constituency, we lost our Member of Parliament, Hon. Moses Malulu Injendi. The people of Malava would like to have him replaced, not to mention Banissa Constituency, where my good friend, Hon. Hassan Maalim, was hit in a freak accident; he was hit by a *boda boda* and lost his life.

It has taken so long. I remember Hon. Maalim taught me one thing though he was much younger than me, probably a first timer, but he taught me that in politics, if you like somebody, do not like him 100 per cent.

If you like somebody, do not like him 100 per cent. Like him 50 per cent because he can disappoint you. The Member of Parliament of Magarini, back in your home, was asked to go back to the people and legitimise his election because of the finding of a court petition.

Seven wards are waiting for this particular decision to be made. These are Nyamaiya Ward in Nyamira Constituency, Mumbuni North Ward in Machakos County, Narok Town Ward in Narok County, Angata Najek Ward in Samburu County, Jewani Ward in Tana River County and Dela Ward in Wajir County.

Mr. Speaker, Sir, as if that is not enough, it must not be lost on us that we have the pending issue of the review of electoral boundaries and delimitation.

I, therefore, move the Motion and request my brother, the Leader of the Minority, to second me.

As I do so, our colleagues on the Minority side, please bear with us because we did not do the proper consultation with you to bring you on board. I am apologising on behalf of the Majority side. It is the nature in which this matter was brought before us, but life goes on. So, let us put that aside and hopefully see this matter, which is procedural, go through.

I thank you, Mr. Speaker, Sir.

**The Minority Leader** (Sen. Madzayo): Asante, Bw. Spika. Hukuwa umeniita lakini nimechukuwa nafasi hii kwa sababu ulikuwa unaongea na dadangu, nikasema ni sawa, nitatendelea.

**The Speaker** (Hon. Kingi): It is the Mover who is supposed to request you to second. Have you been requested to second?

**The Senate Minority Leader** (Sen. Madzayo): Yes.

**The Speaker** (Hon. Kingi): Then proceed. You do not need my nod in that regard.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, kawaida lazima umtaje mtu jina kama ilivyo kawaida.

**The Speaker** (Hon. Kingi): Haiya basi. Sen. Madzayo, Seneta wa Kilifi, endelea.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika, kwanza nataka kuunga mkono hii Hoja ya kuongeza muda kwa ile jopo linalofanya *interview* kuchagua wale wenzetu ama watu ambao watakuwa makamishina.

Jopo hili lina kazi nyingi sana kwa sababu lilikuwa limepewa muda kulingana na Katiba. Hata hivyo, ule muda unaonekana umeyoyoma sana na bado wale watu wanafanyiwa *interview* wanaendelea kuja. Muda ukifiki hawatakuwa wamekamilisha na ndiyo sababu wameomba muda, waongezewa siku 14.

Sababu walizosema ni kuwa hawakutarajia kitendo kama hiki kitaweza kutendeka. Walitumaini watamaliza ili Wakenya wapate tume itakayosimamia mambo ya uchaguzi katika nchi yetu ya Kenya.

Kitu ambacho ningependa kusisitiza ni kuwa tunataka kama Wakenya tupate kazi safi. Ni matumaini yetu kuwa wale watu watakaochaguliwa watatimiza wajibu wao na kufanya kazi vilivyo.

Vile vile, tunajua watu ambao wanakuwa *interviewed* wanatoka sehemu mbalimbali za Kenya. Hii sio kazi ambayo unaweza kuketi na kuchagua watu. Tunataka kuona katika muda wanaouhitaji ili kumaliza kazi hii, watachukua watu kutoka upande zote za Kenya.

Ni jambo kubwa ama jambo lililo na mzigo mkubwa katika muda huu ambao wameuliza. Kwa hivyo, mimi nataka kuunga mkono ya kuwa ni sawa wakiongezewa siku hizi 14 ambazo wameuliza. Ikiwa wamemaliza zile siku zao 90 kulingana na muda waliyopewa, ninaona tuwapatie muda zaidi.

Tunajua ya kwamba Wakenya wamemaliza muda mrefu sana bila jopo hili ambalo linaweza kusimamia mambo ya kura na mipaka ya maeneo Bunge nchini. Sio kazi rahisi. Hii imefanya, kwa muda huu wote ambao hatukuweza kuchagua hawa watu, imekuwa vigumu sana kuweza kupata wabunge na wakilishi wadi katika sehemu mbalimbali ya Kenya ambao wameweza kupoteza ubunge au udiwani wao.

Tunavyoongea hivi sasa, eneo bunge la Magarini katika Kilifi Kaunti, kuna mwenzetu alifanya *petition* mahakamani, akafaulu na tukapoteza ubunge wa ndugu yetu, Mhe. Harrison Kombe. Katika muda huo ambao watu wa Magarini wamekaa bila mbunge ni muda mrefu sana. Wamekuwa bila mbunge na kuona mambo mengi yametendeka katika nchi, ilhali wananchi walienda asubuhi kupiga kura ili wapate kiongozi wao.

Kiongozi wao alitolewa na mahakama. Hivi sasa atarudi katika ukingo wa mashindano ili aweze kuchukua kiti chake tena. Ingekuwa nafasi nzuri, tuwapatie hawa nafasi ili waweze kumaliza halafu kamishma waingie ofisini ndiyo eneo la Magarini lijitayarisha kuwa na mbunge. Tuna matumaini makubwa ya kuwa ndugu yangu, Mhe. Harisson Kombe, atachukua nafasi hiyo tena.

*(Sen. Cherarkey consulted loudly)*

Sio haki kijana kama Cherarkey kuongea ninapongea.  
Bila kuchukua wakati zaidi, naunga mkono Hoja hii kwa dhati.

*(Question proposed)*

**The Speaker** (Hon. Kingi): Hon. Senators, I am getting the indication that you would wish to debate this Motion, however, with limitation of time on each Member contributing for five minutes.

Very well. Sen. Wakili, proceed.

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

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

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**Sen. Wakili Sigei:** Thank you very much, Madam Temporary Speaker, for giving me the opportunity to support this Motion. I thank the Majority Whip for moving the Motion and highlighting the critical aspects that underscore the need for our support.

The IEBC is a constitutional body that plays a role in the setting up this House. Without its existence, none of the Members seated here today would have been elected to serve. It is responsible for overseeing elections across all positions from the Presidency to Members of County Assemblies (MCAs).

As we deliberate on this Motion, it is essential that we recognize and appreciate the importance of the IEBC. We equally acknowledge the reasons behind the current absence of a commission and emphasize the need to fast track the ongoing process to establish one, which will undertake future elections.

The Mover of this Motion has taken us through a number of constituencies, counties and county assemblies that currently lack representation. It is important to remember that representation in the National Assembly, the Senate or county assembly is a constitutional right for the people in these areas, constituencies or wards. Therefore, the request by the Selection Panel for an additional 14-day period under these circumstances is reasonable. That forms the basis of my support for this Motion.

We are aware that interviews have been conducted and concluded for the position of the chairperson of the IEBC. We have followed this process with great anticipation, observing the candidates who have undergone the interviews. I believe one of the reasons this Panel is requesting additional time to ensure they have sufficient opportunity to thoroughly evaluate the candidates who will be interviewed in order to select the best from those who have applied.

It is important to note that the published list of applicants for these various positions, including the chairperson and commissioners, has not yet been fully reviewed. It would be unfair to rush through the interview process for all the candidates.

Furthermore, it would be even more unfair if more time was allocated to interview candidates for the position of chairperson while insufficient time is given to those being interviewed for membership in the commission. Therefore, it is only fair to ensure that adequate time is provided for all candidates to undergo a thorough interview process. Asking for 14 days under the circumstances is not reasonable.

I beseech Members of this House to support this Motion. There are many constituencies, wards and counties without representatives, including Baringo County, where our late colleague, Sen. Cheptumo, once served. The people of these areas are eagerly awaiting the election of their representatives. However, this can only be achieved with an IEBC in place. While we are advocating for these elections to be conducted without delay, it is clear that they cannot proceed until the IEBC is established.

Madam Temporary Speaker, there is also the issue of the boundaries review, which is particularly relevant as we are mid-term in the tenure of this current term. Adequate preparation is needed, along with the development of various legislations, which fall under the mandate of this House. However, much of this legislative work would originate from reports and recommendations provided by the IEBC, underscoring its importance.

With regard to the tasks required of the IEBC, I support the request for an additional 14 days. However, I urge the members of the panel to ensure they do not consider these 14 days as an abundance of time. There is a risk that, despite being granted the additional time, they may fail to effectively manage the interview process. I do not expect them to return to this House to request more time as we must prioritize minimizing the resources utilized in conducting these interviews

There is a secretariat funded by the taxpayer. The taxpayers themselves are eagerly awaiting the establishment of a commission to facilitate the conduct of by-elections. I encourage the panel to make proper use of the additional time they have requested, should this Motion pass, to ensure they conclude the process effectively.

This will enable the people of Kenya to have a functional IEBC, one that is well-prepared for the 2027 elections. It will also allow sufficient time for the commission to process all necessary tasks and to ensure they represent the interests of the Kenyan people in their work.

Madam Temporary Speaker, I support this Motion and ask the hon. Members to equally support this important Motion.

**The Temporary Speaker** (Sen. Mumma): Sen. Wambua, proceed.

**Sen. Wambua:** Madam Temporary Speaker, I thank you for this opportunity to contribute to this Motion. From the word go, I must go on record to state that the Senate Majority Leader must improve consultations with the other side of the House on cross-cutting matters.

I would be keen to hear from Sen. Sifuna, should he have the opportunity to contribute to this Motion, whether our sister coalition partner, Orange Democratic Movement (ODM), which signed a Memorandum of Understanding (MOU) with United Democratic Alliance (UDA), extended such an arrangement to include instances where the Senate Majority Leader can ambush one side of the House with a Motion as important as this.

Madam Temporary Speaker, I have listened to the Senate Majority Whip moving the Motion. I also listened to my boss, the Senate Minority Leader, seconding the Motion. I have listened to Sen. Sigei contributing to this Motion. I am asking myself a big question; why should I support this Motion?

The reasons given here are not convincing at all. In fact, if I was to go by the contribution of the Majority Whip, we should all defeat this Motion. He said the only reason we should support this Motion is because the National Assembly has already passed it. That should never be the reason to pass this Motion.

I have listened to my boss respectfully. He said that the Panel realised that they could not undertake the task in front of them. For that reason, let us give them time to finish the work before them.

Madam Temporary Speaker, I would like to say three things. Firstly, it is that panel that shortlisted the candidates for interview. When they were doing it, they knew the time they had for the interviews. There is a principle in management called beginning with the end in mind. I expected that the panellists are learned enough to know.



Actually, some of them are PhD holders. I thought that they are learned enough to understand that if you are given a piece of cloth to tailor a shirt or a suit, you do it according to the size of your cloth or fabric, which you have.

You cannot shortlist 500 people then turn back and say that you have so many people to interview. Therefore, you need more time. That is not a reason enough for the extension of time. The Panel cannot wake up one day and tell us that they want to operate within the constitutional principles or regional balance, youth representation and so on and so forth.

Even if you had one day only to interview 10 people, the outcome of that interview must reflect the constitutional principles of regional balance and youth representation. If you have not been able to do so within 90 days, you will not be able to do it within 14 days that you are asking for. For that reason, there is no reason here to support this Motion.

I keep asking myself, when these people are asking for 14 extra days, what do they expect from the people of Banissa, Malava, Ugunja or Magarini where the Speaker of the Senate and the Senate Minority Leader come from? Those people have been waiting for the Panel to complete its work and get the job done.

*(Sen. Wambua's microphone was switched off)*

**The Temporary Speaker** (Sen. Mumma): Add him some few seconds to finalise.

**Sen. Wambua:** Thank you, Madam Temporary Speaker for your indulgence.

I want to go on record that this request is actually an admission on the part of the Panel for their incompetence to get this job done. I have no proof of it, but it has been said that perhaps they want extension of time to earn a little more allowances. Nothing stops them from sitting outside the official time, which is past 5.00 p.m.

When we have a task with timelines, we sit in this House up to midnight transacting important national business. Instead of asking for 14 days' extension, if they need the concurrence of the Houses of Parliament for more time, why can they not ask if it is necessary to be allowed to sit overtime between 6.00 a.m. in the morning and midnight to transact business?

Madam Temporary Speaker, I will reserve the final comment on this matter to hear the response I expect from Sen. Sifuna on whether that document that he was there when it was being signed allows the Senate Majority Leader to ambush this House with a Motion as important as this.

I thank you.

*(Sen. Cherarkey spoke off record)*

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, you only speak after being given a chance.

**Sen. Cherarkey:** Madam Temporary Speaker, on a light note, when we signed the partnership between ODM and UDA, Wiper Democratic Movement (WDP) was not present. Therefore, I do not know why Sen. Wambua is complaining. Sen. Sifuna signed

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religiously the partnership between UDA and ODM, but the WDM was not part of the engagement.

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

**Sen. Cherarkey:** Madam Temporary Speaker, I was just coming to the defence of the Senate Minority Leader.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, there is a point of order by Sen. Sifuna.

**Sen. Sifuna:** Madam Temporary Speaker, on accuracy and statement of fact, is the Senator for Nandi in order to allege that I signed a pact between ODM and UDA? Could he be made to substantiate?

If the Senator for Nandi can produce any document signed by Edwin Sifuna, on behalf of ODM with any political party called UDA, I will resign today as the Senator for Nairobi. Let him bring it here and substantiate what he is saying. I have never signed any agreement and I do not intend to sign any agreement, as Sen. Edwin Sifuna, with UDA Party.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, could you substantiate your allegations? If not, please withdraw.

**Sen. Cherarkey:** Madam Temporary Speaker, I did not say that he signed. His party leader, Raila Odinga---

**Sen. Sifuna:** That is what you said. The HANSARD is there.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, please.

**Sen. Cherarkey:** Madam Temporary Speaker, I withdraw and apologise. I would like to indicate that---

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, once you have withdrawn and apologised, proceed to make your point.

**Sen. Cherarkey:** But they are shouting at me!

**The Temporary Speaker** (Sen. Mumma): Order, Members!

**Sen. Cherarkey:** Sen. Sifuna is sabotaging the partnership between ODM and UDA. He should go on record as such.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, proceed.

**Sen. Cherarkey:** Madam Temporary Speaker, I would like to support this Procedural Motion. However, I was disappointed by the Selection Panel. I expected serious questions on integrity, but members of the IEBC Selection Panel are underwhelming because they have been asking kindergarten and pedestrian questions.

I know you are an expert because you have worked as Director of Elections and participated in electoral processes. You could see that members of the Selection Panel did not know what they were doing. That is unfortunate.

Some of us are constrained because of constitutional timelines. We are looking at the greater picture which is good for the country and that is why we support this Motion. However, looking at the kind of questions being asked to the interviewees, it is an exercise in futility. I have not seen serious engagement despite the fact that there are people there with PhDs. That is why I said that we have so many brilliant fools in this country.

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That aside, since this country has to move and in the spirit of bipartisanship and Broad-Based Government, I appeal to Sen. Wambua to support the process.

With tremendous respect, I will not mention the name. I saw his leader objecting the process. Why is it that opponents of President William Ruto fear having the IEBC in place? Is it because they fear elections? They must allow it to happen.

**Sen. Wambua:** On a point of order, Madam Temporary Speaker. Under Standing Order No.105 on statement of fact, first of all, I do not know how His Excellency Dr. Stephen Kalonzo Musyoka finds his way in this debate.

**The Temporary Speaker (Sen. Mumma):** Sen. Wambua, what is your point of order?

**Sen. Wambua:** Madam Temporary Speaker, I would like the Senator for Nandi to substantiate that His Excellency Dr. Stephen Kalonzo Musyoka is afraid of the outcome of this process.

Secondly, the Senator for Nandi County alluded to a situation where some leaders in the opposition are afraid of one President William Samoei Ruto. We want him to substantiate those statements.

**The Temporary Speaker (Sen. Mumma):** Sen. Cherarkey, please substantiate or withdraw and let this Motion continue.

**Sen. Cherarkey:** Madam Temporary Speaker, the HANSARD will bear me out because I did not mention any name. I said "his leader." Can the HANSARD be produced so that from there---

**The Temporary Speaker (Sen. Mumma):** Sen. Cherarkey, in his final words, he actually alluded. That is why he wants you to substantiate which these opposition leaders are that are afraid.

**Sen. Cherarkey:** Madam Temporary Speaker, I will bring the names, I will bring the names of the opposition leaders who issued a presser objecting to the IEBC Selection Panel. The ODM was not among them.

**The Temporary Speaker (Sen. Mumma):** Sen. Cherarkey, please withdraw or indicate which leader.

**Sen. Cherarkey:** Madam Temporary Speaker, I will bring the names of those opposition leaders next Tuesday.

**The Temporary Speaker (Sen. Mumma):** Please, note that and continue with the Motion.

**Sen. Cherarkey:** Okay, thank you. On the issue of review and delimitation of boundaries of the constituencies, we must fastrack. For example, in Nandi, I have the biggest ward called Kilibwoni, which we would want to review. However, we have a number of protected constituencies that do not meet the criteria.

Secondly, there are so many by-elections, including Magarini, Banisa, Baringo County and Malava. If hon. Ruku succeeds to be the Cabinet Secretary for Public Service we will need a by-election in Mbeere North Constituency. We need the IEBC to be in place to conduct by-elections.

Finally, I was misquoted. I said instead of Members of Parliament resigning to be Cabinet Secretaries, why do we not give them responsibility allowances and appoint them

to Cabinet, so that we save the country the agony of by-elections and paying double salary since we will only need responsibility allowance? I was misquoted.

The cost of a voter in 2022 was Kshs 2,500. The best practice is Kshs600 per voter. It means the conduct of election per voter is still very expensive in this country.

When hon. Ruku is appointed to the Cabinet Secretary, we should just give him responsibility allowances so that he can still come to Parliament while serving in the Cabinet, so that we save salaries. People who are misquoting me do not have such an opportunity.

My time was 'eaten' by Sen. Wambua who is a bishop.

I support.

**Sen Sifuna:** Thank you Madam Temporary Speaker. I must begin by registering very strong protest on behalf of the Minority side as to the presence of this Motion on the Order Paper this afternoon. When I saw it, I called and the records can show, the Senate Majority Leader, the Hon. Senator for Kericho, Aaron Cheruiyot. I was unable to reach him because we in this House have agreed that we will not transact business by ambush. It is not a surprise.

I am extremely disappointed. It is very contemptuous for you to introduce a Motion in such a way because it gives us a very difficult time in the leadership to guide our members as to how to treat this Motion.

Madam Temporary Speaker, secondly, I protest because I do not like being made to look like a fool. Yesterday, after resolutions passed by the Central Committee of ODM, I was reading a statement saying that ODM will not countenance any further delays in the selection process of the IEBC commissioners, only to be told today that there is a Motion on the Order Paper to extend time for this Panel to do its job.

Worse still, when I reached out to my leadership in the National Assembly or counterparts there, they forwarded to me a letter from this panel, signed by the Chair of the panel himself. The first thing I noticed, this letter was dated the 20<sup>th</sup> of March. This is two weeks ago. Two weeks ago, this House has no idea.

The second problem is that that letter is addressed only to the Speaker of the National Assembly, continuing this spate of contempt for the Senate, when they knew very well that this matter has to be processed through both Houses of Parliament. It is unacceptable that we continue to be treated with such contempt.

So, when I go through the letter, I am trying to find the reasons. It is clear that even the Mover of this Motion has no access to that request. By the way, in that request, this Panel is asking for 30 days, not 14 days. It is the National Assembly that set it at 14 days. There is nothing that stops us as a House at setting that deadline at four days or seven days or two days, if we wanted to.

*(An hon. Member spoke off record)*

They are citing various reasons. By the way, I do not hold brief for this Panel. I have strongly objected. I do not want to be distracted.

**The Temporary Speaker** (Sen. Mumma): He does not want to be informed. Let him finish.

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**Sen. Sifuna:** Madam Temporary Speaker, I strongly object to some of these insinuations that somehow ODM is the one running this Panel. If you read the newspapers today, you would think that there is a war between me and Sen. Wambua. It will not happen. Sen. Wambua and I will never fight.

The truth of the matter is that we also do not want these incessant accusations against ODM. If you hear the names of the constituencies by-elections that are being mentioned, the majority of them are held by ODM. The ODM is holding Ugunja, Magarini and we have a nominee to Cabinet. There is a young man from Kajiado waiting to replace hon. John Mbadi in the National Assembly.

If anything, we are the ones who are suffering the greatest prejudice. I have asked Sen. Wambua to distance himself and his party from some of these non-entities making noise. You know very well that they cannot field a candidate in Banisa. They are village political parties.

I do not know what, Sen. Wambua, you are doing with these characters. I want to dissuade you from hanging out with these people, because if you just moved a bit, you would allow me to deal with these people *mundu khu mundu*. They know me and I do not want you to catch strays as we say in the streets.

Madam Temporary Speaker, some of the reasons these people have given are that time is too short because they shortlisted 116 people. I personally took time to watch one of those interviews. I am being vindicated because I said, these panelists are talking too much. They like to listen to themselves.

Instead of putting questions to candidates and allowing them to talk, somebody is asking a winding, long question. After complaining that they are talking too much, they write to me to extend time, so that we can listen to them more.

We do not want to hear what you have to say. We want the candidates, the people who are coming to run elections to speak so that we can know what they are all about.

Even if I am persuaded, please, the sort of contempt that is being extended to this Senate will not be allowed to go on any further. Dr. Makanda should have known that there are two Houses of Parliament. He is a PhD. holder, for heaven's sake. He should have written to our Speaker and written to the Speaker of the National Assembly on 20<sup>th</sup> and we would have had time to debate this Motion and give him what he wants.

I thank you, Madam Temporary Speaker.

**Sen. Korir:** Thank you very much, Madam Temporary Speaker. I support the Motion, which is on the Floor of the House. The hon. Senator has felt as if this House is being disregarded. The letter that was written to the Speaker of the National Assembly was written in the capacity of the Chair of the commission.

It was supposed to be brought to one of the committees in the commission. After the committee has deliberated on it, it was then written to the two Houses which is why it came to this House.

**Sen. Mandago:** On a point of Order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): There is a point of order, Sen. Korir. Just sit. There is a point of order.

**Sen. Mandago:** Thank you, Madam Temporary Speaker. Under the Senate Standing Order on statement of facts, I do not understand how the commission is

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supposed to decide on what will be discussed in Parliament. If the commission was to approve, then the Speaker of the National Assembly, hon. Wetangula, should just write that letter and extend.

**The Temporary Speaker** (Sen. Mumma): Sen. Korir, where did you get the idea that the letter was written to the commission?

**Sen. Korir:** I am talking about the procedure, where, the letter was made after deliberation in the commission that the two Houses can now take their time and decide. It was not final that the panel decided that let's give them the 14 days.

The two Houses can still decide that there is no more extension of time. However, having been brought to this House, it is upon this House to either extend the 14 days or reduce them to five days or---

**The Temporary Speaker** (Sen. Mumma): The objection is to your assertion that the letter was written to the commission and not to Parliament. If you are not clear, you may want to withdraw that reference.

**Sen. Korir:** Madam Temporary Speaker, I will not withdraw unless I see the content of the letter. What I know is that the letter was not written to him, as the Speaker, but as a Chair of the commission.

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

**The Temporary Speaker** (Sen. Mumma): There is a point of order. Yes, Sen. Sifuna.

**Sen. Sifuna:** Madam Temporary Speaker, do not allow Commissioner, Sen. Korir, to mislead this House. If the law says that Parliament may extend time, then they should have written to Parliament. Hon. Wetangula is not Parliament. I certainly do not recognise him as Parliament. He is the Chair of the Parliamentary Service Commission (PSC) and the Speaker of the National Assembly, but we have our own Speaker.

If indeed, as she alleges, that was the procedure, then all hon. Wetangula needed to do when he received the letter was to write back and tell them the PSC has said that you should have 30 days, just as Sen. Mandago has rightly pointed out. Why is this matter here?

If she insists on that line, then we, as a House, should send this Motion back to hon. Wetangula. He should then determine it in accordance to the powers that Sen. Korir says he has under the PSC.

**The Temporary Speaker** (Sen. Mumma): Sen. Korir, let me guide you.

*(An hon. Member spoke off record)*

No, there is no point of order on another point of order. She has just explained. Can I first deal with the point of order that has just been explained by Senator?

*(An hon. Member spoke off record)*

No, that is not the procedure and you know that. Can we deal with it first? Sen. Korir, have you seen the letter that was written? You may well be advised to withdraw

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your reference to the commission. If you have not seen the letter, the more reason you must withdraw. I am guiding you.

In the meantime, can the clerks please prepare to read the letter for us to see who it was written to.

**Sen. Kinyua:** Madam Temporary Speaker, I want to support the Vice-Chairperson of the PSC. The truth of the matter is that the letter can be written to the Chairman of the PSC. Many letters that are written to this House are normally written to the Clerk. If it is the Clerk of the National Assembly. When I was a commissioner, we interviewed some of the commissioners seated there. In fact, it is the commission that pays for the sitting allowance.

So, I am sure, as I speak, unless it has changed, and it must have changed yesterday, that letter must have been written to the Chairman of the PSC, as the Chairman of the PSC and not as the Speaker of the National Assembly.

Thank you.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, I have requested the Clerk to get a copy of the letter.

Where is the Mover? The letter should have been attached to the Motion.

*(An hon. member spoke off record)*

You can help the House? Are you able to help the House? Do you have it? Please.

**Sen. Sifuna:** Madam Temporary Speaker, the fact that Commissioner Sen. Korir has not seen this letter raises more questions.

*(Sen. Korir consulted loudly)*

**The Temporary Speaker** (Sen. Mumma): Sen. Korir, please listen.

**Sen. Sifuna:** Madam Temporary Speaker, it raises more questions than answers. I am not a member of the PSC, but she is a Member. In fact, she is seconded to PSC by this House. She is the one who should see these letters before we, Members, do.

I have circulated a copy of the letter on the official Senate *WhatsApp* group for everybody to see it. We are not discussing who pays the Panel or who provides secretarial services for this Panel. The question is: which institution under the law has powers to extend time?

In my view, if the answer is that it is Parliament, then that request must be to Parliament. We run a bicameral House which requires that you recognize the leadership of both Houses. The Speaker of this House is not aware. In fact, our Speaker is asking for a copy of the letter. You, as a Senator, should be ashamed that your own leadership and this House, has not seen that letter. If you are going to defend this institution, you must stop the practice where people imagine that if they write to the National Assembly, then they have written to Parliament. That is not the correct position of the law. We must defend this institution.

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**The Temporary Speaker** (Sen. Mumma): Sen. Sifuna, do you want to make reference to the letter?

*(Several Members spoke off record)*

I want him to read it for us to know who the letter is addressed to.

**Sen. Sifuna:** One minute, Madam Temporary Speaker. The shouting is interfering with the network on my phone. I have shared the letter on the official Senate Business Group. If you do not have network, it is because Sen. Kinyua is shouting.

The reference of that letter is SP/IEBC/CORR/2025/36 from the Selection Panel for the Recruitment of Nominees for Appointment as Chairperson and Member of the Independent Electoral and Boundaries Commission (IEBC).

It is dated 20<sup>th</sup> March, 2025. It is addressed to the Rt. Hon. (Dr.) MM Wetangula, EGH, MP, Speaker of the National Assembly and Chairperson of the Parliamentary Service Commission.

**The Temporary Speaker** (Sen. Mumma): That is enough. Sen. Sifuna---

**Sen. Sifuna:** I feel like there is more education to pass.

**The Temporary Speaker** (Sen. Mumma): No, it is okay. That information is what we are looking for. Sen. Korir, can you proceed to the extent---

*(An hon. Member spoke off record)*

No, it was a point of order. She was guiding the House that the letter should have gone through the PSC, and the PSC was then to guide the House.

Sen. Korir, as you can see from that letter, it was written to the Speaker and Chairperson of the PSC. Therefore, the letter is before the House as directed to the Speaker. Do you want to proceed?

**Sen. Korir:** Yes. Thank you, Madam Temporary Speaker. That is the clarity that we wanted, as a House. I want to thank the Hon. Member because he is very thorough when it comes to the procedures. It is clear that the letter was also copied to the Senate. I am raising this because---

*(Several Senators consulted loudly)*

**The Temporary Speaker** (Sen. Mumma): Order, hon. Senators! Please, it is---

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

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

**Sen. Korir:** Madam Temporary Speaker, is it information or point of order?

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

**Sen. Cherarkey:** Madam Temporary Speaker, I rise on a point of order under Article 127 on powers of the PSC. One of the functions of the PSC---

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**The Temporary Speaker** (Sen. Mumma): That cannot be a point of order. You are trying to explain powers of the---

**Sen. Cherarkey:** Madam Temporary Speaker, I am not explaining. I am talking about the correspondence.

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Cherarkey!

**Sen. Cherarkey:** I am coming there.

**The Temporary Speaker** (Sen. Mumma): So, what is your point of order?

**Sen. Cherarkey:** Madam Temporary Speaker, the Chairperson of the PSC, Speaker Moses Masika Wetangula cannot be the correspondent of Parliament as in Article 93. We must---

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Cherarkey! Sit down. Sen. Cherarkey, you are abusing that space to make the point you want to make. Sen. Korir, proceed.

**Sen. Korir:** Thank you, Madam Temporary Speaker.

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

**The Temporary Speaker** (Sen. Mumma): Sen. Mandago---

**Sen. Korir:** Madam Temporary Speaker, I think that they are just wasting my time. It is just a procedure. The letter has been read by---

**The Temporary Speaker** (Sen. Mumma): Sen. Korir, please, let him be. Please, save Sen. Korir's time.

*(Sen. Cherarkey consulted loudly)*

Sen. Cherarkey, you will listen in silence.

**Sen. Mandago:** Madam Temporary Speaker, my point of order is under Standing Order No.105, statement of fact. The letter was copied to the Clerk, not the Speaker.

Number two, we do not waste time in this House, we debate. There is a difference between being written a letter and being copied just for information.

**The Temporary Speaker** (Sen. Mumma): Sen. Mandago, I overrule. She said the letter was copied to the Senate. The Clerk of the Senate represents the Senate.

*(Several Members consulted loudly)*

**Sen. Kinyua:** Madam Temporary Speaker, I had said this before and I will repeat. In this Senate, the Speaker does not receive letters. Letters are sent to the Clerk.

In fact, from what he has said---

*(Loud consultations)*

Madam Temporary Speaker, protect me from hecklers.

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Chararkey! I have not given you time to read. Sen. Sifuna, I have not given you time. Please, let us listen to one person at a time.

Sen. Kinyua, please proceed.

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**Sen. Kinyua:** Madam Temporary Speaker, the reason I am saying this is because if you look at this letter because now I can see the content. It was written to the Chairman of the PSC and that is why you are seeing the Clerk of the Senate is written here. It is clearly written “Clerk of the Senate and Secretary of the Commission” because it followed well.

The person who was being written this letter is the Chairman of the PSC and being copied to the Secretary of the PSC. There is no time---

**The Temporary Speaker** (Sen. Mumma): Sen. Kinyua, you are wrong on that, it says “Speaker and Chairman”, let us not argue on that.

Hon. Senators, I would like to call upon all of you to allow Sen. Korir to finish her argument on this issue.

*(Sen. Cherarkey consulted loudly)*

Sen. Cherarkey, please.

**Sen. Korir:** Thank you, Madam Temporary Speaker. I would like to request the hon. colleagues that we need to agree.

*(Sen. Cherarkey consulted loudly)*

I cannot apologize, my friend. This is a very important IEBC that we want to have because of a number of pending works that need to be done.

Remember we have not done register verification. We have not done a number of things. A number of things are awaiting us. That is one of the roles that we have to play as a House. So, I would like to request and plead with you, that let us give them this time. It was within your hands to either reduce the number of days or even reject.

Madam Temporary Speaker, I plead with you, led by our able Senator from Nairobi City County, that we give them time so that they can conclude this work and be able to take this country to the next height.

That is barely a matter of procedure, let us kindly approve this Motion.

Thank you.

*(Sen. Cherarkey consulted loudly)*

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, you are being very disruptive.

Sen. Omtatah, please, proceed.

*(Sen. Cherarkey consulted loudly)*

Sen. Cherarkey, we will listen to those contributing in silence, please.

**Sen. Okiya Omtatah:** Madam Temporary Speaker, thank you for giving me the opportunity to oppose this Motion. Listening to what has been going on, I have just wondered what the powers of the PSC are. When did they become a medium for

introducing debate in this House? As far as I am concerned, there is no request to Parliament to extend time.

Secondly, this House is presided over by the Speaker. Similarly, the other House is presided over by the Speaker; the two Houses of Parliament. I agree with those who have said that where Parliament is supposed to be asked to do anything, the two Speakers have to be addressed.

It is not correct that the Clerk is addressed on behalf of the Speaker. There are letters which go to the Clerk, which are merely for administrative work or for Petitions. However, to request a special favour from Parliament, you have to move the Speakers. So, as far as we are concerned, we have not been moved to grant any extension of time.

Madam Temporary Speaker, I have looked through the Motion and I am just seeing a recitation of nothing. There are a lot of words here, but they say nothing. Not a single reason has been given as to why we should extend the time of the Selection Panel. All I can see written down here are words like "Noting that," "Further noting that," "Conscious of," "Further conscious," "Now therefore---". There is no reason given why they want to extend time.

Secondly, I have seen the letter that was written to the Hon. Wetangula. It expressly asks for 30 days. Can we debate in the absence of these people who requested for 30 days and reduce that to 14 days as the National Assembly has done? Would it not be proper for them to justify why they needed 30 days and not 31 days? In my opinion, we should approach this issue with the seriousness it deserves.

First of all, the law allows this House to extend time, which means there was a recognition that there would come an occasion when time would have to be extended. However, the person or the entity seeking to extend time, must give us reasons why they need the time extended. Our decision must be on merit.

So, in the absence of an application to this House, through our Speaker, and in the unbelievable decision by the National Assembly to assume that it knows that 14 days would be enough and not 30 days, without hearing the other party, and the failure for the other party to give any reasons why they want an extension of time, this being a House of records, I would not like to be associated with this kind of disregard for due process, law and detail.

Therefore, I oppose the Motion.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. Mandago, please proceed.

**Sen. Mandago:** Thank you, Madam Temporary Speaker. Let me first say that indeed, as a country, we need the IEBC in place as soon as possible.

We must appreciate that there has been quite some delay in the process. In that delay, there are citizens of this country who are not being represented, either in the National Assembly, Senate, or even in the County Assemblies. Those citizens have a right to be represented and their matters to be heard through their representatives.

In view of that, despite the challenges of the Chairperson not writing to the Senate and we take exception that there is contempt of this House to the extent that they seem not to understand that we have a responsibility as a Senate also to approve the extension of time for them to be able to conduct their work, I do support this Motion. Let the time

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be extended for the selection panel to complete the process so that we can have an IEBC in place.

Madam Temporary Speaker, successful or credible election is also determined by the amount of preparation that is put in place to ensure that logistical issues are properly addressed. We do not want to run to 2027 and have an electoral body that has just arrived shortly before elections. That would be giving room for those who will be selected as Commissioners and Chairperson of the Commission, to give excuses of lack of preparedness for the election.

In my opinion, and I would like to persuade my colleagues, although I also agree with the sentiments of the Senator for Nairobi City County, that the Chairperson of the Selection Panel should have noted.

Secondly, the Chairperson of the PSC who happens to be the Speaker of the National Assembly, should not receive a letter on 20<sup>th</sup> March and it is being supplied to us to discuss in an ambush kind of arrangement. Some matters need to be taken seriously because they affect the nation and can jeopardize it. If the Senate today decides they will not approve this extension, then we are likely to have, a rush selection of candidates that might, at the end, give us problems.

Having said that, I support this Motion that we extend the time for the Selection Panel. However, next time, the Chairman of the PSC and the selection panel should note that Senate has a responsibility and a role in this process.

I thank you.

**The Temporary Speaker** (Sen. Mumma): Sen. Nyamu, please proceed.

Sen. Nyamu, are you ready or not?

**Sen. Nyamu:** Thank you, Madam Temporary Speaker. I would like to contribute to this Motion.

We know the hue and cry that superseded the selection of this panel. We know the long wait that the country had to endure before we got this panel in place as selected by the President. We cannot ignore the fact that the Senate should be given due respect and addressed on issues as serious as this. However, at the same time, we are here to serve the country. We cannot delay this further.

We should not be one of the bottlenecks of this process in terms of coming up with the commissioners of the IEBC. We cannot be one of the institutions that is creating bottlenecks. We have to facilitate the process and take up the issues of Parliament and our grievances to a different platform.

With those remarks, Madam Temporary Speaker, I support.

**The Temporary Speaker** (Sen. Mumma): I cannot see another Speaker. Sen. Murgor, do you want to reply or you want to speak?

**Sen. Murgor:** I want to speak.

**The Temporary Speaker** (Sen. Mumma): How about the Senate Majority Leader?

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, you know, I was in the farm in Kericho planting sugarcane. Then I was told there is a very important matter that I needed to look into here this afternoon. I do not know why people are finding too many things to complain about in this matter. This is a very

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straightforward issue. You know, this selection panel is our baby. It is a creation of a process that this House was very deeply involved in, the National Dialogue Committee (NADCO) process. We created this selection panel, which suffered many challenges in its setup. Some of which the Senator for Nairobi City County, my good friend, spoke about yesterday at a press conference. I watched him somewhere explaining the difficulties we had in setting up this selection panel. Eventually, we had the selection panel.

To the best of my ability, I have tried to follow what they are doing. I am impressed by the work that they are doing. They are trying their very best to get us the next IEBC. They have a very tight schedule. I have conducted interviews for public positions previously when I was in the PSC.

It is a very tiresome job because Kenyans are Kenyans. Sometimes they come and they have forgotten their documents. I do not know what has happened. You ask them a very straightforward question, they give answers in all forms of shapes and shapes. However, eventually, you have to make a decision.

As per this request, it is coming to us because on the last day that they finish their interviews, they will only be left with one day to write the report and send the names to the President, the list of the nominees for him to select. If my memory serves me right, three names for the chairperson, so that the president can select one, and nine for the members, so that he can select six out of them. To expect that this selection panel will complete its work at 5.00 p.m. and tomorrow sit down, comb through the list of interviewers, I think hundreds of them from the short list and do a report, is to push our luck too far.

It is staff of Parliament that provides the secretarial work. Our staff are the ones who are tabulating the results as we have done previously in many other national assignments. Therefore, this request came to the PSC, which is a body that collates or coordinates for the nominating institutions. When, for example, the Law Society of Kenya (LSK) sent their nominee, they sent it to the PSC.

When we have an inter-religious council, they have two nominees in that panel, they sent it to the PSC. We have this other one for accountants, the Institute of Certified Public Accountants of Kenya (ICPAK), which sent their nominees too.

The PSC is a coordinating body. The Chairperson of the PSC is the Speaker of the National Assembly. It is important that we separate our issues. Sometimes we may not agree with the National Assembly on many things and I have said all those things here on this Floor. However, it is also important to understand that he has another role.

Also, in that PSC, there are six Senators. The Vice-Chairperson of Speaker Moses Wetangula is none other than Sen. Joyce Korir, who is seated here. If, by the way, for whatever reason, that letter came in and it was urgent and it needed to be attended to, the person who would have processed that letter is a Senator who sits in this House with us.

I happen to have some of the submissions that our colleagues have made. I have shared in the official *WhatsApp* group of the Senate Business Committee (SBC) the letter from PSC to all the Houses. That letter is written by Mr. Nyegenye, the Clerk of the Senate. The National Assembly could equally have chosen to complain and say why is somebody from the Senate writing to us? This should have been about us alone. Surely,

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good people, this is just about the PSC and nothing about us and our differences as a House.

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

**The Temporary Speaker** (Sen. Mumma): What is your point of order, Sen. Sifuna?

**Sen. Sifuna:** Under Standing Order No.101(4), it appears as if the Senate Majority Leader is imputing a very improper motive on our part to raise those objections, yet the Mover of the Motion who was standing in for him has already apologised to us for not supplying that information that you are now referring to the House before the Motion.

Senate Majority Leader, you are my witness. We agreed, both sides of this House, the Majority and the Minority side, that we will not conduct business by ambush. The information that you are putting out now should have been with the Members before.

Your colleague on the other side who is also the Vice-Chairperson of the PSC, herself had not seen that letter. I mean, what are we to make of this? We asked our Speaker, he had not seen the letter. We have had to get this letter from the National Assembly.

To be fair to us, when such a Motion is brought, first we need to be informed. It would have been nice if you had attached all this correspondence, so that we do not have to make noise about what you are considering nothing. For you to say that you do not understand why we are making noise is to be very unfair, especially because you have come to the House late. You are telling us you are growing sugarcane in Kericho when I know it does not grow in Kericho.

*(Laughter)*

**The Temporary Speaker** (Sen. Mumma): Senate Majority Leader, you can respond to that. Sen. Sifuna has explained why Members objected.

**The Senate Majority Leader** (Sen. Cheruiyot): This is a problem of these Nairobi people who grow kales or *sukuma wiki* in *gunias* on balconies. They do not understand the geography of Kenya. There is a lot of sugarcane in Kericho, my good friend, Sen. Sifuna.

Anyway, if that matter then has been properly explained to the House, then I am satisfied. It is because of the messages that I saw from many people saying there is a matter that has arisen in the House and nobody appears to be clear about it. If it has been explained to the satisfaction of my colleagues, I abandon that thought. Indeed, I agree with them that they needed to be in the know. I confess also to myself that it is only when I saw the Order Paper that I understood that there was such a Motion.

I remember about two or three weeks ago being informed that there was going to be such an occurrence, but I had not known the way through which it was going to be processed. However, I am satisfied now if my colleagues have been explained to and they are now properly seized of the matter, especially Sen. Omtatah, who has caused us more than one year of delay.

When we passed the initial law, it was Sen. Omtatah who went to court and said Parliament had allocated itself more than enough slots. Therefore, we reduced it to four

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from the initial. I think now we have two. Initially, we had four because of this good man who is seated here. However, if he has come as he is, then it means that he is satisfied with what has been explained and what has been done now.

With those many remarks, I urge that we give the IEBC Selection Panel these extra 14 days that they are asking for. I hope they give us competent Kenyans, men and women of great character and quality, who can serve this nation in a great way.

There are many by-elections that we are awaiting. Members of political parties are looking forward to nominating people and participating in those campaigns. I have not done a campaign since 2022. You know we have campaigns coming up in two years. I may have forgotten how to address a crowd. I need to test my vocal cords somewhere either in Malava, which is in Sen. (Dr.) Boni Khalwale's county. I will rely on his wisdom to tell me which candidate to support for our party, the UDA. Once we find that candidate, we meet and square it out with Sen. Sifuna.

I am sure he will present a candidate, as much as I know his chances in Malava are very limited. That is what Sen. (Dr.) Khalwale has informed me many times that, that is a corner of Kakamega that is completely yellow.

*(Laughter)*

Anyway, with those many remarks, I beg to urge my colleagues that we support this Motion.

Thank you for this chance.

**The Temporary Speaker** (Sen. Mumma): I now call on the Mover to reply.

Proceed, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Yes, Madam Temporary Speaker, I rise to respond or rather to put it in a proper balance, to reply.

**The Temporary Speaker** (Sen. Mumma): Is it to reply or to respond?

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, it is to reply. You just caught me when I was correcting myself. You know I went to Malinya Primary School, where my headmaster, the late Andrew Makwaka Imbundu, was very keen on English. He made sure we spoke good English. That is why you saw me quickly run away from the word "respond" to "reply," unlike my kid brother, Sen. Sifuna, who was at Kakamega Primary School. He cannot even remember the name of his teacher who taught him English. That is how Gen. Zs are.

*(Laughter)*

So, I rise to reply. I want to thank all colleagues. Regarding the challenges raised, I came in when the Senate Majority Leader was responding to them; they were purely administrative and no ill-intent.

The point is made and I look forward to us having a good Chairperson of the IEBC. Nothing is greater. The history of chairing elections in this country is replete with all manner of challenges, and I hope that the people I saw being interviewed will be up to it.

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With those many remarks, I beg to reply.

**The Temporary Speaker** (Sen. Mumma): Serjeant-at-Arms, would you kindly ring the Division Bell for five minutes?

*(The Division Bell was rung)*

Hon. Senators, pursuant to Standing Order No.84(1), I wish to determine that this matter does not affect counties.

Clerk, can you ascertain that we have quorum?

*[The Clerk-at-the-Table consulted with the  
Temporary Speaker (Sen. Mumma)]*

Hon. Senators, I will now put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mumma): Next Order.

### MOTION

#### ADOPTION OF REPORT ON INQUIRY INTO THE LPG EXPLOSION IN MRADI, NAIROBI CITY COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas (LPG) explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday, 8<sup>th</sup> August, 2024.

**The Temporary Speaker** (Sen. Mumma): I am informed that Sen. Sifuna will do it.

**Sen. Sifuna:** Thank you Temporary Speaker. On behalf of the Chairperson of the Energy Committee, the Senator for Siaya, the Sen. (Dr.) Oburu Odinga, allow me to move the Motion on the Report of the Standing Committee on Energy on its inquiry into the Liquefied Petroleum Gas LPG Explosion in Mradi Area, Embakasi, Nairobi City County.

Hon. Temporary Speaker, I beg to move that the Senate adopts the Report of the Standing Committee on Energy on its Inquiry into the Liquefied Petroleum Gas Explosion in Mradi Area, Embakasi, Nairobi City County, laid on the Table of the Senate on Thursday 8<sup>th</sup> August 2024.

As you are aware, I am a very proud member of the Energy Committee and I have been so since the inception of this House. This particular Report, was prepared under the auspices of the previous committee.

As you are aware, we had a reconstitution of the committees when we began this session. So, if you look at the chairperson's forward, at that particular moment in time,

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our chairperson was the Senator for Nyeri, the Hon. Wamatinga Wahome, who now is a member of the Parliamentary Service Commission (PSC), which we have just been discussing right now.

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

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

Hon. Temporary Speaker, on Thursday 1<sup>st</sup> February 2024, an LPG explosion occurred in the Mradi area of Embakasi, Nairobi County. The facility involved was an LPG plant used for storing and filling gas cylinders. This explosion claimed the lives of 11 Kenyans and left at least 280 other people injured. The explosion further resulted in a massive fire which spread to nearby buildings, causing extensive damage to residential and commercial properties.

Following this incident, I had an occasion with the area Member of Parliament, the Hon. Babu Owino and the party leader of ODM, the Hon. Raila Amollo Odinga, to visit this particular area. Together with members of the committee, we resolved that we had to conduct an inquiry as to what led to this particular incident happening, with a view of making sure that it never happens again.

Hon. Temporary Speaker, during the committee proceedings, we framed the deliberations in order to arrive or to determine the following issues as key issues for resolution.

The first reason was why the LPG refilling facility was located so close to a human settlement, the ownership details of the company that was running the facility, compliance with statutory and regulatory requirements of having an LPG refill and storage facility, details of LPG refill and storage facilities and their locations in the county, sorted by counties and safeguards that the government has put in place to avoid a recurrence of the same. So, during these deliberations, we held six meetings as a committee. I want to thank members of this committee, led by the then Chairperson, for the dedication in order to bring some level of closure to the people of Mradi and the people of Nairobi in general.

We held six meetings with key stakeholders, including the then Cabinet Secretary for Energy, the Director General (DG) of the National Environment Management Agency (NEMA), the DG for Energy and Petroleum Regulatory Authority (EPRA), the Director and Gas Explosives Expert at EPRA, then we had the Petroleum Institute of East Africa also appearing before the committee and the Energy Dealers Association.

With your permission, Temporary Speaker, I will just run through some very quickly. First of all, one of the key observations that the committee made is that there is involvement of multiple legal regulatory bodies in the licensing process, which creates a complex web of responsibility, making it difficult to establish accountability where safety issues arise. So, from those deliberations, we realised that there are a number of licences that somebody needs to obtain before they operate such a facility.

The problem we have is that these various agencies that are responsible for giving these licences do not speak to each other. So, somebody will go to the county government

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of Nairobi and obtain a business permit, saying they want to set up a shop somewhere there and they will go with that approval to NEMA, saying we are setting up a garage.

In fact, this particular site had been registered as a garage and they did not even have a license from EPRA to operate a gas filling plant. So, that presence of multiple legal regulatory bodies and the fact that they do not coordinate and speak to each other when required, causes that complex web of responsibility, and it is very difficult to pin somebody down and say you are the person responsible.

As I said, that LPG refilling plant in Mradi was registered as a garage and not an LPG facility. The county government of Nairobi disclaimed responsibility for any licenses that had been issued in this regard. However, you will see from our observations and recommendations that there was also very serious dereliction of duty on the part of the county government of Nairobi when it comes to enforcement and inspection.

Temporary Speaker, Sir this complex web of many regulatory bodies led to the fact that this company in fact had a valid environmental impact license from NEMA, and the registration number is there, approving the installation of a 10-metric tonne LPG storage and filling plant.

The committee noted, however, that the issuance of the environmental license did not absolve the company from its obligations to acquire other applicable permits and especially permits from EPRA. As a result of that incident, EPRA suspended all operational licenses issued to Maxxis Energy, who was the operator of this particular plant and cleared Mwiki Gas Suppliers. It further shut down 63 out of the 140 LPG storage and refilling plants located within a radius of 200 metres near residential areas due to high risk or risky technical audit score.

Following re-inspection, 39 of those facilities were reopened, with some implementing safety measures like firewalls reducing the required distance from residential areas to about 35 metres.

Very quickly, we made certain recommendations as a committee, and we are hoping that we will follow through after this House adopts the Report. The first recommendation we made was that the DCI must investigate how Maxxis Energy obtained an LPG storage and filling plant license, and those found culpable be charged in accordance with Section 99 of the Petroleum Act. In addition, the National Police Service (NPS) and Directorate of Criminal Investigation (DCI) should fast-track all pending criminal cases relating to non-compliance of LPG regulations.

We also recommended that the Ministry of Energy must expedite the approval of the LPG Regulations of 2019, which have provided for more stringent compliance measures when it comes to operation of similar plants and all the licensing authorities, especially the county governments must enforce zoning boundaries prior to issuing any permits.

Mr. Temporary Speaker, Sir, the Committee also recommended that no new petroleum facilities be licensed in residential neighborhoods. This matter was raised with the Governor of Nairobi during his appearance before the Committee last week. We urged him to address the proliferation of gas filling plants and petrol stations in residential areas. Such developments pose undue and unnecessary danger to the residents of Nairobi and other affected regions.

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We addressed the question of compensation for affected victims. As stated in paragraph 18 on page 12, affected victims should be compensated through the National Disaster Management Unit, whose main function is to administer a comprehensive emergency disaster program. This program is carried out in collaboration with stakeholders, including Energy and Petroleum Regulatory Authority (EPRA), with the aim of saving lives and protecting property.

We have tabled this comprehensive summary of the committee's findings, observations, and recommendations. On behalf of the Committee, we thank the various stakeholders who appeared before us and shared their views. These include the Cabinet Secretaries, National Environmental Management Authority (NEMA), EPRA, Petroleum Institute of East Africa (PIEA), the Energy Dealers Association and the Governor of Nairobi City County. We hope that they will give serious consideration to the recommendations put forward by this Committee.

I wish to acknowledge the 11 lives lost in the tragedy, as well as the many individuals who were injured, displaced or suffered losses due to the damage inflicted on their homes and businesses. This devastating event left a profound impact on our country, and our hearts go out to all those affected.

As the responsible Committee, we have committed to ensuring that the relevant regulatory bodies implement stricter safety protocols to prevent such incidents from occurring in the future.

Finally, I wish to thank the Offices of the Speaker and the Clerk of the Senate for their support throughout the process of deliberating on this matter.

It is now my pleasant duty to move this Motion. In the absence of a Member of the Energy Committee, I kindly request the Senate Majority Leader to second the Motion.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, please proceed to second the Motion.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I rise to second this Report on the inquiry into the LPG explosion in the Mradi area, Embakasi. Embakasi is where I grew up, and whenever such disasters occur, it reminds me that despite my current position of privilege, it may as well have been--- I do not want to conclude whatever I wanted to say. This is a sad affair. We must appreciate the Senate's Standing Committee on Energy for dedicating their time to look into this matter and for ensuring that a report is filed, which I hope can be fully implemented.

Sen. Sifuna, there has been this debate in the House about whether to have an implementation committee or not. I have always maintained the position that we should not have an implementation committee because there is nobody better prepared for a particular matter other than the relevant committee which looked into it.

Sen. Sifuna, as you know, there has been an ongoing debate in the House regarding the establishment of an implementation committee. I have consistently maintained the position that we do not need such a committee. This is because no entity would be better equipped to handle a specific matter than the relevant committee that originally undertook the inquiry into that particular issue.

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I hope that during the course of your deliberations as a Committee, you will take the initiative a few months from now to follow up with the state agencies tasked with implementing these proposals. This will ensure that the necessary actions are carried out as intended. I have noted the recommendations for the Directorate of Criminal Investigations (DCI), as well as the specific actions required of EPRA and other entities. These include ensuring that those found responsible are charged and brought to book.

One of the challenges we continue to face as a country—and one I hope we can overcome in the future— is how we can quickly close what you would consider to be an open-shut case.

Sen. Sifuna, there is nothing complex about this matter. Somebody was operating an LPG gas storage facility illegally. That individual is known, as the company has identifiable directors. These individuals are responsible for causing death and lifelong injuries to innocent citizens, including my dear friend, Collins Nabiswa, who resides in that proximity. Collins is someone I played football with and attended high school alongside. Today, if you were to meet him, you would hardly recognize the gentleman we once attended the same school. This tragedy has impacted so many other Kenyans, all due to such gross negligence.

Why does it take such an inordinate long time? Why are the owners of this company not yet serving time in jail? Why is it - given your legal expertise - that this case must take a long time, appearing before a judge who then assigns mention dates far into the future? We must copy world-established practices, especially those that are worth emulating.

You recall, and I have often cited this example, that recently we faced a similar situation. I hope that one day, perhaps when we have the opportunity to meet the Chief Justice, we can address this concern directly. As Houses of Parliament, and as leaders, we would seek to understand what measures can be implemented within our judiciary to expedite the resolution of these cases.

I cite the recent example from the United Kingdom (UK), where demonstrations erupted following the tragic deaths of children. Unfortunately, these demonstrations escalated into near chaos, with elements of racial hatred, destruction of property and other criminal activities. Those who were captured on CCTV engaging in acts such as breaking into shops, mugging others or destroying property have, for the most part, been arrested. Many are already serving their sentences.

In such cases, a judge reviews the footage, confirms the identity of the accused - be it Aaron Cheruiyot or any other individual - and hears their defence. By the following morning, a verdict is delivered, and they begin serving their time. I do not understand why in Kenya it is extremely impossible to see such kind of things. This is an individual who operated a facility illegally, without any license. Why does it have to take such a long time for justice to be served to the families of those who lost their lives and to those who were injured in this fire?

I sincerely hope that, with the passage of this report brought before us, the relevant agencies and State Departments, including the Director of Public Prosecutions (DPP), will consider a quick conclusion of the trial of those responsible for this tragic incident.

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Secondly, on the matter of EPRA, it has become increasingly evident that where responsibilities are shared between EPRA and county governments, there must be strict adherence to the licensing requirements outlined in the Petroleum Act. The Committee observed the need for a comprehensive review and regular updates of the licensing processes to enhance transparency, efficiency and compliance. Unfortunately, in this country, when Parliament enacts laws on licensing procedures, the monitoring units - whether within county governments or institutions like EPRA - often view these processes as opportunities for financial exploitation, treating them as cash cows.

I would not be surprised if, on multiple occasions, EPRA officers visited this institution and chose to look the other way, allowing such a tragic incident to occur. It is important to investigate this matter further. I wonder whether it was pursued adequately. The Director General of EPRA, Mr. Daniel Kiptoo, should be asked to provide clarity on this issue. I believe EPRA has divided the country into zones, with specific officers assigned to oversee each zone. It would be important for Mr. Kiptoo to identify which of his officers slept on the job.

Mr. Temporary Speaker, Sir, an LPG storage facility is not a mere tin shack shop. It is big facility that anyone driving along that road would easily notice. Reflecting on the testimonies from when this incident was alive in the country, Citizens Television shared that the facility had been operational for years. People would frequently visit to refill their gas and leave, until this tragic disaster struck.

The critical question is what measures EPRA has implemented since the occurrence of this disaster to ensure such incidents never occur again in any part of this country. How have they increased the vigilance and the observance of these stringent procedures that Parliament has passed and ensure that regulations are adhered to.

Many times, it is easy to blame Parliament on social media and public talk shows. Parliament is always the easiest to carry the burden when such things happen.

The challenges that we continue to face in this country are not because of lack of good laws. We have passed very many good laws. Firstly, it is the implementation that we continue to struggle with. Secondly and most importantly is the first point I spoke about. There are no sanctions against those who violate the regulations. The fact that people are never punished and the fact that it takes too long to make a decision or to even be remorseful---

Let me digress a bit. Many times, we in the political class have witnessed this. There are people who share political parties with us. They could be a governor or Member of Parliament (MP). Some of them could have been found to have pilfered public resources but when they are taken to court, many times you will find us shamelessly walking there and demanding to stand with them and support them. We go to visit them in Industrial Area Prison.

In a proper country that is governed by the rule of law, even for somebody who is your closest friend, you maintain what I referred to as a respectable distance. Perhaps you can send them *uji* and other items from a distance but tell them that whatever they did is not something worth of a leader of their stature. However, we do not feel embarrassed because we have turned this into a political circus. Our citizens have followed in tow to

ensure that so long as somebody is known to them, they do not mind or care about things that are done.

There are many problems that people continue to deal with. It is not due to lack of laws that this country continues to face the challenges. Today we are speaking about LPG. You can pick any topic such as nightclubs operating in residential areas.

If you walk in this city, there are nightclubs all over, yet there is a county government and the National Environment Management Authority (NEMA). Many times, you will find that for one reason or the other, people look the other way. The Judiciary is also complicit in this because when the county government shuts many institutions, they go and obtain court orders. Up to when shall we continue coming and crying and saying that this or that needs to be done?

I have realised that many times, it takes even ignoring court orders for people to achieve some of the things that have been achieved in this country because there is circus everywhere, from the implementing agencies, to the regulators and eventually law enforcement agencies. Even when people are taken to court, they let are left to go with a slap on the wrist. People bend laws.

There are so many recommendations to EPRA. Part (b) speaks to what I talked about. This point out that I had not fully read the report but I can see that the committee went into the issue of zoning. They have proposed that a physical inspection should be carried out before issuing any license to ensure that the zoning laws are not breached.

There are areas where you cannot be allowed to have such a facility. That includes residential areas. If you want to set up an LPG storage facility, there is an expectation that it is in a safe zone, so that if there are incidences such as that one, you do not have members of the public suffering. The committee went into details to speak about that. I hope we will share these recommendations with EPRA and ask them to guide and lead us.

There is also a need to compensate victims. It is proposed that the affected victims should be compensated through the National Disaster Management Unit (NDMU) whose main function will be to administer comprehensive emergency and disaster programme in collaboration with stakeholders such as EPRA in order to save lives and property.

The committee therefore recommends that this report be dispatched to the following institutions. This is what I spoke to earlier. They include the Directorate of Criminal Investigations (DCI), EPRA, NEMA, the Council of Governors (CoG), and Nairobi City County Government, for the purpose of implementing within a period of six months from the date of tabling and not from the date of passing. It talks about tabling like they have done.

I believe this report was tabled even earlier. It was tabled on 7<sup>th</sup> August, 2024, meaning six months are almost over. Actually they are over. Sen. Sifuna, in your next sitting, you may want to ask your clerk to check what these institutions have done since your committee did a stellar job of proposing the recommendations.

Mr. Temporary Speaker, Sir, I must continue saying *pole* to the families of the fellow countrymen that we lost. I know it is not in our place as Parliament to just send condolences. Firstly, the families of the victims expect that no other Kenyan will face such an occurrence and secondly and most importantly that the victims will be served

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justice. The only way the victims will get justice is when those who were running that facility are brought to book, charged before a court of law and sentenced with murder or manslaughter at the very worst since they knew what they were doing and the dangers therein, so that it serves as a lesson.

I will repeat this for emphasis's sake. So long as people know that you live in a country where even if you break the law nothing happens to you, then there is no motivation to respect the rule of law. That is the biggest challenge that we have as a country, the fact that it takes long to conclude even matters that are considered to be serious breaches of the law.

This is my last point. Corruption is one of the serious challenges that we continue to speak about year in year out. It is a campaign promise of almost every political party and president who has served this country for as long as I can remember, yet we continue to witness corruption in this country.

When the President last addressed Parliament during the State of the Nation Address last year in November, he tabled a proposal which I do not know why it has taken this long. It could be because of our colleagues in the National Assembly.

Unfortunately, in the Senate, we do not allocate resources and we have no ways and means through which we can bring it to life for there to be set up a separate division of our courts that can quickly conclude on corruption cases, the same way we they are required to conclude election petitions within six months. Once the Director of Public Prosecutions (DPP) is satisfied that your file has sealed all the loopholes and there is a basis to charge you and you are taken to court, the courts should make a determination within six months.

I strongly believe that if we were to start that culture of concluding cases, it will contribute to reduction of corruption cases. So long as people know that the worst that can happen to them is to take plea then they are released and it takes several months before a determination is made on the matter and after that they can move to the High Court, Court of Appeal and all the way to the Supreme Court, people will not respect these laws.

Mr. Temporary Speaker, Sir, I want to urge colleagues to take time to read this report and support it. We must still call on the institutions that are charged with the responsibility to bring perpetrators of this extremely heinous act to book and ensure that our 11 fellow citizens who lost their lives and hundreds of others whose lives have been affected in one or the other finally get justice. Most importantly, EPRA should put in place procedures to ensure that that never happens again in the Republic of Kenya.

I thank you, Mr. Temporary Speaker, Sir, and beg to second.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, I will now propose the question.

*(Question proposed)*

Hon. Members, I will now invite those who are interested in contributing to this particular Motion, starting with Sen. Tabitha Mutinda.

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**Sen. Tabitha Mutinda:** Mr. Temporary Speaker, Sir, allow me to start by appreciating Members of the Committee on Energy for doing a good job as far as this Report is concerned.

Mr. Temporary Speaker, Sir, when this incident happened in Embakasi, I was able to get to the site. It was an extremely sad day.

I saw young children, mothers, men, some people who had lost their lives, and some trying to come to terms with what had happened. Seeing some with their skins badly burnt was quite sad.

I am happy that the Committee on Energy was able to take up this matter. Having read the report briefly, on matters energy, different bodies and stakeholders come together or have the mandate to license these businesses, as far as LPG gas is concerned. They range from the counties themselves, especially Nairobi City County, which now offers the business license and permits. We also have institutions such as the National Environmental Management Authority (NEMA), Energy and Petroleum Regulatory Authority (EPRA).

We also have Energy Dealers Association that were also able to appear. We also have the gas explosive experts from EPRA and the Petroleum Institute of East Africa. This composition of stakeholders is very important because it is them who guide as far as the policies are concerned.

Having just briefly looked at the report, these are policies that also talk about construction permits. You have to be given approval to be able to do the construction of a site of LPG. You have to also be licensed as far as the facilities are concerned. So, it is deeper, not just any normal business the way people just decide to operate a specific business. It requires intense policies, intense adherence.

Mr. Temporary Speaker Sir, if the different institutions were able to ensure that this company, I think called Maxxis Energy Limited, were able to adhere to the standards, we would not be even in this position discussing what transpired. People lost lives and enterprises. I saw business people who had lost 99 percent of their stock. They had to shut down and to restart.

From this report I have seen close to 140 petroleum businesses that have been licensed. It is a high time that they get to the bottom to ensure that the standards that are required for one to be able to set up these facilities are adhered to.

As I have listened to the Leader of Majority speaker giving his submissions, he has mentioned the issue of corruption. This is not the first time in this country that we see such explosions taking place. God forbid that we do not wake up again in the near future and get such news.

I would also wish that the Committee takes it further that the licensed approved companies by the recommended institutions give further report on the current status of these particular facilities such as inspection reports on the condition of these companies.

Out of these 140 companies, you realize probably one individual owns like five of them, but the names are just different. If he has decided to do shortcuts, it will not just be one facility, but the five that this person is operating.

It is important that the Committee also takes advantage of the report of the companies that are licensed and go deeper to get in to understand their status. Are they

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adhering to the policies, to the requirements as far as Kenya Bureau of Standards (KEBS), NEMA standards and EPRA standards?

Counties also need to get involved. All these companies cut across all the 47 counties, but Nairobi City County has majority of these companies. Sometimes approvals are given, and yet this company is within an estate, which is an automatic risk.

We have a policy that clubs and pubs, should not be next to the learning institutions but because of corruption, this takes place. These institutions should not be near residential places. It should be having the appropriate distance. I do not know even how the construction permit was issued by the same EPRA, yet this facility was within the residential places.

The culprits should now be brought to book. People lost lives. That is equal to murder. The law is there and very clear. The security operators and the legal system should ensure they fasten this so that it sets an example to others who are still not adhering. The cases drag and someone is just freed to continue these businesses.

Even looking at this report, this business person seemed to have this business under still another name. If they are not brought to book on time, then this brings the risk for more scrupulous business that expose Kenyans to the risk.

With those few and many remarks, I appreciate the Committee's work. The culprits should be brought to book as soon as possible. I submit.

**Sen. Nyamu:** Thank you, Mr. Temporary Speaker, Sir. I have followed keenly as Sen. Sifuna presented that report from the Energy Committee. I am happy with the recommendations.

I note that that company that caused this tragedy in Embakasi, Nairobi, had unsuccessfully applied for licenses for the permit to run such a facility three times from EPRA and were denied. The neighborhood had also complained to NEMA about the potential threat of having operations of such nature in such a densely populated area like you know Embakasi is.

The Energy Committee has done a good job. I have listened to the report. It is very thorough. And all I can say is that we hope that every single recommendation in that report is going to be implemented. This not only to punish the errant company, but also as a deterrent of practitioners in this space to ensure that the lives of Kenyans are protected and also as a deterrent to these bodies who issue the permits.

We should see how they can have a coordinated approach so that you do not get a permit from Energy and Petroleum Regulatory Authority (EPRA) just to be denied by National Environment Management Authority (NEMA).

We should not have a situation where one meets the requirements in EPRA but fall short of the requirements of NEMA and so forth and so on. I have heard Sen. Sifuna recommend that we should have a unified permit for such activities. We should go that direction, if anything, to protect the lives of Kenyans and to have a conducive environment for such operations.

Thank you.

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

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir. I saw you grill your Governor in the morning on the status of education in Bomet County. I hope the

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Governor was not crying. I hope he had a problem with his eyes because the pictures seem to be communicating something. You will probably tell us more about this when you get chance.

I rise to support this Motion. We were horrified of what happened. Under the law, EPRA is supposed to regulate. How would one allow a Liquefied Petroleum Gas (LPG) gas company to operate within a residential area? There is so much impunity in this country that if Jesus Christ were to come back to Kenya, he would be worried. We have many good laws but no one is complying with them. There is a problem with the implementation and effectiveness of those laws. EPRA should not have licensed an LPG gas company that is within a residential area.

Remember we passed the Alcoholic Drinks Control Act, the famous Mututho Law. We have the issue of churches and mosques within residential areas. I normally see the environmental compliant officer running around Nairobi telling people that they cannot operate a disco or mosques and churches within residential areas. My two sisters from Nairobi City County, Sen. Nyamu and Sen. Tabitha Mutinda, will tell you that. The same applies to opening of bars. One cannot open a bar near a school and there is a regulation on that. That is why we were horrified.

The least that the Ministry of Energy, through EPRA and other agencies, can do is to compensate those families for the loss of lives and loss of property. As a country, we cannot allow EPRA to be only good at regulating prices. That is not what the law provided for EPRA. Under the law, EPRA has more mandates other than just telling us the price of petrol. They are not to only tell us that the price of petrol is Kshs200 shillings and it will be Kshs100 tomorrow. There is a big confusion with the management of EPRA. They think that their work is to only tell us that the fuel prices have gone up or down. They must tell us who issued the licenses.

Mr. Temporary Speaker, Sir, you are a senior lawyer in this country and you know that there is what we call criminal negligence. They have to tell us who issued the license for the operationalization of the lpg company in a residential area. We are closing alcohol places and outlets around schools because we want to comply with the law.

Therefore, the loss of life in Embakasi East, Mradi area and loss of property should be looked at thoroughly. As we talk, there should have been investigation and prosecution of the owners of the LPG company, officers from EPRA who approved and officers from Nairobi City County. They should be in court facing prosecution for criminal negligence for loss of property and lives. I thank the Committee on Energy.

Mr. Temporary Speaker, Sir, you had not joined us in the last session because you were busy in litigation, but we were able to sanction the Cabinet Secretary in charge of the Ministry of Energy then. He was sanctioned by this House. Do you remember the Solai Dam tragedy?

This House did not allow Chief Kiragu and County Commission Nkanatha to take Kshs20 million to families in Solai. I am happy that today, the owners of Solai Dam, the likes of Patel and Mashakuru are being prosecuted for criminal negligence for the loss of life on Solai Dam tragedy. So, EPRA officials who approved the license must be charged. Nothing much is expected from Nairobi City County on what happened in Embakasi, Mradi area. This is because they were dumping garbage at Stima House.

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First, the families should be compensated for loss of life and property. Second, we should have investigation and prosecution of all the officers that I have mentioned. I used to sell meat at King's Butcher in Mosoriot Trading Center and the public health officers used to come. If you walk to hustlers' shops, in Chepalungu and Longisa in Bomet County, you will see that the wall is mosaic. It has actually lost colour because of display of many things. They have license from public health, the county and even the national government. My question is; what were the inspectors doing? We must be told. That is why there is the possibility of prosecution.

Mr. Speaker, Sir, I have seen, in the Speaker's Gallery, students from ACK Bishop Kogo Cheptil from Mosop Sub-county, Nandi North, Nandi County. The 109 students and 16 teachers are here with us I am happy they have walked in when I am dispensing wisdom, freely, on this Motion on compensation. As they go back home for holidays this Easter week, I request them to greet their parents and tell them that their Senator is overworking. It is now 6.00 p.m. The truth is that Senators overwork.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, it would have been prudent, and of utmost respect to them if you made arrangements for them to be formally welcomed to this House. Nonetheless, I am happy that you are acknowledging them. Of course, as you have said, Senators are overworking and that includes their Senator.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir, for that indulgence. I was told by the secretariat that we have so many schools coming in, even from Bomet County and across the country. This is because most of them are going for their holiday. However, I know that they are welcome and they should learn as much as possible. I am happy that they have had an opportunity to see one of their representatives in action. In future, we want them to be Senators and Members of the National Assembly. We even want some of them to be a Speaker like you. We also want them to be lawyers, pastors and people who can serve this nation with distinction.

They should feel welcomed. On behalf of you, the Temporary Speaker and the House, I welcome them. I have addressed them outside and done the needful which we do when we have visitors from our home counties. Mr. Temporary Speaker, Sir, if you are gracious enough and you feel that your message should reach Nandi County, then you are welcome to organize for something. The same applies to Sen. Abbas, who is the Chairperson of the Committee on Devolution and Intergovernmental Relations.

Mr. Temporary Speaker, Sir, my other point is in relation to the connection of electricity in this country. We should relook at the connection of electricity. I went to a village somewhere in Tinderet, and noted that most of the wires belonging to Kenya Power and Lighting Company were almost falling off.

The issue of gas is very sensitive issue. We have had cases of gas explosion. We have seen lorries carrying LPG gas involved in accidents. We should earmark roads or ensure that the lorries carrying inflammable gas use a different road.

I remember in Karai, Naivasha, many years ago, there was an accident where there was a spillover of a highly inflammable material. So even as we talk about Liquefied Petroleum Gas (LPG) licensing within the residential areas, we must also ensure that transportation of gas and many others is done within the proper regulations.

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Sometimes, as you drive to Bomet through Mai Mahiu, you see highly inflammable gases being transported, and when accidents happen, it becomes a danger to pedestrians. Why can we not regulate and say, the LPG carrying lorries, should perhaps have their own lane, or they should be driven at night or at a particular speed, because most of them get accident.

Mr. Temporary Speaker, Sir, the fifth point that I would like to make is, the Committee of Energy within 90 days, should give us an audit of LPG gas production companies within the estates. In fact, I would have expected the Committee by today evening, or by the laying of this Motion, to tell us there has been an order by Energy and Petroleum Regulatory Authority (EPRA) and through the Senate Committee on Energy that, any liquefied petroleum gas plants within any residential area should be banned. That is the only way Kenyans will respect us as a House. They should be closed down, and any person found operating without the approval of EPRA and other regulating agencies should be charged.

Mr. Temporary Speaker, Sir, when you made your submission today in the afternoon, you mentioned career progress of the Assistant Chiefs and Chiefs, which was brilliant. These Assistant Chiefs, the Chiefs, *Nyumba Kumi*, the *Kokwet* elders---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, mind your language. Please, use parliamentary language. They are called village managers.

**Sen. Cherarkey:** I had gone back to my village in Kapkeben. I am sorry.

**The Temporary Speaker** (Sen. Wakili Sigei): Mind your language; you are still in Parliament. Mind the parliamentary language that is approved to be utilized while you are addressing the House.

**Sen. Cherarkey:** My apologies, Mr. Temporary Speaker, Sir. I withdraw and apologize.

When I am thinking, I do so in *Kinandi* then translate into English. So, you have to forgive me, for that slip of thinking. It should be village Elders.

You were clear, that in *ngao*, we need career progression of Assistant Chiefs, Chiefs, *Nyumba Kumi* and village Elders. Where I come from, sometimes they are referred to *Mukasa*. Where you and me come from, they are referred to *Kokwet* elders with the indulgence of the Standing Orders. Those people are critical and important in our society.

How do we ensure compliance and intelligence within a community? We should ensure that *ngao* have opportunity. They should have an opportunity to give intelligence of the LPG plants that are normally operated. We should use *ngao*. That is why I was saying, today in the afternoon, and the House agreed with me, that village Elders, whom we call them *Kokwet* Elders, or *Mukasa*, or village Elders, must be remunerated.

For example, in Kapkeben village in Mosoriot, where I come from, my local village Elder is called Christopher Arap Rotich. If I want to listen to the intelligence of the ground on security and marital issues, and what is happening in the society, he is the correct person to talk to.

However, we do not need them to go to school to qualify. Why would you need academic qualification to be a village Elder? You just need to understand the culture and

the norms, and perhaps be 40 years old and married with family. We must give them the stipend.

Today you are talking about career progression. Let us use *ngao* to give us intelligence because sometimes, LPG plants might be operating illegally. That is how we will be able to fight this menace.

The sixth point that I would like to make is, is it possible under Energy and Petroleum Regulatory Authority (EPRA), to put on the website, and say, for instance, in Bomet, there are particular LPG plant companies, give the place, address and the owner, so that if that explosion happens, we can easily trace. On the digital space, there is *TikTok, Instagram, Facebook* and *Twitter*. Why do they not publish on the website?

If it is XYZ that operates LPG plants somewhere in, for example, in Tenwek--- I know Tenwek has a very good hospital, and I am happy you just opened a new wing. I think also you are alumni of Tenwek High School, and I am happy with that school. I saw Franklin Bett was wearing a short, or *kinyasa* with your indulgence. I did not see you wearing, but I hope in the future you can wear the old uniform.

So let us know, for example, in Tenwek, is there an LPG plant, so that we can audit, and tell *wananchi*, go and confirm. Nowadays, with the era of information, it is easy to ensure compliance.

Mr. Temporary Speaker, Sir, even your visitors who are still here, you know there were quite a number. They were 109 students from Anglican Church of Kenya (ACK) Bishop Kogo Cheptil School in Mossop Sub-County, Nandi North, is a generation of information. In fact, these young girls and boys who are seated here know more than us, because this is a generation of digital information. They know a lot of things, unlike our era.

I do not know the other ones who are called Gen Z, and there is Alpha. I do not know which group is this, but they know much more than we did during our era, because this is a digital and information age. We wish them well as they go back to school and continue to learn.

So, on this issue of regulation of EPRA, we urge them to do their job. EPRA, your job is not only to read the prices of petroleum from January to December. Let us see EPRA in action, so that there is accountability.

I know for us, politicians, our accountability is quite high. However, when we want to hold accountability of these people, it is hard to. Therefore, in reference to this Motion and Report of the Senate Standing Committee on Energy on the inquiry into the LPG gas explosion in Mradi area, Embakasi, Nairobi City County, the Kenyans who lost their lives and property must be compensated. The people who committed criminal negligence, including their owners, regulators and approvers, must be criminally charged for criminal negligence.

Mr. Temporary Speaker, Sir, the LPG gas plants in our estates and residential areas must be immediately shut down. Compensation must happen. I urge EPRA to do more than just reading the prices of fuel from January to December.

With those remarks and indulgence, I beg to support this Motion that came on behalf of the Senate Standing Committee on Energy on the issue of LPG plant explosion in Mradi area in Embakasi constituency in Nairobi City County.

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I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Cherarkey, Senator for Nandi County, for your contribution to this particular Motion, which is important.

Hon. Senators, there being no other Senator who is keen on contributing, I would like to ask Sen. Abass to reply on behalf of the Chairperson of the Senate Standing Committee on Energy.

**Sen. Abass:** Thank you, Mr. Speaker, Sir. On behalf of the Committee of Energy, I would like to join my colleagues, to also commend the Committee for the excellent report they have done, and thank the senators who have contributed.

Mr. Temporary Speaker, Sir, as you are aware, this Report is of national interest, and I think we need to have more time debating.

Therefore, I beg to reply with those remarks, and pursuant to Standing Order 63, request that the putting of the Question be deferred to a later date.

Thank you.

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

Pursuant to the provisions of Standing Order 66, the putting of the Question as regards this Motion is deferred to a later date.

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

Hon. Senators, with that, we have consulted with the Chairperson of the Devolution and Intergovernmental Relations Committee with regards to the Motion under Order No.18. In the absence of Member to second, we will defer moving of that Motion.

Similarly, Standing Order No.19 suffers the same fate. In the absence of the Movers of Standing Order No. 20, Motion - Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration into an Inquiry on the Diversity and Inclusivity in the Staff Composition of State Agencies in Kenya, Order Nos. 21, 22, 23, 24, and 25, all of them are hereby deferred to a later Sitting of the House.

## MOTIONS

### ADOPTION OF REPORT ON INQUIRY INTO THE PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS-NZOIA COUNTY

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the allegations on personal security concerns raised by Hon. Philomena Kapkory, deputy governor, Trans Nzoia County laid on the Table of the Senate on Tuesday, 1st October, 2024.

*(Motion deferred)*

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ADOPTION OF REPORT ON INQUIRY INTO THE STATE OF  
MARKETS IN VIHIGA AND BUNGOMA COUNTIES

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from statements sought by Sen. Godfrey Osotsi, MP, and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1st October, 2024.

*(Motion deferred)*

ADOPTION OF PROGRESS REPORT ON DIVERSITY AND  
INCLUSIVITY IN STAFFING OF STATE AGENCIES

THAT, the Senate adopts Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration into an inquiry on the diversity and inclusivity in the staff composition of state agencies in Kenya, laid on the Table of the Senate on Thursday, 3rd October, 2024.

*(Motion deferred)*

ADOPTION OF REPORT ON THE COUNTY OVERSIGHT  
AND NETWORKING ENGAGEMENTS TO TAITA TAVETA,  
MOMBASA, AND KWALE COUNTIES

THAT, the Senate adopts the Report of the Standing Committee on Health on the County Oversight and Networking Engagements to Taita Taveta, Mombasa and Kwale Counties, laid on the Table of the Senate on Thursday, 5th December, 2024.

*(Motion deferred)*

ADOPTION OF REPORT ON INSPECTION TOUR OF HEALTH FACILITIES  
IN WEST POKOT, TRANS NZOIA AND TURKANA COUNTIES

THAT, the Senate adopts the Report of the Standing Committee on Health on the inspection tour of health facilities in West Pokot, Trans Nzoia and Turkana Counties, laid on the Table of the Senate on Thursday, 5th December, 2024.

*(Motion deferred)*

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*Second Reading*

THE PROVISION OF SANITARY TOWELS BILL  
(SENATE BILLS NO.7 OF 2024)

*(Bill deferred)*

*Second Reading*

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

*(Bill deferred)*

*Second Reading*

THE OFFICE OF THE COUNTY ATTORNEY  
(AMENDMENT) BILL (SENATE BILLS NO.47 OF 2024)

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, you may rise.  
There being no other Business, the Senate stands adjourned until Tuesday, 8<sup>th</sup>  
April, 2025, at 2.30 p.m.

The Senate rose at 6.11 p.m.