



**THIRTEENTH PARLIAMENT**  
**THE SENATE**  
**OFFICIAL REPORT**



**Fourth Session**

**Thursday, 25<sup>th</sup> September, 2025 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 25<sup>th</sup> September, 2025

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

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kathuri): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Order, Senators. We now have quorum. Let us proceed with the business of the day.

### PAPERS LAID

#### THE CROPS (BIXA) REGULATIONS (LEGAL NOTICE NO.145 OF 2025)

**The Deputy Speaker** (Sen. Kathuri): Senate Majority Leader, you have Papers this afternoon

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 25<sup>th</sup> September 2025-

The Crops (Bixa) Regulations (Legal Notice No.145 of 2025).

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

**The Deputy Speaker** (Sen. Kathuri): Next is the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, Sen. Abass or the Vice-Chairperson.

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REPORT OF PETITION ON AMENDMENT TO THE  
COUNTY GOVERNMENTS ACT, 2012

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir. On behalf of the Chairperson, Committee of Devolution and Intergovernmental Relations, I beg to lay the following Paper on the Table of the Senate today, 25<sup>th</sup> September, 2025-

Report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Japheth Makokha, the Executive Director of Triple the Impact CBO, to amend the County Governments Act, 2012 on the mandate of County Governors assigning portfolio of County Executive Committee Members (CECM) to the Deputy County Governors.

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

**The Deputy Speaker** (Sen. Kathuri): Next Order.  
Sen. Mumma, give notice of the Motion.

### NOTICE OF MOTION

ADOPTION OF REPORT OF PETITION ON AMENDMENT TO  
THE COUNTY GOVERNMENTS ACT, 2012

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir. On behalf of the Chairperson, Committee on Devolution and Intergovernmental Relations, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Japheth Makokha, the Executive Director of Triple the Impact CBO, to amend the County Governments Act, 2012 on the mandate of the County Governors assigning portfolio of a County Executive Committee Member, (CECM), to the Deputy County Governors laid on the Table of the Senate on Thursday, 25<sup>th</sup> September, 2025.

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

### QUESTIONS AND STATEMENTS

#### STATEMENTS

Hon. Senators. We have Statements under Standing Order No.53(1). We start with the Senator for the Tharaka Nithi County.

Sen. Mwenda Gataya, are you ready with your Statement?

**Sen. Gataya Mo Fire:** Thank you, Mr. Deputy Speaker, Sir.

*(Loud Consultations)*

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Mr. Deputy Speaker, Sir, can I be heard in silence?

**The Deputy Speaker** (Sen. Kathuri): Order, Sen. Mundigi and Sen. M. Kajwang.’

Proceed and read your Statement.

**Sen. Gataya Mo Fire**: Thank you, Mr. Deputy Speaker, Sir. Before I read my Statement, allow me to extend my heartfelt sympathies to Tharaka Nithi University community following the unfortunate fire tragedy---

**The Deputy Speaker** (Sen. Kathuri): Is that the Statement that you are to read?

**Sen. Gataya Mo Fire**: No.

**The Deputy Speaker** (Sen. Kathuri): You cannot give apologies or whatever you are giving through the back door.

**Sen. Gataya Mo Fire**: It is a ‘small’ Statement---

**The Deputy Speaker** (Sen. Kathuri): No. Just read the first Statement. You will find your way in the course of the afternoon to read the other Statement.

#### DELAYED DEMARCATION OF LAND IN THARAKA NITHI COUNTY

**Sen. Gataya Mo Fire**: Thank you for your guidance, Mr. Deputy Speaker, Sir.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding delayed demarcation of land in some parts of Tharaka Nithi County.

Delays in land adjudication and demarcation in Tharaka Nithi County have led to prolonged disputes and uncertainty in land ownership and vulnerability among affected residents, particularly in rural and marginalised areas. The situation has been further compounded by reports of fake title deeds and poor adjudication practises, undermining public trust and impeding socio-economic progress.

In the Statement, the Committee should address the following-

(1) The current status of land adjudication in Tharaka Nithi County, including specific areas affected and the projected timeline for completion.

(2) Look at the measures being undertaken to address the progression of fake title deeds and to improve adjudication process with a view to ensuring secure and credible land ownership.

(3) The mechanisms in place to facilitate meaningful community engagement in the larger demarcation processes, including how grievances and concerns are being addressed.

(4) Provide the budgetary allocation made towards land adjudication and settlement activities in Tharaka Nithi County and whether these resources are adequate and effectively utilized.

In a rejoinder---

**The Deputy Speaker** (Sen. Kathuri): No, have your seat.

**Sen. Gataya Mo Fire**: I have a simple issue to raise. Allow me to issue just a statement.

**The Deputy Speaker** (Sen. Kathuri): I gave you a very clear guidance.

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**Sen. Gataya Mo Fire:** Thank you.

**The Deputy Speaker** (Sen. Kathuri): I gave you some guidance. Have a seat and approach the Chair after that.

Proceed, Senator from Busia County. You have two Statements, read them simultaneously.

#### ELECTRICITY CONNECTIVITY IN BUSIA COUNTY

**Sen. Okiya Omtatah:** Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy on a matter of countywide concern regarding electricity connectivity in Busia County with particular emphasis on rural areas.

Mr. Deputy Speaker, Sir, rural areas in Busia County continue to face severe electricity challenges, including lack of power connectivity to villages, unresolved disconnections and frequent blackouts, especially during the rainy season.

Delays in fault rectification has also caused some areas, such as Nambere Shopping Centre, to remain without electricity for five years since the only transformer serving the area was withdrawn by Kenya Power. These failures have hindered education, deterred investment and deepened rural marginalisation.

In this Statement, the Committee should address the following-

(1) The current status of rural electrification in Busia County, including the number of villages not connected to electricity despite being earmarked under the Government programmes.

(2) Strategies by the Ministry of Energy and Petroleum to achieve universal electricity access in Busia's rural areas, including plans to integrate renewable energy solutions, such as solar mini-grids.

(3) Mechanisms in place to monitor Kenya Power's efficiency in fault repairs, service delivery and the oversight exercised by the Energy and Petroleum Regulatory Authority (IPRA) regarding prolonged outages and accountability failures.

(4) The specific technical challenges causing recurrent outages, particularly during rainy seasons and the measures in place to address them.

(5) Measures in place to ensure reliable electricity for schools and health facilities and steps taken to ensure backup power in underserved areas.

#### STATE AND OPERATIONS OF KENYATTA NATIONAL HOSPITAL

Mr. Deputy Speaker Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of nationwide concern regarding the state and operations of Kenyatta National Hospital.

Kenyatta National Hospital, the country's largest referral facility, is expected to uphold the highest standards of healthcare. However, its current state is characterized by unhygienic conditions, overcrowded and poorly ventilated wards, long queues at essential service points, inadequate facilities for Persons with Disabilities (PwDs) and lax security that has led to two murders within the wards in the last six months. The hospital has

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further been referring patients to private institutions for essential diagnostic services undermining its mandate as the national referral hospital.

In the Statement, the Committee should address the following-

(1) Measures the Ministry of Health has implemented to uphold hygiene standards, address overcrowding, expand infrastructure and ensure adequate staffing and functional facilities such as lifts and waiting areas at the Kenyatta National Hospital.

(2) Reasons for unavailability or malfunctioning of essential diagnostic and treatment services, including Computed Tomography (CT) scans, dialysis and radiotherapy and outline the maintenance protocols, investment plans and accountability frameworks in place to ensure reliable operation of hospital equipment.

(3) The strategies in place to enhance hospital security following the reported murders within Kenyatta National Hospital wards, including accountability of leadership and law enforcement, as well as the Ministry's coordination with the Social Health Authority (SHA) and Digital Health Authority (DHA), to ensure robust health systems free from incessant breakdowns.

*(Several Senators stood in the gangways)*

**The Deputy Speaker** (Sen. Kathuri): Very well. Order, hon. Senators.

The three Senators standing on the gangways, familiarise yourselves with Standing Order No.118. Senators should always be seated.

Let me read it for them, for clarity. Standing Order No.118 reads as follows-

“Except when passing to and from his or her seat or when speaking, every Senator when in the Chamber shall be seated and shall not at any time stand in any of the passages and gangways.”

There is a notorious attitude in this area. The House was in order until the Senator for Kisumu came in and decided to make a *Kamukunji*. I was trying to catch his eye for him to make his Statement, but now I think I should drop it until tomorrow. He has a Statement today, but I am tempted to drop it. Can you do it very fast, Sen. (Prof.) Tom Ojienda.

STATE OF PUBLIC SANITATION INFRASTRUCTURE  
IN KISUMU COUNTY

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the state of public sanitation infrastructure in Kisumu County, particularly within high-traffic public spaces such as markets, bus parks and beaches in Kisumu County.

Despite consistent budgetary allocations by the County Government of Kisumu, a substantial number of public toilets located in areas within Kibuye and Jubilee markets, Kisumu Bus Park, Luang’ni Beach and various landing sites along Lake Victoria remain in a state of disrepair.

These facilities are characterised by poor hygiene standards, lack of running water, inadequate sewage systems and insufficient lighting and security conditions that

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pose serious public health risks and undermine the dignity of residents, traders and visitors alike.

In the Statement, the Committee should address the following-

(1) Provide a detailed inventory of all public sanitation facilities currently operational within major public spaces in Kisumu County, indicating their physical condition and level of functionality.

(2) Indicate whether the County Government has established a formal maintenance framework or entered into any public-private partnership arrangements for the daily operation, cleaning, staffing and security of these facilities.

(3) Indicate the total budgetary allocation and actual expenditure incurred by the County Government of Kisumu towards the maintenance and upgrading of public toilets over the last three financial years.

(4) Indicate whether the County Government has undertaken any sanitation audits, inspections or enforcement actions in relation to the public health standards in these facilities since 2023.

(5) Provide the measures being implemented to ensure that public sanitation infrastructure across Kisumu County complies with constitutional and social requirements, particularly in view of the increased human activities, including tourism, within the region.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Order, hon. Senators.

Sen. Consolata, do not learn bad manners from Sen. (Dr.) Khalwale.

*(Laughter)*

Always look as much as possible at the movements the Chair is making.

*(Interruption of Statements)*

## COMMUNICATION FROM THE CHAIR

### VISITING TEACHERS AND PUPILS FROM ZION SCHOOL IN UTAWALA, NAIROBI COUNTY

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I would like to acknowledge the presence in the public gallery this afternoon, of a visiting delegation from Zion School in Utawala, Nairobi City County. The delegation consists of 35 students and seven teachers. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and on behalf of the Senate and on my own behalf, I wish them a fruitful visit.

Thank you.

Proceed, Sen. Edwin Sifuna.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, thank you for that kind indulgence. These young children from Zion School, Utawala, came in early before the session began and we were having a small conversation with them. I asked them if they knew who I was and

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all of them said no. You can see they are fairly young. So, I had to request the Deputy Speaker that when the session begins, let me welcome them formally to the Senate and introduce myself to them.

My name is Edwin Sifuna. I am the Senator of Nairobi City and this school is in Utawala. I want them to know their Member of Parliament is called Babu Owino. He is also elected on the same party as the Senator. You are welcome to Parliament, you are welcome to the Senate.

I hope that you have learnt something today, so that when you go home and your parents ask you “who is the Senator of Nairobi? you know the answer that you will give.

Mr. Deputy Speaker, Sir, I want to thank the Clerks-at-the-Table and your office. Since Nairobi hosts the Senate, any time a school from Nairobi comes, please, let us not be treated the same way as schools where Sen. Wakwabubi comes from.

Mr. Deputy Speaker, Sir, thank you very much for that honour. Since you have previously shown generosity to children when they come here, I want to go outside and see them. I know I will be carrying some good message for them from the Deputy Speaker for them.

Thank you very much and God bless you.

**The Deputy Speaker** (Sen. Kathuri): Okay, thank you. The good thing is that the children are not aware of your intention. So, I also give them my greetings from Meru and the Senate of Kenya.

There are a few Senators. I can open a few minutes for comments, starting with Sen. David Wakoli Wafula.

*(Resumption of Statements)*

Proceed, Sen. Beatrice Akinyi Ogola.

**Sen. Ogola:** Thank you, Mr. Deputy Speaker, Sir. I rise to support the Statement on the state of the Kenyatta National Hospital. As I support this Statement, it is important to note that Kenyatta National Hospital, being a national referral hospital, requires massive funding.

All what Sen. Omtatah has enumerated here is right. However, we need to reflect as a country whether we are giving the right funding to this institution amidst the kind of services it offers to all Kenyans and beyond. I believe that Kenyatta National Hospital needs affirmative action when budgets are being drawn.

I have often seen a lot of activities going on there and sometimes you even sympathise with the staff. We need deliberate efforts to provide certain funding to the Kenyatta National Hospital (KNH), so that it is upgraded to the required standards.

Often, I have seen several patients who have been abandoned by their relatives in the hospital and the institution cannot throw them out because they are Kenyans. They have to be given the necessary support. Last time, I saw a patient who had been there for more than five years.

Mr. Deputy Speaker, Sir, as we look into the services the institution should offer to Kenyans, we must also realise that the population has grown and with population growth, there is increased demand for services. Therefore, there must be commensurate funding given to that hospital.

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Every other Kenyan runs to the KNH, that same hospital, because of the increase in the number of patients with terminal illnesses amongst the population. As I support Sen. Omtatah, I also rise to congratulate the Social Support Department of this institution for the work they do.

Mr. Deputy Speaker, Sir, I also want to comment on the Statement by Sen. (Prof.) Ojienda on the medical institutions in Kisumu County. I once visited the Mental Health Institution in Kisumu, which is equivalent to Mathari Hospital. It remains the small outfit that it was years ago, with so many counties that it serves. I saw the crowd that was there. Therefore, I support that services must be upgraded, but mainly, funding to these institutions must be looked into.

I support.

**The Deputy Speaker** (Sen. Kathuri): Let me give a different direction; let us first do statements under Standing Order No. 56(1)(B), so that if any Senator has to comment, they do them together.

The Chairperson, Standing Committee on Information, Communication, and Technology (ICT), proceed.

Do we have any Statements from the Standing Committee on Justice, Legal Affairs, and Human Rights and the Committee on Labour and Social Affairs? Either a Member or the Chairperson of the two Committees is to be ready.

#### ACTIVITIES OF THE COMMITTEE ON ICT FOR THE PERIOD APRIL TO JULY, 2025

**Sen. Chesang:** Mr. Deputy Speaker, I rise, pursuant to Standing Order No. 56(1)(B) of the Senate Standing Orders to make a statement relating to the activities of the Standing Committee on ICT for the period between April to September, 2025. During the period under review, the Committee held a total of 21 sittings, during which it considered one Bill, 16 Statements and two inquiries.

The Committee considered the Technopolis Bill, 2024 (National Assembly Bills No.6 of 2024) which was introduced in the National Assembly, passed with amendments and referred to the Senate. The Bill was read for the first time in the Senate on Wednesday, 4<sup>th</sup> December, 2024 and committed to the Committee for consideration.

Mr. Deputy Speaker, Sir, the Committee considered the Bill, taking into account the views and recommendations of the public and tabled the Report before the Senate on Wednesday, 11<sup>th</sup> June, 2025.

During consideration of the Bill, the Committee observed, among other things, that there is a need for inclusion of a provision in the Bill on public participation and consultation with relevant stakeholders likely to be affected by gazetting of an area as technopolis, as well as the buffer zones.

Mr. Deputy Speaker, Sir, 15 Statements were ongoing from the previous reporting period, and two statements were sought from the Committee during the current period. The Committee considered the statements through physical sittings with stakeholders and the respective Senators who made the requests, while in other instances, it admitted written submissions and shared the responses with the respective Senators.

Two Statements sought by Sen. Lenku Seki Olekina, MP on the Administration of the Universal Service Fund and Status of Implementation of the National Digital Superhighway and the Last Mile Connectivity Projects under the Universal Service Fund, was considered by the Committee and included as part of the Committee inquiry into the governance, implementation and impact of the Universal Service Fund in bridging Kenya's digital divide. The Committee is currently following up on two responses from the Ministry of Education, Communications Authority of Kenya (CAK) and Safaricom Limited.

The Committee is currently conducting the following inquiries-

Inquiry into the critical telecommunication infrastructure in the country and inquiry into the operation of the Integrated Financial Management Information System (IFMIS) and other county revenue collection and management systems.

The Committee conducted county oversight and networking engagement visits on the inquiry into the operations of IFMIS and other county revenue collection and management systems in nine counties namely, Uasin Gishu, Elgeyo Marakwet, Trans Nzoia, Bungoma, Mombasa, Kilifi, Kajiado, Kiambu and Machakos.

The Committee is particularly interested in presentations on each county's revenue collection and management system, focusing on system overview, integration with IFMIS, effectiveness in revenue collection, key strengths and challenges, operational costs, sustainability and any planned future improvements with the aim to investigate the revenue leakages through the county's revenue collection system and avenues.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, proceed.

Vice-Chairperson, proceed.

#### ACTIVITIES OF THE COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS

**Sen. (Prof) Tom Odhiambo Ojienda, SC:** Thank you, Mr. Deputy Speaker, Sir. I have the Quarterly Statement of the Standing Committee on Justice, Legal Affairs and Human Rights.

I rise pursuant to Standing Order No. 56(1)(B) of the Senate Standing Orders to make a Statement relating to the activities of the Standing Committee on Justice, Legal Affairs, and Human Rights for the period commencing 1<sup>st</sup> May, 2025, to date.

The Standing Committee on Justice, Legal Affairs and Human Rights is established under Standing Order No.228(3) of the Senate Standing Orders and is mandated to consider all matters relating to constitutional affairs, the organisation and administration of law and justice, elections and promotion of principles of leadership, ethics and integrity, agreements, treaties and conventions and implementation of the provisions of constitutional human rights.

Mr. Deputy Speaker, Sir, during the period under review, the Committee held a total of 25 sittings during which it considered one legislative proposal, one Bill, three petitions, a Sessional Paper on public participation as well as other legislative

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business, including the implementation of the Resolution of the Senate on the current state of the nation.

The Committee considered one legislative proposal namely, the Draft Public Appointments (Parliamentary Approval) (Amendment) Bill 2025, sponsored by the Senator for Nyamira County, Sen. Okong'o Omogeni, SC, CBS, MP.

During the period under review, the Committee concluded the Constitutional President's Memorandum on the referral of the Conflict-of-Interest Bill 2023 (National Assembly Bills No.12 of 2023) and tabled its Report following which the House considered and voted on the reservations. The Bill has since been assented to and is law.

The Committee has two Bills pending before it namely, The County Government State Officer's Removal from Office Procedures Bill, 2024 (Senate Bills No.34 of 2024 and the Constitution of Kenya (Amendment) Bill, 2025 (Senate Bills No.13 of 2025).

On the first Bill, the Committee has concluded stakeholder engagements and is considering the submissions received, following which it will adopt and table its report in the House.

With regard to the Constitution of Kenya (Amendment) Bill, 2025 (Senate Bills No.13 of 2025), the Committee has met with key stakeholders, received their views and deliberated on the Bill. The next stage is the proposed public hearings across the counties. This exercise will involve all Members of the House, not just the Committee. I urge all Senators to commit and fully participate once the dates are firmed up. This will pave the way for the Committee to retreat to consider the submissions received and bring its report to this House.

Mr. Deputy Speaker, Sir, on petitions, the Committee, having concluded the consideration of all petitions referred to it and tabled its reports, did not consider any petitions during the period under review. However, pursuant to its implementation mandate, the Committee followed up with various ministries, commissions, departments and agencies on the status of implementation of the recommendations contained in the reports of the Committee previously tabled in the Senate during this term.

On Statements, seven statements were ongoing from the previous reporting period and four statements were sought from the Committee during the period under review, bringing the total number of Statements to 11. On this number, the Committee concluded consideration of four statements related to the admission of justice and one relating to elections. We are following up for responses to the remaining six statements to ensure that they are concluded before the end of the Session.

Mr. Deputy Speaker, Sir, during the reporting period, the Committee also considered the State of the Judiciary and Administration of Justice Annual Report (SOJA) for the year 2023/024 and adopted its report thereon.

The Committee continued to consider and give directions on the conduct of various court matters relating to the mandate of the Senate and to the devolved system of government and engaged with various institutions on the implementation status of the Senate resolution on the current state of the nation.

Lastly, on the engagement with external stakeholders, in line with its mandate, the Committee held high-level engagements with various stakeholders during the reporting

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period. These included the Kenya National Commission on Human Rights (KNHCHR), the Independent Electoral Boundaries Commission (IEBC), the National Gender and Equality Commission (NGEC), Commission on Revenue Allocation (CRA) and the Kenya Law Reform Commission (KLRC).

Others were the Office of the Registrar of Political Parties, the Council of Governors (CoG), the County Assemblies Forum (CAF), the Law Society of Kenya (LSK) and Civil Society Organisations (CSO) under the umbrella of the Uchaguzi Platform. The outcome of these engagements greatly enriched the consideration by the Committee of the legislative business before it, as well as setting the agenda and priority areas for the next session.

Mr. Deputy Speaker, Sir, in conclusion, I wish to thank your office and that of the Clerk of the Senate for the continuous support accorded to the Committee in undertaking this work. I also wish to thank the Members of the Committee for their commitment and diligence, which have enabled this Committee to execute its mandate and conclude its assignment within the set timelines.

I thank you, Mr. Deputy Speaker, Sir.

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

The Chairperson, Standing Committee on Labour and Social Welfare, proceed.

#### ACTIVITIES OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE FOR THE PERIOD MAY TO AUGUST, 2025

**Sen. Seki:** Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.56(1)(B) of the Senate Standing Orders to make a Statement related to the activities of the Standing Committee on Labour and Social Welfare for the period between May and August 2025.

During the period under review, the Committee held a total of 39 sittings during which it considered seven statements, two Bills, legislative proposals and two Petitions. The legislative business currently under consideration by the Committee is outlined in Appendix 1.

On Bills, during the period under review, the Committee concluded the consideration of two Bills, namely, The Culture Bill, 2024 (National Assembly Bills No.12 of 2024) and the Social Petition Bill, 2025 (National Assembly Bills No.12 of 2025). Additionally, the Committee approved the publication of two legislative proposals; The Labour Relations (Amendment) Bill, 2025 and the Social Risk Management Bill, 2025.

Mr. Deputy Speaker, Sir, during the period under review, the Committee received seven Statements and it remained with 61 pending Statements carried over from the previous session. On several of these matters, Senators sought supplementary information from Ministries, departments and agencies to enable comprehensive resolution.

During the period under review, two Petitions were committed to the Committee namely, the petitions on the inaccessibility of public buildings and offices by Persons with Disabilities (PwDs) in Mombasa County and a petition by Mr. Titus Thuku Njoroge concerning the purported dismissal by the African Inland Church of Kenya.

The Committee also considered two other Petitions; the non-payment of terminal benefits and Maziwa SACCO dues for former employees of KCC Limited and the winding up and liquidation of the Technical University of Kenya (TUK) Staff Retirement Benefits Scheme. The Committee intends to conclude all these petitions by the end of the session.

The Committee is pursuing three inquiries namely, the welfare of Kenya migrant workers, the non-payment of honorarium to former councillors and the fate of candidates shortlisted under the diaspora jobs programmes administered by the Ministry of Labour and Social Protection. In this regard, the Committee has held engagements with relevant stakeholders and continues to pursue comprehensive solutions.

With regard to the other honorarium, at its meeting with the National Treasury, the Cabinet Secretary stated that only the councillors who had served for four or more terms up to 1994 were eligible for payment under the 1994 circular. He urged Parliament to enact legislation to effect the payment. The Committee is of the view that since the law cannot be legislated retrogressively, a political solution is paramount to secure a fair and conclusive outcome.

Mr. Deputy Speaker, Sir, in the next quarter, the Committee will prioritise completion of legislative business before it and prioritise the following areas within its mandate-

(1) Protection of workers' rights and enhancement of fair labour practices, including the welfare of migrant workers, ethical recruitment and the regulations of labour migrations programmes.

(2) Oversight on pension schemes and social security, with emphasis on the timely disbursement and proper management of retirement benefits, terminal dues and statutory deductions affecting employees in both public and private institutions.

(3) Strengthening of workforce health and safety through effective implementation of the Occupational Safety and Health Act.

(4) Enhance inspection mechanisms in compliance with national and international labour standards.

(5) Enhancement of sports development and management, including policies to promote alternative sports, safeguard the welfare of sportsmen and women and ensure accountability within sports organisations and oversight of social protection programmes to secure the dignity and welfare of vulnerable persons, including the elderly, PwDs and the children.

I wish to thank you, your office and the Office of the Clerk of the Senate for the continuous support accorded to the Committee in executing its mandate. Lastly, I also wish to thank the Members of the Committee for their diligence, dedication and valuable contribution to the activities of the Committee.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Before I give a few Members opportunity to make comments, I wish to make a Communication.

*(Interruption of Statements)*

**COMMUNICATION FROM THE CHAIR**

## SUBSTANTIATION OF CLAIMS MADE BY SEN. CHERARKEY, MP

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, as you may recall, at the sitting of the Senate held on Wednesday 24<sup>th</sup> September, 2025, afternoon sitting, the Temporary Speaker, Sen. Catherine Mumma, MP, directed Sen. Samson Cherarkey, MP, to substantiate utterances made in the course of his contribution to the Motion on the Report of the Standing Committee on Finance and Budget on the County Governments Equitable Share Cash Disbursement Schedule for the Financial Year 2025/2026.

The direction was as a result of a point of order by the Senator for Narok County, Sen. Ledama Olekina, MP, pursuant to Standing Order No.105.

Standing Order No.105 provides that-

“(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order 121 on Disorderly conduct unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

Hon. Senators, in the point of order, Sen. Cherarkey, MP, was required to substantiate the statement that-

“I am happy with the TIFA survey results. You have seen our party, UDA, is the most popular party in this country. That is why we have elected Sen. Wakwabubi from Bungoma.”

Upon being challenged by Sen. Ledama Olekina, MP, Sen. Cherarkey was not able to substantiate his statement as required pursuant to Standing Orders No.105(1). He subsequently requested the Temporary Speaker, Sen. Mumma, to provide the evidence at the next sitting day in accordance with Standing Orders No.105(2). Having acceded to the request, the Temporary Speaker, Sen. Mumma, directed that the Senator substantiates the statement at the next sitting day.

Pursuant to Standing Order No.105(2), I now invite Sen. Samson Cherarkey, MP, to forthwith substantiate the claim as raised in the point of order by Sen. Ledama Olekina, MP, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Orders No.121.

In the absence of such substantiation, the Senator will be required to withdraw the statement and apologize to the Senate.

I thank you.

Sen. Cherarkey, utajitetea ukiwa upande gani?

Proceed.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I do not know why I should substantiate the obvious, but I follow your direction. I have the TIFA report in soft copy. Do I table my phone or am I supposed to send to you in soft copy? The issue was---

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**The Deputy Speaker** (Sen. Kathuri): What is in the soft copy?

**Sen. Cherarkey:** The TIFA report because I had quoted TIFA. According to TIFA opinion polls, the United Democratic Alliance (UDA) is the most popular party in Kenya as of today.

**The Deputy Speaker** (Sen. Kathuri): Was it a survey released?

**Sen. Cherarkey:** Yes, it was a survey released. It was in the public domain. Sen. Ledama, it should be a judicial notice. The reports are in the public. They requested that I table the TIFA report to your Secretariat for substantiation.

**The Deputy Speaker** (Sen. Kathuri): Do you have the TIFA report?

**Sen. Cherarkey:** I have it in soft copy, Mr. Deputy Speaker, Sir or should I table my phone? It is quite expensive. I do not know---

**The Deputy Speaker** (Sen. Kathuri): I suggest that you table what you have?

**Sen. Cherarkey:** Yes.

**The Deputy Speaker** (Sen. Kathuri): I do not know whether the Secretariat will be able---

**Sen. Cherarkey:** Or I send the soft copy to Ms. Gichangi.

**The Deputy Speaker** (Sen. Kathuri): You can send it to the Secretariat?

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, you are a member of UDA, so you know it is popular. We do not need to prove it.

*(Sen. Faki spoke off record)*

**Sen. Cherarkey:** He is a member of UDA elected by the people of Meru and we are proud of what you are doing.

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, send the report to the Secretariat.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. We are proud of what you are doing.

**Sen. Faki:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): What is your point of order, Sen. Faki? You should also quote the Standing Order.

**Sen. Faki:** I rise under Standing Order No.1. The Speaker should be neutral.

**The Deputy Speaker** (Sen. Kathuri): Have you sent the report?

*(Loud consultations)*

We went to Egypt, there is no problem with that. It is okay.

Let me give also you this chance to make your Statement under Standing Order No.57 (1) so that we conclude all the Statements first.

BUSINESS FOR THE WEEK COMMENCING

TUESDAY, 30<sup>TH</sup> SEPTEMBER, 2025

**The Senate Majority Leader** (Sen. Cheruiyot): I thank you, Mr. Deputy Speaker, Sir, for this opportunity. I rise pursuant to Standing Order No.57(1) to make a

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Statement on the business of the House for the week that commences Tuesday, 30<sup>th</sup> September, 2025.

Before I proceed, let me take this opportunity to welcome Hon. Senators back to the House from the short recess. I hope you took time to rest, spend time with family and friends, reconnect with constituents and rejuvenate yourselves as you prepare for the Fourth Session of this term.

Mr. Deputy Speaker, Sir, Senators may be aware that significant progress was made in processing legislative business in the Part IV of the Fourth Session. Accordingly, the Senate considered and passed the following Bills which were referred to the National Assembly for consideration-

(1) The Energy (Amendment) Bill (Senate Bills No.42 of 2023)

(2) The County Assemblies Pensions Scheme (Senate Bills No.14 of 2024) and quite a number of Bills.

Mr. Deputy Speaker, Sir, I do not intend to go through the entire list.

Additionally, the Senate also passed 25 Motions on diverse subjects. Resolutions of these Motions have been communicated to all the implementing agencies as required by Standing Order No.225(1). While such progress is commendable, it should not be taken to suggest complacency. There is still a heavy agenda as we begin Part V of the Session. The Senate Business Committee (SBC) will formally communicate that part. I know we do not have such a long time as is the case in this Fifth Session.

The status of legislative business is as follows-

There are 58 Bills pending conclusion, of which 40 are at the Second Reading stage and 18 at the Committee of the Whole stage. There are 26 Motions pending conclusion and 28 Petitions due for reporting. I am a very big fan of Petitions. I appreciate the new procedure that we set a few months ago of committees considering those Petitions and moving very quickly. There are 444 Statements pursuant to Standing Order No.53 (1) that are being considered by respective Standing Committees.

Mr. Deputy Speaker, Sir, allow me to pause at this point and pass my--- I do not know whether it is a fair or unfair comment. I have continued to raise this at the SBC and I will bring it to the attention of the House. The Senators that have served long in the House---

*(Sen. Githuku and Sen. Boy consulted loudly)*

**The Deputy Speaker** (Sen. Kathuri): Order, Sen. Kamau and Sen. Juma Boy. Listen to the Senate Majority Leader. He has a message for the Speaker.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I was raising a concern that the Senators that have served in this House for a long time appreciate the quality of Statements brought to this House. Of late, the requests for Statements being read on this Floor, in my honest assessment, belong to the county assemblies of our various counties and not the Senate of the Republic.

Remember the operating word is, despite the fact that a matter may be county-related, it must be of national importance as well. People are increasingly--- We have people requesting for Statements about toilets in their county or a road to a certain village. It is not fair to the rest of us, especially those who hold back from conversing

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matters that are county-specific on the Floor of the Senate. We should bear with each other as colleagues and appreciate that while we have unique challenges, we have county assemblies.

Therefore, I appeal to you as the Chairperson of the Liaison Committee and also an elder in this House to find a solution to that problem. I urge that we redouble our efforts, so that we conclude the business that is before us next week and the week after in Busia.

On Tuesday, 30<sup>th</sup> September, 2025, the SBC will meet to consider business for the week. The tentative business for that day will include business not concluded from today's Order Paper as well as business indicated in the Notice Paper.

The tentative business for the Morning Sitting on Wednesday, 1<sup>st</sup> October, 2025 will include scheduled questions to the Cabinet Secretaries as approved by the SBC as well as Motions. Next week, we have the Cabinet Secretaries for Education and Tourism and Wildlife who shall be responding to questions by various Senators that have made requests before the House.

In the afternoon of 1<sup>st</sup> October, 2025, we will include business not concluded from today's Order Paper and the following-

- (1) The Cooperatives Bill (National Assembly Bills No.7 of 2024).
- (2) The Sports (Amendment) Bill, 2024.
- (3) The Public Fundraising Appeal Bill, 2024.
- (4) The Environmental Laws (Amendment) Bill, 2024.
- (5) The Statutory Instruments (Amendment) Bill, 2024. This is one of the NADCO Bills. So it is long overdue.
- (6) The County Government Election Laws (Amendment) Bill, 2024.
- (7) The Sports (Amendment) Bill, 2024
- (8) The County Civic Education Bill. 2024.
- (9) Reports of the Standing Committee on National Cohesion, Equal Opportunities and Regional Integration on an Inquiry into the Diversity and Inclusivity in the Staff Composition of Various State Agencies in Kenya
- (10) Report of the Standing Committee on National Cohesion and Regional Integration on the Implementation of the Senate Resolution on the Current State of the Nation made on 24 July 2024. This is a huge milestone and I must commend this Committee. This is the first Committee to bring to a report to the House in a follow-up to that Motion that we passed here last year after Parliament was invaded.

The rest of the committees that had business proposed to them, none has concluded the work. Therefore, I must congratulate Sen. Chute and all the Members of the Committee on National Cohesion, Equal Opportunity and Regional Integration for their diligence and industry.

Mr. Deputy Speaker, Sir, I look forward to debating that report and getting to know the state of employment diversity in our various state agencies. I hope the other Chairpersons and Members of the other Committees can help to resolve the other matters before them.

The projected business for Thursday, 2<sup>nd</sup> October, 2025 will include business that will not have been concluded on Wednesday in the Order Paper and any other business scheduled by the SBC.

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I thank you and hereby lay this Statement on the Table of the Senate today.

*(Sen. Cheruiyot laid the Statement on the Table)*

**The Deputy Speaker** (Sen. Kathuri): Thank you, Senate Majority Leader. He has raised a genuine concern on the quality of Statements that find their way to the Senate.

*(Sen. Cheruiyot consulted loudly)*

Senate Majority Leader, listen to the Chair because you requested me to comment or give guidance. The Chair is also concerned about the quality of Statements that get to the Senate. The Senate has been accused of doing the county assembly's work.

If Kenyans are saying they do not want broad-based government, they are saying the Senate has been accused of doing the county assembly's work. To be very sincere, one of the statements that was read here this afternoon does not qualify to be handled by any committee of the Senate. This is because it is a very simple matter in a county, which the county assembly can be able to do that.

Order, Minority Leader. Therefore, in the Liaison Committee, I can report that we have a backlog of more than 600 statements that have not been attended to. The way we are moving, then you get 1,000 or more. So therefore, I would really request the Secretariat to scrutinise these statements.

We shall make a resolution in the Liaison Committee next week, but the Secretariat kindly give us the right statements for the Senate, which has power as per our Standing Orders. Members, nobody should push the Secretariat to the corner with the statements that are supposed to be handled by our county assemblies. This is a serious matter and I want to give two or three Senators the opportunity to also ventilate on this important matter. I am imagining that a committee will one day summon a governor to come to the Senate Committee to answer questions on a certain toilet in a corner of the town and another one. So, I think we should handle our business in a right way.

Yes, Sen. Osotsi.

**Sen. Osotsi:** Mr. Deputy Speaker, Sir, I agree with you that we have to review the whole idea about the statements. This is because some of the statements that are given in this House are things that you can even just pick a call and call particular people and you get answers. However, most importantly, the issue of statements is affecting the quorum in this House. Some Members here, and I do not want to mention names, understand that once they have made the statement and they have gotten the clip, they have done their job for the day, and then they go. Then they leave some of us sitting here until 6.30 p.m. I suggest, can we amend the Order Paper, so that statements come at the end, so that Members sit in this House and transact serious business? You find a Member has like five statements. He comes here, reads those statements, gets the clip, sends it to the county and he has done his job and then he leaves us sitting here, with no quorum to process important business in this House.

Therefore, do not just look at the quality of statements. Also look at the effect it has on quorum in this House and performance. So, I propose, if possible, these Statements should come at the end. This will ensure that people sit in this House and

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transact all the important business before they get their clips to send to their various constituents.

**The Deputy Speaker** (Sen. Kathuri): The message is home. The Liaison Committee will make its determination. The Senate Business Committee (SBC) will also be able to amend the way you have put it in our Order Paper. I agree with you, Senator. I want us to close this issue because it is an in-house matter. The Senator for Nairobi City, this is an in-house matter, so I do not think we can open to much debate. It is in-house. Sorry? Maybe I will give a few Senators an opportunity to contribute or make comments on the statements.

Let us start with Sen. Mo Fire.

**Sen. Gatya Mo Fire:** From the onset, before I comment on the statement, my good friend, Sen. Omtatah, on the state of Kenyatta National Hospital, allow me to make a few comments on an incident that took place in my county last night.

Hon. Deputy Speaker, I wish to extend my heartfelt sympathies to the Tharaka Nithi University community for the unfortunate fire tragedy that occurred last night, where property of unknown value was destroyed. Tharaka Nithi University is one of the prestigious institutions of higher learning that we have currently in Tharaka Nithi County.

My thoughts are with the students, staff and families affected by this devastating incident. I strongly urge the relevant authorities to investigate the cause of the fire and take necessary measures to prevent such incidents in the future.

Hon. Deputy Speaker, I thank Sen. Omtatah for bringing a statement on the state of Kenyatta National Hospital (KNH). The KNH is an institution of public pride and no entity can afford to ignore the hospital. It is a referral hospital. This is the time that, as a country, we are supposed to be very serious on how we handle our higher learning institutions. That is the only public utility that Kenyans can be proud of. So, the relevant committee should make sure that whatever Sen. Omtatah has just brought on board is addressed strictly to make sure that KNH regains its pride as a national institution for this country.

Thank you, Hon. Deputy Speaker.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, now I just yield my time to another colleague because what I wanted to share was best practices. When I visited the House of Lords, there is a rule there that you cannot comment on something or participate in debate when you are not there when the debate started. So, I will just yield my time.

**The Deputy Speaker** (Sen. Kathuri): Sen. Osotsi, you made your comment. I can see you---

Hon. Senators, you have exactly 18 minutes to conclude your statements. So, I will give two minutes to each Member.

**Sen. Osotsi:** Mr. Deputy Speaker, Sir, I wanted to comment on the statement by Sen. Omtatah regarding Kenyatta National Hospital. The issue of Kenyatta National Hospital is a serious one. I would request the Committee on Health to take it very seriously. However, even as we talk about challenges of Kenyatta National Hospital, we must not lose sight of the fact that part of the problem is interference from the national Government, particularly the Ministry of Health. You saw recently the changes at the KNH. Mr. Lesiyampe was doing a good job in Kisumu. He had really improved Jaramogi Oginga Odinga Hospital in Kisumu. Then he is being taken back to KNH without the

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board approval. The Cabinet Secretary just makes a decision and it is done while we had other qualified people in that hospital who could become CEOs of the hospital.

I am saying this because I know there were two individuals in that hospital who hailed from my county who were in a better position to become CEOs of the Kenyatta National Hospital. However, they were denied that opportunity because the Cabinet Secretary had preference to get other people. That is where the source of the problem is. If you do not have succession planning in any organisation, then staff are demoralised. You bring people from outside, they are undermined internally and they will never perform.

So, as we talk about the inefficiencies at the Kenyatta National Hospital, we must also talk about interference by the Ministry of Health, particularly the Cabinet Secretary for Health.

**The Deputy Speaker** (Sen. Kathuri): I wish you could have declared your interest before you mentioned the people you are lobbying for.

**Sen. Osotsi:** I represent the people of Vihiga and I know for sure there are two, one senior doctor and one senior administrator at the KNH who were primed to become CEOs of the KNH, but were overlooked because of political and tribal consideration.

**The Deputy Speaker** (Sen. Kathuri): Very well. Let us hear from the Vice-Chair of the Committee on Health, Sen. Mariam Sheikh Omar.

**Sen. Mariam Omar:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I would like to comment on the Statement read by the Senator from Busia County about the KNH. A healthy country is a wealthy country.

In the Statement by the Senator from Busia, he talked about the crowding of patients and the shortage of beds. In my opinion, in the nearby counties, there is poor service delivery on the facilities of health. In the Committee on Health, we visited 20 counties to verify and we realized that overcrowding is usually brought about by neighbouring counties that are not serious with their healthcare. Health is devolved and counties must take initiatives of taking care of health facilities.

Mr. Deputy Speaker, Sir, I would like to comment on the Statement by the Senator for Tharaka Nithi about fake title deeds.

**The Deputy Speaker** (Sen. Kathuri): Sen. Mariam, remember, we set two minutes, so that I give four Senators the opportunity to make their comments. There is also a problem with the gadgets on my left-hand side.

Sen. Maanzo Danson?

**Sen. Maanzo:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I would like to comment on Sen. Omtatah's Statement on KNH. If we could get the facts right and as much as KNH has had a lot of problems, it has also helped many people during emergencies. This happened during the demonstrations.

If I got it right, the recently appointed CEO was meant to act and has not yet been confirmed. The Cabinet Secretary for Health acted out of necessity following certain complaints and Mr. Lesiyampe, who is familiar with that hospital and who did a good job when he was there, is back to the hospital. Therefore, it is not good to trash what an institution is doing.

I would like to finalise with an accident that happened recently where a young lady fell off a motor bike. The rider died and the young lady was picked. She was the

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daughter of my primary school classmate. They rang me and I advised them to rush to Kenyatta. She had a head injury and has been taken care of and is recovering well.

Mr. Deputy Speaker, Sir, the hospital also has good stories to tell, but I agree with Sen. Omtatah that everything should be done to make sure that it is the most efficient hospital in the country. Hospitals first deal with saving lives especially in emergency situations.

**The Deputy Speaker** (Sen. Kathuri): Sen. Mundigi Alexander.

**Sen. Munyi Mundigi:** Asante, Bwana Naibu wa Spika, kwa kunipa nafasi nichangie mjadala unaoendelea kuhusu hospitali ya Kenyatta kwa sababu, maneno ya afya ni muhimu kwa binadamu. Yale mambo yanafanyika katika ile hospitali, kwa mfano, yale majengo yake ni ya zamani. Ukiangalia, unakuta kuna uchafu, rangi haijapakwa na mabati yameharibika. Ningeomba ile *management* iko pale iangalie suala hilo.

Saa zingine tunaweza kulalamika juu ya *management* lakini huenda ikawa Wizara ya Afya iko na shida na *management* ama Wizara ya Fedha haipeani pesa kulingana vile inafaa. Ndio maana, utapata madaktari wanalipwa mapema na wale *health promoters* wanaosaidia juu ya usafi---

Ile kitu ingesaidia kwa sababu huku Kenya, watu wanaendelea kuwa wengi na mambo ya afya yako katika *devolution*--- Tuko na kaunti 47 na utapata hospitali pale mashinani kama Embu Level 5 zinafaa kupatiwa mashine za kutosha, pesa za kutosha na madaktari wanalipwa vile inafaa.

Kama juzi, kuna *health promoters* walikaa miezi mitatu au nne kwa sababu Wizara ya Fedha inakalisha kutuma pesa kwa Wizara na hawalipwi. Wakati ule hospitali pale mashinani zinategemewa na wananchi wetu, tunataka kila kaunti ipatiwe pesa na mashine za kutosha, na kuwe na watu wa kuelemba; eti ukienda hospitali ya kaunti, utahudumiwa kama ile hospitali iko *national Government*, watu watafungua wakati huo na watahudumiwa vyema.

Bwana Naibu wa Spika, pia kwa mambo ya afya, kuwe hakuna mtu analipishwa chochote. Kwa hivyo, ni lazima *national Government* ipeane pesa za kutosha ili--

**The Deputy Speaker** (Sen. Kathuri): Sen. Ledama Olekina.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. There is no doubt that there has been significant progress with the management of the KNH since the new management was put in place. We know that there is a gentleman called Lesiyampe who has even increased the number of surgical beds to 10 and he continues to make progress in service delivery.

When you have the largest referral hospital in East Africa, you expect a few major problems here and there, but we need to have confidence in our Kenyans. This young Kenyan has been given an opportunity to transform that hospital.

Instead of lamenting, the best we can do is to make sure that the national Government channels more resources to that hospital and improves on all service delivery. If you have been having a lot of systemic problems, when you bring in new management, you give them time, so that they are able to dig deep into the issues affecting the hospital.

Therefore, the Statement by Sen. Omtatah is good, but it is also important to recognize that there has been a change of shift. There is new management now at the

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KNH and we should support them and give them an opportunity to work, so that we can some progress.

Mr. Deputy Speaker, Sir, if we are talking about healthcare in general, there are significant problems. In the last two years, we have new laws governing healthcare in this country. There are many challenges in the Social Health Insurance Fund (SHIF) and the Social Health Authority (SHA). So, do not expect everything to move on smoothly. Let us therefore give the new management an opportunity. I assure you that we will not be complaining here, but we will be measuring. I wish we could measure where KNH was last and where it is now.

**The Deputy Speaker** (Sen. Kathuri): Sen. Wamatinga Wahome.

**Sen. Wamatinga:** Thank you, Mr. Deputy Speaker, Sir. I was sure you would be calling my name next.

As I stand up, I start with the note that we, as Kenyans, must learn to develop standard operating procedures and manuals, so that they are not pegged on individuals. I know Lesiyampe as a good performer, but it is imperative that we, Kenyans, divorce our thinking from names and tribes. As long as we have standard operating procedures, then it will not matter on who is leading an organisation because we know what is to be expected.

I am persuaded to believe, and I persuade my colleagues to believe, that it does not depend on which ethnic background you come from for you to deliver. For so long, this country has held itself hostage to this tribal inclination. However, it is time we looked at our country knowing it can be led by anyone and the only thing we need to do is put up structures in place, like operating manuals and Standard Operating Procedures (SOPs) in place so that, whoever takes leadership knows the minimum expected of them.

To wind up, I know the performance of this gentleman. I have seen the change. The challenges that this country is facing in the health sector need somebody who is bold enough to make decisions. Dr. Richard Lesiyampe is doing the right thing. Let us encourage him. Let us contribute towards bettering our services instead of rewriting the book of Lamentations.

Mr. Deputy Speaker, Sir, moving forward, even in the national arena, we must divorce ourselves from this tribal inclination that has continued to hold this country hostage for the last 62 years.

I submit.

**Sen. Lemaletian:** Thank you, Mr. Deputy Speaker, Sir. I rise to comment on the statement by Sen. Okiya Omtatah, the able Senator from Busia County.

While we need to oversight all public institutions, hospitals included, it is imperative to note that the challenges that are affecting KNH are affecting every other hospital across the country. It is for that reason that we have seen reshuffles happening across our hospitals.

I want to contradict the statement made by my Deputy Party Leader, unfortunately, pointing fingers at Dr. Richard Lesiyampe. Dr. Richard Lesiyampe has been a person of integrity. He has served this country in so many capacities and is one statesman that I know is very capable in our country. We have seen the progress he has made with the Jaramogi Oginga Odinga Hospital. I have no doubt---

**The Deputy Speaker** (Sen. Kathuri): Just a minute, Sen. Hezena. There is a point of order from Sen. Lelegwe.

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Deputy Speaker, Sir, when I go through the statement by Senator Omtatah, the contents of that statement do not go well with what most Senators have discussed on it.

I have heard Sen. Osotsi, Sen. Wamatinga, Sen. Ledama and Senator Hezena discussing the qualifications of one Dr. Richard Lesiyampe, which I think is not part of the statement. I think we should not bring this issue. On a point of relevance, we should not be discussing someone unless you bring a substantive motion. I request that any other Senator who may wish to contribute on this statement to go on the matter being raised by Senator Omtatah and not bring the name of one qualified Dr. Richard Lesiyampe into a statement that does not concern---

**The Deputy Speaker** (Sen. Kathuri): Very well. Proceed and finish.

**Sen. Lemaletian:** As I was saying, we have seen very significant improvement in the Jaramogi Oginga Odinga Referral Hospital when there is an able operational head, because we know that a fish rots from the head. When we have an able person taking the mantle of leadership in a crucial institution such as a hospital, we have seen significant improvement. It is for that reason that I am also personally very much against the naming of Dr. Richard Lesiyampe in this matter.

As Senators, we need to shun tribal inclinations especially when we are leaders---

**The Deputy Speaker** (Sen. Kathuri): We are coming to the close of this. You spoke so well. Give her 15 seconds to say goodbye.

**Sen. Lemaletian:** Mr. Deputy Speaker, Sir, I am very proud as a minority in this country when I see some of our institutions such the KNH headed by a minority. I have no doubt he is going to work so hard to make sure and prove that, indeed, a son of the Samburu, a son of a small community, can equally deliver just like anybody else.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. First, I want to respond to the statement by the Committee on Labour and Social Protection.

I would have expected them to touch something on migrants because one Felix Limo that comes from Kosirai Ward in Nandi County died in Qatar and it took a lot of interventions for his body to be repatriated. I hope the Minority Leader still sits in the Committee. They need to tell us what is happening with migrant workers, especially in the Middle East.

We also have issues regarding domestic workers locally. I think a day or two ago, a *mama fua* by the name called Zeitun Kavaya, who lives in Kibra, was killed mysteriously in Kilimani yet no one has been arrested over that.

I appeal that the Ministry of Labour should look into issues of domestic workers. Maids and domestic workers are very important especially if you are a bachelor in this Nairobi and you do not have the contacts of *mama fua*, you are living badly in this city. They form a very serious ecosystem. They will go to a house, clean clothes and prepare the food for the entire week. When I saw how *mama fua*, Zeitun Kavaya was killed, I hope the Directorate of Criminal Investigations (DCI) follows up. No one should kill domestic workers. We need to be harsh on anybody who does that both locally and internationally, especially in Qatar.

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We need to finalise the issue regarding former councilors. We invited Cabinet Secretary Mbadi, but he did not tell us when he would be paying more than 12,000 Councilors that served this country. Some of them are still surviving and some are sickly. I appeal to the Committee Labour and Social Protection to come up with a legal framework to cure the issue of payment of honorarium to the councilors.

Mr. Deputy Speaker, Sir, on that note I thank you because yesterday I saw you hosted former---

**The Deputy Speaker** (Sen. Kathuri): Yes, the Chair has ordered.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I celebrate you and thank you for providing leadership in Meru by bringing even political nemeses such as former Sen. Linturi. I am happy he has abandoned “Wamunyoro” and is now joining the Government courtesy of you. We are proud of what you are doing as the Deputy Speaker. We did not make the wrong choice having you as the Deputy Speaker because you are one of our premier members of United Democratic Alliance (UDA).

We will continue supporting you in Meru---

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir. Mr. I rise to contribute to Sen. Omtatah's statement regarding the state of Kenyatta National Hospital.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, kindly ask Sen. Cherarkey and team to listen. I do not know why he always disrupts after we have listened to him.

*(Applause)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, you are almost provoking the Chair. You are happy when Members listen to you carefully, but when others are contributing; raising their issues, you start making noise.

**Sen. Mumma:** Thank you, Mr. Deputy Speaker. I hope my time has been saved. The issue of KNH is a good statement. Thirteen years into devolution, the Senate should be helping to strengthen the intergovernmental relations around the health sector, to help align the Nairobi City County health function implementation and the national Government implementation of referral services in Kenyatta National Hospital.

This is so that we relieve KNH of the services that should be carried out by county governments. Kenyatta National Hospital is burdened by carrying out all functions from Level 1 to Level 6. The Senate has done nothing around this. The Senate committees should also start scrutinising the budget lines of parastatals such Kenyatta National Hospital in order for us to find out whether they deploy any services and funds towards cleanliness, maintenance and repairs. What we are seeing on social media in terms of the state of KNH suggests that we have not had deployment of any monies towards maintenance and cleanliness. So, my suggestion is that instead of just a general scrutiny, we would want to find out how KNH carries out its functions.

Mr. Deputy Speaker, Sir, this is what we call the human rights approach to service delivery. The human rights approach to service delivery means----



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

**The Deputy Speaker** (Sen. Kathuri): Please give Sen. Catherine one minute to conclude.

**Sen. Mumma:** The human rights approach to service delivery means that in order to deliver good services to patients, all aspects have to be looked into. That is what this Committee needs to do rather than just focus on a personality somewhere or on the generalities of it, including sifting out the functional assignment, so that the functions for counties are ceded to the county and KNH is left to focus on the referral services so as to deliver services the best way possible, with the equipment required to deliver the top-notch level six services.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Last but not least, let us hear from Sen. Nyamu Karen Njeri.

**Sen. Nyamu:** Thank you, Mr. Deputy Speaker, Sir.

*(Sen. Dullo spoke off record)*

**The Deputy Speaker** (Sen. Kathuri): I cannot see you on my screen, Sen. Dullo.

**Sen. Nyamu:** I want to contribute to the Statement brought by Okiya Omtatah on the Kenyatta National Hospital.

Mr. Deputy Speaker, Sir, Kenyatta Hospital is the largest referral hospital in East Africa and it cannot fail on the basics like simple hygiene, working lifts and ventilation. I have been to KNH and seen patients waiting on benches and on the floor for hours. We have to give our patients dignity.

Two murders in a span of six months inside the wards raises serious questions on the security systems in that hospital. We must have accountability because we are pumping billions in that hospital every year. Where is accountability? We have to expand the wards to ease out congestion. We have to invest in the dignity of our people.

At the same time, despite the challenges, KNH remains a symbol of hope for all Kenyans who cannot access private medical care. We have seen them performing miracles within the meagre resources that they have. They have done historical surgeries that give hope to the people who cannot afford the very expensive medical care. In that regard, we have to not just complain, as my colleagues have said. We have to invest and make sure there is accountability on what we are pumping there.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. Dullo Fatuma, please proceed.

**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. I wish to join my colleagues in supporting this particular statement. Over the years, we have never got it correct or right as far as healthcare services are concerned in the country. The statement by Sen. Omtatah is clear. It is talking about the challenges that the KNH is facing.

I know we all rush when we mention individuals in relation to institutions. Dr. Lesiyampe is a personal friend to me. I have known him for over 20 years, if I am not wrong. He has nothing that could be called against him. The budget that is allocated to KNH does not actually provide proper service delivery. If you look at the equipment

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provided at Kenyatta National Hospital, you will find that they are very old and they at times break down.

Mr. Deputy Speaker, Sir, I remember one time when I used to work with the Ministry of Health. They had said that they would decentralise KNH to all the provincial headquarters. If that proposal worked, we would not have had long queues at KNH, but only serious referral cases at the main national hospital.

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

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

My time is running out. What we need at the KNH is a serious look into it and ensure that it is one of the best hospitals in the country that can provide services to Kenyans.

**The Temporary Speaker** (Sen. Mumma): Please give her some 30 seconds to finish.

**Sen. Dullo:** Madam Temporary Speaker, we need to look into how we can provide better services at the KNH. There is a problem and we cannot run away from it. Could we look into it and ensure that we have allocated enough budget to take care of services at the KNH and that we have also decentralised some of the services that are provided there?

I thank you.

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

## MOTION

### ADOPTION OF REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR FY2025/2026

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026, laid on the Table of the Senate on Wednesday, 24<sup>th</sup> September, 2025 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2025/2026.

*(Sen. Faki on behalf of Sen. Ali Roba on 24.09.2025 – Afternoon Sitting)*

*(Resumption of debate interrupted 24.09.2025 - Afternoon Sitting)*

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

**The Senate Minority Leader** (Sen. Madzayo): Asante Bi. Spika wa Muda.

Kwanza, ningependa kusema kwamba, hospitali inayotegemewa sana katika nchi yetu ya Kenya ni hospitali kuu ya Kenyatta. Hii ni hospitali ambayo ina wapa matumaini mengi sana wananchi wa Kenya.

Bi. Spika wa Muda, ni jambo la aibu kuona hospitali hiyo ikianza kuzorota. Juzi, tulisikia ya kwamba mgonjwa ambaye alikuwa ameletwa katika hospitali hiyo alipatikana amekufa kwa kuchinjwa kama kuku. Hio inamaanisha kwamba, hata hakuna usalama kwa wagonjwa.

Bi. Spika wa Muda, hilo ni mojawapo tu ya kesi zinazohusikana na mambo ya KNH. Hio ni hospitali kubwa ambayo inatumikia hata na nchi zingine za karibu kama vile Tanzania na Ethiopia. Huko kwote kunaitegemea hospitali hii.

**The Temporary Speaker** (Sen. Mumma): Sen. Madzayo, would you kindly allow me to guide you? We have actually moved on to the next Order, and are on the Schedule. I was expecting you to speak on the Schedule.

**The Senate Minority Leader** (Sen. Madzayo): Madam Speaker, I accept that with tremendous respect. However, I had approached you and informed you that I had pressed on my card, but unfortunately it did not work. I, therefore, requested that I be given two minutes to contribute to the previous Order just like the other colleagues have done. That is why I took up the opportunity to come to you.

**The Temporary Speaker** (Sen. Mumma): I think that there was a misunderstanding. Could you then finalise, then we move on to the next Order?

**The Senate Minority Leader** (Sen. Madzayo): In that case, allow me to stop there.

**The Temporary Speaker** (Sen. Mumma): Finalise whatever you are saying, then we will move to the next Order again. We will call it afresh.

**The Senate Minority Leader** (Sen. Madzayo): As a good lawyer, I was thinking of respecting instructions.

**The Temporary Speaker** (Sen. Mumma): I am cognizant of the fact that it was a miscommunication, so just finalize, and then we will call the next Order.

**The Senate Minority Leader** (Sen. Madzayo): Okay. Kwa hivyo, Bi. Spika wa Muda, kuna umuhimu wa kwamba, ikifika saa ya uongozi katika hospitali hii, tusiweke makabila yetu ndani. Lazima tuangalie mtu ambaye ana uwezo na taaluma ya kuongoza hospitali kama hii. Asante Bi. Spika wa Muda.

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

*(A Member spoke off record)*

No, I want it recalled because of the disorganisation of the Order, please.

**MOTION****ADOPTION OF REPORT OF THE STANDING COMMITTEE ON FINANCE AND  
BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH  
DISBURSEMENT SCHEDULE FOR FY2025/2026**

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*(Sen. Faki on 24.09.2025 – Afternoon Sitting)*

*(Resumption of debate interrupted 24.09.2025 - Afternoon Sitting)*

**Sen. Gataya Mo Fire:** Thank you, Madam Temporary Speaker. Yesterday, I captured a number of my fellow Senators debate regarding the disbursement of funds to counties. It is very sad that we have only been around for close to three years and yet we have witnessed very serious disconnect between the Exchequer and the counties. The counties have gone without the intended allocations for three months and people have gone without salaries.

I do not know how one would explain a situation where the county staff have gone without salaries all the way from June, July, August, September, we are now going towards October. Counties have borrowed from banks and they will pay with a lot of interest.

As a House, we need to have a conversation around this arrangement because the spirit of devolution is being diluted every other day. We need to have an express dispensation on the timely disbursement of funds to counties. Actually, most governors claim that it is the genesis of a number of pending bills that we are witnessing. This is because having no funds in the county does not stop the services. The recurrent expenses are incurred almost every day and vehicles get fuelled.

So many miscellaneous activities take place. I am sure that some of those activities are carried out under the arrangement that they are going to get money. Therefore, we must get very clear arrangements on how we are supposed to make this disbursement effective. I heard one of my good friends talk about a visit to Morocco where we have efficient and timely disbursement of funds to relevant counties. There, one does not even have to engage the national Government. I do not know the role of Government in the whole exercise. We have independent institutions which are supposed to make sure that counties get their money timely for them to run their services.

Once these funds are disbursed to counties, we expect the governors to be diligent enough to make sure that money is put into proper use. If they do that, the very essence of the devolution will be realised.

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I strongly support that we pass this Schedule for our counties to enjoy. However, it is sad that people have gone without salaries for the past four or three months now yet they are servicing their loans and paying school fees. It is pathetic that we have to experience this kind of situation year in, year out.

I support.

**Sen. Ogola:** Madam Temporary Speaker, from the word go, I want to declare that I support the Report of the Standing Committee on Finance and Budget. Counties are distinct governments. It is unfortunate that we are always lamenting about disbursements throughout the financial year.

I feel like counties are on the receiving end when it comes to disbursement yet the law is very clear. The law clearly states that county governments, which are distinct governments, as enshrined in the Constitution of this country, are to receive their funds by the 15<sup>th</sup> of each month. The reason that is always given is that these funds are not available. However, something that comes out very badly is that the county governments are given funds at a go at the end of the financial year. They are given those funds when they hardly have time to spend them. Somebody erroneously made a comment that county governments are supposed to be ready to use those funds.

The procurement plans that the counties have are drawn with the knowledge that funds would be disbursed at their rightful times. Having said that, county governments are distinct. It is important to note that we need timely disbursement. The disbursement should not just be timely, but as the report says, it should also be stable and predictable. Predictability ensures that these funds are planned for. Some wise people said that when you fail to plan then you are planning to fail. I believe them and I know I am one of those wise people.

Counties must offer various services to our people. Key among them is healthcare services. I have heard the outstanding Members of the Senate discuss the issue of KNH this afternoon. This is because health is key to all of us. For the counties to provide the services that are devolved to them like health, which is basic to our people, then funds must be disbursed to them in time.

We do not want a situation where when a Schedule is drawn out and approved, then counties have to again line up at the office of the Controller of Budget (CoB) or the National Treasury offices. We, as a Senate, have met the CoB several times. I remember the CoB made a presentation while we were at Naivasha in a retreat. She continuously denied the fact that county officers always line up in her office to process approvals for disbursement. The truth is that a lot of paperwork has to be done. What baffles me is that the CoB's office has also devolved officers to the counties. One wonders the kind of work the devolved officer, who is referred to as the County Officer of the Controller of Budget, does with the county government throughout the month. This is because all they should be doing is to ensure that the documentation is done at the county, so that officers do not spend all the time at the office of the CoB. They do not have to keep going back and forth in the name of going to get certain documentation. This is a reality. Counties must have a seamless process of getting funds that are due to them having been approved by the Parliament.

Madam Temporary Speaker, there are several services that we are expecting the counties to offer in a timely, efficient and effective manner. I have mentioned healthcare.

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Our people need to get drugs in hospitals. It pains me when I am in the village and I see women carrying sick children, or even women and men who are sick. When they are sick and they go to hospitals, but they miss drugs in the name of funds not being disbursed to counties. It is important to note that sickness can come at any time. Our people cannot wait to be sick when funds have been disbursed. That is an aspect of planning that must be done well.

We want to see our people having water as provided for by the county government and as enshrined in the law. We want our people to get various services and to access roads as provided for under the devolved functions, including agriculture. I am a farmer, although a small-time one, but I look forward to becoming big. I see the way farming is also expensive. We want our farmers to get services, the right seeds and the right extension services, advice from the county government because agriculture is devolved.

I support this report. We look forward to a time when the issue of lack of funds in counties will be a thing of the past. You often hear from our counties in the national news, about workers who have not been paid for months. We also want to ask our county governments to do good planning. They already know the number of employees they have. They know the required amounts to be paid in the course of the year. So, this story of people going without pay is not good. This is because these are people who have worked for their governments, have families and have several responsibilities that their families look up to them to perform.

I support this and I want to say that the National Treasury must adhere to the constitutional requirements as enshrined in the Constitution regarding the disbursement of monies to counties. The National Treasury must also ensure that they do not keep money up to the last minute when the financial year is ending because we want money spent well. We do not want to have any reasons for the county governments to get into any improper ways of spending public funds.

I support.

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

**Sen. Mariam Omar:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I also rise to add my voice to this Motion of the cash disbursement schedule, which was brought by the Committee on Finance and Budget. I am one of the Members who passed the schedule.

My concern is, let the National Treasury not take this disbursement as a formality. We normally have this formality yearly. Let them not take it as such. It must be a binding document that makes the National Treasury to be on toes, so that they can remit funds to counties by 15<sup>th</sup> of every month, the way the schedule reads.

In the schedule, I note that one of the highest paid county is Mandera. If I may take you through the schedule, in July, Mandera County received Kshs993 million; in August Kshs971 million; in September Kshs1 billion; in October Kshs1 billion; in November Kshs1 billion; in December Kshs981 million; in January Kshs1 billion; in February Kshs1 billion; in March Kshs981 million; in April Kshs1.1 billion; in May Kshs1 billion; and in June Kshs981 million. This shows that Mandera County received the highest figure with a total amount of Kshs12.3 billion.

I am reading this because, where I come from, there is a lack of water. There is also the issue of the healthcare system. I urge the counties to take priority where people are concerned. If they planned well, the issue of water will be taken care of.

A while ago, we were commenting on healthcare and about the overcrowding at the KNH. Most referral hospitals are in counties which cannot handle. That shows that the counties nearby are not taking up their proper role in the health sector. Therefore, I urge most of the counties to prioritise health facilities and the service delivery.

According to this Schedule, by the 15<sup>th</sup> of every month, the National Treasury must disburse money to the counties because of recurrent expenditure and salaries. The staff of the counties need to be motivated. One thing to motivate them is to give them their dues on time because they have to pay their rent, pay for their foodstuffs and school fees. If the county delays their dues, how will they pay for their expenses?

In addition, when the county receives money, let them not use it haphazardly. It would be better if they set up priorities. They have to take care of the recurrent expenditure before the money is used up in other issues. They have to pay their salaries, so that their staff can be motivated.

I also want to talk to the National Treasury. They are not supposed to hold the funds. They are saying the delay might be because of the collection of revenue by the Kenya Revenue Authority (KRA). We should put ourselves in their shoes and imagine what would happen if we did not receive money by 15<sup>th</sup>. We have to be strict, so that by 15<sup>th</sup>, counties receive their dues. Whatever the National Treasury plans to do, we do not want to know. Counties must continue to get their dues by 15<sup>th</sup> of every month.

There is a Bill I came up with and the House dropped it because it was about impromptu payments. If at all the county also engages contractors, the contractors are supposed to be paid on time. With that kind of scenario, the National Treasury must also be aware that they are supposed to pay the counties on time.

In that Bill, there was a provision for penalties that would accumulate if the amount to contractors was not paid. Unfortunately, it did not go through. If we had passed it, there would have been penalty fines in percentages. That means that the KRA would do its best to ensure that money is sent to the counties by 15<sup>th</sup> of every month.

Madam Temporary Speaker, let me now say something about e-procurement. According to me, e-procurement can solve the problem, which is the elephant in the room, called pending bills because every procurement is done under the carpet. If counties began doing e-procurement, so that everybody can see which contract has been given to so and so, when it comes to payments, they would also be done on time. Therefore, issues of pending bills and voiding of payments would be resolved.

What happens is that requests are made through the CoB and when money is wired to the counties, it is paid to different people. With e-procurement, you can see, for example, Sen. Mumma will be paid a certain figure which is requested through the CoB. When that money is released, they cannot use it to pay another person, but you, because the information is in the system. That means that voiding of payments will not be there, something which the Auditor-General always highlights in our financial reports.

I do not know why counties are against e-procurement. If the Integrated Financial Management Information System (IFMIS) is being used countrywide, why not e-

procurement? Why do they not want to use e-procurement if IFMIS is being used by every county and also nationally?

Madam Temporary Speaker, with those remarks, I support the Motion.

**The Temporary Speaker** (Sen. Mumma): I do not see any more interest. I now wish to call upon the Mover to reply.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I beg to reply on behalf of the Senator for Mombasa, Sen. Mwinyihaji Faki who moved the Motion.

I have sat through and listened to the debate since yesterday and it is very clear that all members are contributing on a shared vision. The vision is that all members want a system at the National Treasury that will make devolution a success.

Hon. Members, if that is the case, the ball is still in our court in the sense that we must think hard on how to ensure that whatever instrument we create ends up making devolution effective and efficient. According to me, we need to move a Bill in this House to make the National Treasury an independent office, so that it is not open to directions from the Office of the President or any other office.

Madam Temporary Speaker, the biggest weakness that we have today is that the Cabinet Secretary for the National Treasury and Economic Planning considers himself as part of the national Government and not part of county governments. My mind is telling me that if we made that Cabinet Secretary independent and provided clearly, in law, that he would be sitting in the Council of Governors (CoG); the Cabinet; and the National Security Council (NSC) meetings and that he would not be directed by the Office of the President or any other Cabinet Secretary, that would be a big step. Until we do that, counties will never be efficient.

Once we do that, Sen. Sifuna, we can then say that instead of having a ritual here of discussing how the Cabinet Secretary should be disbursing money, which is supposed to be automatic, we could provide in law that once decided upon and it becomes law through the Division of Revenue Act (DORA), the money due to counties should be available to county governments in 12 equal installments payable on the 15<sup>th</sup> day of every month. A rich country like Kenya cannot raise 15 per cent of its budget which is due to county governments every month and yet it collects more. I am persuaded that this will be a very difficult issue to see through, especially with the limited cooperation that we get from the National Assembly. However, that is the future of devolution.

Hoping I remain a Member of the Committee on Finance and Budget, I hope that next year we will invite the Cabinet Secretary for the National Treasury and Economic Planning to discourage him from asking us, to give him discretion. We do not want him to have any discretion. Even if you do not like your governor, you should like the people of your county. It is to your own benefit, as a Senator, that your governor succeeds because in the process, our people benefit.

Having made those passing remarks, I want to urge colleagues to go and read about the Chancellor of the Exchequer in the United Kingdom (UK). That is a special minister. In fact, they refer to him as “His Majesty Treasury Minister.” He is the fourth highest ranking member in the government because he controls the Commonwealth of the UK. We can borrow from that because in Kenya, we also have our own commonwealth. We can create a special office that will be efficient and effective, so that devolution, which is the future of this country, can succeed.

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Madam Temporary Speaker, having said that, I beg to reply. Due to obvious reasons, I request that the putting of the question under Standing Order No.66(3) be delayed to a later date.

I thank you.

**The Temporary Speaker** (Sen. Mumma): The putting of the question is deferred.

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

Let us go to the next Order.

## MOTION

### ADOPTION OF REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE AFFORDABLE HOUSING REGULATIONS (LEGAL NOTICE NO.114 OF 2025)

**Sen. Gataya Mo Fire:** Madam Temporary Speaker, I beg to move-  
THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations (Legal Notice No. 114 of 2025), laid on the Table of the Senate on Wednesday, 24<sup>th</sup> September, 2025 and that pursuant to Section 59(4) of the Affordable Housing Act, 2024, the Senate resolves to approve the Affordable Housing Regulations (Legal Notice No. 114 of 2025).

The regulations are aimed at making sure that the Affordable Housing Act is operational, according to Act No.2 of 2024 and providing clarity on its implementation by providing the procedure and the criteria for allocation of affordable housing units, prescribing the requisite deposit for an affordable housing unit, five per cent of the value of the unit and providing for deposit assistance.

It also outlines the procedure to be followed in the event of default in repaying an allocated housing unit, the criteria for changing a unit and the provision of low-interest loans for the acquisition of units devolved under this initiative, as well as the development of rural affordable housing units.

The regulations are crucial to Kenyans in a number of ways which I want to highlight. The regulations play a central role in the realisation of socio-economic rights as enshrined in Article 43(1)(b) of the Constitution which guarantees every person the right to accessible and adequate housing.

The regulations are instrumental in achieving objectives under key national frameworks, including the Big Four Agenda, Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA), by enabling the development of affordable housing units to recover the 2,000 housing units deficits.

These regulations of the Affordable Housing Initiative generate extensive employment opportunities across the housing value chain, from construction to manufacturing, logistics and financial services. It also stimulates demand for local building materials and services, thereby contributing to national economic growth and reducing poverty.

The regulations of affordable housing will have the classification of potential beneficiaries into distinct income bands that is, the social housing, affordable housing and affordable middle-class housing insurance targeted interventions, allowing for equitable allocation of housing units based on needs and income capacity.

So, that is not enough. There is also the provision of subsidised and low-interest mortgages. Financing is a transformative element of the housing regulations. By lowering the cost of borrowing, the regulations make it possible for most Kenyans to access long-term home financing, enhance affordability and significantly reduce the financial burden of home ownership.

Although the Cabinet Secretary erroneously submitted draft regulations to the Senate instead of the published regulations and failed to adhere to Section 59(3) of the Affordable Housing Act No.2 of 2024, which require the Cabinet Secretary to table the regulations before Parliament within 30 days of commencement of the Act, that is by 21<sup>st</sup> April, 2024, the Act commenced on 22<sup>nd</sup> March, 2024.

Majority of the committee members were of the view that the Cabinet Secretary has given sufficient responses to these issues and that the regulations had fulfilled the substantial requirements of the Statutory Instruments Act and the Affordable Housing Act. As such, substantive justice must not be overridden by technicalities.

The regulations fulfilled the requirements of the Statutory Instruments Act, Cap 22A, as follows-

Pursuant to Section 11(1), the regulations were submitted to the Clerk of the Senate within seven days of publication;

Pursuant to Section 5(a), the regulations were submitted to the Senate along with a copy of the explanatory memorandum setting out, among others, proof of public participation.

There was also evidence of the call for public participation in MyGov, as well as a newspaper of national regulation was submitted and in accordance with Section 6, a regulatory impact assessment was submitted as the regulations imposed on the community.

Arising from this observation, the committee recommends that the House approves the Affordable Housing Regulations, Legal Notice No.114 of 2025, as well as Section 59(4) of the Affordable Housing Act, No.2 of 2025, and Section 11 for the Statutory Instruments Act Cap 24.

Madam Temporary Speaker, allow me to thank the Members of the committee for their diligence and being insightful during the deliberations of these regulations.

Lastly, I wish to thank the office of the Speaker and the office of the Clerk of the Senate for their support accorded to the committee during the consideration of these regulations.

Pursuant to Section 59(4) of the Affordable Housing, No.2 of 2024, it is now my pleasant duty to present the report of the committee on the consideration of the Affordable Housing Regulations, Legal Notice No.114 of 2025 and request Sen. Lomenen to second.

**The Temporary Speaker** (Sen. Mumma): Sen. Lomenen, you may proceed.

**Sen. Lomenen:** Madam Speaker, in due respect, I support the Motion by Sen. More Fire.

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**The Temporary Speaker** (Sen. Mumma): Order, Senator. Who is Senator More Fire? We want to know.

**Sen. Lomenen:** Madam Temporary Speaker, it is Sen. Gataya. I call him Sen. More Fire.

**The Temporary Speaker** (Sen. Mumma): It is Sen. Mo Fire.

*(Laughter)*

Proceed, Senator for Turkana County.

**Sen. Lomenen:** Madam Temporary Speaker, the resolutions read by my respective Senator create employment and social development in our nation.

I will give a case study. We have been hearing about housing. However, recently we met this reality in Turkana County where more than 2,000 houses are planned to be built, especially in new institutions that are being created in that area. Imagine, we were very happy as leaders of the county to receive such houses in an area like Kibich which is in the furthest corner of this nation. Some two years ago, police personnel could not even afford a room. They were just staying in primary school classrooms that are not standard.

Therefore, the issue of housing ensures that those who are incapable of getting housing are now happier than before. It is a reality to respect Article 43 of the Constitution which says that every Kenyan has the right to access housing. That can become real because of this Motion. I believe that if well implemented, without any reservation, the nation and our citizens would enjoy the housing once implemented.

Madam Temporary Speaker, I second.

I thank you.

*(Question proposed)*

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. It is a rare opportunity for Parliament to speak to the issue of housing. It is unfortunate that colleagues are too committed in their offices at the moment. We want to talk about housing because on social media, in the main and alternative print media and in social joints, people are talking about housing. Why? This is because people are contributing towards financing this project. How I wish more of us were here to participate. I hope this discussion goes beyond today, so that colleagues can share with the rest of us what their thoughts are.

Madam Temporary Speaker, I start by confirming that I support the report. I recall that under the new Constitution of Kenya, 2010, from the time of the old dictatorship, when the late President Mwai Kibaki took over in 2002, what defined his presidency were two things: One, he succeeded in rolling out free primary education, which was a huge success. It was a masterpiece. We shall never forget Kibaki for that gift to the generation of young Kenyans who benefited.

Two, President Mwai Kibaki practiced zero tolerance to corruption, enough, for the country to be proud of being a working nation. That resulted in our economy

achieving an unprecedented growth of 7.2 per cent. We shall remember Kibaki. Thanks to this, we were able to construct the Thika Superhighway.

Out moved Kibaki, in came Uhuru. Despite the confusion around the Jubilee Government and all the noise, Uhuru built the Standard Gauge Railway (SGR). He went on and built the Express Highway here in Nairobi plus the other roads that he touched here and there.

In comes President Ruto. To me, it appears as if what will define President Ruto will be the success of the housing project. Therefore, Parliament, if we want successive governments to succeed, we should help. We should smoothen and file the rough edges of this housing project, so that it succeeds.

Madam Temporary Speaker, I am not persuaded that absorption of the funds recovered from Kenyans and meant to construct houses is low to the extent that we hear, without serious confirmation, that those funds are now being invested in treasury bonds. That means we are overtaxing Kenyans. We should just have taxed them enough for us to be able to absorb. This is an opportunity for us to now speak, so that we move from the 1.5 per cent to something lower. This will ensure that the money taxed from Kenyans leaves them comfortable and ends up being absorbed 100 per cent.

Who knows, honorable colleagues, that whoever will come after President Ruto might find a slush fund in the monies that will have been saved because of failure to be absorbed. That money is may just be taken to another project altogether or abused by a President who, after succeeding President Ruto be it in 2027 or 2032, will not be sharing his vision on housing. This must concern us.

Madam Temporary Speaker, it is important that, maybe through an amendment of the Act or these regulations, we should now be clearer on who benefits from these houses. I am starting to see a red light. You saw when our elites did very well at the African Nations Championship (CHAN), all of a sudden, they received houses as gifts. Is this the way we want to do it? That, money contributed by Kenyans will be used to give out houses as gifts? If that is the case, how will the people who voted for you in Mathare be assured that they deserve a gift? It should not be a question of gifts. It should be a question of deserving.

What is more? I saw, dear colleagues, 10,000 teachers at State House and the issue of housing was on the table. Is that the way we want to do it? Let us think about it and help the Government and the President by enabling legislation that will save him from the urge to have that discretion.

Madam Temporary Speaker, with due respect, we want houses to be fast-tracked. However, we want to do it in a better way. Where you were born, not where you come from, in Bushiangala Village, if you gave a primary school teacher one of the flats in Kakamega, they would say; “thank you very much.” However, he would not stay in that house. Instead, he would rent it out which is a good thing. However, was that the objective of the Affordable Housing project? Was the objective of the Affordable Housing Project to be given to successful football players? Was it?

Can you convince Kenyans at Nyayo Stadium and Kasarani to continue contributing part of their salary so that, at some time, when a Kenyan does something extraordinary, he is gifted? That is not how governments are run. No.

Madam Temporary Speaker, we have an arduous responsibility in this country to say these things because if we do not get it right, the country becomes unstable. We all remember when we were insensitive to the voices of the *hoi polloi* on the infamous Finance Bill of 2024. We almost got killed here on the 25<sup>th</sup> June, 2025. Therefore, let us be sensitive to what the public is saying.

I do not agree with Wamunyoro and I find it very difficult to agree with him because of his tribalistic mindedness. However, one thing that Wamunyoro gets right is listening to the people. We must listen to the people.

I saw a survey, which I have a reason to believe is credible. Kenyans were being asked, “Do you embrace or do not you embrace the broad-based government?” A whopping 68 per cent said no. That is too high for any scientific research. So, if Kenyans are saying they do not want broad-based government, they are saying, let us respect the Constitution. The people in the opposition, Edwin Sifuna, Beatrice, you should leave our committees and go back and play your role as elected leaders in the opposition. That is what that TIFA poll was saying, Madam Speaker.

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

**Sen. Sifuna:** Madam Temporary Speaker, with tremendous respect to the Senator for Kakamega, pursuant to Standing Order No.105 on Statement of Fact, I have been more than clear that I do not recognise anything called broad-based government. I am not part of it. Why does he keep dragging me and my good name into these conversations all the time and yet it is not factual that I have abandoned my role as an opposition legislator? Could he withdraw that statement and that reference to me?

Madam Temporary Speaker, kindly, for the sake of order in the House, guide Hon. Khalwale that it is possible to make submissions without every single time, and using every single opportunity he gets, to throw jibes at his colleagues.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, that is self-explanatory. Please withdraw.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker, in fact, the Senator for Nairobi City is more than 100 per cent right. I would not want to drag his name in mud, especially given the fact that I am his elder from the community. I have a responsibility to hold his hand the way Michael Kijana Wamalwa held my hand when I came to this Parliament. By referring to him, I got it wrongly. I was thinking about the Orange Democratic Movement (ODM) and because he is the Secretary General. I know, he is very clear. He has nothing to do with the broad-based government. In fact, this reminded me of yesterday when you he was challenging me that I have no idea which party I belong to.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, would you just withdraw what you said if you are withdrawing and move on with debate?

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I want to calm him.

**The Temporary Speaker** (Sen. Mumma): He is extremely calm, as I can see.

**Sen. (Dr.) Khalwale:** You are now calm. *Baas!* That is what I wanted. I do not want him to sleep thinking that the grandfather of his daughter is a problem to him. The facts speak for themselves. I am just pushing facts.

*(Sen. (Dr.) Khalwale consulted Sen. Cherarkey)*

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale and Sen. Cherarkey, no conversation. You speak through me.

**Sen. (Dr.) Khalwale:** Thank you. Cherarkey sometimes gets paid to harass me.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, you are just squandering your time. Please focus on what you are saying.

Could you withdraw the allegation that Cherarkey is paid to harass you? Let us focus.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, he has not complained. If he had complained, then there would be reason. He has taken it in his stride, the debater he is, a grandchild of Jean Marie Seroney from Nandi.

**The Temporary Speaker** (Sen. Mumma): Sen. Cherarkey, what is your point of order? I wish the two of you would realise how much time you are taking out of a very important debate.

Proceed with your point of order.

**Sen. Cherarkey:** Madam Temporary Speaker, I rise under Standing Order No.105 on accuracy of facts. Sen. (Dr.) Khalwale has alleged that I get paid to attack him. That is far from the truth. Could he withdraw and apologise?

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, will you?

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I withdraw and apologise.

**The Temporary Speaker** (Sen. Mumma): Thank you. Proceed with the debate. Do not qualify what you have said.

**Sen. (Dr.) Khalwale:** In another life, we shall pursue it with him. It concerns me that we have no comparative value for the cost of doing projects, building houses has a cost. When you just think randomly, you will see that the Nairobi Express Highway was built at a cost of Kshs63 billion. Thika Superhighway was built at a cost of Kshs27 billion. That means that a billion is a big thing, on a day like this when we are talking about quantum, the systems that the Government is using to manage our economy, including the latest introduction of electronic banking, specifically e-Citizen.

When we hear the Auditor-General saying and putting in writing that Kshs11 billion has been lost through the E-Citizen, you wonder gone where? We hear that one person, not two people, earns a convenience fee from production of e-Citizen of Kshs50 million per month. That is one person whom we know because his name has been mentioned. The young man must truly be smiling all the way to the bank. Parliament, functioning as it is, let us stop this theft through e-Citizen. Let us stop theft through inflation of projects. If we achieve that, then the housing project will be a game-changer.

Madam Temporary Speaker, I do not know whether this escaped you. There is a report in Tanzania and during the ongoing presidential campaigns where the President was being challenged. The challenge was; you are telling us that you are going to fix street lights, that Dar es Salaam and other cities will be well lit yet in Kenya, the President is building houses. You can see how far we are.

Therefore, if we push this housing project and get it done, we will be way ahead of all other East African Community (EAC) economies. Look, it is projected that in the next financial year, the economy of Ethiopia will be ahead of Kenya, at least by Kshs15.6

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trillion. Why would Ethiopia, a country which is struggling with democracy, a country that is struggling with stability, struggling with national cohesion and does not have a good constitution like ours, does not have a well-thought-out, devolved system like ours, leapfrog us. Why? When they build a dam, we sing in praise of them and yet we cannot fix our dams on River Tana. We wait like we are waiting now, so that when the rainy season comes, water disturbs people in Tana River; families are unsettled; property is destroyed; life is lost, and yet all we need to do is to build a dam in Tana River. You dam it, you make it more productive.

Madam Temporary Speaker, I thank the committee for this nice report, and hope that Parliament will help the Executive to succeed.

Thank you.

**Sen. Sifuna:** Thank you, Madam Temporary Speaker. From the onset, I want to be very clear that I stand to oppose these regulations in the report by the committee recommending that we support them. Senator knows that I have a lot of respect for him, but I have reasons why I think that should be the position. I speak as a stakeholder here. I pay over Kshs30,000 every single month, an involuntary deduction that I opposed with all my strength, but it was overruled. Therefore, this Fund already has my money.

Madam Temporary Speaker, secondly, Nairobi City County is perhaps the scene of the largest such construction of the so-called affordable houses and our people are the most affected. The basis of my objection to the recommendation of the Committee is twofold.

The first is procedural matters. There is a reason why we pass laws or legislation in this House and there is a reason why we choose specific words to employ in a piece of legislation. When Section 59(3) of the Affordable Housing Act requires that the Cabinet Secretary shall submit the published regulations to Parliament within 30 days of operationalisation of that Act, that is exactly what is required.

Our Committee has noted that the Cabinet Secretary actually submitted those regulations outside of that time. I am not convinced by the explanation that has been given by the Committee. It was his responsibility. It is dereliction of duty. This is one of the most prominent projects of this administration and there is no way you can tell me that the Ministry of Lands, Public Works, Housing and Urban Development would miss that deadline. I am not convinced.

Madam Temporary Speaker, the Committee also accepts that in violation of the law; the law requires that the Cabinet Secretary shall submit published regulations. In fact, the regulations that were sent to Parliament were draft regulations.

Now, the Committee led by Mo Fire is telling me, a lawyer who knows the meaning of the word 'shall' and its implications, to ignore the fact that the Cabinet Secretary sent to Parliament draft regulations. It is unacceptable from where I stand. We are required to approve or reject these regulations within 15 sitting days. The committee there has noted in their report that those days were to expire on 11<sup>th</sup> September. They should have at least struggled or tried to explain to the House whether it was because of the amendment of the calendar that was moved by the Majority Leader during the impeachment, at the very minimum.

Sen. Gataya should please explain to us because according to my calendar and unless the Committee has a different one, today is way past 11<sup>th</sup> September. This is

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significant for one reason. The law states that if we do not reject within that period, these regulations stand approved. Now, I am standing here wondering, am I, once again, engaging myself in an exercise in futility? That would be an egregious violation of my constitutional responsibility to go through these regulations for the sake of the people who elected me.

Madam Temporary Speaker, one of the last procedural things I wanted to bring up was; when a law says that when you are passing or bringing legislation or regulations, publish them in a newspaper of nationwide circulation. That means exactly that; a newspaper of nationwide circulation. Everyone knows what the word newspaper means and what wide circulation means.

It cannot be stuck somewhere in a Government supplement or releases from the ministries. The Ministry has told us that instead of putting this advertisement in a newspaper; such as the *Daily Nation*, which everyone in this country knows is a newspaper of wide circulation or the *Standard*, or both of them like the practice I have seen where when it comes to serious legislation, you put in both newspapers; they circulated this thing in a publication that I never read because I consider it illegal and unconstitutional, an affront to the freedom of media.

They call it 'MyGov.' If you consider the history of that publication called *MyGov*, it was out of a desire to punish media houses that were not playing the tune that some of these friends of ours sing these days in public *barazas* and markets. It was to deny Government revenue to the mainstream newspapers as a way of making them bend to the will of Government. That was the invention of this thing called my *MyGov*. It is tucked in the Tuesday edition of the *Star*. I can assure you that my mother did not see that publication and she is a mother of a very well-learned Senator. Down there in the village at Kitinda, she did not see it, but I am sure she read the Tuesday edition of the *Daily Nation* that day.

Madam Temporary Speaker, the explanation that is given is that there was a directive of the Government, that government advertisements be carried in this publication. The question I am asking myself, Hon. Mwenda Gataya, can a directive of the Government - which is what these things that I see issued from State House from time to time is executive fiat - override a requirement of the law for you to publish these regulations or the law in newspapers of nationwide circulation? My answer to that is no.

Madam Temporary Speaker, I am done with the procedural problems that I have with this report on these regulations. Let us go to the substance, the actual provisions.

According to the report of the committee, these regulations are the ones that are supposed to operationalise the Affordable Housing Act. They are supposed to provide for a procedure and criteria for allocation. If you read the regulations, the Act has a board. They have said that the procedure for allocation of these affordable houses is that you must make an electronic application to the board. The criteria is set there.

Some of the issues that were raised by Sen. (Dr.) Khalwale were that if, indeed, we put in place a law, a board to determine who gets these units of housing, how can anyone else, their position in the structure of the Government notwithstanding, be the one allocating houses? I speak painfully because this is my money.

The initial argument was that those of us who make an income contribute to this Fund, so that the lower echelons of the society in Mukuru can afford these houses. Are

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we still serving those people or these affordable houses paid for by my money, very painfully so, are available for donations because of someone sitting in the office of the Head of State? He can decide today that Faith Kipyegon deserves a two-bedroom house. Faith Kipyegon, for all her glory, cannot be described as a poor person. She does not live in Mukuru. Why did we pass this law? Why did we not say that this Fund is going to be run from State House and he will be determining who gets these affordable houses at whim?

Secondly, they have provided for a requirement of a deposit of five percent of the unit price. I have a problem and the people of Mukuru, Mathare and Kibra in Nairobi have told us that. This is because in Nairobi, as a County Government, we are also undertaking affordable housing scheme. This is because of the intervention of this Senate and especially, the Committee on Roads, Transport and Housing which has made sure that there is no requirement for a deposit when you get a unit of an affordable house under the Nairobi City County Government.

We know our people. Sen. (Dr.) Khalwale, we know our people. They cannot afford the five percent deposit. What is the cost of a two-bedroom house in New Mukuru? No wonder, many of them, even after getting into those houses, are selling them or are renting them out and going back to the slums.

Madam Temporary Speaker, that requirement of a deposit does not make sense to me because we have already contributed amounts of money. I believe that I have been contributing for over a year now. Can my money be used as deposit for the people of Mukuru?

I am never going to apply for those houses. They were not meant for people like me. I have a Parliamentary scheme here. I have a house. On this one and on behalf of the people of Nairobi, I have to say no. Then they go and create something called deposit assistance, which basically tells you that they will give you a loan to get the deposit. Sen. Gataya, if for instance, people have been contributing and a teacher in Buruburu wanted to apply for a house and they have already been paying for it, why are you asking for a deposit then you go and give them a loan? They have structured interest bands that are depending on how much money you earn.

I have a big problem there. If you look at the report of the Kenya National Bureau of Statistics (KNBS), there are only 387,000 Kenyans as of 2023 who earn over Kshs100,000. This figure is critical for various reasons.

You will see there that in these regulations, there are three categories of houses. There is social housing, which is for people who earn less than Kshs20,000 per month. Then there is something they call affordable housing for people who earn between Kshs20,000 and Kshs140,000 per month. Then there is this thing called affordable middle-income housing for people who earn over Kshs150,000. Out of a population of 55 million people, only 387,000 as of 2023 earn above Kshs100,000. You are telling us that you are reeling off 200 units per year. Who are these people you are building these houses for? If you did, of course, they have never even scratched the surface on that promise of 200,000 annually.

Madam Temporary Speaker, if they build those 200,000 houses in one year and another financial year they build 200,000, so that we have a total of 400,000, the people

who will be able to afford those houses will already be exhausted because the number is at 387,000 people only who can afford these houses. We have problems with this---

**The Temporary Speaker** (Sen. Mumma): Sen. Sifuna, can you be informed?

**Sen. Sifuna:** No. I am teaching. I am in the middle of imparting information. Please, do not. What do you want to inform me? You will have your own opportunity to do this.

Hon. Speaker, please, I do not like to be interrupted. This is what they do.

There is another provision that I have a problem with; that if you apply to the board---

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

*(Sen. Gataya Mo Fire spoke off record)*

**Sen. Sifuna:** Madam Temporary Speaker, you know for a fact that there is no point of order. It is one of those frivolous attempts to derail debate.

**The Temporary Speaker** (Sen. Mumma): Let him raise the point of order.

**Sen. Gataya Mo Fire:** Madam Temporary Speaker, I want Sen. Sifuna to withdraw and apologize. The much I know is that this is a House of legislators and debate. I have not captured any student from this House. So, nobody is being taught.

As much as I have a lot of respect for Sen. Sifuna, he is debating just like any other legislator in the House. I do not think there is any student in this House to be taught.

**Sen. Sifuna:** Madam Temporary Speaker, I will proceed to make my point. My next point is about the deposit. The provisions of the regulations are that if you pay that deposit, for instance, and your application is rejected by the board, do you know the regulations say that they do not give back your money? They take it into something that they are calling a voluntary savings account. I was not giving the deposit so that I save money. I wanted a house. So, if you are unable to allocate this unit to me, give me back my money. I can go and do other things with it. They have set interest on that loan that I talk about between three and nine percent.

Now, let us come to the regulation on consent to sell. If you buy this unit and you run into financial ruin, for instance, you are unable to keep up with the payments and you want to sell it, you have to ask for permission from this same board to sell the unit.

The problem there is that it is tied to another regulation on default. If you default for two consecutive months, the board takes back possession of that unit. That is what the regulations you want us to pass are saying.

Madam Temporary Speaker, as far as I know, as a student of law, and somebody who understands the Constitution, you cannot interfere with property rights, my ability to own and dispose property, by frivolous regulations such as this. If I run into financial ruin, now, for instance, a member of the family is diagnosed with a serious disease such as cancer, we are all raising money. I have a unit sitting here and we need money. You are telling me I need to go to somebody else to get consent to sell that house because of extraneous circumstances.

By the way, these regulations also provide that all decisions of this board, you have to, again, ask for what they call review from the same board. That provision on

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review of the decisions of the board also goes ahead to specify the only grounds you can raise a point of review with the Board. What sort of regime is that?

**An hon. Senator:** Teach!

**Sen. Sifuna:** I submit that this provision on consent to sell a unit is unconstitutional. They then require that you can only apply for that consent to sell after five years of completion of payment.

The regulations also regulate the price. At that point, when they have told you now you can sell, they have fixed a price for you that you can only sell that unit at prevailing market rates. If I am able to convince Sen. (Dr.) Khalwale to pay Kshs10 million on a unit where the prevailing market rate is Kshs5 million, you will tell me, no. This violates the concept of willing buyer-willing seller. Perhaps Sen. (Dr.) Khalwale likes this unit so much, and there is enough demand on the unit, they are willing to pay more. How can you tell me that I cannot get more money, if I am able to persuade him to pay more?

I personally have big problems with this affordable housing scheme. I thought it was very poorly thought out. It is actually punitive on the small population of people who have a pay slip in this country. I was in Funyula in Busia County with the Hon. Oundo. In the middle of Busia, not even in the town. Somewhere deep there in the rural areas I saw they are building 12 floors.

Madam Temporary Speaker, the good thing is that you come from the same region as I do. Where I come from if your chicken cannot get into that place, you also cannot get in there and sleep. There is no chicken that lives on the 12th floor. We live with chicken. For us, they are considered family. I was looking at those units in Funyula and wondering, who are these people targeted to stay in these units. Maybe the Senator from Busia, the Hon. Omtatah can shed light and tell us, who those units meant for. When you speak to the people in that area, how they wish all that concrete was a hospital, a school or something they actually needed.

The problem with this affordable housing scheme is that it does not prioritise our needs. The reason somebody would be given a unit in Mukuru and go back to the slum is because the priority of that person is to eat, education and healthcare.

This Government knows why it prioritises houses. They will tell you the people supplying material for that construction such as sand and cement are more than happy to build those things. It does not matter whether people will ever own them or live in them. They will already have been paid and will disappear. That is all that this affordable housing is about. It is about making money for cronies of people in---

*(Sen. Sifuna microphone was switched off)*

**The Temporary Speaker** (Sen. Mumma): You have 30 seconds.

**Sen. Sifuna:** Therefore, I oppose strongly.

**The Temporary Speaker** (Sen. Mumma): Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker, for this opportunity to also make my contribution to this Report by our Committee on Delegated Legislation.

I begin a troubled man, because I have never had so much misinformation. I do not know whether that is a place to commence, but I will lose my trail of thought if I do so. Therefore, I want to first stick to the substance of the Report that is before us. Perhaps, later if I get an opportunity, I will direct my colleagues to where to get the correct information about many of the things which they said, which is information that is publicly available if you were to seek the right information. However, you never know why people will choose to get the wrong one.

Madam Temporary Speaker, I am troubled because if you read this report, it is clearly brought out to us that these regulations are already approved by this House. So, I do not know why the Committee on Delegated Legislation would want us to debate them, because you have told us in paragraph--- Let me just read the correct paragraph, Sen. Mo Fire, then perhaps you can guide me on what I need to do with my submissions.

In paragraph three of your introduction, you have told us that the regulations were published on 9<sup>th</sup> July, 2025, and thereafter, they were received by the Senate for tabling on 11<sup>th</sup> July, 2025, which time was within the seven-day sitting of a referral of an instrument to Parliament as stipulated within Section 11.

Then, in paragraph four, you remind us that therefore these regulations were laid on the 16<sup>th</sup>---

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Omtatah! This is not your House, why are you crossing the manor?

*(Sen. Okiya Omtatah spoke off record)*

**The Temporary Speaker** (Sen. Mumma): Thank you.

**The Senate Majority Leader** (Sen. Cheruiyot): I do not want to be disrupted by Sen. Omtatah.

In paragraph four of that introduction, Sen. Mo Fire, your committee is telling us that after the 16<sup>th</sup> of July, in accordance with Section 59 of the Affordable Housing Act, No.2 of 2025, to be approved or rejected by the Senate within 15 days of sitting. This is a law that we passed here and we say that within 15 days of sitting, of receipt by the Senate, which days are set to lapse on the 11<sup>th</sup> of September, 2025.

Today, Madam Temporary Speaker, is the 25<sup>th</sup>, meaning that on the 11<sup>th</sup>, whether with a vote or without, we already passed these regulations. Therefore, what we are doing is just a conversation about what we think about housing. No wonder so many political statements are just being made, because it has nothing to do with the report whether we reject or not. In fact, I hope that there is no intention to take this to a vote, because eventually, you are taking it to a vote, so that what happens?

This report is already approved, and that is where we need to begin, because our committee chairpersons, the reason why you have a liaison committee, is where there are emergencies such as this, where we have passed laws that have set timelines on ourselves. For instance, we passed this law and said within 15 sitting days, not just calendar days, sitting days, regulations such as this will stand approved. I expected a diligent committee would have led us to either consider those regulations or at the very least, bring a Motion for extension of time, though I am not sure whether even that would

stand, because at the end of the day, you cannot pass a Motion to amend statute which you have already put into law. It is very unfortunate that we never got opportunity.

Secondly, Madam Temporary Speaker, I wish to say that these regulations do not meet or serve the purpose for which they were intended to. I would wish that when you have a matter as important as this, that our committees would lead us as a House to be alive to present issues, because housing is a very important project. Every political formation that I know, at least those that are worth their salt, had housing as a manifesto item, both the Azimio and the Kenya Kwanza coalitions. This is not just in this election. From as early as 2002, if you read the National Rainbow Coalition (NARC) manifesto, housing was proposed there.

Therefore, this is not just a simple exercise of passing regulations and saying, go and do as you wish. It is in matters such as this that I expect of our committees, when you are implementing programmes that are of high importance to the people that we represent, that you lead us into a conversation.

Madam Temporary Speaker, from what I know from history, many times back in the day when we considered the formulas, I cannot recall immediately, off the top of my mind other important things, where committees have actually led us into a sitting in this House, in the Committee of the Whole, and told us that good people, ladies and gentlemen, here is a proposal that has come from the Executive, what are your thoughts about it? This is not just something that you tuck yourself away as a committee, consider them, and come back to us. You are not bound by regulation, but it is a moral and diligent thing to do, because each of us, in one way or the other, is affected by this program.

There are many questions that I have about this programme. For example, I would expect that by the time the Cabinet Secretary, Principal Secretary (PS), State Department and this board that is being set up come to us, that at least I would have a report that since I passed this law one year ago and have been paying diligently, how many of those units have been built in each and every part of this country?

I have to register a complaint as Senator for Kericho County, for example, that all I can see are hardly three, four hundred units that are not even ready, and I see occasionally here in Nairobi City County, thousands of houses. Are we citizens or children of a lesser God? I wanted to have that conversation here with the people that are running this programme to know why certain counties will be at 70-80 per cent completion of projects while others are still 20-30 per cent.

I just passed by, for example, where this project is being implemented in Kericho Town. I think they are building only 400 houses in a county of a population of more than one million people, many of whom understand the importance of this project. I am glad because there are people who are saying in their parts of the country, they do not need the houses. It will be important that you put it on record and donate to us who I need. Our land is high-value agriculture land and many people continue to build houses on that land. I would be more than happy if I centralise my people in one place, so that I remain with land to secure their food and farming. Therefore, needs vary. There are those who consider that it is not useful to the people that they represent in this House.

Madam Temporary Speaker, I wish that we would get that opportunity, so that we give a commitment, including in writing, and say, please, the request of my constituents

is that we think we can uptake 10,000, 20,000, 30,000, 40,000 or 50,000, while others can write and say, “we do not need these things, take it elsewhere”.

Madam Temporary Speaker, the implementation of this programme has not been as transparent in terms of allocation of units that are being built across the country as we expected when we passed these regulations. I say this with a heavy heart because I know if you raise this conversation many people will say, we do not have land in your place to do this.

Where is the engagement? Where is the diligence on the public officers that are running this programme that have gone to engage our county governments and said, provide for us alternative land? You may not have land where you are looking for, but at least I know every county government has land where they could point out and say, this is a good place where you set up this particular project.

Madam Temporary Speaker, it is unfortunate that as we speak here today, you drive down in certain counties, they are perhaps now doing their 20,000 or 30,000 unit, yet some of us are at 400 to 500 units. That is the expectation that I had of this Committee. That, at least they will provide for me an opportunity to look back and say, what has been the implementation process one year down the line after we pass these this law? I would have expected a blow-by-blow justification of each regulation to understand the empirical calculation, for example, on this important proposal that is being made to provide affordable credit to those that want to purchase the housing units, but do not have the five per cent deposit.

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

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

I would wish to know what is the consideration in terms of the proposal that we are being given, three per cent for persons earning below Kshs20,000, six per cent for those that earn between Kshs20,000 and Kshs140,000, and nine per cent for those that earn above Kshs140,000. Sorry, I note the change of Speaker. It is now Mr. Speaker, the Senator for Bomet County, or is it Sigor? I know Sigor is part of Bomet County.

Mr. Temporary Speaker, Sir, I would have expected that this State Department takes us through blow-by-blow on the request that they have. Kenyans that have come to them and have said we would wish to purchase these housing units, however, the much I can raise is X amount, therefore allow me to borrow up to this amount and, therefore, this regulation is being provided.

This issue of allocation has been canvassed and I wish my Whip, Sen. (Dr.) Khalwale, was here. I heard him together with another Senator, who contributed earlier, say that some houses were allocated to footballers. I do not know the footballers they are talking about. Why do people react to social media conversations? I expect you, not as the Senate Majority Whip, but as a legislator, to go into detail and understand things beyond the conversations that happen in our newspapers.

I listened to the President keenly when he was addressing the Harambee Stars players. He told them, “out of the windfall that you have gotten out of your wins, I am willing to top up something for you, so that you pay the deposits.” So, I do not know

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where this conversation about donations is coming from. It is not possible to donate a house. I wish my Whip was here, so that I educate him a bit. I am afraid that he sometimes gets the wrong information from social media and runs to Parliament to speak about it.

I listened to the teachers. I met the teachers from Kericho County when they left State House that day. They were happy because they were castigating me, as their representative. They told me, “Senator, how come you have never told us how we can purchase these units? Today, we were explained to how we can purchase these units as people who lead in contribution despite the humble and meagre income of teachers.”

I say this with a lot of pride because I was raised by a teacher. My mother was a teacher. Therefore, I know what a dent to her payslip would have meant and the expectation would have been that at least she and her family should benefit. That is a conversation that the teachers had at State House on that day. I listened to them say of the President that, “now that we have accepted and are part of the people that are funding this programme, can we be prioritised, so that even if we do not pay because we are nearing retirement, our families can carry on and have a housing unit?” There is justification for this.

If you follow the United Nations Human Settlements Programme (UN-Habitat) statistics, you will notice that they point out clearly that by 2050, a quarter of a century from now, 60 per cent of the entire population of the earth will be living in urban areas. Where do we want our people to live if we do not plan for the future? There is good justification for this. Therefore, we should not have a conversation about whether this is important. I believe every knowledgeable person appreciates the place and the need for these housing units.

It broke my heart listening to young people from Kibera the day when we went to sign the Affordable Housing Bill, 2023 in State House. A community mobiliser said that part of the reason why they want these housing units is because you cannot teach young kids about sex by the age of two or three. This is because they see it in their homes. They live in one roomed houses. I do not know if you were there, Madam Temporary Speaker. Those people said, “please, give us some decency.” There is good justification for a programme such as this.

The questions that are being raised by our colleagues on this Floor, as representatives of the people, are extremely genuine and there is good justification for them to have sufficient answers. Unfortunately, that opportunity has not been provided. I do not know the constitutional order that we got ourselves into. It is neither parliamentary nor fully presidential.

There are people in this House who are Committee Chairpersons hence they sometimes speak and answer questions as if they are Government and we also have those on the Senate Minority side who we sometimes confuse and say that they are in the opposition. I say this because to the best of my knowledge, there is no opposition and Government in Parliament. What we have is the Majority and Minority. The distinction of what the Constitution appreciates is that there is an Executive and Legislature.

The question that I have never been answered up to date is the nexus between the Executive and the Legislature in terms of policy appreciation and policy critiquing? After we have passed a law such as this and it has been operational for one year, where is the

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opportunity beyond the Question and Statements time that we sometimes get here with cabinet secretaries? Where is the opportunity for me to critique and say, “okay, we gave you a law, how have you implemented it? My constituents are saying this and that.”

I do not believe that it was the intention of the drafters of our Constitution that we exist as silos such that we can never interact and provide good, credible feedback to the Executive on programs such as this. I want an opportunity to sit down with Cabinet Secretary, Hon. Alice Wahome and Principal Secretary, Hon. Hinga and give my thoughts about what my constituents are saying about this program. It is not just the absence, it includes things such as location.

It is also important that I record their appreciation. There are diligent colleagues who follow these things. Unfortunately, not everybody can do that. When it was rumored that the approximate cost of a housing unit was a certain amount, one of my colleagues, Sen. Chute, told me that the cost was almost Kshs10,000 higher than what private entities offer. We drove all the way to Mombasa Road, compared and shared that feedback with the Principal Secretary.

We told him, “you must review your rates because people such as Edermann who is building Great Wall apartments, bought the land. You have not bought any land. Most of the land where the housing units are being built on is public land. Therefore, those houses should be cheaper.” So, I want an opportunity to ask the Executive, “what is the approximate cost of what it takes you to build this unit?”

I also want to know the benefits of the economies of scale if one is buying cement in thousands. This is because one has been given an opportunity to supply into a public programme hence there are benefits to the economies of scale. That was my expectation. We were told that when this programme comes, many young people will get an opportunity to supply door frames and to set up carpentry sites. I do not see those things happening in my county. That is why I want to have that conversation with these gentlemen and it has to go beyond regulations.

It should not be said that these ones have just given us an opportunity to talk, otherwise they are useless now that this one is already passed. There are important things about that programme that we want to know. I want to see the young people that are benefiting: the ones who are supplying door hinges or have been trained in our Technical and Vocational Education and Training (TVET) institutions.

I said these things on the campaign trail when we were pitching for housing during the 2022 campaign season. We said, “we will build houses and you, the young people, will be suppliers of the door frames and locks.” Those things have to be reality for them to make sense, otherwise how will I face my constituents? I have very serious questions about this programme. This is because I understand that it is important, transformational and necessary.

Therefore, I cannot give excuse to those that are implementing it, after I have gone through such a difficult time. First I have paid for it and also passed the law on the Floor of this House. Sen. Gataya Mo Fire does not have an opportunity because his Report has been bypassed by time. However, we have the Committee on Roads and Transportation in this House.

Since we do not have the opportunity to further interact with these people on these regulations, can we, as a House, be provided with an opportunity to question the

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Executive on the implementation. With that, people who have serious questions and doubts on things such as size and even cultural sensitivities can use that opportunity to ask their questions.

Sen. Sifuna has said that where he comes from, people would want to live in the house with chicken. So, can they make that part of the provision? They should not build them small houses where they cannot fit in together with their chicken. I do not know if Sen. Mumma also has a specific request. She might tell you that you need to make the windows slightly larger, so that when she cooks *omena*, it does not kill her, like tear gas.

I do not want to lose my trail of thought. I cannot see Sen. Oketch Gicheru in the House, he probably travelled though I can see the Members of the Committee on Roads and Transport. Those Members will have failed this House if they do not provide us with an opportunity to sit down with the Cabinet Secretary, Hon. Alice Wahome and Principal Secretary, Hon. Hinga. That is why I wanted her to come here. As a Senate, a House that represents the interests of counties, we want to have a conversation with them on the implementation of this programme. We need to know the nexus, the connection with county governments.

There are places where we are told county governors are taking time to release land. We must take into account their consideration. Some of them are saying, I have better plans than affordable housing. Therefore, what is a place of interaction between a county government and the board that we have put in place to run?

Therefore, I request our colleagues--- I do not know if there is any Member of the Committee on Transport and Housing, who has let us derelict our responsibility. We are representatives of the people, whether you are on the majority or on the minority side. Whether you supported or did not support this law. This is the reality of a country. Come, let us sit down with these people and ask them the difficult questions that are being raised, so that as they leave this House, they know the people of Kenya are asking certain questions.

Just like we have issues with other nationally rallied programmes--- I challenged our colleagues at the time that there was an audit report on the implementation of the Social Health Authority (SHA) and the contractual obligations that had been put into that contract. I challenged Sen. Mandago and I said, I have seen a report from the Auditor-General on how the cost of this programme---people keep quoting all manner of figures, you cannot blame us. We are a country that is sensational by nature. We love hearing huge figures of hundreds of billions. I do not know the amount. Can you lead us into a better conversation, so that at least, at the very least, representatives of the people like Senators, do not quote information from newspaper articles?

The reason we end up doing that is because we never get the opportunity to meet with the implementers of policy and ask them some of these questions. Therefore, Sen. Mo Fire has done their bit. At least they brought an opportunity for us to know that there were regulations that we passed without knowing. That was important. Now that the opportunity is lost, can you give us the chance?

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, he said that regulations were passed without knowing or by operation of law they became law because of timelines. It could not then have been that you passed without knowing.

**The Senate Majority Leader** (Sen. Cheruiyot): I do not know which is which. All I know is that the regulations are operational and they have been passed by both Houses. At least I saw the debate in the National Assembly, and I heard Members speak about it. I do not know what you, Sen. Mo Fire, were doing until today, the 25<sup>th</sup>, we are debating regulations which, by operation of the law, our own law that we passed as a Senate, stands approved.

**Sen. Gataya Mo Fire:** On a point of information, Mr. Temporary Speaker, Sir.

**The Senate Majority Leader** (Sen. Cheruiyot): I do not mind being informed.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Mo Fire, to inform the Leader of the Majority. Use the dispatch desk.

**Sen. Gataya Mo Fire:** I think there is some defect. I believe the Majority Leader is very right. This is just a matter of procedure and format. We had to bring this issue that is attracting national debate. It is a matter that would not have skipped the debate in the House. It is important that we bring it here. Though we had looked at the timelines and those things have already passed and we thought maybe it is important for us, as a matter of formality, to bring those regulations here, so that we can even capture the mind of Sen. Sifuna, who has raised very pertinent issues. I think it is very deliberate that the regulations have been brought here. We have a lot of penetrations from quite a number of debates.

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

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

**Sen. Sifuna:** It is wholly offensive. We have a committee of this House that schedules business. I used to sit in that committee for two years. I am sure the Majority Leader and the Majority Whip still sit there. All these leaders on both sides of the House still sit in that committee. How fair is it, you are telling us that you schedule business, we are in the middle of debate, there is a procedure that has to be followed.

At the end of the debate, you have to put a question. I need to vote. You have sat us here, it is 6.00 O'clock, ordinarily on a Thursday, you know me, 'waziri wa sherehe.' I should not be here at 6.00 O'clock. I stayed here because this is an important matter.

Therefore, the clarification we are seeking is, is this a debate in futility? Is this Motion properly before this House now that we are in the middle of the debate? You need to make a decision if, indeed, the regulations are passed by operation of law. The good thing is that you are a lawyer. Stop the debate.

**The Temporary Speaker** (Sen. Wakili Sigei): Take your seat, Sen. Sifuna. You have raised your concern.

**Sen. Sifuna:** However, now that I have already spoken to it, I will insist on voting.

**The Temporary Speaker** (Sen. Wakili Sigei): Take your seat. The opportunity I granted to Sen. Mo Fire was to inform the Leader of Majority why he brought the Motion for debate today that deals with regulations which by operation of law, have been operationalised or have become regulations. I believe that information was for the benefit of the Leader of the Majority. However, your concerns are taken by the chair and appropriate communication will be made about it.

Senate Majority Leader, please proceed. Your mic is not working, Leader of the Majority. Just use the dispatch.

**The Senate Majority Leader** (Sen. Cheruiyot): At least the Commission is in the country today. One of the three commissioners is in the House. At least make sure the mics are working. During my time as a commissioner, I ensured the mics worked. I do not know what happened to these ones that we got into office recently.

Mr. Temporary Speaker, Sir, I was saying, Sen. Sifuna---

**The Temporary Speaker** (Sen. Wakili Sigei): I can confirm to you, Leader of Majority that the commissioner has just confirmed to me that yesterday, the Senate Business Committee confirmed that this will be worked on in the next recess session and therefore---

**The Senate Majority Leader** (Sen. Cheruiyot): What do we use between now and then?

*(Sen. Cherarkey spoke off record)*

**The Senate Majority Leader** (Sen. Cheruiyot): Because he knows the mistakes he has made.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Leader of Majority.

**The Senate Majority Leader** (Sen. Cheruiyot): I was saying, Sen. Sifuna's concerns are not illegitimate. This is because we must ask ourselves, why did you subject us to a debate on something that stands approved. In fact, that is a question that the secretariat that processed this needs to answer. I believe if it were the National Assembly, things such as this would never have happened. We must move away from being stoic, also as an institution, and do things better. This was completely unnecessary. However, the chair has told us that the reason he brought the report was to catch our attention in this conversation. Okay, you have succeeded in doing that.

I hope Sen. Eddy and the team at the Committee on Transport and Housing will at least help us answer the questions and the concerns that colleagues have on the implementation of the housing project. As an avid campaigner of the housing programme and somebody who knows how that programme can change the lives of people who are in urban areas and live in subhuman conditions and two, for those of us who come from densely populated, rich agricultural zones. At least this will provide us with an opportunity to live as expected. We who live in concentrated places can leave part of our land to be used optimally for agricultural farming.

Otherwise, the small land in my village in Kericho that my grandfather left to us, by the time it gets to my children's children, will not be useful anymore. At least if this programme is properly implemented in my county, I can tell them, let us go and live in town, we leave the farm. We fill it up with the tea bushes that will take care of us. The same can be said of so many other things. Therefore, I look forward to that opportunity. I will be making that request even at SBC, that opportunity be provided for us, so that we can ask the difficult questions in the public interest.

We can say the things we want to say in rallies, because that is politics. There is no problem. At least, as an elected representative of the people, whether you are from the majority or the minority, there are things that you can share with the executive on

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important programs, such as this, that will better it, and that opportunity has to be presented. After that, whatever else we say at funerals is just for commercial or political value. At least here in Parliament, we say things that can influence policy.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Leader of the Majority. I have got communication to make before I allow the next member to contribute to the Motion.

*(Interruption of debate on Motion)*

### COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM BUSIA UNIVERSITY  
AND COLLEGE STUDENTS ASSOCIATION

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, I would like to acknowledge the presence in the public gallery this afternoon of visiting students from Busia University and the College Students Association. The delegation consists of 12 students.

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

I thank you.

Since the person who is to contribute next is Sen. Okioti Omtatah, who comes from Busia, before you contribute to the Motion, I will give you an opportunity, in under one minute, to welcome the delegation, then contribute to the Motion.

Sen. Omtatah, you can use the Dispatch Box.

*(Sen. Okiya Omtatah moved to the Dispatch Box)*

**Sen. Okiya Omtatah:** Thank you, Mr. Temporary Speaker, Sir, for the opportunity to welcome the delegation from Busia. I was not aware of their presence because I was not informed. However, I am happy that they are here.

I would like to inform them that we shall be having the Senate Mashinani. Therefore, they are welcome in Busia to air their views about what the Senate can help to do for them from sixth of next month.

I wish them success in their studies. I hope they will have a fruitful experience in their tour here. I request that next time they send me an alert if they come to visit the Senate, so that I am in the know because I do not like being ambushed.

You are most welcome and I wish you a fruitful tour.

*(Resumption of debate on the Motion)*

Mr. Temporary Speaker, Sir, I will begin where my brother Sen. Sifuna left when he referred to chicken. What he said is not a light issue. One time a Luhya sage told me

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that the word “*ingokho*” has the word “*ingo*” inside it. I would like the Senate Majority Leader to understand. In *ingokho*, we have *ingo*.

When you see that bird, it means there is a home around there. That bird is a sign that the area is settled. Therefore, it was not an idle statement that Sen. Sifuna made. It is an important cultural--- There must be a chicken otherwise there will be no home. That will just be a house and not a home.

I would also like to say something about what the Senate Majority Leader mentioned. Those houses are being built on public land. Therefore, we should condemn what is going on. You cannot convert public land by building houses on it then sell them to private owners. If you want to acquire public land, there is a procedure for doing that. The Affordable Housing Programme (AHP) has no respect for any law. It is happening like we are in a vacuum and that there are no laws in this country. Public land is set aside for specific purposes.

Right now we are having a crisis in Busia. Busia Agricultural Training Centre (BATC) has been invaded by the affordable housing thing. They are even building on fish ponds that had been put there under climate change projects. That agricultural training centre in Busia was set aside to be a university in the long run. There was also Sang’alo Institute of Science and Technology (SIST) in Bungoma and Western College of Arts and Applied Sciences (WECO) in Kakamega. Each of them was allocated a lot of land.

The ATC in Busia sits on 96 acres. They are building houses there with no care that is public land alienated for a particular purpose. They plan to sell those houses to private individuals, meaning that they are privatising public land. They are destroying the plan of Busia and they have no care about the future of this country. That is where the problem is because that is conversion of public land to private land.

Public land and community land are defined in the Constitution. No individuals should, by their whims, convert that land by selling those houses to individuals. When power changes, we shall recover those houses and surrender them to the public. Neither President William Ruto, the Cabinet Secretary or anybody else has the capacity to sell public land to private individuals.

Whoever dares to buy those houses, you are throwing away your good money. We will recover those houses and take the land back to the public or else you carry your house away from that land. There will be two options. You will have to find a way of carrying that house. Remember it is a storey building. How will you carry your floor of apartment? I am warning Kenyans not to touch those houses because when I take over in 2027, I am going to recover them and return the land back to the public. When the Government takes over, we are going to quantify each pay slip.

My brother has been mourning about his Kshs30,000 per month. We shall quantify that money and recover it from the Consolidated Fund, refund you and make those houses public property. Just support me for the presidency.

*(Laughter)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Okoiti, I want to warn you that you are not on a campaign platform for your presidential ambitions.

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**Sen. Okiya Omtatah:** I am guided, Mr. Temporary Speaker, Sir.

There is another disregard of the law. Other than being built on public land, they are using money that is collected from Kenyans as a levy, which makes it public money. In essence, that is public property. We have got Article 227 of the Constitution which requires that disposal of public property must be done in a competitive and effective manner. The Public Procurement and Asset Disposal Act also states that. Why are we using public money for grants? When did the Government become a grant maker? We already have an Emergency Fund domiciled in the National Treasury. Why are we becoming grant makers?

If you look at the Kenyan Constitution, it is a clearly civic republican charter with rights to own property, pursuit of the common good, use of public coffers for service provision and protection of private property. You cannot take Sen. Sifuna's Kshs30,000 per month and use it to build a house for somebody else. That is what the Constitution condemns in Article 40 as arbitrary deprivation of Sen. Sifuna's interest in his money.

There was the question of timelines and this is the danger of making unconstitutional law. Article 94(5) and (6) of the Constitution state that only Parliament has the power to make law and Parliament can delegate that power. It cannot be said that in delegating the power, if Parliament fails to validate a statutory instrument within 15 days, the statutory instrument becomes law automatically. The ideal situation is that the statutory instrument should lapse if Parliament does not approve.

There is a requirement that Parliament must protect the public not by avoiding or by omission, but by commission. Parliament must look at statutory instruments. This idea that if you do not look at them then they become law automatically is not constitutional. It violates Article 94(5) and (6). Therefore, the law that was passed is not valid. As far as I am concerned, going by the Constitution, those regulations lapsed and therefore they cannot become law.

Secondly, we should not look at the Affordable Housing Act as the primary Act when it comes to making of statutory instruments. The primary Act is the Statutory Instruments Act. Section 15(2) allows for 28 and not 15 days. The Statutory Instruments Act should trump that timeline that was smuggled into the Affordable Housing Act, so that these things purportedly become law.

Mr. Temporary Speaker, Sir, now that my brother Sen. Wamatinga would also like to speak and I can see time is running, let me be charitable and stop my submissions there so that he also contributes.

*(Sen. Cherarkey spoke off record)*

I did not say he is next, but he would also like to speak. Therefore, if I stop and the next person also take little time, it will create room for him to also speak. I think I have massacred the thing with my skeleton submissions.

Finally, Mr. Temporary Speaker, Sir, I oppose the regulations. I will wait to vote them out. I agree with Sen. Sifuna that since we have been burdened with having to contribute, we must vote on them.

I thank you.

*(Applause)*

**The Temporary Speaker** (Sen. Wakili Sigei): For the benefit of Sen. Omtatah, it is the Chair who permits Members to speak.

*(Sen. Okiya Omtatah spoke off record)*

Take your seat, Senator. Take your seat, Sen. Okiya Omtatah.

Sen. Wamatinga Wahome, you may proceed.

**Sen. Wamatinga:** Thank you very much, Mr. Temporary Speaker, Sir. Indeed, I came to your dashboard and I went to talk to my colleague to allow me to say something.

A lot of technicalities have been spoken about this affordable housing. As I stand, I want to beg my colleagues to look at the history of this country, way back in 1963. I want to draw a parallel between where Kenya was and where Singapore and Malaysia were.

In 1963, Malaysia was one big slum. They introduced the Housing Act around the same time that we did in the pre-colonial era, 1953 and went ahead in 1963 to ratify the same. South Korea and Singapore were far much in the same position as Kenya was. Their GDP could be more comparable. However, due to their implementation of some of the laws that Kenya ignored, among them being the affordable housing, Malaysia was able to transform what used to be a slum into one of the most modern cities in the world today.

The same can be said of South Korea and Singapore. Where we got it wrong is that way back in 1953, in Article 17(10) we had envisaged a situation where we would introduce housing models that would allow people to live in kind of one area and farm in the other areas.

We missed the point when we allowed the subdivision of land, we missed the point when we allowed urbanisation to be uncontrolled and we missed the point when we did not provide for housing for the low-income population in Kenya. This is why today we have over seven million Kenyans living in informal settlements.

Most of my colleagues who contributed to this Motion may not have the advantage that I have as a contractor because I have worked in very many informal settlements. It is very appalling and disheartening to see that our fellow Kenyans are living in subhuman conditions in informal settlements and going by their level of income, they will never end up using their own dynamic to get out of them. It is high time and we must call it the way it is, if we do not address the issue of housing, especially in urban settlements, then we will get more and more Kenyans living in informal settlements.

We must, as leaders of this country, call the issues as they are. We know that Kenya is a signatory to the Sustainable Development Goals (SDGs) and one of the requirements is that every Kenyan must have access to decent housing with sanitation and most importantly, decent in the sense that they will not be living in a riparian area. This can only be achieved if we have a deliberate attempt by the Government, a concerted effort by us, the taxpayers, to contribute to the kitty, because the only business that the Government does is to coordinate that kitty in terms of levy to ensure that our people can get housing.

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Therefore, it is imperative that we, as leaders, say yes. We have a problem that has persisted for the last 62 years and I would like to commend the Kenya Kwanza Government because we know that every successful Government has committed itself to ensuring that there is a provision of affordable housing. None of them heard and none of them wanted to take this unpopular decision of introducing this housing levy. It is unpopular, but the right decision.

The time has come when we, as leaders, must not shy away from making decisions just because they are unpopular to please our voters. It cannot be the business of politicians to fight for positions, get elected, but only start fighting to be re-elected.

I want to commend the President, and that has been said even in the meeting going on in New York. He has taken it upon himself to ensure that he delivers Kenya's mandate to become one of the developed countries, but that cannot happen if over seven million Kenyans are living in informal settlements.

Affordable housing, look at it from whichever way you want to look at it, but it cannot be people living in Mathare, Mukuru Kwa Reuben, people living in Majengo, Nyeri, they cannot afford to buy the prime property there to build their own houses. It must, therefore, be a common and collective responsibility of all of us to ensure that we move those people from those slums into houses.

Mr. Temporary Speaker, Sir, I believe that it is high time we face it and say it the way it is. We have missed the opportunity. This Government, mostly because it is a broad-based government, has taken a paradigm shift in the way things are done and, therefore, people will start getting houses.

Concerning the issue that has been addressed by some of our colleagues, the law of supply and demand is very simple. If we construct many houses for the upper class and there is nobody to take them, then the lower class will have an opportunity to access better houses at a lower rate. That is simply the law of supply and demand. Having said that, it is high time we realise that the population in Kenya is growing and the land mass is not expanding. Therefore, we must divorce ourselves from the traditional way of looking at land and see it not as a renewable, but a diminishing resource. We need to reduce on the horizontal and vertical.

Mr. Temporary Speaker, Sir, I urge my colleagues, as much as this report has come a bit too late, it gives us a golden opportunity to explore the possibility of how we will operationalise the Affordable Housing Project. Most importantly, we need to ensure that many Kenyans access the affordable housing project. The future generations are looking upon us to ensure that we leave them in a better place than we found ourselves in.

As I wind up, I commend the Chairperson for giving us an opportunity to discuss this report and reflect on the things that we, as a country, can benefit from the operationalisation, optimisation and ratification of some of these regulations. This will ensure that every Kenyan will have an opportunity to own a home or have somewhere he or she can call home.

As has been said, by 2050, most Kenyans will be living in urban centres. That brings the question: What must we do today to avert the danger of many people joining the informal settlements? That can only be answered through the affordable housing programme.



I thank His Excellency the President because we know four of his predecessors were not able to make this hard decision. However, he has taken the bull by its horns. I am a proud Kenyan for contributing to the Housing Levy because I also want to be counted among those who played an active role in ensuring that Kenyans get affordable and decent housing. We should start fighting the development of slums and informal settlements moving forward.

Mr. Temporary Speaker, sir, I support this report. This is the way we need to go. Indeed, every Senator sitting here must take the opportunity to sell this to our people. When we go back home, we should tell our people that the Affordable Housing Project is not for the rich, but for those who cannot afford. We need to look at the model of how we go about financing. How do we go about making sure that houses are evenly distributed among all communities, in all towns in Kenya? Most importantly, we need to consider the Generation Zs and the youth of this country who cannot afford to pay their deposits. If we get the financing model right, it be a golden opportunity to change the course of this country and ensure that each and every Kenyan has a place to call home.

Mr. Temporary Speaker, Sir, my county is benefiting from this. Various institutions, including institutions of higher learning, are getting hostels, which is a very good thing. Three days ago, we were in Kieni East. I encourage my leadership in Nyeri County to lobby for more of this affordable housing project. Nyeri is one of those counties that has a lot of colonial villages where people live in very small properties. With the Affordable Housing Project, we will ensure that everybody has a place and the land that will be saved can be used for agricultural production.

I like what the Senate Majority Leader said. In places where land is of high value, putting up high-rise buildings will ensure that we save our land for agricultural production, and most importantly, it may be even for industrial development. This is how many countries in Europe have afforded to move their population from slums into places where you can have controlled development.

Mr. Temporary Speaker, Sir, for those of us who have travelled a lot, we know that when you put people in one settlement, then you are able to provide them with sewerage system, schools and other social amenities that when people are widely distributed, they cannot access. This is a thing that we must look into moving forward as a country, if we want to indeed move Kenya from where we are today to the next generation, and to make sure that we are aligned to the SDGs of 2030.

By 2050 some of us might not even be around to see, but I want to say that the things that we are doing and the decisions that we are making today will affect the future generations in another 30 years to come. Therefore, away from simple politics, it is imperative that we look at the development that we bring, and how it is going to affect our next generation. Most importantly, how we will see that it will change our social status from a developing to a developed country. That cannot happen if we have over seven million Kenyans upward in informal settlements.

This is something that we must look into. We have a political obligation, moral responsibility, and most importantly, we have a President who is willing to see us walk this journey. Let us support him, so that we can deliver this country from the underdevelopment that we have suffered because the leadership was not prepared to make the right decision, and now we have a president prepared to make the right

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decision. We, as the political class, need to support him, so that we can change Kenya, and the change begins here, and the change begins today.

Mr. Temporary Speaker, Sir, I support because it is the right thing to do.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Wamatinga. Let us now have Sen. Catherine Mumma.

**Sen. Mumma:** Thank you, Hon. Temporary Speaker, for the opportunity to speak to these regulations. I begin with a dilemma that we must resolve as a House. The committee, in its report, has clearly indicated that the executive did not comply with the law. It actually did not submit these regulations within the statutory timelines that were required to be submitted.

So, I ask myself, what is the consequence of this action? What is the consequence of regulations being submitted unprocedurally to the House, not in compliance with the law? Once we receive those procedures and regulations, do we have, as a House, the latitude or the permission to actually receive and process those laws, those regulations? This is a question that we must answer as a House. Once the regulations came, there is another timeline within which the committee was supposed to process this law. Again, that was breached.

I believe, even as we move forward, and I want to make it clear that affordable housing and social housing is one of the things we must embrace as a country. It is one of the most important things that is happening right now; because it has been operationalised in Kenya, it is benefiting some and there are issues. From the little conversation that we have heard from our colleagues, there are issues which we need to converse, which we need to debate as leaders, to guide the Executive to ensure, yes, this is a good programme, but we think this aspect of it is not good. This aspect of it needs to be strengthened. This social housing issue needs to be strengthened and so on.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Catherine Mumma, unfortunately, it is 6.30 p.m. However, when the House resumes, you will have a balance of 17 minutes to continue your contribution to the report.

### ADJOURNMENT

Now, Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 30<sup>th</sup> September, 2025, at 2.30 p.m.

The Senate rose at 6.30 p.m.