



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 23rd April, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 23rd April, 2026

*The House met at the Senate Chamber,
Parliament Buildings, at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

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

(The Quorum Bell was rung)

Order, hon. Senators. We do have quorum now. Senator for Nandi, kindly be orderly.

Clerk, you may proceed to call the first Order.

NOTICE OF MOTION

APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN KILIFI COUNTY

Sen. Wafula: Mr. Speaker, Sir, I beg to give Notice of the following Motion-
THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out at Article 96 is to represent, serve and protect the interests of the counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between the National and County levels of government, and the need to enhance the interaction between the Senate and county governments, as a means of bringing the Senate closer to the counties and the general public;

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ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the month of September in every Session of the 4th Senate, except during an election year with the objective to:

(1) Promote the role and work of the Senate and enhance public awareness regarding the Business of the Senate and Parliament in general;

(2) Highlight existing and new opportunities for engagement in the legislative process;

(3) Develop and strengthen partnerships at the county level of government; and

(4) Provide an opportunity to members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers.

FURTHER ACKNOWLEDGING the successes made during the previous sittings of the Senate outside Nairobi held in Uasin Gishu, Kitui, Turkana and Busia counties in 2018, 2019, 2023 and 2025, respectively;

NOW, THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves to hold its plenary and committee sittings in Kilifi County from 21st to 25th September.

I thank you.

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

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): We will start with Statements pursuant to Standing Order No.53(1). The first one is by the Senator for Embu County, Hon. Alexander Mundigi.

(Sen. Cherarkey applauded)

Senator for Nandi, what is that for really?

USE OF EXCESSIVE FORCE BY POLICE DURING DEMONSTRATIONS IN EMBU COUNTY

Sen. Munyi Mundigi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the excessive use of force by the police during demonstrations held on 14th April, 2026 in Embu County.

With profound sorrow, the people of Embu County mourn the tragic deaths of Morris Njue Njoka and Patrick Kariuki Munene, who were peacefully exercising their

constitutional rights as enshrined under Article 37 of the Constitution as they demonstrated against poor service delivery at the Ishiara Level 4 Hospital in Mbeere North. The circumstances surrounding their deaths raise serious concerns about the conduct of law enforcement officers and protection of fundamental freedoms during public demonstrations.

In the Statement, the committee should address the following-

(1) Whether the Ministry, through the Independent Policing Oversight Authority (IPOA), has initiated investigations into the conduct of the officers who opened fire upon peaceful demonstrators and provide the current status of such investigations;

(2) The timeline within which the people of Embu County can expect the release of a comprehensive report detailing findings and recommendations on the actions to be taken against officer found culpable;

(3) Interim measures in place by the Ministry to assist the bereaved families, including plans for compensation, the nature of such support and the proposed timelines for disbursement; and

(4) Strategies being implemented by the Ministry to prevent recurrence and to ensure that future public demonstrations are policed in a manner that upholds constitutional rights, minimizes the risk of loss of life and restores public confidence in law enforcement agencies, including psychological assessments to ensure officers deployed are fit for duty.

This Statement has been read by Sen. Alexander Munyi Mundigi, Senator for Embu County.

The Speaker (Hon. Kingi): Proceed, Senator for Bungoma, Hon. David Wakoli.

DISBURSEMENT OF SHA FUNDS TO FACILITIES IN BUNGOMA COUNTY

Sen. Wafula: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health a matter of countywide concern regarding the status of disbursement of funds by the Social Health Authority (SHA) to health facilities in Bungoma County.

In the Statement, the committee should address the following-

(1) Total SHA funds released to Bungoma County health facilities since inception, dates of disbursement, flow of funds, responsible offices and internal control mechanisms;

(2) A list of all public hospitals contracted or accredited by SHA for primary healthcare, amounts disbursed per facility, pending and paid claims, duration of delays and outstanding balances;

(3) Mechanisms for tracking disbursements, claims, approvals, rejections, pending verification, availability of records and public disclosure to stakeholders;

(4) The extent to which disbursements match the cost of services provided, including details of Level 2 and 3 facilities that received equitable funding, approved budgets, timelines and current status of reimbursement; and

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(5) Predictability of payments across facilities over the last three financial years, efficiency levels of the direct payment model, accountability, value for money, service delivery outcomes and implications of accreditation gaps for equitable access.

I am Sen. Wafula Wakoli, CBS, MP.

The Speaker (Hon. Kingi): Next is the Senator for Nairobi City County, Hon. Edwin Sifuna.

ONBOARDING OF POLICE OFFICERS, PRISON WARDENS AND
THEIR DEPENDANTS ONTO USALAMA MEDICAL COVER

Sen. Sifuna: Mr. 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 national concern regarding the onboarding of police officers, their prisons counterparts and their dependants onto the Usalama Medical Cover.

Members of our security services operate under uniquely demanding conditions, exposing them to occupational risks unlike those in any other profession. It is, therefore, essential that the medical cover be tailored to these realities.

The transition from the consortium of private providers to the Usalama Medical Scheme must safeguard national interests by ensuring that their benefits are not diminished but strengthened. A well supported police and prison service is the backbone of public safety and robust medical cover directly enhances professionalism, efficiency and morale in service to the nation.

In the Statement, therefore, the committee should address the following-

(1) Details of the cover frameworks for police and prison officers under the new Usalama Medical Scheme, including the scope of coverage, specific provisions and any exclusions in the cover that affect officers or their dependants;

(2) A comparison between the Usalama Scheme and the previous consortium-based cover, highlighting improvements, differences and the rollout process to officers and their families; and

(3) The strategies in place by the State Department for Medical Services to resolve complaints and address concerns raised by officers regarding the adequacy and the implementation of the new cover.

I thank you.

The Speaker (Hon. Kingi): The next Statement is by Sen. Hamida Kibwana. Since she is not here, that Statement is dropped.

UNCERTAIN REMARKS ATTRIBUTED
TO EACC CHAIRPERSON

(Statement dropped)

Proceed, Senator for Taita-Taveta County, Hon. Mwaruma.

STATUS OF BACHUMA DISEASE-FREE
ZONE LIVESTOCK CENTRE

Sen. Mwaruma: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding the Bachuma Disease-Free Zone Livestock Centre in Taita Taveta County.

In the Statement, the committee should address the following-

- (1) The ownership status of the land on which the Bachuma Livestock Centre is situated with provision of the relevant ownership documents;
- (2) The data at the centre, including stock data - cattle, sheep, goats and other animals - and its contribution to livestock development in the county; and,
- (3) The market targets, commercial objectives and value chain opportunities associated with the centre.

Mr. Speaker, Sir, I have another Statement.

NON-REGISTRATION OF ELDERLY PERSONS AND
PWDs IN TAITA-TAVETA COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of countywide concern regarding non-registration of elderly persons and Persons with Disabilities (PWDs) in Taita Taveta County since August 2023.

In the Statement, the committee should address the following-

- (1) Reasons for the suspension of registration of elderly persons and PWDs in Taita Taveta County since August 2023;
- (2) The Government policy framework governing registration of elderly persons and PWDs; and
- (3) Measures in place and timelines for resumption of registration exercise in Taita-Taveta County.

I thank you.

The Speaker (Hon. Kingi): Sen. Mwaruma, have you read your two Statements?

Sen. Mwaruma: Yes.

The Speaker (Hon. Kingi): Okay. Sen. Hamida, you may proceed with your Statement, which has just been reinstated.

UNCERTAIN REMARKS ATTRIBUTED TO EACC CHAIRPERSON

Sen. Kibwana: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on a matter of national concern regarding recent remarks attributed to the Chairperson of the Ethics and Anti-Corruption Commission (EACC).

The statement of Bishop (Rtd.) Dr. David Oginde, EBS, Chairperson of the EACC that women are increasingly becoming drivers and facilitators of mega corruption

scandals, yet at the lower levels they are the victims is misleading. Internally, inconsistent and risks entrenching harmful stereotypes portraying women simultaneously as primary perpetrators and victims distorts public understanding rather than strengthening the fight against corruption.

Corruption is a systemic challenge that cuts across all genders and institutions. To single out women without clear publicly substantiated evidence undermines fairness, accountability and inclusivity while discouraging women's participation in governance at a time when gender equality is a national priority.

In the Statement, the committee should address the following-

(1) Whether empirical data or credible research exists to substantiate the claims made by the Chairperson of the EACC;

(2) Measures in place to ensure that public office holders communicate responsibility and on the basis of evidence particularly on sensitive matters relating to gender; and,

(3) Steps being taken to strengthen the fight against corruption through institutional reforms and accountability mechanisms without attributing criminal conduct to any specific gender.

I thank you.

The Speaker (Hon. Kingi): Next is the Statement by the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 28TH APRIL, 2026

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to hereby present the business for the week commencing Tuesday, 28th April, 2026. Before I present this Statement, allow me to take this opportunity to welcome colleagues back from the short recess. I hope you had a good rest together with your families and constituents. I trust you are now rejuvenated and ready to be part of the Second Part of the Fifth Session.

Mr. Speaker Sir, this is the status of legislative business as of today, Thursday, 23rd April, 2026. We have 64 Bills pending conclusion: 47 Bills are at the Second Reading stage, 16 Bills are at the Committee of the Whole House and 1 Bill is awaiting its First Reading.

Additionally, 14 Motions and 17 Petitions are pending conclusion by the respective standing committees. Out of the 17 Petitions, 15 are due for reporting. Furthermore, 492 Statements pursuant to Standing Order No.53(1) are under consideration by the respective standing committees.

Mr. Speaker, Sir, from the foregoing, the business of the Senate is already cut out. You will note from today's Order Paper that Order Nos.9, 10, 11 and 12 are Bills that have already been debated and are now ready for Division at the Second Reading Stage. Some of these have been on the Order Paper for more than a month. I urge all Senators to remain in the Chamber, so that we may proceed to vote on these Bills.

I drafted these statements yesterday and I am sure that today, being a Thursday afternoon, the dice is already cast on whether that can come to fruition. We will aim for

the usual days where we normally raise sufficient delegations to vote. I ask the Majority Whip and the Minority Whip to help us clear those Bills from our Order Paper.

At the sitting of the Senate on Tuesday, 28th April, 2026, the tentative business will include items not concluded from today's Order Paper, as well as any other business indicated in the Notice Paper.

The tentative business for the morning sitting on Wednesday, 29th April, 2026, will include questions to various Cabinet Secretaries. Yesterday, we had a lengthy session with the two Cabinet Secretaries; the Cabinet Secretary for Interior and National Administration and the Cabinet Secretary for Health. I am surprised by some of the approvals, as a document from the Cabinet Secretary for Health was tabled here yesterday that answers all the questions the Majority Whip was asking this afternoon. Perhaps the Statement was approved before that document reached the Clerk's table.

Next week, we will have the Cabinet Secretary for Labour and Social Protection, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs and the Cabinet Secretary for Information, Communication and the Digital Economy responding to various questions by different members.

In this regard, I request that the Senators who filed those questions ensure they are in the Chamber. While it is possible to request a colleague to ask a question on your behalf, they lack the background knowledge of why the question was asked.

Yesterday, when Cabinet Secretaries responded to questions asked by Senators on behalf of those who drafted the questions, the substitutes were ill-prepared to ask supplementary questions. It is important that Members who draft questions find time to listen to the response, so they can interrogate the Cabinet Secretary further.

The tentative business on Wednesday afternoon sitting will include any matters not concluded on Tuesday.

Business at the Second Reading includes-

- (1) The County Government State Officers Removal from Office Procedures Bill.
- (2) The County Government's (Amendment) Bill, 2026.
- (3) The Street Naming and Property Addressing System Bill, 2024.
- (4) The National Construction Authority (Amendment) Bill, 2025, which is currently being debated after being moved by Sen. Eddy.

Bills at the Committee of the Whole Stage include-

- (1) The Heritage and Museums Bill, 2023.
- (2) The Statutory Instrument (Amendment) Bill, 2024
- (3) The County Hall of Fame Bill, 2023.

There is also a Motion on de-linking Junior Secondary Schools from primary schools. I do not know what that intends to achieve, but we will listen to the wisdom of the Mover.

The projected business for Thursday will include any Bill not concluded.

Mr. Speaker, Sir, many Bills concluded by the Senate are presently before the National Assembly.

(Sen. (Dr.) Oburu Odinga consulted with the Speaker)

Mr. Speaker, Sir, I will wait for you to finish with the party leader of the Orange Democratic Movement (ODM) Party before putting my request.

Sen. Cherarkey: Address the House.

The Senate Majority Leader (Sen. Cheruiyot): No, I need the attention of the Speaker, not the House. It is the Speaker who can resolve this matter.

(Loud consultations)

Mr. Speaker, Sir, currently, I have four or five Bills from the National Assembly on my desk, which I have refused to process. The speed with which we conclude business from our sister House is not commensurate with the speed with which they conclude our business. This includes people-centric issues like The Tea (Amendment) Bill, 2023 and various Bills that continue to struggle for conclusion in that House. I believe you are the only one who can resolve this matter.

I know you wrote to the Speaker of the National Assembly, Hon. Moses Wetang'ula. I plead with you to treat this matter with the urgency it deserves. For example, the courts have instructed Parliament not to process any constitutional amendment Bill without a referendum law. Our Directorate for Legal Services and the Justice, Legal Affairs and Human Rights Committee drafted a referendum Bill. However, the concurrence process has been with your counterpart in the National Assembly for almost three months. I request that you help unlock this for the good of the nation.

With those remarks, I beg to lay this Statement on the Table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes on the statements sought pursuant to Standing Order No.53(1), starting with Sen. Kavindu.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for this opportunity to comment on the statements read. I will start with Sen. Mwaruma's Statement. It is very important for funds from the Social Health Authority (SHA) to be disbursed in good time, so that hospitals can equip their facilities with medication.

Citizens are going through a very hard time; they pay for SHA yet they cannot receive treatment or medication because SHA has not disbursed funds to restock the hospitals. This is wrong. Our people are suffering. I support this Statement.

I pray that the Committee on Health deals with SHA regarding this matter and the registration of Persons with Disabilities (PWDs). They should be facilitated. Some of them are not able to travel by matatu because they are totally disabled and the people who live with them cannot even afford to hire a taxi to take them to hospital. So, the Senate Standing Committee on Health should look into that and deal with the Cabinet Secretary (CS), so that the doctors can move to where the PWDs are, especially the elderly.

I would like to also comment about the statement for Sen. Sifuna, the Senator for Nairobi City County, on the Usalama medical cover for the police force. Police officers are very important to the country. They really take care of security and so they, together

with their family members, should be taken care of when they fall sick. Any delays, inefficiencies or risks exposing the disciplinary forces who serve in the high-risk conditions to inadequate medical covers, causes a lot of suffering to them.

Mr. Speaker, Sir, if there are people here to be taken good care of---

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

Hon. Senators, you have three minutes to make your contributions.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I wish to comment on the Statement by Sen. Mundigi on the killing of two people in Embu County. Unfortunately, the cycle continues where we will have investigations being conducted by the Independent Policing Oversight Authority (IPOA) and then the matter will go silent.

When you look at what ended up as death of these people, they were protesting against poor services in a local hospital in their county. It is very sad that people who are protesting to get better service delivery end up dying in such a manner. I wish to condemn that and ask that investigations are conducted and the families get justice. I commiserate with their families.

Mr. Speaker, Sir, I also wish to support the Statement by Sen. Mwaruma on non-registration of older persons and Persons with Disability. This is a challenge not just in Taita Taveta County, but across the country. Most of the times, families, out of stigma, stay away and do not want to disclose about the cases they have back home. That is one of the reasons. However, I also feel that the Ministry has not been able to reach out to most of these people, so that they are able to be in the database to access services which eventually assist them.

Mr. Speaker, Sir, non-registration is a very critical issue because without that data, these people are not able to access very many essential services which are given to them. So, I hope that the committee is going to look into that matter seriously, so that this is addressed with immediate effect.

Thank you, Mr. Speaker, Sir.

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

Sen. Mumma: Thank you, Mr. Speaker, Sir, for the opportunity to contribute.

Allow me to contribute to the Statement by Sen. Hamida. I read Bishop Oginge's Statement, when speaking to this issue, a few times. My understanding was that he was raising a disappointment at the manner in which women, who I think in his view have been held on higher moral ground, are now participating in corruption. In my view, it is a genuine concern that, as women, we need to know that we are held at a higher standard than the rest of the people and I have always prided in the fact that I still believe a woman does better when given opportunity in leadership.

I believe Bishop Oginge's concern was that we are now being caught up in games that are largely masculine. It is the masculine game that has brought this country to the bottom, entrenched it in corruption and brought to it lawlessness. Bishop Oginge is telling us, as women, that the country has its hopes on you. Can you be among the ones who will have the moral ground to bring back this country to a level where there is no corruption?

So, in that respect, I wish to state that I personally do not take Bishop Oginge's statement as one of stereotype or renegading women, but one that is actually cautioning

us that we are slipping through and getting into the habits of the men. As women, let us heed that call and pull away from that space.

I thank you, Mr. Speaker, Sir.

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

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Nasimama kuchangia Kauli iliyoletwa na Seneta wa Embu, Sen. Mundigi, kuhusu kuuawa kwa Maurice Njue Njoka na Patrick Kariuki Munene, waliokuwa wakifanya maandamano ya amani wakitafuta kuwepo kwa huduma bora katika hospitali ya umma ambayo huduma zake zimedorora sana.

Kisheria, inakubalika mtu yeyote kufanya maandamano ya amani wakitaka huduma ziweze kuimarishwa katika hospitali yao ya Ishiara. Jambo ya kuvunja moyo sana ni kwamba, maafisa wa usalama ambao wanapaswa kulinda mali na maisha ya wananchi, waliwafumania, kuwavamia na hatimaye kuwaua. Kwa hivyo, kamati ambayo inahusika inapaswa ilianguzie hili jambo kwa sababu limekuwa ni jambo la mazoea kwa maafisa ambao wanapaswa kulinda mali na maisha ya wananchi kuwavamia na kuwauwa wananchi wale ambao wanalipa ushuru.

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

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

Yote tisa kumi, ninaposoma Kauli hii ninaona ya kwamba, huduma zimedorora katika hii hospitali ya Ishiara. Mara si moja, tumekuwa tukisema kwamba magavana wamezembea katika kazi zao. Lakini, ni kinaya kwa sababu nimekuwa nikimsikiza Seneta mwenzangu akisema vile ambavyo Gavana wa Embu amelivalia suala njuga kufanya maendeleo Mbeere. Kwa hivyo, ni kinaya kwangu na ningependa kusema ya kwamba, Kamati itakayo husika ilianguzie hili jambo, kwa sababu badala ya maafisa wa usalama kuwalinda wananchi, wanawapiga risasi na kuwaua.

Bi. Spika wa Muda, vile vile, kuna Kauli ambayo imeletwa na Seneta wa Nairobi City County kuhusu bima ya matibabu ya maafisa hawa hawa wa usalama. Tukiwa tunaangalia kauli hii, ni vizuri tujue kwamba askari wetu wanafanya kazi katika hali ngumu. Kwa hivyo, bima hii inapaswa ishughulikia maslahi yao ikizingatia kwamba, kazi wanaoifanya si kazi ya kawaida kama ya wale watu wengine. Wanafanya kazi kwa masaa mengi na kazi ambayo inahatarisha maisha yao. Kwa hivyo, hii bima inapaswa ianguzie familia zao wakijulikana kwamba maafisa wa usalama wanafanya kazi ambayo ni tofauti na kazi zingine ambazo zinafanywa na wananchi wa Kenya.

Kwa hivyo, nampongeza Seneta wa Nairobi City County, ijapokuwa huwa nawashutumumu maafisa---

(Interruption of Statements)

The Temporary Speaker (Sen. Mumma): Hon. Senators, I have a Communication from the Chair.

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COMMUNICATIONS FROM THE CHAIR**VISITING DELEGATION OF LECTURERS AND STUDENTS FROM
THE CATHOLIC UNIVERSITY OF EAST AFRICA**

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of lecturers and political science and international relations students from the Catholic University of East Africa in Nairobi City County. The delegation comprises two lecturers and 24 students, who are visiting the Senate for an academic exposition.

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

I thank you.

I also wish to make a second Communication.

**VISITING DELEGATION FROM EAST AFRICA
PENTECOSTAL CHURCH, MERU COUNTY**

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of a visiting delegation of students from East Africa Pentecostal Church, Mwichiune Sunday School, Meru County. The delegation comprises 13 teachers and 74 students, who are visiting the Senate for an academic exposition.

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

I would like to invite the Senate Majority Leader to welcome the first delegation from the Catholic University of Eastern Africa.

Is the Senator from Meru here?

(Loud consultations)

I would like to ask the Minority Leader to welcome the delegation from Pentecostal Church, Mwichiune, Sunday School in Meru County.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I join you on behalf of the House to welcome these Political Science students from the Catholic University, who are here on a study tour, interacting with political leaders who are serving in the Legislature.

I hope that during the time that they have watched debate, they have picked one or two things out of their trade and the science that they study. If there is a trade currently under threat in the country, it is political science. This is because there is a man moving around the country who, from his utterances, you can tell that---

(Loud consultations)

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, I request that you consult in low tones. For our guests, we do not usually behave badly. I hope we can get this going well.

Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Speaker, Sen. Cherarkey is about to behave like that man I was talking about, but I know he does better.

Another one who masquerades as a political scientist, but the things he says, you can tell that his understanding and appreciation of the body Republic of Kenya is wanting. So, my challenge to these students is that they be better than us, the current political class, and serve the country with distinction to the greatest honour.

Finally, I would be remiss if I do not appreciate that there is another visiting delegation. I do not know if they are Sunday school teachers like myself. Besides politics, the job that I love doing the most is teaching Sunday school. I would be remiss if I do not appreciate and celebrate them for the great work that they do. This is because they are building the church of the future, and for that, I celebrate them.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I would like to give one and a half minutes to the Senator of Nairobi City County. The Catholic University of Eastern Africa is in Nairobi and the Senator has made a plea that I give him a second.

Sen. Sifuna: Madam Temporary Speaker, you have saved yourself a lot of trouble. This is because the students who come from Nairobi usually do not take it very kindly being addressed by rural Senators when their Senator is here.

(Laughter)

There are nuances and small things about Nairobi that these characters from upcountry will not understand. I want to take this opportunity to welcome the students---

(Loud consultations)

The Temporary Speaker (Sen. Mumma): Order, Sen. Cherarkey and Majority Leader. Please, let us listen to Sen. Sifuna.

Sen. Sifuna: Madam Temporary Speaker, let me take this opportunity to welcome the students from Catholic University of Eastern Africa. As is common knowledge, first of all, I am a Catholic. This is an institution that we are very proud of because it moulds students all around. We have continued to urge the Government to meet its obligations to private universities, including Catholic University of Eastern Africa.

As we speak, the Government of Kenya owes the Catholic University of Eastern Africa a whopping Kshs6 billion in unpaid capitation. So, I would be remiss because these are things that the Majority Leader will not address, which is why you need leaders of the opposition to speak on these things.

The total bill owed by this Government to private universities is Kshs60 billion. We want that institution to be paid that money so that these students can continue to enjoy good facilities and education at the Catholic University of Eastern Africa.

I want to disclose also that I have a final year student from the Catholic University of Eastern Africa working in my office as an intern. She is a fine lady. We are hoping that she will be able to graduate this year and release her as a good citizen into the public.

So, with those many remarks, I thank you, Madam Temporary Speaker. At this juncture, this is where you know Senators from Nairobi are different. We will meet outside there as the team from Nairobi. There are things this Majority Leader cannot do and the Senator of Nairobi is very capable of doing.

(Laughter)

The Temporary Speaker (Sen. Mumma): Hon. Senators, I will just give Sen. Hamida one minute only. She is a current student at the Catholic University of Eastern Africa. It is only fair we give her one second.

Sen. Kibwana: Thank you, Madam Temporary Speaker. Karibuni sana. I want to also welcome you, my fellow comrades. I am a student. I am doing my Masters in Business Management. I am defending my thesis now, hopefully to graduate by October. I really appreciate seeing you here. Some of you, of course, will be sitting on the same seats that we are sitting now. So, it is good to have the feel of the Senate or the Parliament. So far, we are also trying to organise something with you.

I will bring my colleagues to the Catholic University of Eastern Africa, with your President, Brian, so that at least, we can have tête-à-tête. You can meet the Senators, especially Senators from Nairobi.

I welcome you again.

The Temporary Speaker (Sen. Mumma): Senate Minority Leader, Sen. Madzayo, on the second delegation.

The Senate Minority Leader (Sen. Madzayo): Asante Sana, Bi. Spika wa Muda. Kwanza, najiunga na wewe kuwakaribisha walimu na wanafunzi kutoka East African Pentecostal Church, Mwichiune Sunday School, Meru.

Wanafunzi waliokuja hapa wamejionea viongozi katika Bunge la Seneti. Hawa ndio Maseneta wa Kenya. Nina hakika wanafunzi ambao wamekuja hapa watajifunza mengi. Wameona na ninajua hazima yao maishani ni wengine wetu tukiondoka hapa, wanafunzi hawa kutoka Meru, wamekuwa Maseneta. Hiyo ni ndoto ambayo mnaweza kuikamilisha katika maisha yenu.

Kuja kwenu hapa kumeweza kuwafundisha mengi. Mkitoka hapa na kurudi nyumbani, mtaongea na jamii zenu na nina hakika katika mafunzo hayo, mtaondoka hapa na moja au mawili ambao mmejifunza na yataweza kuwasaidia katika siku za usoni.

Asante Bi. Spika wa Muda kwa kunipa fursa niwakaribishe vijana hawa ambao ni mashemeji zangu. Hii ni kwa sababu mimi nimeoa kutoka Meru. Kwa hivyo, hawa wakiwa hapa, ninafurahia sana. Mkiona shemeji, baba au ndugu yenu akisimama hapa, mjue pia ninyi mnaweza kusimama mahali kama hapa.

The Temporary Speaker (Sen. Mumma): We now go back to Statements. I have Sen. Oketch.

Sen. Sifuna, you actually dropped off because of this other.

(Resumption of Statements)

Proceed, Sen. Sifuna, I am sorry.

Sen. Sifuna: Madam Temporary Speaker, the system still logs me out once you give me an opportunity to welcome the students. I wanted to, very briefly, touch on the Statement by Sen. Mundigi.

It was quite heartbreaking that we lost another two young people in Ishiara, in Embu County, arising from peaceful protests. As Sen. Kinyua pointed out, Patrick Munene was only 21 years old, Maurice Njoka was 32 years old. These are young lives that have been cut short very unnecessarily. The problem of service delivery in hospitals in Embu did not start yesterday, I am sure Sen. Mundigi knows the conversations that we have had with him and his Governor in the County Public Accounts Committee (CPAC). Just the other day, there was in fact another protest at Runyenjes Level 4 Hospital. This time, they were protesting the lack of a male ward in Runyenjes Level 4 hospital.

Madam Temporary Speaker, as you have noticed, these days, I no longer discuss the expired Memorandum of Understanding (MoU) between the Orange Democratic Movement (ODM) and the United Democratic Alliance (UDA). This is because, one of the things that we had written in that expired MoU was that the Government of the day would respect the right to peaceful protest under Article 37. Our expectation when we were signing that document was that no other person needed to die exercising their rights under Article 37.

These two deaths bring the number of people who have been shot by police during demonstrations since we signed that MoU last year to over 30 people. The problem we have is that immediately such things happen, you start hearing people talk about compensation. There is no replacement or value for life. I have seen some proposals saying that the people who lost their loved ones should be paid Kshs2 million. We are talking about Kshs2 million for a life. We are looking for the money that we have been promised for compensation, and we are not seeing it.

We want something higher - accountability. We want accountability by the police officers who are doing this. We spent the entire morning at the Committee on National Security, Defence and Foreign Relations with the Inspector General (IG) of Police and the Directorate of Criminal Investigations (DCI). The IG of Police told us that it is possible for you to trace and track every firearm and bullet that is used by the police officers during this protest. How is it then possible that we have never seen accountability up to date for all these 30 young people, whose lives have been cut short? We want to see accountability before people start discussing the issue of compensation.

Madam Temporary Speaker, we cannot go on like this, we need the constitutionally guaranteed rights to be respected by the Government. Nobody needs to die in a protest. I am happy that at least, at Runyenjes Hospital, there was no one who was shot; the police need to exercise restraint. Nobody should be blaming the victims. I have heard some leaders trying to insinuate that the fault is with the protesters. They were

protesting poor service delivery at these hospitals. Nobody needs to die protesting over their rights.

I thank you.

The Temporary Speaker (Sen. Mumma): Senator for Nandi County, Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Madam Temporary Speaker. First, I send my deepest condolences to the families of Maurice Njue Njoka and Patrick Kariuki Munene. It is very unfortunate that the bullet that is purchased by the taxpayers' money is the same one that has killed them.

The point is, it would not be enough to refer this matter of Ishiara Level IV Hospital to only the Committee on National Security, Defence and Foreign Relations, it should also be referred to the Committee on Health because it is similar to the issue of Runyenjes Level 4 Hospital. The issues include poor service delivery, lack of drugs and lack of medical services. Therefore, I appeal that you also commit it to the Committee on Health, so that we can check the quality of facility services that we have in Embu County.

Madam Temporary Speaker, it is very unfortunate that Embu continues to have these demonstrations. Under Article 37, they have a right to demonstrate to demand for their rights as it should be. I thank Sen. (Dr.) Mundigi for being steadfast and supporting his own people whenever they are being touched.

My final point is on the Independent Policing Oversight Authority (IPOA); they must up their game. I think we have seen IPOA only appearing as a reactive body. Today, at the Committee on National Security, Defence and Foreign Relations, we were with the IG of Police and some of the Members of the Committee such as Sen. Sifuna are here. They must call out IPOA.

Two years down the line, the suspects of the Anti-Stock Theft Police Unit who beat up young men in Nandi Town have never been arrested or prosecuted. People were killed in Kimwani, Tinderet Subcounty and the suspects have never been prosecuted up to today. What is the work of IPOA? If IPOA does not want to work, we should wrap it up.

I heard Sen. Sifuna saying that we cannot compensate the loss of lives. I inform him that the Kenyan National Commission on Human Rights (KNCHR) has come up with a report on how Kenyans, who are killed in demonstrations, are going to be compensated. I know he has been busy with Linda Mwananchi issues and I think according to him, the MoU is expired because he left ODM. However, they must be compensated.

I inform him that UDA and ODM just met in State House and the 10-point agenda is still on course. I think he should now preoccupy himself with Linda Mwananchi issues; we will see if he will do them in Vihiga and Kisumu. However, the point I am trying to make is that this 10-point agenda should be implemented, fully and we have agreed that compensation is the least that we can do.

Madam Temporary Speaker, I, therefore, support this Statement. If they are men enough, waende Vihiga na Kisumu.

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

Sen. Sifuna: Madam Temporary Speaker, I am not one to fret because somebody is asking whether I am man enough. The Senator for Nandi County cannot utter the words that he uttered at the point when he was concluding his remarks; it is an open threat to a Member of this House. He is asking us to demonstrate that we are men enough to go to Vihiga and Kisumu. In that conversation in the morning with the police, we agreed that we want to build a country where everybody is free to sell their policies anywhere in this country.

I assure the Senator for Nandi County---

(An hon. Senator spoke off record)

Just a minute and then you will inform me.

I assure the Senator for Nandi County that, yes, he is welcome to sell his policies anywhere in this country. You are welcome to Nairobi and Bungoma, we will never threaten you because from your stature alone, we do not need to ask you whether you are man enough; we know.

Madam Temporary Speaker, you must ask him to expunge that from the record of this House. That is not the politics we want to practise especially because he is a young man. These are things that we should allow older people in politics to perpetuate. As a young generation and with students sitting here, the example that we must set as a new generation is that I should be able to come to Nandi and say “wantam” and leave peacefully.

The Temporary Speaker (Sen. Mumma): Hon. Cherarkey, I think your final remarks would amount to a threat. When you say that “if you are man enough, let us see whether you will have a meeting in Vihiga or Kisumu” is unfortunate, particularly now that, as a country, we are trying to deal with the issue of goonism.

Please, withdraw those remarks, so that we do not look like we are among those leaders who actually---

(Sen. Kavindu consulted loudly)

Sen. Kavindu, I am the one on the Chair.

Sen. Cherarkey: Madam Temporary Speaker, as I withdraw, he should withdraw the word “wantam,” because if I withdraw that statement---

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, you will not give me conditions on how; please, withdraw.

Sen. Cherarkey: Madam Temporary Speaker, as I withdraw, you should also withdraw “wantam” because we are in “tutam,” including the Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, you have not withdrawn.

Sen. Cherarkey: I have withdrawn, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Thank you very much.

Sen. Oketch, you are next.

Sen. Oketch Gicheru: Madam Temporary Speaker, thank you for this opportunity.

I also want to just add my voice to the Statement by Sen. Mundigi on the issue of police brutality in Embu County. I think this is a dichotomous issue. On one hand, it is an issue of police brutality in response to protesters with a serious force that led to deaths. First of all, I take this opportunity to say sorry to the families of Maurice Njue and Patrick Kariuki. It is sad that young people and even older people, by the way, still lose lives in protests.

It is also very important to highlight the cause of this protest. As indicated, in Ishiara Level 4 Hospital, there has been ongoing poor services that we keep on seeing. I have worked tirelessly as the Vice-Chairperson of the County Public Investments Committee (CPIC); this is something that we have raised times without number. Level 4 as well as Level 5 hospitals in Embu County have had serious problems. We must address the issue of poor service to our people in these hospitals that now even forces people to go to the streets.

I have seen this even in Migori County and raised it in this House times without number. I hope that soon, when the people of Migori County will start going to demonstrate against poor services in Level 4 hospitals, as well as the Migori District referral hospital, they will not be met with this kind of force.

Madam Temporary Speaker, it is important that this Committee must actually be able to call the Independent Policing Oversight Authority to task. This is because the investigations against this kind of brutalities, especially where fatalities have emerged to the extent that people have lost lives and we keep on seeing, time without number, these investigations going on and on and on, yet the police that commit this kind of crime are just within our borders. The best that sometimes we do get, is that a police officer will be taken away from Meru and then that police officer is taken maybe to Migori, or taken away from Meru, and taken to Turkana and some hardship places, as if that transfer is even commensurate to the kind of damage they cause to these families that go years and years mourning their beloved ones. These officers must be brought to book.

I hope that even as the Kenyan National Commission for Human Rights (KNCHR) is considering people who are going to be compensated since 2017 for having lost lives in this kind of situation, will have mercy to even families that continue to face these kinds of injustices. This is because it is extremely important that we recognise that compensation cannot replace lives, but it is an important step sometimes to help families be able to deal with the stress that this has necessitated.

Lastly, from the profile that I have seen from these families, it is very important that the government of the day, especially the national Government, where these police officers are immune to arrest and immune to punishment, must also have mercies on these families and be able to help them deal with the stress that come with this kind of grief, not only during the time of dealing with funerals, but even in the gaps that they will leave, perhaps with their families not being able to go to school and not being able to deal with their day-to-day survival.

Madam Temporary Speaker, I strongly support this, but it is high time as a country we must put an end to police brutality.

The Temporary Speaker (Sen. Mumma): Honourable Senators, I see a whole list of more people wanting to speak. The time that had been allocated by the Speaker is over. What I will do is allow maybe just two minutes each for those I will give space.

Sen. Abass, please.

Sen. Abass: Thank you, Honourable Speaker. I also join our colleague, Dr. Mundigi, regarding the unfortunate situation that has taken place in Embu. We have a similar case where a young man was shot at a barrier in Garissa some two days ago. This is the second incident in Garissa now. The very police officers who are supposed to guard the lives of people have now become the criminals shooting people, which is a very unfortunate situation. They could have their own problems, but I think they should not release their tensions in killing innocent people.

Honourable Madam Speaker, I also condole the family also, both the Garissa and Embu family who lost their young ones. I tell them that it is a high time this country has to have a conversation on how best we can handle these behaviours of police officers. This is because this country now has been taken over by goons and police officers are killing people the way they want to. It is a high time that we need to contain this situation and take action against all these officers.

One other thing is, when an officer kills a Kenyan citizen, the officer is moved immediately, either being transferred or hidden somewhere, and then the police say that they are looking for him. How do you look for somebody, yet he or she could be arrested immediately? The minute that somebody kills somebody, he should be arrested and taken to court.

Thank you, Madam Temporary Speaker.

Sen. Crystal Asige: Thank you very much, Madam Speaker. I would like to also make a comment on the Statement made by Sen. Mwaruma on the non-registration of persons with disabilities in Taita Taveta, and of course, as we know, this is something that is happening all across our counties. It is really unfortunate that it is actually official that the Cabinet has confirmed that they are knowingly delaying the rights of people with disabilities in the country.

If you listened, even in our meeting in Naivasha as Senators, during the Senate assessment and planning retreat, I asked the Cabinet Secretary for Health how disability rights are being applied and operationalised. His response was astounding, that the Cabinet is still thinking about it. They want to bring the law back and persuade parliamentarians that implementing the disability rights that we envisioned is controversial amongst the Cabinet. That is what he said. He did not give any timelines, no plans and no apologies. That response confirms what we, as PWDs, have felt all along; that, disability rights amongst this state is treated as charity, as a suggestion. This is absolutely wrong and is in direct violation of our constitutional rights as people with disabilities. What Sen. Mwaruma has said is supporting exactly what I had feared all along.

Madam Temporary Speaker ---

The Temporary Speaker (Sen. Mumma): You have 40 seconds more.

Sen. Crystal Asige: Madam Temporary Speaker, when we passed that law in this House, as well as the National Assembly, we were hoping that the state would actually do

something about it. However, a year later - this year, May, will be a year after - they have done nothing. There are eight million people, a majority, with disabilities in the country, according to World Health Organisation (WHO), but 900,000 have been actually recorded in the country. That means that there are over seven million PWDs that are not recognised by the state. No voter registration cards, no ID cards, no disability cards; they are completely ignored by the state. All we want is to be recognised and our rights and freedoms to be appreciated and given to us, because we are full and functional members of this citizenry.

I thank you.

Sen. Wafula: Asante, Bi Spika wa Muda, kwa nafasi hii. Kwanza ninaungana na familia ambazo kwa hoja ya Mheshimiwa Dkt. Mundigi, Seneta wa Embu County, ambaye ameleta hoja kwamba wapiga kura wa eneo lake walipoteza maisha kwa kudai haki ya afya bora. Ni kwa sababu hii Waziri wa Afya alikuwa hapa jana na akadondoa hoja kuhusiana na zile pesa zinaenda katika hospitali za kiwango cha nne, tatu na pili kule mashinani.

Baadhi ya magavana hawataki kuwajibika. Wanavyowatoza ushuru Wakenya, wanafurahia kwamba sekta ya afya katika kaunti zetu ndizo zinazopewa fedha nyingi katika gatuji zetu. Hii ni kusema ya kwamba fedha za wagonjwa ni tamu lakini kuwatibu wagonjwa ni donda sugu. Sasa, lazima tuwaombe magavana ili waache kumezea mate pesa za wagonjwa na washirika katika hatua za kuwatibu wagonjwa hawa.

(Applause)

Ningependa kumalizia hapo ili wenzangu waweze kuchangia. Asante Bi Spika wa Muda.

Sen. Omogeni: Madam Temporary Speaker, thank you. I wanted to comment on the Statement that has been brought by Sen. Mundigi, but also add one thing. If we are making payments or compensating those who are victims of the police brutality, then we are also saying there are people in the police force who are involved. So, if we are making payments, we should at the same time be seeing prosecutions. That is why you are seeing somebody was killed during that time in Nairobi. Now, Mundigi is telling us this problem has happened in Embu. This is because we have not dealt with the problem within the police force.

The reason we created the police oversight authority was to ensure that they get rid of the bad apples within the police force. If we pay these Kenyans today, and leave those police officers who killed people to continue serving, who tells you they are not going to kill people tomorrow? Today, it is somebody from Embu. Tomorrow it will be Nandi. The day after, it will be Nyamira.

So, hand in hand, we should do what is done in the best international practises, even in Arusha, as reparations were being paid, criminal liability was also being pursued because there must be accountability. Those people who are killed are people's children. You cannot tell them, we have paid you, but they do not know what happens to the person who killed those innocent children. Therefore, I am appealing to our conscience to

push that those who are responsible should be identified and then criminal action should be taken.

Secondly, as I conclude, I wanted to comment on the statement on the SHA payments. Our county hospitals can ground to a halt if we do not get timely payments from SHA. I want to appeal to the government to ensure that all pending bills for our facilities at the county level are paid as soon as possible.

Madam Temporary Speaker, there is a problem of fraud in our counties. If you look at the Auditor-General's report, most governors are stealing money from hospitals. They collect the money and put it in their pocket. For example, one facility in Nyamira County, the Nyamusi Hospital has been put off the Social Health Authority (SHA). Women giving birth are being forced to pay Kshs4,000 because SHA has blacklisted that facility because of fraud. That had been indicated in the Auditor-General's report.

I do not understand what happens to some governors. How do you make poor mothers go to deliver, pay Kshs4,000 for a facility that should---

The Temporary Speaker (Sen. Mumma): Sen. Thang'wa, you may proceed.

Sen. Thang'wa: Thank you, Madam Temporary Speaker. I also rise to comment on this statement concerning police brutality in Embu County, where two young men lost their lives. That is Mr. Maurice Njue Njoka and Mr. Patrick Kariuki Munene.

As I rise to support this statement and ask for a speedier investigation on this matter, I would want to remind this House that the man who says "it is not my fight" will one day fight alone. We have been here on numerous occasions, raising issues about police brutality, but because we do have a mandate to defend our people, we cannot let such statements go unnoticed, discussed or enforced, despite the people who request them never saying anything whenever we request such statements and whenever we ask for accountability from the police.

This statement is a cry from the people and a cry about life. As the committee that will be tasked with following up on this matter, we should also ask, is the Inspector General (IG) of Police, the police department and the National Police Service (NPS) still moving on with the clarion call of shoot the leg for any demonstrator? They could be following that clarion call and if we do not know their training, maybe they are missing the legs and shooting elsewhere.

We would want to ask the committee to also request a statement from the Presidency and the Executive to denounce the clarion call, because probably the police are still using that statement to do what they are doing today.

Nevertheless, when are we going to see arrests---

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

Sen. Ogola: Thank you, Madam Temporary Speaker, for giving me this opportunity. I would like to comment on the great statement by the Senator of Nairobi City. As I do so, I want to ask the county governments why they have to punish our mothers for giving birth to humanity. This is unfortunate. Sen. Omogeni, Senior Counsel, has just said that there is a hospital where women have to pay Kshs4,000. That is evil and very unfair to women because without deliveries, we would have no humanity.

On the statement by the Senator for Nairobi City, it is a statement on the onboarding of police officers, their prison counterparts and their dependents onto the

Usalama Medical Cover. As this statement is looked into, I would like it to be emphasised that the benefits that go to police officers must be enhanced. The services that the police officers give citizens of this country are noble and so, anything that can be done to make them comfortable as they serve us, this must be done like yesterday.

On the same note, there is the issue of the medical cover for teachers in this country, SHA, to be specific. Unfortunately, teachers have only Kshs1,200 on their outpatient cover, yet we know in some of our county hospitals that I have visited, even laboratory services alone are over Kshs1,500. What is the balance the teachers would have in their outpatient cover? All this must be looked into and our public officers must be given comfort in the course of their work because of the services they continue to offer to our people.

Madam Temporary Speaker, I support the statement by Sen. Sifuna. I thank you.

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

The Senate Majority Leader (Sen. Cheruiyot): I will be very quick. First, is on the statement by Sen. Wafula Wakoli. I wish Sen. Omogeni was here because he has made it a habit of giving information that is misleading on the performance of SHA.

Yesterday, the Cabinet Secretary for Health tabled a very comprehensive response to all these issues that he keeps raising. I really wanted him to be here, so that he can read the report and perhaps give his verdict based on facts. However, that is not the reason why I stood up.

Madam Temporary Speaker, I stood up to condemn the innocent shooting of these two young Kenyans in Embu County. Till when shall we, as a House, continue lamenting? We are leaders. We have the responsibility. It is clear to us that our police are struggling with crowd control and we have a very serious issue where due to their struggle, we continue to lose Kenyans every other day. This cannot be allowed to continue. Condemning alone is not enough. Showing that you are angry, speaking about it in political rallies as some have made it their political agenda, but care a hoot about what happens to the lives and the families of these young people. We must rise up to the challenge of leadership. We must ask ourselves as Parliament, as the Senate, what is it that we can do about this particular menace, so that we put it to a stop, so that no other Kenyan ever loses their life.

Many of us, myself included, used to participate in protests as university students and as activists. The police at that particular time, though you could see that there was an obvious struggle, as is the case right now, it never used to result in the number of deaths we are seeing in the latest statistics. Therefore, is it a question of training? Is it capacity? Is it lack of crowd management equipment? What is it?

We must sit down as leaders in a bipartisan way and find ways, have a conversation with the leadership of the police service and speak to each other like Kenyans. We should ask ourselves what it is that is leading to this kind of mess. Therefore, I will be proposing to the House, and I want to challenge those who perhaps feel the need to rise to the challenge of the day, that we need to sit down in a room away from the cameras, but as leaders to consider---

The Temporary Speaker (Sen. Mumma): Hon. Senate Majority Leader, that is a very good proposal. I hope you will follow it through to the end.

Next Order.

BILL

Second Reading

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO.15 OF 2025)

(Sen. Oketch Gicheru on 22.04.2026)

(Resumption of debate interrupted on 22.04.2026 - Afternoon Sitting)

The Temporary Speaker (Sen. Mumma): Sen. Eddy Oketch, you have a balance of 50 minutes. You may proceed.

Sen. Oketch Gicheru: I want to thank you again, Madam Temporary Speaker. This Bill is one of the cornerstone Bills that I hope we can pass as a House during this Session. I hope that, in the spirit of what the Senate Majority Leader said, if it is possible to put pressure on the National Assembly to actually churn out some of our Bills the same way we are churning out some of the Bills from the other side. It will be critical.

More perceptive, as you might realise, and for those Members who were here yesterday, this is a Bill that wants us to rethink the idea of construction in the country with regard to how we can re-engineer our buildings to meet climate resilient standards.

This is a Bill that also attempts to bring about regulations and some authority in the National Construction Authority (NCA) to redesign and rethink the National Housing Code that we have, so that we can start retrofitting our buildings and our general construction in the country to meet the global standards of dealing with the extreme effects of climate change.

In recent past, we have seen countries similar to Kenya like the United Arab Emirates (UAE) face serious effects of floods, extreme heat and serious storms due to climate change. The change is so bad that you will always have an either or situation. If it rains, you have extreme floods. There is nothing like moderate precipitation. If it does not rain, we end up with extreme heat.

Wild fires that occur in Europe and the United States of America (USA) due to extreme heat might seem far-fetched from us, as a country. However, what happens there is more or less similar to the flooding that we saw in Nairobi in the recent past and across the country. The torrential rains that occurred in this country affected us so much and it completely disrupted the lives of our people. There is need to recognise that climate change is real and we must get to the global standards when thinking of buildings in our country.

This is important because we have not had proper and critical analysis of our building code since 1962. Our National Housing Code is wanting. So, we have to re-think of climate change and adopt an adaptive building code in our country. This is what this

Bill seeks to look at. People in advanced countries are now looking at utilising sustainable materials when building their homes and commercial entities.

People in Europe, the Eastern world, Asia as a continent and specific places like Malaysia, Singapore and Indonesia are very keen on establishing cost divisions in their construction infrastructure. It is easier to rethink buildings with serious tracking of the carbon footprint of those buildings. In the global north, people are arguing that it is actually possible to start looking at materials in terms of combination such that one can come up with the best mixture of material rather than using the traditional construction that we see in this country. Here, people heavily depend on steel and cement. Climate change has led to advancement in other nations. People are now looking at timber and glass as a combination that can reduce carbon footprint as well as deal with the issues of extreme floods, extreme heat and extreme storm.

This redesigning and retrofitting of our building is extremely important. If we do not enhance construction codes that can help us deal with vagaries of nature, then we are not competing globally and more importantly, we are exposing our population to serious risks. We can even enhance insulation. The NCA should put regulations that will ensure thermal comfort whichever place one finds themselves doing a construction.

I visited Mandera County on the invitation of my good friend, Sen. Ali Roba. The thermal comfort in Mandera needs re-thinking on how one can make the cooling effect of a housing element to be something that enhances dignity and comfort to the people in Mandera and our families in the northern part of the country.

Is there a requirement in our National Housing Code? Have we tried to implement passive cooling strategies in these kinds of housing? Is there a possibility of thinking about green roofs in Mandera, Wajir and the counties that experience extreme heat? Can we think of specialised window designs that can allow communities that live there to have some thermal comfort?

When you go to the extreme weather conditions, like where you come from, Madam Temporary Speaker, the western part of Kenya, we have serious weather conditions that expose our people to cold that could lead to pneumonia. A good example is Mount Elgon region. Can this Bill help the National Construction Authority ensure enhancement of insulation? Can we make insulation a requirement when building houses in that region?

In the recent past, when we had serious floods, we noted that we do not have early warning systems within our building codes. People wake up in the morning to find that their spouses did not make it home because it rained in the evening. This happened because of lack of proper early warning signs in the national construction and housing codes.

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

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

Mr. Temporary Speaker, Sir, we need to have the urban poor in mind. That is why it is important for us to think of the entire construction in the urban areas. This Bill is

important because the current administration has over-emphasised the issue of affordable housing. We have seen affordable houses being constructed in the country which is very important. In Africa today, affordable housing equation is a priority of almost every single government in the continent. The only thing that makes a difference for our country is that the administration of the day has been bold enough to implement it.

Experts have put the shortage of houses in the continent at around 50 million and it is projected that in the next three or four years, that is by 2030, we will have a shortage of about 130 million houses across the continent having in mind the population growth of Africa. How does this manifest in our country? Today, in our country, we have a shortage of about 200,000 houses per annum.

The good effort by the President and the current administration has only availed 50,000 houses. This includes houses built by the private and public sectors. If you look at the 50,000 houses that have been given to people through mortgage by the private sector and affordable housing by the public sector, you will note that only 2.2 per cent of those houses are actually affordable. So, there is crisis.

We have serious urbanisation going on in our country. It is our role to align national policies with what is happening in our counties. Our counties are urbanising at a very high rate and the county that is urbanising the least is urbanising at 4.4 per cent per year. So, the urban poor will grow in terms of affordable housing. Affordable housing cannot continue when we do not have clarity on how climate resilience is mainstreamed in the housing infrastructure.

As the affordable housing programme continues, we need to have a Bill that will help the national and county governments to rethink the entire housing code in terms of design and construction. That will ensure that we use materials that are adaptable to climate change hence our people will not be affected. This is a simple thing as what is the required foundation for some of these non-elevated areas in our country that we see mushrooming populations that are not well done and are haphazard in the counties. Who will help us regulate this kind of housing if not this kind of law?

Where we have got serious flooding, if you have got a housing code that requires a bare minimum kind of foundation to be put in place, people will not be waking up in Mathare, Kibera or even in Kabuto in Migori County, where I come from, because it has rained. Imagine somebody wakes up with their house flooded and they cannot survive.

Mr. Temporary Speaker, Sir, I have seen in this recent past that this does not only affect the residential places. If you go to Industrial Area, you will find that a simple business that is employing many people who go to Industrial Area like a printing business, whether it is printing books or printing clothes, lost 80 per cent worth of their assets in terms of things that had been printed in these enterprises. This is simply because the floods happened in the night and during the day when they woke up in the morning and went to their shops, their shops were flooded with their goods affected and soaked in serious water. This could have been avoided if the National Construction Authority was clear on the kind of housing code those commercial buildings should have been built on.

It is also important to say that this Bill will be looking at the possibility of rethinking our infrastructure development in the context of the entire construction mechanism. Let us face it, while you can do amazing buildings, if you do not address the

issue of proper drainage in Nairobi and in our urban areas in the midst of construction, you are always going to face these climate hazards that we keep facing us like what we see with the floods.

We have seen this even in simple designs on how waste management should be done. Now Nairobi is a primate city. You cannot find a primate city in the world where there is no proper focus on circular kind of consumption and circular control of waste management. Today in Nairobi, if you go everywhere, you will find that the best dump site that we have is the so-called *mtaro*. Somebody eats maize, the maize cobs are thrown into the *mtaro*. Somebody has a clothing piece that is not working, it is thrown in the *mtaro*. Somebody has any kind of waste, *mtaro* becomes their easiest dump site. What happens when the rains come? It goes without saying that the backlogs that happen in these *mtaros* end up affecting the entire drainage. So, there is need to rethink and to retort the entire infrastructure development in our major urban areas as we think about our national construction codes in this country.

We have also seen that the dangers that we are even facing now. We have got a number of pilots here like Sen. Roba and Sen. Chute. They will tell you that climate change is now causing extreme weather patterns affecting our major airports. This is to the extent that sometimes approaching major airports, if you do not allow for proper dynamics of wind with the kind of buildings that we are putting up across airports, we could have problems owing to extreme weather conditions. That coupled up with poor housing codes that do not honour zoning, you can end up having a very big problem.

Just a few weeks ago, we had a Member of this House, again, I do not know why problems keep on facing him, on a lighter note, but he was in a flight that crash landed at Wilson Airport. If you look at runway 32 at Wilson Airport, it is being affected during extreme weather conditions because of lack of observance and adherence to serious zoning codes that have been placed in Nairobi, and serious zoning codes that have not been reviewed in the entire urban area since 1962. So, you can see that these things are all conjoined in a place that, if we do not rethink the entire urban planning and policy, so that we strictly have building codes that can ensure updating of these construction requirements and regulations to meet climate change and climate risks, then we are facing a serious time bomb in our country.

Alongside that, I hope that this Bill will also enhance community-led solutions to some of these vulnerabilities of nature that are climate component in nature. One of those is just rethinking the entire financing and investment infrastructure, because, let us face it, if you look at the kind of work that is currently being done with the affordable housing levy that we have in the country, the truth is that it hits hard on the pockets of individuals. It shrinks the disposable income that our people have to the extent that it will be almost impossible to actually achieve the supply of almost 200,000 units that are needed in this country.

Therefore, we still need to engage our communities to make sure that we have some financing solutions in terms of private loans and sometimes even civil society financing mechanism that can allow these communities acquire financial aid, get affordable housing as well as, in their own ways, be able to implement some of the climate resilience proposals that are in this Bill.

Mr. Temporary Speaker, Sir, because of time and I wanted the Senators in the House to also contribute to this Bill, I just wanted to say that this is a Bill that will look at Section 5 of the National Construction Authority and insert under sub-section 5, the element of promoting and enforcing the use of environmentally sustainable construction materials. As I have captured in my remarks, also incorporate entire design mechanisms and standards that are needed in the marketplace. If you have got standardised ways of having policy response to climate change, then you can go without saying that the practises that are required in the implementation of those standards will help us respond to the climate change risks that we are facing.

If you look at Section 23(b) proposed in this Bill, we are saying that if it is possible, we can rethink the agencies that are relevant to the construction, so that there is more consultation that is happening between the authority and the agencies to the extent that is required with regards to availing the right approaches with the right climatic conditions that are paying some areas. For instance, if you are in Kisumu or Mandera, the exposure to solar in those areas makes it possible perhaps to include in our national housing code that those places need to have solar energy systems incorporated in the buildings that we are going to establish in those areas going forward. However, if you are coming from some zones that perhaps need cooling systems, it goes without saying that it will be important for us to insert in this kind of law a requirement that will allow a cooling effect or cooling mechanisms and designs in those areas that are facing more serious problems.

We are introducing a whole new schedule in this Act, that will be the Fourth Schedule, that has got some of the responsive mechanisms that I have talked about. I will not go through all of them because certainly we have got members of this House who will also contribute to debate on this Bill.

In general, some of these mechanisms cut across designs that can withstand extreme weather conditions, incorporation of green spaces and natural buffers to ensure that we have got energy efficiency in the National Housing Code. The implementation of those energy-saving technologies and designs is also going to be in that Schedule. We have got also the idea around utilisation of renewable energy resources in that Schedule.

One that is also close to my heart is water conservation. Namibia and Malawi, which are decades and decades behind Kenya, have thought about adoptive ways of ensuring that water-efficient appliances and systems have already been implemented in their housing codes. Why is this not happening in Kenya? Why is harvesting of rainwater still an issue that communities in Kenya are still struggling with? Grey waters recycling is almost also becoming impossible. I think these are supposed to be issues of the past if we legislate this Bill to law in the country.

I wanted to also look at pollution control. There was a serious documentary that was done by Citizen TV, if I am not wrong. I can fact check. It was on the concrete jungle that is coming up in our urban areas. Places such as Kilimani, Kileleshwa, that used to be posh, today, because of serious urbanisation and population bulge in Nairobi have become a concrete jungle.

Think about our children and the level of migraines and headaches that are in this area because proper air circulation is wanting. Children can no longer play in safe places

because all they have right now is to play within concrete jungles, within their own buildings. This is air pollution and there is also water as well as soil pollution in these areas.

These are areas that, despite the fact that now there is technology around things such as bio-digesters, were not designed to take serious sewer systems. A bungalow that was supposed to only hold a family of 10 is now compound hosting 700 people in high rise buildings. If you then want to depend on a bio-digester to deal with the sewer system in this area, we are going to have a serious trouble. This Bill seeks to address this by ensuring that there is safe disposal and management of waste both during construction and during occupancy.

I also wanted to mention very quickly that this Bill also looks at climate resilience from a biodiversity protection perspective. It is critical that even as we think about construction in this country, preservation of existing and the entire ecosystems around natural habitats must be protected.

There has been an attempt to encroach further in the areas that have got natural habitats and ecosystems that ensure our biodiversity is protected. For example, the idea of the Bomas conference facility that is being built at the Bomas of Kenya is a very good one, but you can see that slowly by slowly it is encroaching almost to the parkland that was meant for natural habitat for our animals.

There are people from Europe, the United States of America (USA) and even some countries within Africa that visit Nairobi as the only city across the globe that has got a national park, right inside it. One can come to Nairobi, book themselves in Serena, Fairview Hotel or Sankara Hotel, and then in the morning go and have a game ride within a city. The humongous element of the well-being of our population being contributed by such natural habitats cannot be understated. It is critical that we protect our biodiversity as we look at construction in general, infrastructure, housing, as well as commercial buildings in this country. This Bill will do exactly that, if you look under that Fourth Schedule.

I hope that Sen. Cherarkey is somewhere around the House, because I wanted him to second given that I had shared with him some of these concepts that I am trying to explore. It is important that we start looking at things such as health, wellness, and safety when we start thinking about housing. This is because, as I talked about the concrete jungle, ensuring that there is quality air is very important. It is not only air that contributes to the well-being of our population. Natural lighting is extremely important in an age where we are talking about climate resilience mechanisms in this country.

We have been to some of these buildings where you cannot separate day and night. These buildings have been built in, you know, slummy areas, as well as these mushrooming areas that we see in this country, where people are doing buildings that are not akin at all to providing any natural light. So long as they can do maximum units and build as many buildings as they can do, people keep building without regard to health, wellness and safety of our people.

Sometimes this even goes to extreme elements, to the extent that there are people who even use toxic materials. Occupants of these houses end up consuming those toxic materials. We have seen, for instance, a fight at the County Public Investments and

Special Funds Committee (CPI&SFC) where we have been fighting over the use of asbestos as material in the construction industry. We are now phasing out things such as asbestos. We need to go to the extent of pushing for low emission materials in these buildings.

Sometimes this also involves corruption. It should be in this National Housing Code that one must be held liable when found using these kinds of toxic materials. Zoning keeps on being disregarded. This is housing zoning, not the Orange Democratic Movement (ODM) versus United Democratic Alliance (UDA) zoning, or Linda Mwananchi versus Linda Ground zoning. This is just housing zoning that is promoted by the National Construction Authority (NCA), but is not honored at all. It is critical, that as we implement the housing code being proposed in this Bill, we must be able to hold stakeholders accountable. Those who keep on defying regulations that have been put here must be held accountable.

If we can to pass this Bill, we will be able to see proper, better and healthy living in our economy. I hope the Senate Majority Leader will push, so that this Bill passes in the Senate. When it proceeds to the National Assembly, I wish the Majority Leader in the National Assembly the courage to fast-track these kinds of Bills. They will help us rethink our entire wellness as a country in terms of construction.

Mr. Temporary Speaker, Sir, with those remarks, I move this Bill. I ask my brother, Sen. Sifuna, to second it.

Sen. Sifuna: Thank you, Hon. Temporary Speaker. I rise to second the Bill by Sen. Eddy Oketch on the National Construction Authority (Amendment) Bill, 2025. Unfortunately, when he was moving it, I was still attending to students from the Catholic University of Eastern Africa. I have since reviewed it. It is a straightforward amendment.

As I state whenever I speak on a Bill, one must start with the memorandum of objects and reasons to understand what the sponsor intends to cure. According to the memorandum of objects and reasons, the object of this Bill is to amend the National Construction Authority Act to include provisions related to environmentally sustainable construction practices and resilience against climate change within the construction industry.

Those of us living on this planet are witnesses to the drastic changes in our climate. Data collected since the year 2000 indicates that extreme weather has become more intense, frequent and unpredictable. While some scientists may debate the causes and others deny climate change entirely, we in Africa and specifically here in Kenya, experience this as a lived reality.

Unfortunately, in the global climate change conversation, Africa gets the short end of the stick. We bear the brunt of the consequences of actions taken by the West, particularly regarding pollution. For example, in 1997, extreme weather events followed a certain pattern, such as the *El Niño* flooding. We also remember the drought from 2008 to 2010 that affected about 10 million Kenyans.

From 2020 to 2023, this country experienced the worst drought in the last 40 years, followed by severe flooding in 2023. We lost many lives here in Nairobi in areas such as Mathare. In the 2024 floods, we had 300 deaths arising from that extreme

weather event. Therefore, for the citizens of Kenya, this is not a theoretical debate; it is our lived reality.

The proposals that Sen. Eddy Oketch is putting forward seek to entrench designs that withstand extreme weather conditions. You will find this in the Fourth Schedule, where he proposes that the designs approved by the National Construction Authority (NCA) must be able to withstand extreme weather events. In Nairobi, for example, there have been cases where buildings collapsed after sustained rains due to the weight of the water. We want to incorporate designs into the approval process of the NCA that can specifically withstand such flooding.

Furthermore, under Part B, the Bill proposes that these designs must include energy efficiency through implementation of energy-saving technologies. There is currently a requirement for solar water heating to be installed in all residential houses in Kenya, yet it is rarely followed in construction. We need more enforcement to address this. There is a reason for that. Electricity remains one of the primary pain points for Kenyans regarding the cost of living, a situation recently exacerbated by the high cost of fuel.

As a member of the Energy Committee, I am aware that the cost of fuel is one of the highest components in the electricity tariff and the most painful for Kenyans. Therefore, there is a need for us to explore energy efficiency in construction to cushion our people. I do not think enough has been done to regulate the quality and cost of these alternative energy sources and their components. Energy-efficient technologies are still subject to taxation in our tax codes, ensuring costs remain high.

No one would refuse a power plant in their house to eliminate electricity bills, but purchasing solar batteries to power a three or four-bedroom house is prohibitively expensive. It is not something every Kenyan can afford. We must lower the cost of these technologies to save Kenyans from the pain of high energy costs.

In the Fourth Schedule, there is also the question of water conservation. We need to adopt water-efficient appliances and systems, including rainwater harvesting and grey water recycling. Part of the flooding problem is that many buildings lack these systems. When it rains, there is no way to control or channel the water for safe evacuation. I am pleased the Bill proposes an amendment to the building code to adopt these water-efficient systems.

Furthermore, we should employ sustainable materials in construction. This is essential as the planet grapples with waste. The Bill proposes the use of recycled, renewable and locally sourced materials, which will contribute to a greener Kenya and promote local industry. I have noticed that much of the material used in current construction, particularly in areas like Kilimani, is shipped from China. Whether it is doors, windows or Medium-Density Fibreboard (MDF) cabinets for a 20-storey building, they are all imported from China. These imports kill the local industry and undermine our local fundis and seremalas that can make doors.

If this Bill passes, we hope to reverse this trend by prioritising locally sourced materials. However, we must improve our manufacturing efficiency and quality to ensure we do not delay construction or put our forests in further peril. We need to look at all those things to ensure that we progress without regressing.

The Bill also addresses pollution control, including measures to reduce air, water and soil pollution during construction and the safe management of construction waste.

Regarding health and safety, Kenya banned asbestos roofing in 2006, yet as the Senator for Nairobi City County, I know that public institutions, including schools, still use it. Although the Government promised the phased removal of asbestos, many institutions still have asbestos roofing. It has been known since the 1980s that asbestos has carcinogenic properties and poses significant health risks.

Other modern materials have been invented that, when caught in a fire, emit fumes that make survival even more difficult due to the chemicals used in their manufacture. The health and safety concerns are there. The Bill addresses the use of non-toxic and low-emission materials in construction.

Mr. Temporary Speaker, Sir, I can see my Chairperson of the Senate County Public Accounts Committee (CPAC), who is an expert on matters of environment and climate change, has just entered the Chamber. I want to allow him to teach the House and educate us---

An hon. Member: He is an expert.

Sen. Sifuna: No, he is an expert. In fact, when it comes to matters of climate change caucuses in this Parliament, he heads the caucuses. So, with those many remarks, I second the Bill and congratulate my brother, Sen. Eddy, for this straightforward amendment that is going to cure something that is a problem.

I thank you.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, please proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, as I rise to second this Bill, from the onset, I would like to celebrate my brother, the real youth. I am happy most of the guests in your Gallery today are young people in school. It is important that they have come today when we are discussing the National Construction Authority (Amendment) Bill, 2025 (Senate Bills No.15). I would like to congratulate Sen. Eddy Gicheru Oketch for bringing this amendment. He had promised me that I would second, but did not honour that promise. However, being the gentleman that I am, I will nevertheless support this amendment.

Mr. Temporary Speaker, Sir, the issue of climate change is very serious. In 2023, the African countries made a declaration here in Nairobi on the issue of climate change. It had become a global concern on how we should handle the issue of climate change. The hottest year since 1800 when the fossil fuels burnt has caused global warming and implicated human life. That is why 2024 was the hottest year in the history of mankind. I do not know whether you noticed that it was hot in 2024. That brought some effects that we saw like prolonged famine and drought across countries, which was unusual. Even my region, where the rains are usually heavy, was very hot. I know there are hot things in this city like hot chillies and other things. I know my Chairperson of CPAC knows there are things which are hot that I do not want to mention because this is a Parental Guidance (PG) rated programme.

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Mr. Temporary Speaker, Sir, they say the heating is in the test of the body. I know the Chairperson will say something about declaration of climate change, which was adopted in 2023. I appreciate that he has led the caucus on issues of climate. We need an urgent climate action, which Sen. Eddy is trying to do through legislative and policy intervention. That is the role of Parliament. We need to come to action and ensure that there is green economic growth that focuses on green industry, sustainable agriculture and utilise Africa first renewable energy potential, aiming middle income status by 2050. These were the Nairobi declarations. I think Sen. Eddy might have read this declaration and that is why he has degenerated this on the urgent climate action, the issue of green economic growth that he is proposing that whenever we use zoning, we must use materials that are environment friendly.

Mr. Temporary Speaker, Sir, there is also natural capital utilisation and focus for adaptation and many others. We have been very slow at it, especially the role of Africa. I went to Mandera and saw women, under Governor Roba, then, had been instructed to plant trees and care for them. It is called "Adopt a tree".

Mr. Temporary Speaker, Sir, I want to congratulate a young man today who has just planted approximately 24,000 trees in Kaptagat. We need to celebrate him. I do not know whether Sen. Eddy knows that young man who planted approximately 24,000 trees. He is called Hillary Kiplagat Kibiwott, the founder of Green Earth Ambassadors Foundation that planted approximately 24,000 trees at Kessup Forest Block, today. I would like to thank Principal Secretary (PS) Chris Kiptoo for rewarding him with a probox. I advise people like Sen. Osotsi to be using probox. It is also a way of escaping drag net of goons. If he wishes, he can borrow some tactics from some of us. I can give him *pro bono* advice on how to survive in such terrain, and use *panya* routes. Do not use the normal main roads.

I celebrate Hillary Kiplagat Kibiwot who happens to come from Nandi County for planting close to 24,000 trees in Kessup Forest Block. I also would like to thank Sen. Eddy in the spirit of the Broad-Based Government. The President has urged us to plant 15 billion trees to mitigate the climate change effects.

Mr. Temporary Speaker, Sir, on the issue of asbestos, I went to Nakuru Girls' High School and realised almost all buildings are under asbestos. There is a disease that the public health will tell you about, called asbestosis, where you experience chest tightness. It also has carcinogenic materials that can cause cancer. The National Assembly should allocate budget towards that because it is very costly to remove asbestos. That is why even after banning them in 2014, no one can comply because they are expensive to remove.

Therefore, I agree with this Bill under Clause No.2, the amendment of Section 5 that promote and enforce the use of environmentally-studied construction materials, design standards, and practise that enhance resilience against climate change. I am happy that the women have taken the lead. I have seen innovation even in sanitary pads. Nowadays they are using pads that are environment friendly and easy to dispose.

With regards to diapers, I know Sen. Eddy is yet to reach that stage of buying diapers. We wish him well as he tries to get a good girl, get married and get babies. Then, he can understand why we are discussing the issue of diapers, because it is also still a

challenge in terms of disposing them. I do not want to discuss out growers that he might have heard about, but I am just saying what the Republic of Kenya knows. Sen. Kajwang' should be a good friend because he is an expert in such areas, especially on dowry negotiation. I normally see him over the weekend with a stick and a big *kofia*. He is a certified dowry negotiator.

Mr. Temporary Speaker, Sir, I would like to rush through because I want to listen to my Chairperson who is an expert on issues environment. There is also relevant zoning. We need to zone. When I mentioned the word "zoning", I could see the former Deputy Leader of the Orange Democratic Movement (ODM), became too alert. I am not discussing about ODM or United Democratic Alliance (UDA) Party zoning. Rather, I am talking about zoning that National Construction Authority (NCA) should ensure within designated zones.

Mr. Temporary Speaker, Sir, have you been to Kilimani of late? They have built so many huge buildings. I do not know what is happening with Nairobi City County's approval physical planning. I hope the Governor of Nairobi City County is following this conversation. It is the work of county governments to do approvals of some of these buildings. Most of these buildings in Kilimani and Nairobi are not environment friendly. Therefore, in regards to zoning, NCA should ensure that buildings should be required to install solar energy systems.

If you go to Eastern Asia and even to Dubai, although I saw when the bombs were happening on the issue of Strait of Hormuz--- I do not support America nor Iran in this fight. I am as neutral as it should be. Many people no longer travel to Dubai and United Arabs Emirates (UAE), yet you can see they have succeeded in integrating environment friendly programmes. They use a lot of solar. We have solar firms in this country. Although we had a scandal with the Independent Power Producers (IPPS), where the local solar firms are selling them in dollars. I know that we investigated that matter. That is what is driving electricity prices to go up.

Sen. Eddy, you should also propose, in your wisdom, that we need to zero rate the issue of solar panels and lithium. This is because if you buy one solar panel, it is Kshs15,000. You buy a lithium battery, it comes to Kshs150,000. How many Kenyans can buy a Kshs150,000 lithium battery? We need to zero tax these items.

I want to challenge my President and my broad-based partners that we need to zero rate solar products. Kenyan Power is a monopoly. At least Garissa is connected to the national grid. However, Mandera, Wajir, Marsabit and Turkana are not connected to the national grid. We should allow them to use solar. The only way to encourage them is to ensure that we zero rate solar products, so that they can also enjoy the use of electricity. Can you believe, when you are in Mandera Town, across River Dawa, there is electricity in Ethiopia, but Mandera does not have electricity. I want to thank President for sending two generators there, but because of the heat, they get too hot, switch off and affect the server.

I want to agree with Sen. Eddy, that as a nation, we must agree if we are truly genuine on the issue of climate change action that happened in 2023 in Nairobi. We must and should allow solar energy systems to be zero rated. Personally, I gave up on Kenya Power. If you come to my private hacienda, my palatial residence in Mosoriot, Nandi

County, I use solar. This is because electricity is no longer reliable especially when it rains.

I do not know the relation between rain and electricity. When it rains in this country, electricity disappears. It is like when you remove dry clothes from the hanging line. So, I want to agree with Sen. Eddy on the issue of zoning and physical planning within Nairobi. The Governor of Nairobi City has been fairly very incompetent. I hope the Broad-Based Government does not give him any ticket, he should go to Linda Mwananchi.

If you go to Kilimani, it is very unfortunate. Designated areas include areas that receive average---

The Temporary Speaker (Sen. Abdul Haji): Sen. Osotsi, what is your point of order?

Sen. Osotsi: Mr. Temporary Speaker, Sir, I rise under Standing Order No.105. I think my good friend, Sen. Cherarkey, has made reference to the Governor of Nairobi City being incompetent. He has suggested that because the Governor of Nairobi City is incompetent, he should not get a ticket from the broad-based government, but from Linda Mwananchi. I want to inform him that Linda Mwananchi is not yet a political party. It may become a political party, but it is not yet a political party. Again, Linda Mwananchi advocates for progress. We are not going to take any mediocre or those who have failed elsewhere into the Linda Mwananchi brigade. I just wanted to inform him that we are not preparing this movement, so that we can take over those who have failed elsewhere.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, thank you for that information by my brother. He is being very selective with the truth because Linda Mwananchi has registered a political party called People's Renaissance Party. Anyway, I agree with him. If somebody has failed anywhere else, he should not be allowed to hobnob. In fact, if you will be around during the weekend, I can buy you coffee within Kilimani and then you see how people are suffering. There is no longer sunshine. Children are suffering from jaundice. When we were doing biology, the non-exposure to sunlight is a dangerous disease. Therefore, our children in Kilimani and other areas which have high-rise buildings have a problem. I hope that when you get time out of your busy schedule, we can take coffee around that place and you will be able to see and appreciate why. So, I agree that we should focus on the issue of physical planning not political zoning.

Sen. Eddy, I hope you will attend the Malindi rally where young people will be addressed. I encourage Sen. Eddy, since he is a young leader with progressive ideas, to resist this temptation of political zoning. If you come with political zoning, you are undermining democracy, which your political godfather, the late Rt. Hon. Raila Amollo Odinga, envisaged. A country that is climate-friendly politically, that you can run for any political office without being politically zoned. Political zoning is another aspect of direct tickets.

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy, what is your point of order?

Sen. Oketch-Gicheru: Mr. Temporary Speaker, Sir, I appreciate that Sen. Cherarkey is contributing to my Bill. Therefore, I do not want to interrupt him, because I am taking a lot of notes here and benefiting from his wisdom. However, if he takes the

chance to misinform the public and the House, then it is not correct. This is because under Standing Order No.105, you must be factual.

The idea of zoning does not curtail democracy. First of all, I need to make it clear to Sen. Cherarkey that, personally, I do not support zoning. The reason being, I am very competent in Migori County. I am sure I will be elected without zoning. I can be elected on any party in Migori County. However, the zoning element that is between UDA and ODM is exactly for that coalition. That it should be UDA and ODM, go to a coalition, then the zoning is for the two parties involved.

It does not negate any other candidate who wants to use any other political party or even go independent, from running. They can use any other party. There are many other parties. It is wrong to indicate that if there is zoning between UDA and ODM in their regions, then it means that people will be stopped from vying. People will still be allowed to vie. It is their democratic right, but just with other parties. The zoning is just between UDA and ODM for those who want them to talk about that zoning element.

It is also important to clarify to you, Sen. Cherarkey, that the essence of zoning is so that respective political parties can have numbers in the House. In case of a post-coalition and post-election disagreements, then a political party should be able to have its Members that are strong enough to run a democratic House like this.

You can imagine if there is no zoning in some places and then UDA or ODM end up taking all the seats, then they would harass each other in Parliament, when their marriage is broken after the election. So, there are pros and cons to the idea of zoning.

All in all, I do not necessarily support zoning because I can win. Zoning is just between UDA and ODM, not all other parties. People can still vie in other parties, even if UDA and ODM are to choose to zone.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I have noticed your Clerks-at-the Table are not freezing my minutes when I am being intervened. Was it frozen?

(The Clerks-at-the-Table nodded in agreement)

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, Sir. You know I am always comfortable when you are in the seat. I remember today when you were chairing the Committee on National Security, Defence and Foreign Relations, you gave me a very ample time to prosecute matters of national interest.

On the issues of zoning under the amendment, I want to inform Sen. Eddy that political zoning is another name for direct ticketing. It belongs to lazy politicians who do not want to campaign.

Personally, I would not have a problem running against an ODM candidate in Nandi County. So, I want to encourage Sen. Eddy, as a young progressive leader, to retake this notion of political zoning, so that we can allow the growth of democracy in our country.

I would like to inform him that, today, UDA and ODM met in State House and everything is in order. There were perceptions that there are differences between ODM and UDA. I confirm to the country that the ODM and UDA marriage is intact and very progressive.

Mr. Temporary Speaker, Sir, finally, since I have seen my time is fast spent, I wish Sen. Ledama would allow the expert on issues of climate to listen so that he can make some clarifications to us. I know Sen. Ledama might want to sell him Enkanasa milk or honey. I am a consumer even though he still owes me some money that I paid him and he did not deliver the milk. I hope he will give me the milk after this.

Utilisation of renewable energy sources, there is also green spaces which are natural buffers, water conservation and sustainable materials. As a country, we should push the issue of solid management and recycling. When you go to Wajir, there is no dumping ground and I know the governor of Wajir does not like me because of that.

Mr. Temporary Speaker, Sir, you have been there and supported development programmes in Wajir County. Here in Nairobi when you drive through Waiyaki Way, the incompetence of Governor Sakaja shocks us because there is dirt all over. Sen. Eddy, if you go to Kirinyaga Road, there is dirt all over. The same incompetence is witnessed when you drive on the bypass that goes through Kibra. The people of Kibra are suffering, they need leadership renaissance. Let me not say political renaissance because of the party that Sen. Osotsi belongs to.

There is also minimising through efficient water, recycling, renewable and locally sourced materials and safe disposal---

The Temporary Speaker (Sen. Abdul Haji): Sen. Cherarkey, do you want to be informed by Sen. Osotsi?

Sen. Cherarkey: No, I will listen to his submissions later.

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

Sen. Cherarkey: Today, Sen. Osotsi is shining like the aluminum foil; I do not know what he has eaten today.

Mr. Temporary Speaker, Sir, could you add me two minutes because I have been interrupted regularly by my colleagues on pollution control.

The Temporary Speaker (Sen. Abdul Haji): Conclude.

Sen. Cherarkey: On pollution control, we need to agree. I normally see vehicles that still do not adhere to the standards when I drive around. I think we need to encourage the use of electric vehicles and many others that are environmentally friendly and issue of biodiversity protection.

Mr. Temporary Speaker, Sir, with those many remarks and with your indulgence, I congratulate you---

The Temporary Speaker (Sen. Abdul Haji): Give him one minute to conclude.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I thank Sen. Eddy as I support this Bill and wish him the very best as he vies to be the governor of Migori.

I support and I thank you for the indulgence.

The Temporary Speaker (Sen. Abdul Haji): Sen. Kajwang' proceed.

Sen. M. Kajwang': Mr. Temporary Speaker, Sir, I rise to support this amendment to the National Construction Authority (NCA) Act that has been proposed by Sen. Eddy Oketch. I could be a bit underwhelming because the previous speakers have painted me as an expert on the subject matter.

I have had the privilege of leading a climate caucus in this Parliament and I am very happy that in the month of May, all African legislators will converge here in Nairobi

at the Senate for the Interparliamentary Union Conference on managing emissions from methane.

Methane is a gas that contributes significantly to global warming. However, that has not been addressed properly and scientifically because every time we speak about methane emissions, we think about pastoralist lifestyles, cows, camels and goats and the emissions that they make. African countries have not really plugged into the conversation on methane, but we want to bring that debate to Nairobi. In the middle of May, just after the Africa-France Conference, we will also be having the Interparliamentary Union here at our Parliament for a conversation on methane.

I am very happy that Sen. Eddy Oketch has brought this amendment to the NCA Act. Yesterday, I asked him: How come the NCA has not proactively thought about this? This is because, the carbon footprint of the construction industry constitutes close to 40 per cent of global greenhouse gas emissions. The construction industry is one of the biggest emitters.

If you look at the components that are used to do our traditional houses from cement, to steel, to the aluminium and everything else that is used in the construction industry, they are all very carbon intensive. Even if you look at the cost of keeping our houses cool or warm or keeping our water hot and clean, it is a significant expense with a significant impact on carbon emissions.

Again, with rapid urbanisation, I heard Sen. Eddie say that the least urbanising county is urbanising at a 4 per cent rate. We are seeing gradual urbanisation where the Government is coming up with an affordable housing programme that will put huge tenements in urban centres that will pull people from the villages to the centres.

With rapid urbanisation, the construction industry's contribution of 40 per cent of global greenhouse gas emissions is bound to rise. However, it should not rise if we can do the things that Sen. Eddy has proposed in this particular amendment. What Sen. Eddy is proposing is, first of all, to have mandatory solar system installation zones and also, amend the Fourth Schedule so that it can have climate change responsive mechanisms that will be mandatory and considered in construction activities.

Mr. Temporary Speaker, Sir, we can have a clear strategy on decarbonisation of the construction industry and we can learn some lessons from a few countries that are not very far from our neighbourhood. Recently, we visited Namibia and went to a project called the Oshivelo Project. We found indigenous Namibians, Africans, producing iron ore using green hydrogen. By that, they reduced the carbon footprint of traditional iron ore production which typically uses fossil fuels significantly.

How do you produce green hydrogen? You split water because water is two parts hydrogen and one-part oxygen. How do you split water into hydrogen and oxygen? A simple process called electrolysis. In fact, we are taught in school some of these things. Many of us here studied chemistry all the way to university; putting into practise on how to separate H₂ from O so that the O can go into production and the H can be used as an alternative energy source is where we fail to get things right.

When we went to the Oshivelo project, we saw a concept that was being done for the first time in Africa. Where, the iron ore is mined, it is placed in a blast furnace that

instead of using the traditional fossil fuels such as coal, they use green hydrogen to produce iron pigs. Now, they had certain limitations that the iron pigs still had to be exported to Europe so that it could be alloyed to produce steel.

There is potential for us to use. I would not even call it cutting-edge technology because H₂O is something that we are taught in school, just to put into practice the things that we learn in school. That can only be done if you create an environment where innovation is rewarded, there is certainty when it comes to policy and there are incentives. If some young people from the Technical University of Kenya (TUK) were to decide to put into practise electrolysis and are able to produce green hydrogen, could we incentivise them? Could we get them away from the clutches of the Kenya Revenue Authority (KRA)? Could we build some industry around them to enable them and encourage other people with similar aspirations to do the same?

It is possible to decarbonise the construction industry through innovation. Namibia has demonstrated that you can use green hydrogen to produce iron because iron is one of the biggest components when it comes to the construction industry.

Mr. Temporary Speaker, Sir, for some years, we have been importing cement. Some of the richest men in Africa became rich because of cement and that tells you about the construction boom going on across Africa. Cement is also not something that came from heaven. Cement is about mining the clay or the limestone as they are doing in West Pokot, then grinding it, putting it into a kiln, heating it to temperatures of 1,500 degrees centigrade. You then produce a clinker. You combine that clinker with gypsum and you produce cement.

Mr. Temporary Speaker, Sir, this is why I agreed with some policy pronouncements, previously made by the national Government, which I hope have been enforced. There is no reason why you should be importing clinker. We have enough limestone. We have enough clay in this country. Perhaps what we do not have is sufficient energy to light up those furnaces but there is coal in this country. As the Oshivela project in Namibia has proven, we can produce green hydrogen.

Imagine if Devki and its plant up there in West Pokot was getting limestone locally and then splitting water which is widely available through electrolysis and using green hydrogen to produce clinker. Perhaps that could reduce the cost of cement and that would definitely reduce the carbon footprint of the construction industry. Today, 8 per cent of global carbon emissions comes from cement production. You can imagine what we could do, how much we can lower it if we went into innovation and applied some things that have already been done.

With regards to aluminium production the issue is the same thing. Why are we importing aluminium? The story is that we do not have sufficient energy to do the processing that is required for aluminium. I do not think that locally in Kenya there is any company that is doing aluminium right from the raw material to the finished product. However, again using innovation, we can cut down that cost, and aluminium production again contributes to 4 percent of global greenhouse gas emissions.

Mr. Temporary Speaker, Sir, Sen. Eddy talks of solar zones. Now, in my mind, if this is a responsibility that is going to be given to the national construction industry, I would want the national construction industry - and I agree with Sen. Eddy when he says

that our building code needs to be revised - our building code needs to be modernised. Those of us who come from black cotton soil areas, if you have to build a house in my village, you must dig three metres down, three metres through the black cotton soil, and then you start compacting. You start putting steel, you start putting --- It is as if you are building a road. At that time, you are probably just building a two-bedroom house. The foundation itself is more expensive than the structure that is going to come up. This is because we are using a building code, I think the British standard, that has not been revised to be fit for purpose. It is highly inefficient, it is very expensive, and it discourages many people from building.

We would want the NCA to relook our building codes and ensure that certain things are made mandatory. One of the lowest hanging fruits is when it comes to water conservation. Sen. Eddy has proposed that under the Fourth Schedule, water conservation can be one of those things that NCA must look into. Many of us here are wasting water from the roof. In this country and if you live in Nairobi, there is sufficient rainfall that if we were able to store the water that comes from our roofs, then we would never have a problem of water shortage. It happens in many areas. You find a school that has been built with a lot of iron sheet roofs but not a single gutter and not a single tank. When you go there as a *mheshimiwa*, you are told, “*mheshimiwa*, help us to get water.” You can clearly see the potential of harvesting rain water.

In Namibia, again, a country that rarely experiences rain, even though rain water harvesting is not mandatory, it is part of their DNA. That you are not going to build anything without putting a gutter. Sometimes I wonder if you have the money to roof your house, the money to wall your house, and the money to furnish your house, the money for guttering and putting a tank should be the least. You have seen, we, as politicians, those people who want to run against us, some of the campaigns they do is to walk around and giving out water tanks as if it is rocket science. I believe that in public institutions, and even private institutions, and even affordable housing projects, no rainwater should be allowed to go to waste. It should be captured, it should be put in tanks, and it should be used, and perhaps cleaned up, because it will provide a fairly cheap and clean source of water for those establishments. So, rainwater harvesting and greywater recycling is something that NCA must insist on when making approvals.

Mr. Temporary Speaker, Sir, Sen. Eddy Oketch has also said that NCA must look into issues of energy efficiency. You may have noticed that if you go to a hot town like Mombasa, there are certain hotels that are very cool, and there are certain hotels that are very hot, that you must use air conditioning. I usually find it interesting. Why is it that in this hotel you can sleep without AC, and in this other one, you must have the AC on? You will notice that the ones where you must have the AC on, there is lots of concrete, glass, steel, and aluminium, things that absorb heat and make the rooms hot; but you go to certain hotels, and that is why a place like Lamu, it has got a unique architecture. You can find a house without air conditioning, but it is fairly cooler than the modern houses.

How do we ensure that we implement or come up with building plans and building designs that minimise the use of modern cooling? In our case, it is cooling. In other countries, it is about heating. I think in Europe, heating is a big problem such that when the war between Russia and Ukraine broke out, the biggest issue was how Europe

was going to survive winter if Russia was not going to supply the gas required for heating.

However, in our area, it is about cooling. Could we ensure that our designs, architecture and projects are done in such a way that we can take advantage of natural wind flows, vegetation and all that so that we reduce on the emissions that come from cooling technologies? If you go to places where the AC is mandatory, sometimes you feel sorry for the owners of the establishment because you find an apartment with 10 ACs and they have to be on throughout the day, throughout your stay. You can imagine the kind of emissions that is. So, if we can have a building code and we can have designs that take advantage of natural circumstances for natural cooling, I think that would go a long way in demonstrating our leadership as a climate champion across Africa.

Mr. Temporary Speaker, Sir, sustainability of materials used in construction, as I illustrated earlier, cement, steel, aluminium and all those other components, and the big trucks that are used to deliver cement to site, contribute very highly to global greenhouse gas emissions. However, if NCA could insist on the use of recycled, renewable and locally sourced materials and minimising waste through efficient design and construction practices, these are things that any plan that is sent to NCA for approval must meet. These are standards that a building plan application must meet. I do not think that this would in any way impose any additional cost on developers. This is because it is not just about being innovative but also being ingenious. Some developers just pick building plans from the 1950s, and it is the same thing that they want to be approved today.

If you go to some urban centres across this country, you will notice one traditional way that shops were built by Indian merchants. If you go to places like Vihiga, Maseno, parts of Kisumu, Kendu Bay and Homa Bay, you will find one structure where there is a huge façade. You will then find a long godown behind the building, and it has been the plans from the 1930s to date. The people doing building plans must be innovative, and they must start thinking about aspects of climate.

Mr. Temporary Speaker, Sir, on incorporation of green spaces and natural buffers; I do recall we visited Russia at some point in the last Parliament and what surprised us was that Kenya's Ambassador to Russia or the High Commissioner to Russia, was living in an apartment - Not the way they live in gated estates in Muthaiga and Runda. Our Ambassador was living in an apartment. That apartment looked like a one-acre property because it was an apartment of the 40th floor with gardens, grass and trees. It is possible.

We are building a concrete jungle in Nairobi and we must insist that we incorporate green spaces and natural buffers in every project that we do. It is possible to do that, even on the 50th floor or the 60th floor of buildings and that has been proven in countries such as Russia.

Finally, Mr. Speaker, Sen. Eddy has also indicated that NCA must look into issues of pollution control, whether developers are putting in place measures to reduce air, water, and soil pollution through construction. Use of asbestos has been outlawed in this country, but it is still there. Actually, in most of the old schools, national schools, the big old schools, the use of asbestos is still there. We need to ensure, perhaps, through the National Government-Constituencies Development Fund (NG-CDF) as contentious as it is, that it is still going on. No NG-CDF money should exist for more than three years if

you have asbestos roofs in that constituency. It is a mockery, because instead of going to build a new school somewhere, your best school is there.

For example, in Homa Bay County, Homa Bay High School, one of the best, finest, and oldest schools, you still find asbestos roofs. That should be the priority before opening a new dormitory or before opening a new library somewhere. The lifelong effects of having asbestos lingering around our children are too high.

As I conclude, it is possible for a home to warm itself, to cool itself, to be sustainable as far as water is concerned and even to feed itself. A home can feed itself by tapping into water and rain harvesting. A home can feed itself by using that water to set up a small garden. A home can cool itself through innovative construction and innovative architecture. A home can heat itself through innovation.

I believe that if we upgraded our building code, perhaps, we would shave off 30 per cent of the current cost that we are incurring and we would also be able to shave off at least 30 per cent of our current emissions coming from the construction industry.

We must continue supporting innovation. I want to challenge that even as we look at the future of this country, let us be leaders not just in words but leaders, indeed, and do some of the things that small neighboring countries like Namibia are doing. Our children can produce green hydrogen which can be a substitute for fossil fuel and that could place us squarely on the road to climate leadership.

I know currently most of our energy is from geothermal and it is green. However, it is inadequate. An economy like ours cannot run on three gigs of electricity. The barriers have been policy uncertainty. Policy, fiscal policy and incentives keep shifting.

I support this amendment and I encourage Sen. Eddy to ensure that this matter quickly goes through the National Assembly so that it is assented to by the President. By the time we are having the Conference of Parties on Climate Change in Ethiopia, that will be COP 32, we could go there and proudly say that we pushed legislation that added to the climate response measures in Kenya.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. M. Kajwang’.

Sen. Olekina, you have the Floor.

Sen. Olekina: Thank you, Mr. Temporary Speaker. Very briefly, I rise to support this Bill; the National Construction Authority (Amendment) Bill, (Senate Bills No.15 Of 2025), is sponsored by my good friend, a young man educated at Yale University, one of the best universities in the world.

I have to say that Sen. Eddy is very progressive but sometimes the way we develop legislation in this country limits our ability to become innovative. I love this Bill. The only problem that I have with this Bill, which I am currently going through with my Bill on seed varieties on amendment to Cap 326, is a conflict between three ministries.

Currently, I am facing a very big fight between the Ministry of Agriculture, Livestock and Fisheries and the Ministry of Investments, Trade and Industry because in my Bill, I am introducing a parallel seed standardisation process to be overseen by the Ministry of Trade, under the Kenya Bureau of Standards (KeBS).

Now, I have taken my time to read through Sen. Eddy’s Bill and I see a conflict between four different Ministries and the county governments. Number one, the National

Environment Management Authority (NEMA) is a state agency under the Ministry of Environment, Climate Change and Fisheries. The NCA is a state agency under the Ministry of Lands, Public Works, Housing and Urban Planning; and then number three, we have the Energy and Petroleum Regulatory Authority (EPRA). The EPRA is an agency under the Ministry of Energy. I want my dear brother to listen carefully.

First of all, I want to put myself in the shoes that I wear daily of a developer. The first thing that goes into my mind is, wow, look at all these regulatory bottlenecks. Look at the entire cost that this Bill is empowering NCA to do the work of urban planning, which is the work of the county governments and also to do the work of energy regulation by zoning certain areas and designating them as solar areas. That is the work of EPRA.

Then now, there are three issues; there is the issue of energy, urban planning, which is reserved for county governments and there is the issue of zoning, which is something that is shared between the Ministry of Housing and county governments. Then there is now the issue of the regulator to ensure standards are put in place, the NCA. Now, as a developer, I will be opposing the Bill because I will pay NEMA, NCA, and EPRA for me to get a licence.

I want to beseech my brother to reduce the powers given to NCA to set standards, leave NEMA to carry on with its task when it comes to the issue of the environment, leave the county governments to deal with their urban planning and to NCA set up standards.

If my brother would follow that, this Bill will pass very fast. As a county government, I will be saying I am the governor, I do not have the revenue, which the constitution gives me to issue permits for construction. Now, NCA, this monster, is getting bigger and bigger. We love the environment. NEMA gives you an environmental impact assessment. They give you a licence to do that. You pay them money. You pay NCA and the county government money. I am concerned about that issue.

Secondly, I want to be very brief on this matter. I love the fact that the Bill promotes and enforces the use of environmentally sustainable construction materials. It is important. When you go to Narok County and you go to those very luxurious lodges that we have in the Mara, which we invite everybody to come to, they are constructed with environmentally friendly materials. I love the Bill.

I want us to see new cities coming up because this concrete jungle that we live in now in Nairobi and other urban areas, nothing will change but we can tweak it a little bit to make sure that we use environmentally friendly materials.

I will give you an example of a building in Nairobi, which, when it was built, I think in 2019, a space in that building was being sold for Kshs20 million. This is a greenhouse building along Ngong Road. They created that building to a point where your energy cost would be very low because of all the glass. The environment is friendly. I wish we could have built more of those buildings.

My only concern with this Bill and I want to persuade my brother, is on the issue of zoning certain areas and giving NEMA the power to say that in this area, because there is a lot of sunshine, all the constructions will have to be solar-friendly; the residents have to install solar. We should leave that open so that I do not have to go to the NCA to get a

license to put solar in my building. My home, where I live, has a 70 kVA solar. In fact, Kenya Power and Lighting Company (KPLC) energy is the backup.

Mr. Temporary Speaker, Sir, I will end in the next one more minute. The KPLC is my backup. It will be a problem for me if I have to go to KPLC to get a licence to install solar in my building. I have a problem with the clause that states mandatory solar installation in certain areas be determined by the authority in consultation with other agencies. We need to change that clause.

I will give my final comment because of time and the fact that I want my colleagues to also get time to comment on this.

I support this Bill but I request my brother to make amendments to ensure that the regulatory overlaps are done away with. This Bill has overbearing regulations and the NCA will have so much power. We will have a lot of costs associated with approvals. One does not have to navigate with the hurdles that I am currently dealing with in two ministries. According this Bill, we will now have to deal with three Ministries and the county government. I rest my case.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Olekina. Let us listen to Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also raise my comments on this Bill; the National Construction Authority (Amendment) Bill (Senate Bills No. 15 of 2025).

This Bill has some sweet and bitter aspects, but I want to join my colleague, Sen. Olekina, to say that the owner of this Bill needs to look at the aspects which are of concern. These concerns have not just been raised by the Members here, but also by the stakeholders according to the report that I have read. The stakeholders have raised concerns on some of the issues.

This Bill has given another function to the NCA of ensuring that the buildings are environmentally friendly based on the material used. The buildings will now be required to be resilient to climate change. This is a very important aspect. We will address energy issues and ensure that our homes are properly lit at night if all the buildings are to have solar systems. That will help reduce incidences of insecurity especially in the rural areas.

As we give NCA more roles, we must ask ourselves if it has lived to its mandate or not. That is an important concern because we have had many complaints around the function of NCA. The incompetence at the NCA has led to collapse of buildings, especially in Nairobi. The other day, we saw a building collapse in South B. Buildings have also been collapsing in Eastlands because of the incompetence around the NCA.

There have been complaints around registration and the licensing delays. People have complained that requests for registration or licensing take a long time to be addressed. That is an issue that must be looked into. Their system, the portal, has also been experiencing a lot of downtimes because of technical incompetence.

We have had issues of rejection of application or registration of licensing without valid reason, or explanation have also been voiced. There have been issues of inconsistent site inspections. It has been said that they visit a site and give approval for

some milestone assessment just for someone else to come next time and give a different inspection report. This has been reported so many times.

Cases of harassment of small contractors and small *fundis* have also been reported. There have been issues of corruption. Some officers from NCA have been asking for facilitation fees for them to approve license, registration or construction. There is also high cost of operation. They ask for 0.5 per cent of the contract sum as a fine or penalty which is quite expensive having in mind the number of constructions that go on in Nairobi. If you look at it from that perspective, you will realise that what they ask for is quite high.

The other issue is high training costs, especially for small *fundis*. They ask the small *fundis* in the village to pay exorbitant amount of money for annual training which is not right considering that NCA is largely or heavily a Nairobi organisation. The amount they ask for disadvantages those who come from villages. Those are some of the concerns that have been raised. As we consider giving NCA more mandates, we must look at what they have done with the mandate they have.

I want to agree with the owner of this Bill that it is important for this country to ensure that buildings that are constructed are environmentally friendly, resilient to climate change and that the materials used are not only cost effective, but also environmentally friendly. We must also consider durability as we talk about environmentally friendly material. Those materials must be durable so that they can last for many years to come.

Sen. Kajwang' while debating on this matter said that we need to consider low carbon alternatives to cement and concrete. We have bamboo and it is a good material that is environmentally friendly. We can also use stabilised soil blocks. We can use soil mixed with a little cement or lime. This can reduce the cost, make it durable and environmentally friendly.

We have something called Ferroch which is made from the steel dust. That material is usually wasted in our steel plants. The advantage with it is that it absorbs carbon dioxide as it hardens. It is actually stronger than concrete. These are some of the things we can consider when talking about environmentally friendly materials.

As we amend the NCA Act to provide for environmentally friendly material, we should also consider amending the building code. This is because the building code that we have is not environmentally friendly and it is long overdue.

I know it is the latest, as at 2024, but you find that many aspects, especially on environment, are not covered and a lot of reference is still being made to the code developed in 1968. That tells you that it is high time that we have a more comprehensive code that addresses all these issues.

Mr. Temporary Speaker, Sir, even as we look at this, we must consider the issue of regulatory conflict that is likely to exist between NCA and NEMA. The NEMA issue permits on environmental aspects in building. NCA is now being mandated to do the same. There is likely to be a conflict there. I think the owner of this Bill needs to look into that.

We also have the issue of duplicate mandates. For example, we have a role that is being played by county governments in terms of approvals and by NEMA. How is that

conflict going to be resolved? That needs to be looked into and improved in this Bill. I believe with those amendments; it would be a very timely Bill to help in ensuring that we have buildings which are environmentally friendly.

As I talk about the building code, there are many other aspects that the building code does not cover. For example, the building code needs to talk about integration of technology in our buildings. You find that many buildings in this country do not have room for technology integration. I think that is a matter that also needs to be put there.

As I finish, if I take you back to the issue of NCA which has to look at ways of limiting foreign contractor dominance. This is because most of the buildings around here, you see that they are being done by foreign organisations, and yet we have local expertise.

The NCA must resist the temptation of creating space for dominance by foreign contractors at the expense of our own local contractor. I heard, the other day, the chairperson of the Engineers Registration Board complaining about this, saying we are taking away jobs that should actually be done by Kenyans. I think the right organisation to help us in addressing this problem is the NCA.

Allow me to end there and support the Bill with the improvements that Members and myself have suggested. I support.

The Temporary Speaker (Abdul Haji): Sen. Omogeni, please proceed.

Sen. Omogeni: This Bill is very important. That is why I have sought your indulgence, that you give me an opportunity to make some contribution to the Bill. I want to thank my good friend, Sen. Oketch, for bringing a Bill that is intended to take care of our environment and of the future generation. I hope that once this Bill passes through the Second Reading, Sen. Oketch will do a comprehensive engagement with key stakeholders in the industry. I know that there are many professionals who will, in one way or another, be affected after the passage of these amendments. I hope you are going to engage the Board of Institute of Engineers of Kenya. I think that is how it is called. I hope you will get time to engage the Institute of Quantity Surveyors/engineers and the Architecture Association of Kenya so that they also give you an input.

This is a fairly comprehensive amendment and you know the people who will enforce it, if at all this Bill sees the light of the day, will be these professionals. You know that the Constitution states in black and white that housing is a devolved function. The people who will be tasked with ensuring that there is compliance will be our county governments. It will be also good to engage maybe through the Council of Governors, our governors, just to be sure that they have enough professionals who can help us just in the event that this law is passed.

I wanted to get clarification, maybe as Sen. Oketch replies, when you say a designated place for solar, have you maybe put some definition in the Bill so that when a contractor is building, he will know what we mean by a designated place for you to put solar panels? Remember the contractor will be required to comply with the new amendments. So, you may think, Sen. Oketch, that you do a proper definition of what is a designated place for solar.

I do not know whether you have also updated yourself. There is a big booklet. In fact, I do not know how Kenyans will be able to read it. I am trying to remember the

name. I think it is called the 2024 modern building code that replaces the small booklet we used to use, the 1968 building code, the one that was borrowed from England. I think now we have moved to Euro code. It is very big. I think a few of what you have put here has actually been addressed in that building code. If I get time, when we move to the Second Reading, I will be able to share with Sen. Oketch some of the proposals in this Bill that are captured in the building code.

I think the initiative is good, and when somebody makes an initiative like this, I hope that the NCA will also reach out. I hope they have reached out to you so that they be a key stakeholder that you can engage.

Yesterday, Cabinet Secretary Duale, was before the Senate and he made some comments, I think out of the sympathy he has for the people of Nyamira. He wanted to be very frank to the people of Nyamira and he said health care in Nyamira has collapsed. I thought the response from my good friend, Governor of Nyamira, would have been to reach out, just pick a phone call, get an appointment, come to Nairobi and go to the office of Cabinet Secretary Duale; a very dedicated public servant who wants to improve our health care.

This morning, I think at 11.00 a.m., the Governor of Nyamira called a press conference. Cabinet Secretary Duale has nothing personal against the residents of Nyamira. I think his only concern is that they have done an evaluation, which I believe is professional, and found that health care in Nyamira has collapsed. I expected the Governor to reach out, but instead, I heard him hurling abuses at the Cabinet Secretary and saying he has personal interests and that he is going to expose how corrupt he is, which I thought was very unnecessary.

Mr. Temporary, Speaker, Sir, I advise my governor, through you, that when some of these issues are raised on the Floor of the House, it is because we want service delivery to reach our people.

As we speak, Cabinet Secretary for Health, hon. Duale, discovered a lot of fraud in one of the level 4 hospitals called Nyamusi. That hospital, as we speak, has been deregistered from provision of Social Health Authority (SHA) services. Citizens of Nyamira who go to Nyamusi, and that is where the honorable governor comes from, do not get services.

Instead of abusing the Cabinet Secretary, if I were the governor of Nyamira, I would have reached out to the Hon. Duale, engage him and ask him to restore the provision of SHA services to Nyamusi hospital so that our women who are giving birth can get these services using the SHA card.

Telling the Cabinet Secretary that “you have never visited Nyamira; you are corrupt; we know the personal interest you have” does not help our people at all.

The Governor says there are a number of payments that have not been made to the county government of Nyamira by SHA. The Chief Executive Officer (CEO) of SHA is a good lady, Dr. Mercy Mwangangi. I am requesting my governor to also make use of his Senator. My office in Nairobi is open. Any time he wants an intervention; any assistance or if there is money that has not been sent, let him talk to me.

I have sent money to Nyamira. My budget is now over Kshs6.2 billion. When you put that together with conditional grants and own source revenue, you will see we are dealing with Kshs8 Billion.

I was shocked today. The Governor is confessing that Nyamira has no Magnetic Imaging Resonance (MRI). I do not know whether in Garissa you have an MRI machine. I do not know about Migori. To go for a press conference and confess before the residents of Nyamira that there is no MRI machine for cancer screening in Nyamira was shocking to me. To confirm to the residents of Nyamira that the last time we received a consignment of medicine to our hospitals was in May and that since May, the next consignment was being delivered today is a big disappointment.

Senator Oketch, do not adopt the style of my governor. Reach out to the NCA. Engage them, and let them enrich this Bill. I may also propose an amendment riding on your Bill. The first time the NCA was created through the NCA Act, local people who wanted to build houses used to pay some money to get a permit from the NCA. Owing to agitation and the negative effect it was having on the industry, that was removed. Now, only foreigners are forced to pay, which is a good thing, if they want a licence to do a construction in Kenya,

Sen. Oketch, this is a good initiative. We must take care of our environment, not just for the current generation, but also for future.

Mr. Temporary, Speaker, Sir, people of Garissa and Migori, enjoy sunshine throughout the year. There is no reason for not build homes with designated places for solar.

I also have some interest in Migori. If I ever do something there, I will ensure that I try to comply with your Bill before even it becomes law. Create something and use solar, because there is enough sunshine there.

I do not want to take a lot of time. I support this Bill with the rider, but we will engage with professionals in the field.

The Temporary Speaker (Sen. Haji Abdul): Senator Eddy Oketch, you may reply.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, thank you again for this opportunity. It is very important that I, first of all, take the opportunity to thank the Senators who have given us a lot of feedback on this Bill.

I thank Sen. Sifuna, who seconded this, Bill. He did it justice, and combined it with the challenges that we face, even in terms of cost of energy and other things that we experience in the urbanization that limits access to sustainable living in the country. I want to also thank Sen. Cherarkey, Sen. M. Kajwang, Sen. Olekina, Sen. Osotsi and Sen. Omogeni who have contributed to this Bill.

They have raised some very important issues that would be important for myself, together with the Committee on Roads, Transportation and Housing, which I chair. I will definitely give a look to some of these ideas that have been shared here. I will make sure that, you know, where necessary, we can to bring up amendments that will respond to them accordingly.

I wanted to stress, especially to Sen. Ledama, that this is an industrial policy Bill that seeks to bring about standards that need to be met in the industrial construction

sector. The Bill has cross-cutting elements. It cuts through the Ministries of Environment, Climate Change and Forestry and the Lands, Housing and Urban Development where we house the NCA. The department of Environment is where we house NEMA and Ministry of Energy where Economic Partnership Agreements (EPA) is housed. Viewed as an industrial policy where you are trying to standardise regulations and policies around construction, then I do not think it is hurting to these ministries.

I will have another conversation with the Sen. Olekina since he is also the whip of the Minority side. His wisdom is certainly welcomed, and I will talk to him to see how we can find a nexus between the conflicting element that he has raised, as well as the overarching nature of an industrial policy that seeks to standardise the industry.

I wanted to respond to very quickly to the point of zero-rating solar energy systems that was raised by Sen. Cherarkey. I think it is an important one that we will find out how to incorporate. However, I wanted to tell Sen. Cherarkey that I had thought about this challenge when I was doing this Bill. The challenge is that Article 119 would catch up with us, in the sense that when I start putting the tax element and generating taxes, then it becomes a Money Bill that might have a challenge in terms of the timeline that can be passed.

I hope that when this Bill passes and goes to the National Assembly, I will follow through personally with the Majority Leader in the Senate and a co-sponsor in the National Assembly to ensure that they can perhaps try that amendment of zero rating the solar energy systems.

Senator Omogeni has raised a very important issue here around the housing code that has been reviewed. Initially, it was a housing code of 1962 that was adjusted to 1968, but was recently reviewed in the 2024. I am aware of this, Senator, but what we are looking at here, which is lacking in that housing code, is the prescriptive element of what constitutes materials used in our industrial zone, in the housing industry, that can allow for response to climate resilience. This is because the climatic risks are not defined in the housing code. I read it, which is why I proposed this as the Chairperson of the Committee on Roads, Transportation and Housing. The problem is that there is no clarity on the industrial standard for responding to climate change. For example, many multi-story buildings constructed in Nairobi have strength-to-weight ratio problems.

That is why buildings sometimes collapse after construction. There is no consideration of that strength-to-weight ratio relative to the topography of the area as a result of climate change. When there is significant flooding or the water table is low, no one addresses how that contributes to the strength of cement.

In Europe, they use a material called Cross-Laminated Timber (CLT). This consists of kiln-dried, sawn lumber boards layered at 90 degrees so that the strength and rigidity of the timber withstand even poor topography. This is a renewable material that responds to climate change and its carbon footprint is lower than that of cement.

These materials are not defined in our housing code, which is currently more administrative and geographical, focusing primarily on zoning. We must explore these factors in this Bill to ensure international standards are met so that buildings can respond to climate risks such as high floods, extreme heat and extreme storms. I will reach out to Sen. Omogeni to discuss and bring amendments where necessary.

Lastly, Sen. Osotsi raised a serious issue regarding corruption, which is a major problem. People frequently defy established zoning laws through bribery. Approvals and inspections often fail to meet standards and are ignored because of corruption. We must respond to this. I will attempt to bring amendments to mainstream a standardized policy against corruption.

I want to thank all the Senators for the depth and quality of this debate. This has been an inspiring session that has contributed to my thinking regarding strengthening this industrial policy.

Mr. Temporary Speaker, Sir, I beg to reply. However, pursuant to Standing Order No.66 (3), I request that you defer the putting of the question to a later date given the current quorum in the House.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Sen. Eddy. The putting of the question is deferred.

(Putting of question on the Bill deferred)

Hon. Senators, looking at the Order Paper, Orders No. 9, 10,11 and 12 must be deferred due to lack of the requisite number of Senators in the House to go to Division. Order No.13 is also deferred as the Mover is not in the House. Order No.14 is also deferred. Order No.15, 16, 17, 18 and 19, are also deferred as the Movers are not present. Order No.20 is deferred because the Mover is not ready to proceed. Order No.21, 22, 23, 24 and 25 are also deferred. The Movers are not in the House.

BILL

Second Reading

THE CULTURE BILL
(NATIONAL ASSEMBLY BILLS NO.12 OF 2024)

(Bill deferred)

BILL

Second Reading

THE PUBLIC AUDIT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.4 OF 2024)

(Bill deferred)

BILL

Second Reading

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THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO.12 OF 2025)

(Bill deferred)

BILL

Second Reading

THE AGRICULTURE PRODUCE (MINIMUM GUARANTEED RETURNS)
BILL (SENATE BILLS NO.17 OF 2025)

(Bill deferred)

MOTION

DISCRIMINATION, INTERFERENCE AND VIOLATION OF CLINICAL OFFICERS'
PRACTICE RIGHTS BY THE MINISTRY OF HEALTH, COUNCIL OF
GOVERNORS AND SOCIAL HEALTH AUTHORITY

THAT, the Senate adopts the Report of the Standing Committee on Health on a Petition to the Senate by the Kenya Union of Clinical Officers (KUCO) regarding alleged discrimination, interference and violation of Clinical Officers' practice rights by the Ministry of Health, the Council of Governors and the Social Health Authority, laid on the Table of the Senate on Wednesday, 1st April, 2026.

(Motion deferred)

MOTION

MAINSTREAMING GENDER PERSPECTIVES IN
LEGISLATIVE AND POLICY PROCESSES

THAT AWARE THAT, Article 27 of the Constitution of Kenya guarantees the right to equality and freedom from discrimination, with Article 27(3) providing that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres;

FURTHER AWARE that Article 27(8) obligates the State to take legislative and other measures to redress any disadvantage suffered by individuals or groups as a result of past discrimination, and to ensure that not more than two-thirds of members of elective or appointive bodies shall be of the same gender;

COGNIZANT THAT mainstreaming gender perspectives in all aspects of governance is essential to achieving inclusive development and safeguarding the

rights and welfare of all citizens, particularly women, girls and other marginalized groups;

CONCERNED THAT the integration of gender considerations remain inconsistent across the two levels of government and that legislative processes have often resulted to policies that do not adequately address gender-specific needs and realities;

NOW THEREFORE, the Senate:

(i) Urges Parliament, County Assemblies and their respective legislative committees to incorporate a gender analysis in the scrutiny of legislation, policies, programmes and budgets before them, including through the use of gender impact assessments and consultation with gender-focused stakeholders to ensure gender-responsive governance;

(ii) Recommends that the National Gender and Equality Commission and the State Department for Gender develops clear guidelines and tools to support the integration of gender perspectives in legislative, policy and budgetary analysis, and ensures these are disseminated and adopted by relevant government and legislative bodies;

(iii) Further urges the National Gender and Equality Commission and State Department for Gender to collaborate with the Kenya Law Reform Commission, and County Assembly Service Boards to build capacity for gender analysis among technical and legislative staff;

(iv) Urges the State Department for Gender to submit to Parliament a comprehensive biannual report detailing actions taken by Ministries, Departments and Agencies to promote gender mainstreaming, key achievements, emerging challenges, and proposed interventions; and

(v) Resolves that the Standing Committee on Labour and Social Welfare continuously monitor the implementation of these resolutions and tables biannual report on the status of implementation.

(Motion deferred)

BILL

Second Reading

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILL NO.2 OF 2026)

(Bill deferred)

BILL

Second Reading

THE COMMUNITY HEALTH PROMOTERS BILL
(NATIONAL ASSEMBLY BILL NO.53 OF 2022)

(Bill deferred)

BILL

Second Reading

THE KENYA HEALTH PRODUCTS AND TECHNOLOGIES
REGULATORY AUTHORITY BILL
(NATIONAL ASSEMBLY BILL NO.54 OF 2022)

(Bill deferred)

BILL

Second Reading

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL
(NATIONAL ASSEMBLY BILLS NO.34 OF 2025)

(Bill deferred)

BILL

Second Reading

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.66 OF 2023)

(Bill deferred)

BILL

Second Reading

THE AUTISM MANAGEMENT BILL
(SENATE BILLS NO.19 OF 2025)

(Bill deferred)

BILL

Second Reading

THE PUBLIC SERVICE INTERNSHIP BILL
(NATIONAL ASSEMBLY BILLS No.63 OF 2022)

(Bill deferred)

BILL

Second Reading

THE BASIC EDUCATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS No.59 OF 2023)

(Bill deferred)

BILL

Second Reading

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL
(NATIONAL ASSEMBLY BILLS No.61 OF 2022)

(Bill deferred)

MOTION

KUMBUKUMBU YA AJALI YA FERI YA LIKONI, 1994

IKIBAINISHA KWAMBA, mnamo tarehe 29 Aprili 1994, janga la ajali ya feri ya Likoni lilisababisha vifo na majeraha kwa wananchi wasio na hatia, wengi wao wakiwa wakaazi wa Likoni na Kaunti ya Mombasa, na hivyo kuleta majonzi makubwa kitaifa pamoja na madhara ya muda mrefu ya kimwili, kisaikolojia,

IKIWA NA WASIWASI KWAMBA, licha ya hakikisho na ahadi zilizotolewa na mamlaka mbalimbali kufuatia janga hilo, bado kuna mashaka na maswali kuhusu iwapo fidia ilitolewa kikamilifu na kwa haki kwa familia zote zilizoathirika;

IKIKIRI KWAMBA, kuanzishwa kwa kumbukumbu ya kitaifa ni hatua muhimu ya kuheshimu na kuenzi waliopoteza maisha, na pia ni chombo cha

kuendeleza uponyaji wa pamoja wa kijamii na kuimarisha uwajibikaji wa Taifa kwa raia wake;

SASA BASI, Seneti inaamua kwamba –

i. Kamati ya Kudumu ya Seneti ya Barabara, Uchukuzi na Makazi ifanye uchunguzi wa kina ili kubaini idadi ya familia zilizoathirika, fidia iliyolipwa hadi sasa, madai yoyote ambayo hayajalipwa, pamoja na kubainisha familia zipi bado hazijapata fidia na sababu za kutolipwa kwa fidia hiyo; na

ii. Serikali ya Kaunti ya Mombasa kwa ushirikiano na Wizara ya Barabara na Uchukuzi, ianzishe kumbukumbu ya kudumu kwa heshima ya wahanga wa ajali ya feri ya Likoni, 1994 kwa mashauriano na familia zilizoathirika.

(Motion deferred)

MOTION

PROMOTION OF ARTIFICIAL INTELLIGENCE AND INNOVATION POLICY IN KENYA

THAT AWARE THAT, the Fourth Industrial Revolution is redefining economies globally through emerging technologies such as Artificial Intelligence (AI), blockchain, and financial technology (Fintech);

FURTHER AWARE THAT Kenya has made commendable strides in digital infrastructure and mobile innovation, positioning itself as a potential leader in Africa's tech-driven future;

NOTING THAT in a landmark decision, the African Union Executive Council endorsed the Continental AI Strategy during its 45th Ordinary Session in Accra, Ghana, on July 18-19, 2024 to underscore Africa's commitment to an Africa-centric, development-focused approach to AI, promoting ethical, responsible, and equitable practices;

COGNIZANT THAT the Continental AI Strategy calls for unified national approaches among AU Member States to navigate the opportunities of AI-driven change, aiming to strengthen regional and global cooperation and position Africa as a leader in inclusive and responsible AI development;

APPRECIATING THAT the Ministry of Information, Communications and the Digital Economy recently formulated and launched the Kenya National Artificial Intelligence (AI) Strategy 2025-2030;

RECOGNIZING the need to align Kenya's development with global standards in AI adoption while also safeguarding national values, inclusivity, and employment;

CONCERNED THAT the absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises and slow down Kenya's ability to harness AI for inclusive growth;

NOW THEREFORE, the Senate resolves that the Ministry of Information, Communication and Digital Economy develops a Policy to promote Artificial Intelligence and emerging technologies with particular emphasis on:

- (i) Promoting research and development of locally relevant AI solutions;
- (ii) Facilitating ethical guidelines to ensure responsible and beneficial application of AI;
- (iii) Creating innovation-friendly ‘Sandboxes’ for supervised testing of AI and emerging technologies;
- (iv) Strengthening public-private partnerships to build digital skills and innovation ecosystems; and
- (v) Integrating AI and coding into the education curriculum to prepare the next generation for the digital economy.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 28th April, 2026, at 2:30 p.m.

The Senate rose at 6.00 p.m.