

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 30th March, 2021

*The House met at the Senate Chamber,
Parliament Buildings, at 10.00 a.m.*

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

PRAYER

COMMUNICATION FROM THE CHAIR

STATUS OF THE COFFEE BILL (SENATE BILLS NO.22 OF 2020)

The Speaker (Hon. Lusaka): Hon. Senators, as you will recall, on 24th March, 2021, the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries sought to know whether the Senate Leadership had accepted to withdraw the Senate Bill in favour of a Coffee Bill drafted by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

The Coffee Bill (Senate Bills No.22 of 2020), sponsored by the Committee on Agriculture, Livestock and Fisheries, was published on 23rd October, 2020.

In compliance with Article 110 (3) of the Constitution, I sought the concurrence of the Speaker of the National Assembly on 9th November, 2020. In addition, I wrote to the Speaker of the National Assembly severally reminding him of the various Bills that still await his concurrence, including the Coffee Bill (Senate Bills No. 22 of 2020). The latest among these being a letter dated 15th March, 2021.

Hon. Senators, I confirm that on 15th March, 2021 and 16th March, 2021, the Attorney-General wrote letters reference number AG/LDD/442/1/46 to both the Leader of Majority in the Senate and the National Assembly forwarding a draft Coffee Bill, 2021 developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives for further processing by the Houses of Parliament.

As evidence by my letter to the Speaker of the National Assembly dated 15th March, 2021, seeking his concurrence on the Coffee Bill, (Senate Bills No.22 of 2020), neither I nor the Senate Business Committee, has approved the withdrawal of the Coffee Bill, 2020 published by the Committee on Agriculture, Livestock and Fisheries in favour of the Bill developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

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I am further informed that the National Assembly is yet to publish the Bill developed by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

Hon. Senators, we continue to actively pursue concurrence of the Speaker of the National Assembly on the Coffee Bill (Senate Bills No. 22 of 2020) and other Senate Bills already published.

As an additional measure, I further direct that the Senate Majority Leader writes to his counterpart in the National Assembly informing the leader of-

(a) the publication of the Coffee Bill (Senate Bills No. 22 of 2020); and

(b) the changes proposed by the Cabinet Secretary (CS), Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

I thank you.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. First, allow me to react to your Communication. I agree with you in your decision. That is the proper way that a proper House of Parliament needs to be treated, especially in its relation with the Executive.

I say this because Parliament is a legislative Arm of Government. So, if the Executive has any legislative agenda that it want to process, it should make a request to the Houses of Parliament on what it feel needs to be considered. It should not be vice versa. This is not an extension of the Executive. It should not request that Members turn down their Bills so that its Bills can take precedence.

Mr. Speaker, Sir, I agree with you and support the ruling 100 per cent.

Secondly, on the issue of concurrence, I know for a fact that there are a number of Bills that originated from this House and have been processed by the National Assembly. Therefore, we request that later on, today if possible, you give us the Communication so that the sponsors of the Bills know what the process will be, going forward.

In conclusion, since the ruling that was made by the High Court in our favour, you and your counterpart in the National Assembly, have been consulting and trying to find an amicable way to resolve this particular issue. Perhaps, in the next few days or weeks, by way of a Communication, you will give us direction, as a House, in regards to the things that have been agreed on. This is because I saw some fairly good proposals that will move forward the legislative agenda of this current time of Parliament so that many Bills are not stuck.

Thank you, Mr. Speaker, Sir, for that ruling.

The Speaker (Hon. Lusaka): We will provide that. We always discuss it in the House Business Committee (HBC), but we can also inform the entire House on where we are.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I stand as the Vice Chairman, Committee on Agriculture, Livestock and Fisheries, to thank you for that ruling and the direction that you have given on this confusion that was cropping in on the Coffee Bill.

As a Committee, we were getting worried. I also sit in the Committee on Information, Communication and Technology. Two years ago, the same thing happened when the Committee was in the process of dealing with the Data Protection Bill. After receiving input from the Ministry, it went behind our backs and introduced a similar Bill through the National Assembly and there was total confusion around the Bill.

I thank you for that direction. We will now fast-track the Senate Bill. If the Ministry has any input that they feel has been left out on the Coffee Bill or they have concerns on the Bill as published by the Committee, they are at liberty to bring their input into the Bill that has been sponsored by the Committee.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity. Allow me to thank you for your Communication that has come quite handy. We are speaking about Bills being taken by other organisations.

I report on the Floor of this House that I have gone through a tormenting moment this week and last week because of this issue. For the same reason, there is the Kenya Sign Language Bill that came to the Senate. However, because of concurrent issues, it was republished and is awaiting to go through the various stages.

As I speak, there are organisations that purport to have come up with a Kenya Sign Language Bill, among them, is the National Gender and Equality Commission (NGEC), the Kenya National Association for the Deaf (KNAD), the National Council of Persons with Disabilities and the United Disabled Persons of Kenya (UPDK).

If you remember well, the sponsors of this Bill is Sen. (Prof.) Kamar and I. We brought it on the Floor of the House. It was moved and thereafter, it was ably seconded by Sen. (Prof.) Kamar and got support of fellow Senators. However, as I speak, it was validated last week by the organisations that purport to come up with it. They are now in Kisumu purporting to validate the same.

It is a good move to come out and clearly tell the Senators that you protect the work of our Committees and that of Members. I remember that there was a lot of input on this particular Bill. There was support from the legal counsels and researchers of the Senate. It has not been published and organisations are saying that they are the sponsors of the Bill.

Thank you, Mr. Speaker, Sir, for the intervention. We need your protection and that of the Speaker of the National Assembly so that when a Bill has been accepted here and it goes to the National Assembly, you talk to your fellow Speaker, so that you can protect Members.

The Speaker (Hon. Lusaka): Next Order.

(Sen. Kasanga and Sen. Poghio stood in their places)

Take your seats Sen. Kasanga and Senate Majority Leader or you will stand for a long time.

MESSAGES FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.7 OF 2021)

The Speaker (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No. 42(3) and (4), I have received the following Message

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from the Speaker of the National Assembly regarding the passage by the Assembly of the Division of Revenue Bill (National Assembly Bill No.7 of 2021).

Pursuant to the provisions of Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

Whereas the Division of Revenue Bill (National Assembly Bill No.7 of 2021) was published vide Kenya Gazette Supplement No.22 of March 8th, 2021 as a Bill proposing to provide for equitable division of revenue raised nationally between the national and county governments as required by Article 218 of the Constitution in order to facilitate the proper functioning of national and county governments and to ensure continuity of county services;

Whereas the National Assembly considered the Bill in all stages and passed it on Tuesday 23rd March, 2021, without amendments in the form attached hereto;

Now therefore, with accordance of the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.157 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I now direct that the Bill be read a First Time today, 30th March, 2021.

PASSAGE OF THE HEALTH (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.64 OF 2019)

The Speaker (Hon. Lusaka): Vide a Message dated Thursday, 18th March, 2021, I received a Message from the National Assembly, pursuant to Standing Order Nos. 41(1) and 142 of the National Assembly Standing Orders, on the passage of the Health (Amendment) Bill (National Assembly Bill No. 64 of 2019)

Hon. Senators, you will recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No. 284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

The Health (Amendment) Bill (National Assembly Bill No. 64 of 2019) was one such Bill, for which the concurrence process pursuant to Article 110(3) of the Constitution could not be demonstrated by the time the High Court gave its judgment.

As such, the Bill ought to be aligned to Article 110(3) of the Constitution, following which the Bill will be read a First Time in the Senate.

In view of the foregoing, the Health (Amendment) Bill (National Assembly Bill No. 64 of 2019) as received from the National Assembly vide the Message dated Thursday, 18th March, 2021, will not be proceeded with in the Senate.

I thank you.

PASSAGE OF VARIOUS BILLS BY THE NATIONAL ASSEMBLY

The Speaker (Hon. Lusaka): Pursuant to Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I received Messages from the National Assembly on the passage of the following Bills –

(i) Message from the Speaker of the National Assembly dated Thursday, 8th October, 2020 regarding the passage by the National Assembly of the National Youth Council (Amendment) Bill (National Assembly Bills No.8 of 2019);

(ii) Message from the Speaker of the National Assembly dated Thursday, 8th October, 2020 regarding the passage by the National Assembly of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No.17 of 2019); and

(iii) Message from the Speaker of the National Assembly dated Thursday, 5th November, 2020 regarding the passage by the National Assembly of the Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019).

Hon. Senators, you will recall that following the High Court ruling on 29th October, 2020, on Constitutional Petition No. 284 of 2019, implementation of the judgment by the Senate commenced. Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

The National Youth Council (Amendment) Bill (National Assembly Bills No. 8 of 2019), the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 17 of 2019) and the Cancer Prevention and Control (Amendment) Bill (National Assembly Bill No. 65 of 2019) were among the Bills for which the concurrence process pursuant to Article 110(3) of the Constitution could not be demonstrated by the time the High Court gave its judgment.

As such, the Bills ought to be aligned to Article 110(3) of the Constitution, following which the Bills will be read a First Time in the Senate.

In view of the foregoing, the said three Bills, as received from the National Assembly will not be proceeded with in the Senate.

Sen. (Dr.) Ali: Mr. Speaker, Sir, we were handling the Cancer Prevention and Control (Amendment) Bill and we have finalised. We have sent the Bill to them, but I support your Communication.

The Speaker (Hon. Lusaka): Next order.

PETITIONS

GOVERNANCE MALPRACTICES IN THE WAJIR COUNTY GOVERNMENT

Sen. (Dr.) Ali: Mr. Speaker, Sir, I hereby present to the Senate a Petition by Mr. Osman Idris Mohamed concerning administrative malpractices in the County Government of Wajir.

The salient issues raised in the Petition are:

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(1) The Governor has been acting in complete disregard of the gender equality, especially in regards to recruitment of senior officials in the county. There are only six female chief officers against 23 male chief officers in the county.

(2) That the Governor has violated Chapter ix of the Constitution on the Leadership and integrity by promoting unfair practices, including unlawfully making payment to the National Security and Investigative office with the intention of compromising them. Promoting conflict of interest by awarding contracts to companies that belong to his immediate family members. Also, favouring the said companies in terms of payments for award of contracts.

(3) That the Governor has been acting in disregard of the Public Finance Management Act, 2012. The Act requires County Treasuries to consolidate all cash plans from different departments which form the basis of the requisition for Exchequer releases which the county treasuries prepare Form 'A' to request for the release of funds from the Office of the Controller of Budget. This process has not been adhered to in Wajir County and has resulted in loss of public funds in the county.

(4) That the Governor has been acting in disregard of Section 53 of the Public Procurement and Asset Disposals Act, 2015 which states that, 'no procuring entity may structure procurement as two or more procurement for the purposes of avoiding the use of a procurement procedure except when prescribed. This has resulted in procurement irregularities in Wajir County and dispute payments for the same works.

(5) The Governor has violated the human resource policies in procedures with the values and the principles of the public service under Article 232 of the Constitution. The Governor has deliberately gone against the Public Service Board interviews outcome in the nomination of chief officers by nominating candidates who fail to attend interviews, ignoring performance merit and gender equity as well as unfair selection process. This has resulted in unfair employment practises in the county.

(6) The petitioners have made efforts to have these matters addressed by the relevant authorities, all of which has failed to give a satisfactory response. The petitioners therefore, prays that the Senate investigates this matter with a view to ensure the Governor is held accountable and that sanity is restored in Wajir County.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.231 I shall now allow comments, observations and clarifications in relation to the Petition for not more than 30 minutes. Sen. Farhiya, you have the Floor.

Sen. Farhiya: Thank you, Mr. Speaker, Sir, from what my Senator has submitted, there are a lot of serious issues and allegations. I request that you refer this Petition to the Committee on Finance and Budget so that we do justice to it. This is because from the discussion that the Senator had submitted, it sounds like there is financial malpractices.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. This is a worrying trend if you follow what the Senator for Wajir County has raised with regards to on goings in his county. In accordance with Article 96, as a House, our primary duty and responsibility is to be defenders of devolution and to ensure that it is entrenched as a culture and our governance practice in our country.

This House finds itself right in the middle of the path where we can either aid the wounding up counties through such practices, or put a stop by standing firm urging the

relevant Committee which we shall task to handle this matter guides this House on how we are going to prosecute the issues that have been raised.

Mr. Speaker, Sir, we understand it is not all county assemblies that have the capacity to put governors on check. All of us live in this country. We know what is happening in various county assemblies why it is impossible for certain county assemblies to get their governors come, be put to task and explain how they are using the resources that we fight so hard with our colleagues from the National Assembly to ensure that they are devolved to the various counties.

Mr. Speaker, Sir, if you find the Senator for Wajir County taking the trouble to follow this particular path then it tells you there is a problem. I do hope that our colleagues, I do not know which Committee you will prescribe this particular Petition to be handled in, but our hope is that our colleagues do justice to the residents of Wajir County. They should ensure that these issues that have been raised are proved, confirmed or dismissed with facts or otherwise.

Mr. Speaker, Sir, we, as a House, would have failed in our primary responsibility and we will not have a *raison d'être*, if I may put it that way. I know that later on today and not to anticipate debate, but we shall be discussing about membership of the Committee on County Public Accounts and Investments.

If you do recall, you know my position on that particular issue. I have always felt that the way we have handled audit reports of various counties by way of a Committee does not work for me. I would wish that we had a Committee of the Whole where you cluster Senators into four or five groups.

Mr. Speaker, Sir, as a Senate Committee where you are ten of you, each one presents the audit report of your specific county so that your governor appears before you. It is not just the invitation that we normally get from a clerk of a Committee. You are told your governor will be appearing before CPAIC tomorrow, please come and listen in. Sometimes even when you go there because you are a stranger, you are not so accustomed to how that Committee is ran; you are not even allowed to ask the relevant questions.

This trend that is being set by our colleagues from Wajir County is one that will help us achieve more on oversight. I will be keen to follow up and ensure that I urge my colleague Sen. (Dr.) Ali to ensure that when this matter is being prosecuted before that Committee that he takes a keen interest.

Mr. Speaker, Sir, this is so that eventually when we get a report back to this House, it makes a decision whether or not that actually the best route to prosecute audit reports and emerging issues of governance that are arising in our counties. Otherwise, we shall only be a House of lamentation.

I know each of us. We had a discussion the other day about how our various counties spent the COVID-19 mitigation funds. In each county, you know very well the things that have happened. If you were to wait for audit reports, perhaps they will come to this House in 2023. By that time, how relevant and useful will they be? Most of the governors who will have pilfered those resources will not even be in office to answer to those charges.

Mr. Speaker, Sir, I agree to this route that is being taken by our colleague. I urge that instead of the mandatory 60 days, if you can urge them to conclude, perhaps even in the next two to three weeks and report back to this House, that will be a great justice to the people of Wajir County.

The Speaker (Hon. Lusaka): Sen. Kwamboka, proceed.

Sen. Kwamboka: Mr. Speaker, Sir, thank you. Let me comment on this issue of Wajir County. It is very sad that we are hearing that there are frustrations from the residents of Wajir County concerning the mismanagement of funds. It is very sad. Right now, we know what is happening in this country. We have COVID-19 at hand. The county is not realizing on how to manage the funds and use them in appropriate manner.

When it comes to the gender parity, we have been told there are only six females and we have 23 males as the chief officers. It is so wrong and very bad that they do not observe the two third-gender rule. It is so sad that they are spending that money and using it on security instead of paying the contractors. The contractors are people who are using their funds. They have taken loans from the banks and they need to pay. Those frustrations should not be allowed in such counties. It is so sad. The Committee which will be given this mandate should do justice to the residents of Wajir County.

The Speaker (Hon. Lusaka): We have a congested Order Paper; I will leave it at that.

Hon. Senators, pursuant to Standing Order No.232 (1) the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Devolution and Intergovernmental Relations.

*(The Petition was committed to the Standing Committee
on Devolution and Intergovernmental Relations)*

In terms of Standing Order No. 232, the committee is required in not more than 60 calendar days from the time of reading the prayer to respond to the Petitioner by a way of report addressed to the Petitioner and laid on the Table of the Senate.

I thank you.

There is another Petition.

EVICITION FROM AND DEMOLITION OF THE BUXTON ESTATE IN MOMBASA COUNTY

The Speaker (Hon. Lusaka): I hereby report to the Senate that a Petition has been submitted through the Clerk Mr. Justus Chai Mbaru and Others who are citizens of the Republic of Kenya and residents of Buxton Estate in Mvita Constituency, Mombasa County. As you are aware, under Article 119 (1) of the Constitution and I quote-

“Every person has a right to petition Parliament to consider the matter within its authority including enacting, amending or repealing any legislation.”

Hon. Senators, the salient issue raised in the Petition are-

(i) That the Petitioners were residents of Buxton Estate in Mvita Constituency in Mombasa County until 5th March, 2021 when they were forcefully evicted by the Mombasa County Government inspectorate personnel;

(ii) That sometime in 2016, the Mombasa County Government under Vision 2035 ought to re-develop all housing estates in the county and replace them with modern buildings. Buxton Estate was one of the estates earmarked for re-development under Vision 2035 strategy document. The residents went to court to challenge the project on grounds that there was no public participation before approval of the project and resettlement plan;

(iii) That the land and environment court in Mombasa County ordered the developer to provide a detailed resettlement plan but this did not happen nor did the project take off following the court order;

(iv) That sometime in 2020, a new developer was awarded the tender for the project. The contract between the county government and the new developer has been shrouded in mystery and residents' efforts to seek information on the new contract from the county government have been fruitless. However, the new developer engaged the residents but the issues raised by the residents have never been addressed. The residents went to court to halt further action on the project until their issues were addressed.

(v) That on 4th March, 2021, the land and environment court dismissed the application for injunction by the residents and on 5th March, 2021, the county inspectorate department commenced the demolition of housing structures within the estate with many residents yet to sign the resettlement agreement and or receive their compensation cheques.

(vi) That there was no notice for eviction and demolition of structures within the estate issued by the Mombasa County Government. This action amounts to violation of human rights and dignity of the residents;

(vii) That the residents have previously sought the intervention of the Mombasa County Assembly and courts in a bid to stop the demolition but there had been no response from the county assembly and courts dismissed their application for injunction. Since there is no any pending matter before any court of law or other constitutional or legal bodies.

Honorable Senators, the Petitioners therefore, pray that the Senate intervenes with a view to addressing their plight assisting in halting the demolition and eviction exercise, assist in ensuring adequate compensation and having their concerns raised on the project addressed.

Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations and clarification in relation on the Petition for not more than 30 minutes,

Sen. Olekina, proceed.

Sen. Olekina: Mr. Speaker, Sir, I thank you. I rise to support the petitioners and largely so maybe seek that the Committee that will be dealing with this matter try to look at the whole concept of compulsory land acquisition and the issue of public participation.

I know this House has been dealing with the issue of passing the legislation on public participation. I know there was a piece of legislation which was sponsored by the distinguished Senator for Busia County, the former Attorney General, Sen. Wako.

That legislation has never really become a piece of law. I think it is about time that we really defined this issue of public participation.

Mr. Speaker, Sir, the issue of public participation, coupled together with the issue of compulsory acquisition, is affecting many people. When you look at the energy sector, there is so much that this country is losing in terms of the conflict between the citizens and agencies of the Government. When you have a Petition that has been submitted by a Justice of a High Court of Kenya, they find themselves between a rock and a hard place.

I would, therefore, like to beseech the Committee that you will task that Petition to, to come in with the view of having a solution to the issue of expediting public participation legislation, and more so, the issue of bringing dialogue to the table. When a county demolishes property, where do they expect the people to go? We have to do things in this country with the view of having solutions.

Mr. Speaker, Sir, Kenya the Electricity Transmission Company Ltd. (KETRACO) is having serious problems because farmers are not allowing them to go through their land. People stand there and say, "No, you cannot do this." That is just one institution. The people say that there is no public participation and no compensation. Now we are talking about a Government entity. These citizens are going to the assembly to seek redress there and they are not able to get anything. Their plight is not heard.

Mr. Speaker, Sir, this Senate must come up and resolve this matter. I hope that this is not just going to be the regular things that we do here. We hear the matter for 60 days then give the petitioner a response. I think that the most important thing is, what are we going to do to solve this problem? We must take the issue of Petitions seriously.

It should not just be written in the law that every Kenyan has the right to come in. However, when they petition this Senate, we deal with the matter in a very casual way. Yet we know that when they came here, they came here because they believed that the buck stops here.

Mr. Speaker, Sir, I support that Petition of the residents of Mombasa, and I hope that even the County Government of Mombasa will sit down. I call upon my friend, Governor Joho, to sit down with the assembly and look at the people who say that there is no public participation.

Involve them, compensate them and let people live. These are very hard times. We are going through a pandemic, we are leaving people out there homeless, and we say that we are leaders. We are not.

Mr. Speaker, Sir, I support this Petition. I hope that things will be done differently than we are used to doing them.

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me an opportunity to comment on this very important Petition. The action by the Mombasa County Government was very merciless for the residents of Mombasa. The county government needs to give service to the *wananchi* out there.

If there is any issue on eviction, it ought to be acceptable by the community. If there is any development that was going to take place to elevate the standards of the people of Mombasa, the county government needed to give a hearing for the people of Mombasa to accept it. If there was any kind of compensation that they were to get, the

compensation needs to be market value oriented. Sometimes *wananchi* are given compensation that cannot even take them anywhere. This is what happened in Kibra at one point. The residents were given a compensation of Kshs10,000.

(Loud consultations)

The Speaker (Hon. Lusaka): Hon. Senators, let us consult in low tones.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, it is time that the Senate stood up for the people of this country to ensure that the vulnerable are given a hearing. They should not just be evicted from their land like that. There is need to ensure that the essence of devolution is actually working in the counties. There is need for the county government to come before the Senate and answer why they did this, and what measures they put in place to ensure that even when they are developing Mombasa, the residents are not affected adversely.

There are families and there is a psychological impact. There are also the mental issues that Sen. Kasanga has always talked about in this House. You can imagine that all those families are mentally affected. We must stand as a Senate and see how to support the residents of Mombasa.

Mr. Speaker, Sir, thank you for the opportunity.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. From the onset, I support this Petition by Mombasa residents. I have been following this issue keenly. I remember that we visited Mombasa some time back. In 2016, the courts ordered that the County Government of Mombasa complies with the United Nations (UN) on displacement of people.

Unfortunately, there was no public participation. It is a surprising that the developer who was given the contract after re-tendering of the process did public participation, but not the County Government of Mombasa. So, it is very sad that there was no public participation that was done.

Secondly, even after re-tendering, there was non-responsiveness to that bid, because only one bidder applied.

Thirdly, you have to know that the agreement between the County Government of Mombasa and the bidder who won that tender of developing that house project was a secret. This is a violation of Article 35 on the right to access to information that has been provided by courts of law.

Mr. Speaker, Sir, additionally, when the people of Buxton area where being relocated, they did not see the fine print when they were signing the cheques. They were just told to sign, yet they did not get the fine print of the resettlement. We saw the building of the National Housing Corporation in Kibra and Pumwani. The process was done so seamlessly. What is so different about doing the same in Mombasa County? I urge the County Government of Mombasa, even as the Committee handles this, to look at this issue properly. If we allow the Mombasa issue to continue without control, it means that many counties will emulate that process.

Mr. Speaker, Sir, you saw that more than 1,000 families in Njiru were evicted on Saturday. People could go mad because there were millions of shillings worth in the

houses. You will remember that more than 800 people were displaced during the curfew and pandemic in July 2020.

Mr. Speaker, if we do not pronounce ourselves as a Senate and handle these issues within the law and ensure that the agencies such as the national and county governments must be reprimanded from doing--- We have eviction and settlement laws that are in place. Why are they allowed to be domicile or nonfunctional? Going forward, I will urge that the Buxton Housing Petition should be taken seriously. We know the person who won the tender very well. He should stop until the process and other issues of human rights have been settled.

Finally, I request the Committee on Justice, Legal Affairs and Human Rights, and the Committee on Finance and Budget should be there because there were human rights violations. People were denied access to this information. This document of agreement between the bidder, the County Government of Mombasa, and the person who won the tender has always been a secret. This contravenes the Constitution.

Mr. Speaker, Sir, this issue must be handled properly so that Kenyans do not continue to suffer. Sen. Kasanga has always insisted that we have mental illness. I saw people in Njiru crying and wailing because of the many millions they lost. You can imagine the depression and mental issues that affect the more than 1,000 families that were affected in Njiru.

I thank you.

The Speaker (Hon. Lusaka): Sen. Wetangula.

Sen. Wetangula: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Petition by Mr. Justus on the Buxton Estate redevelopment.

The issue of regeneration and redevelopment of old estates is a very good one. The problem is the mystery around this redevelopment and the eventual disenfranchising of people and families that have lived in these estates and houses for years. That is worrying.

I am quite sure that if my good friend, Governor Joho, was going to seek another mandate from the people of Mombasa, he would have handled this matter differently. However, now that he is on his way out, he has been a bit lax in dealing with this matter.

I want to urge the Committee that you are going to assign this Petition, probably the Committee on Lands, Environment and Natural Resources chaired by my good friend Sen. Mwangi, not to sit in boardrooms in Nairobi and invite witnesses. They should move to the site and go to Buxton in Mombasa and meet the complaining Kenyans who have lived in this estate for years. They should find out why public participation was not done and the agenda behind the redevelopment that looks like it is going to dispossess the original owners of these houses from continuing enjoyment of the houses.

In this country, we have such callous developers. Even when we talked of slum upgrading in Kibera in Nairobi City County the eventual beneficiaries were not the slum dwellers; it was the rich people who got houses and started renting them out. We have this upgrading going on all over the country.

I encourage the Ministry responsible for housing to borrow a leaf from Indonesia and Malaysia. These are countries that have done slum upgrading, redeveloped their poor neighbourhoods and benefited each and everybody.

In this country, you will find that the people of Buxton, after redevelopment, will then be pushed off to go and become squatters in Kiembeni near the dumpsites and have serious health compromises.

Mr. Speaker, Sir, this is a good Petition. Sen. Mwangi and your Committee if you are the ones to be assigned this, Mombasa is not closed down. We expect you to be in Buxton Estate in the next one week to make sure Kenyans get justice, fairness and do not continue getting a raw deal from uncaring leaders.

Thank you, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I rise to support this Petition. Similarly, just like in the case of the demolitions in Kisumu, the greatest violation of Kenyans rights is the unlawful eviction during a pandemic without notice. In the case of Buxton, this was obviously done in connivance with the County Government of Mombasa for reasons that can only be for private profit, or other things.

Sen. Wetangula is right that if the Governor was seeking a second term, he would not have allowed these things to happen. However, since he is leaving, he can allow these things to happen.

That part of the Constitution that allowed the county governments to hold land in trust for the people of their counties is being violated. There was reason, which was that it was thought the county governments would protect the interests of the people whose land it is holding in trust, but they do not do it.

Some of the developments we see in Nairobi and those who witnessed the development that was next to the house of the late Sen. Haji, should be warned that these sort of developments are a danger to cities and ordinary Kenyans. In this case, we can see that there is a portion where even the Judiciary appears to be leaning towards these “*tenderpreneurs*.” These people are obviously very rich and want to do developments which are not going to benefit the people who it should.

The developments that were proposed in Mbotela and other places in Nairobi City County were not done because it was proposed they would take over the land and do high-rise buildings. It did not happen because at the time they wanted to do those developments, of course, the people of Nairobi and the people of those areas went to court and stopped those developments.

I hope Sen. Mwangi, you will not be overwhelmed because you are overwhelmed, but do not be. The people in Mombasa are poor and are about to be thrown out. God will bless you when you bless the hands of the people of Mombasa who are poor and do not have anything. The flats that will be eventually constructed will not be affordable to the people who live there. The same thing happened in Kibera. Those properties ended up in the hands of rich landlords. The people in Kenya who cannot make noise, cannot afford to hire lawyers and get good legal representation, cannot then afford those houses.

Mr. Speaker, Sir, while the Committee is investigating this thing we must revisit the question of legal aid and the public getting good legal representation where they cannot afford good lawyers. We must investigate why a court cannot find it warranted to issue an injunction. The court is issuing injunction over everything, including that the President should not assent to the Building Bridges Initiative (BBI), but it cannot issue an

injunction to stop ordinary Kenyans from being evicted. It is a contradiction in terms. I hope we can get to the bottom of it and save these people from being harassed.

Senator Faki of Mombasa had requested - and I wanted to mention this - that he be part and parcel of these proceedings today. However, the proceeding today is not hybrid. Therefore, from Mombasa he can only watch us yet he wanted to participate. The Secretariat must check this because the voice of Sen. Faki should have been heard in this Petition.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. I stand in solidarity with the petitioner. When such a matter has to come to Parliament, it means there is callousness, unkindness and selfishness on the part of those who are doing it and the institutions responsible.

I once had the privilege of being Minister for Energy and people had squatted under power lines. We had got money as a nation to upgrade those power lines and I attempted to have those people evicted. The donors, including the World Bank who had offered that money stopped and told me that we were not behaving like Government.

Government must always answer the issue as to where the evictees will go. You cannot just evict people who are Kenyans, expect them to disappear and expect them to hibernate. They are Kenyans and when they are squatters, they are your squatters and as a Government, you must provide resources and monies to shelter them and make sure they do not suffer. Otherwise, you become a gangster Government.

It is important as representatives of counties and their people to get the national and county governments to tell us where these people will go. They cannot leave Kenya and become refugees in another place. They cannot invade other parcels that are rightly owned by those who own those parcels. It is upon the Government to do developments and to take sufficient steps to resettle the people who are affected by these developments.

Until we address the question of where these people are being taken and the quality of life they will lead under Article 43 of the Constitutions as read together with Article 40, I think we are a bandit government, a bandit nation, and we are very unkind to people we should be responsible for.

I support this Petition and ask the Committee to treat this matter as very urgent. We have COVID-19 now. If you take that and add anxiety and lack of shelter, you are actually ruining the lives of people and their dependents.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, we have to make progress. Pursuant to Standing Order No. 232(1) the Petition is hereby committed to the Standing Committee on Roads and Transportation. In terms of Standing Order 232, the Committee is required in not more than 60 calendar days from the time of reading the prayer to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

I thank you.

For the convenience of the House, I want to rearrange the Order Paper so that we go to Orders No.8, 9, 10, 11 up to 12 and then come back to Statements under Order No. 7.

Next Order.

BILLS

First Reading

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO. 7 OF 2021)

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

The Speaker (Hon. Lusaka): Next order.

First Reading

THE INVESTMENT PROMOTION (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2021)

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

COMMUNICATION FROM THE CHAIR

CALL TO ADJOURN ORDINARY SITTINGS OF PARLIAMENT
TO CONTAIN THE SPREAD OF THE COVID-19 GLOBAL PANDEMIC

The Speaker (Hon. Lusaka): Before we go to the next Order, I have a Communication on the call to adjourn the ordinary sittings of the Houses of Parliament to facilitate containment of the spread of the COVID-19 global pandemic.

Hon. Senators, on Friday, 26th March, 2021, an extraordinary meeting of the three Arms of Government was convened at State House, Nairobi to receive reports on the status of the COVID-19 pandemic situation in the country from the National Emergency Response Committee on COVID-19.

At the meeting, Parliament was one of the institutions identified that had recorded a high infection rate as per the data availed during the meeting. As a mitigation measure, Parliament, both National Assembly and the Senate, were urged to suspend their sittings until such a time that the rate of infection is brought under control.

A number of other measures to contain the spread of the pandemic were deliberated upon and a resolution made on the way forward.

Hon. Senators, let me reiterate that from the figures given at the meeting, we are facing a grave situation that should be taken very seriously by everyone. For instance, as at yesterday, Monday, 29th March, 2021, the positivity rate hit a shocking 26.6 per cent.

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What this means is that for every 100 people tested, over a quarter or more than 26 were found to be infected by the virus.

The Cabinet Secretary for Health has raised the alarm that the health care system is at risk of being overwhelmed by the pandemic leading to lack of basic supplies such as oxygen. Enough has been said about the dire situation of Intensive Care Unit (ICU) beds.

The decision to put sittings on hold is not unique or isolated to our country. Since the virus was declared a pandemic in March 2020, Parliaments in all regions of the globe have been affected and their sittings disrupted in one way or the other. For instance, as recent as February 2021, the Parliament of Ghana was suspended for weeks after several Members and staff tested positive for the virus.

Subsequent to the meeting, His Excellency the President of the Republic of Kenya, Uhuru Muigai Kenyatta, CGH, made a national address on the COVID-19 pandemic situation in Kenya. Among other measures instituted to contain the spread of the pandemic, the President, following consultation with the leadership of Parliament and upon the advice of the National Security Council and the National Emergency Response Committee on COVID-19, called upon the National Assembly and the Senate to effect the above decision to suspend respective Ordinary Sittings in accordance with the respective House's Standing Orders.

Hon. Senators, for the avoidance of doubt, Standing Order No. 28 (1) of the Senate states that:

“Except for the Session commencing immediately after a general election, regular Sessions of the Senate shall commence on the second Tuesday of February and terminate on the first Thursday of December.”

Standing Order No. 29 (1) provides for the determination of the Senate Calendar by the Senate. Additionally, Standing Order No. 29 (4) provides a mechanism for the Senate to alter its Calendar or the adjournment date by way of a Resolution.

Consequently, in the Supplementary Order Paper for today, at Order No.10, the Senate Majority Leader will move a Motion whose effect will be to further alter the Senate Calendar for the Fifth Session, so as to adjourn today, Tuesday, 30th March, 2021 until Tuesday, 11th May, 2021, as one of the mitigating measures to minimize human contact and exposure and to contain the spread of the pandemic.

Hon. Senators, in line with the measures instituted by His Excellency the President for the containment of the spread of the pandemic, I direct that all meetings of Select Committees of the Senate will only take place virtually pursuant to Standing Order No.252A of the Senate. All physical meetings, including field and county visits, are hereby suspended until further notice.

There will be NO exception to this directive and any requests to hold in-person meetings will NOT be approved by the Speaker. I urge all Committees to fast track any business using the mechanism provided under Standing Order 252A, particularly Bills and Petitions.

I thank you.

Sen. Wetangula: Mr. Speaker, Sir, I notice the foreclosure in your Statement that the 'NO' is in capital letters.

We all want to participate in the measures to control the spread of this virus. However, we need to be brought to speed and knowledge on the steps being taken. A close down and a suspension of sittings is not in itself a measure that is good enough to control.

Mr. Speaker, Sir, I did not know that Parliament was involved in arriving at the decision. I am happy to learn that you were because many of us were very surprised that there was a direction from the Executive on how Parliament should operate. If you were involved, that allays our fears of possible emasculation of the Houses of Parliament.

I cannot see the Chairperson of the Standing Committee on Health here, but I believe that this and whatever we say here through the Senate Majority Leader can reach the Executive. We have closed down five counties. What else are we doing apart from closing down?

One would have expected then that the Government would carry out massive compulsory testing and vaccinations of residents of these counties as a positive measure in controlling the spread of this virus.

When we close down Nairobi, Nakuru, Kiambu, Machakos and Kajiado, we literally have locked in about 10 million Kenyans if not slightly more. What next after that? We were given a clarification that within these five counties, you can move from Machakos to Kiambu through Nairobi or wherever without any hindrance.

Mr. Speaker, Sir, it means we have zoned off an area then created a situation for rapid spread. If these are the areas that are most affected and we are not quarantining people to stay where they are, I will move from where I live in Karen to Sen. (Dr.) Mwaura's Ruiru and spread the virus if I have it and *vice versa*. This is not helpful.

I want to urge you, as the titular Head of this House to reach out to the Executive and find out whether there are measures to mass test everybody, to vaccinate everybody and, more important, eateries have been closed and the presumption is that people will eat from their homes. However, there are people whose livelihoods are dependent on running these small businesses called eateries.

There was a fund to support COVID-19 victims in terms of economic terms.

I heard a Bishop who was addressing the President and the nation yesterday saying that a woman called Mwihaki told him that she was running a small eatery that is now closed. Her husband who was living on her has run away. She has a child. She has no job. She cannot live. There are so many Mwihaki's in these five counties. How are they going to survive? The young single mothers who serve in restaurants, bars, and hotels, how are they going to feed their families?

Landlords in this country are very ruthless. No landlord will listen to any tenant; that because of the close down, you will not pay your rent. They will evict them. There are even crude landlords who will go and remove doors from the houses and put padlocks that nobody can open.

We must have measures put in place. I want to urge the President, just as his measures may be well founded, and in good faith, a lot more must be done. My friend, the Senate Majority Leader, who represents the Executive in this House must tell us in very clear terms, what else we are doing apart from closure, so that we can help Kenyans.

Thank you.

The Speaker (Hon. Lusaka): Hon. Senators, since there is a substantive Motion on the same, you will have an opportunity to comment on the same. That is a neater way to go other than going back.

(Loud consultations)

Order, Sen. Cheruiyot.

I seek your indulgence. We have a substantive Motion. You are going to be given an opportunity to contribute. Therefore, before I call the Senate Majority Leader to move the Motion, let us go to Order Nos. 5 and 6.

PAPERS LAID

THE FIRST PROGRESS REPORT ON THE COVID-19 PANDEMIC SITUATION IN KENYA

Sen. Outa: Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, Tuesday, 30th March, 2021-

The First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya.

In the report, the Committee canvassed a broad range of issues relating to the COVID-19 pandemic situation---

The Speaker (Hon. Lusaka): Chair, just table. You do not have to say more.

(Sen. Outa laid the document on the Table)

REPORT ON THE DEATH OF THE LATE PROF. KEN WALIBORA

The Report of the Standing Committee on Health on the death of the late Prof. Ken Walibora due to alleged negligence at the Kenyatta National Hospital (KNH).

I thank you.

(Sen. Outa laid the document on the Table)

Sen. Shiyonga: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Tuesday, 30th March, 2021-

REPORT ON BILLS AND REGULATIONS ADOPTED BY EALA

Report of Bills and Regulations adopted at the first meeting of the Fourth Session of the Fourth Assembly of the East African Community (EAC).

(Sen. Shiyonga laid the document on the Table)

The Speaker (Hon. Lusaka): Chair of the Committee on Health, kindly, proceed.

REPORT ON INQUIRY INTO ALLEGATIONS REGARDING
IRREGULARITIES IN THE PROCUREMENT OF VARIOUS
PHARMACEUTICAL EQUIPMENT AND PRODUCTS BY KEMSA

Sen. Olekina: Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Tuesday, 30th March, 2021-

Report of the Standing Committee on health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA).

(Sen. Olekina laid the document on the Table)

The Speaker (Hon. Lusaka): Sen. Olekina, you can give the Notice of Motion after that.

Next order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON THE DEATH OF THE
LATE PROF. KEN WALIBORA

Sen. Olekina: Mr. Speaker, Sir, I rise to give Notice of the following Motions-

THAT, the Senate adopts the Report of the Standing Committee on the alleged negligence of the late Prof. Ken Walibora prior to his death at the Kenyatta National Hospital (KNH), laid on the table of the Senate today, Tuesday, 30th March, 2021.

ADOPTION OF REPORT ON INQUIRY INTO ALLEGATIONS REGARDING
IRREGULARITIES IN THE PROCUREMENT OF VARIOUS
PHARMACEUTICAL EQUIPMENT AND PRODUCTS BY KEMSA

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate today, Tuesday, 30th March, 2021.

ADOPTION OF THE FIRST PROGRESS REPORT ON
THE COVID-19 PANDEMIC SITUATION IN KENYA

THAT, the Senate adopts the Report of the Standing Committee on Health on the First Progress Report on the COVID-19 pandemic situation laid on the Table of the Senate today, Tuesday, 30th March, 2021.

ALTERATION OF THE SENATE CALENDAR FOR
THE FIFTH SESSION

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to give Notice of the following Motions-

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (approval of the Senate Calendar) and on 24th March, 2021 (alteration of the Senate Calendar), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (Regular Sessions of the Senate) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; and that pursuant to Standing Order 31(3) (a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

I thank you.

APPROVAL OF SENATOR TO SERVE IN THE
SENATE BUSINESS COMMITTEE

THAT, pursuant to Standing Order Nos. 184(1) (d) and 189(3), the Senate approves the nomination of Sen. Justice (Rtd.) Stewart Madzayo, MP, to serve in the Senate Business Committee, to replace Sen. Cleophas Malalah, MP.

APPROVAL OF SENATORS TO SERVE IN SESSIONAL COMMITTEES

The Senate Majority Leader (Sen. Poghisio): Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, pursuant to Standing Order Nos. 189, 219, 220 and 221, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Sessional Committees of the Senate as follows-

A. COMMITTEE ON COUNTY PUBLIC
ACCOUNTS AND INVESTMENTS

1. Sen. (Eng.) Hargura Godana, MP
2. Sen. Njeru Ndwigwa, EGH, MP
3. Sen. Adan Dullo Fatuma, CBS, MP
4. Sen. Kimani Wamatangi, MP
5. Sen. (Dr.) Christopher Lang'at, MP
6. Sen. (Dr.) Ochillo Ayacko, EGH, MP
7. Sen. (Prof.) Imana Malachy Charles Ekal, MP
8. Sen. Johnes Mwaruma, MP

9. Sen. Mercy Chebeni, MP

B. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Anwar Loiptip, MP
2. Sen. Samuel Losuron Poghio, EGH, MP
3. Sen. Farhiya Haji Ali, MP
4. Sen. Mary Yiane Seneta, MP
5. Sen. Halake Abshiro, MP
6. Sen. Agnes Kavindu Muthama, MP
7. Sen. Judith Pareno, MP
8. Sen. Erick Okong'o Omogeni, SC, MP
9. Sen. Mwinyihaji Mohammed Faki, MP

I thank you.

The Speaker (Hon. Lusaka): Let us go to Order No.13.

MOTION

ADOPTION OF CPAIC REPORTS ON THE AUDIT OF
VARIOUS COUNTY EXECUTIVES FOR FY 2014/2015

THAT this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of the Bomet; Homa Bay; Isiolo; Kakamega; Kiambu; Laikipia; Kisumu; Mandera; Migori; Mombasa; Murang'a; Nandi; Nyeri; Samburu; Siaya; Tana River; Tharaka Nithi; Trans Nzoia; Turkana and Wajir County Executives for the Financial Year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Thursday, 18th February, 2021.

(Sen. (Prof.) Ongeru on 24.2.2021)

(Resumption of debate interruption on 3.3.2021)

The Speaker (Hon. Lusaka): I direct that the Bell be rung for three minutes.

(The Division Bell was rung)

Hon. Senators, take your seats.

(Hon. Senators took their seats)

Hon. Senators, I will now put the question. Let us have the Tellers and proceed with the voting.

(Voting in progress)

DIVISION

ROLL CALL VOTING

(Question, that the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the consideration of the Audit Reports of Bomet, Homa Bay, Isiolo, Kakamega, Kiambu, Kisumu, Laikipia, Mandera, Migori, Mombasa, Murang'a, Nandi, Nyeri, Samburu, Siaya, Tana River, Tharaka Nithi, Trans Nzoia, Turkana, Wajir County Executive for the Financial Year 2014/2015, 1st July 2014 to 30th June 2015, put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Chebeni, Uasin Gishu County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. (Dr.) Musuruve; Kakamega County; Sen. A. K. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Speaker (Hon. Lusaka): Hon. Senators, take your seats! These are the results of the vote;

AYES: 26

NOES: Nil

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 26 votes to nil)

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon Lusaka) left the Chair]

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IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Pareno)
in the Chair]*

THE MUNG BEANS BILL
(SENATE BILLS NO. 09 OF 2020)

(Resumption of Debate interrupted on 4.3.2021)

The Temporary Chairperson (Sen. Pareno): Hon. Senators, we are proceeding with the Committee of the Whole. We need tellers from both sides; a teller from the minority side and the majority side.

Sen. Cherargei, we are asking that you do not leave. Can we have Tellers? Sen. Kwamboka, we need a Teller from your side. Sen. Wamatangi, we need a Teller from your side.

I direct that the Division Bell be rung for two minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Pareno): Sen. Wamatangi and Sen. Mutula Kilonzo Jnr., kindly approach the Chair so that we confirm that we have the numbers.

*(Sen. Wamatangi and Sen. Mutula Kilonzo
approached the Chair)*

The Temporary Chairperson (Sen. Pareno): I direct that the Division Bell be rung for another two minutes.

(The Division Bell was rung)

The Temporary Chairperson (Sen. Pareno): The Whips, Sen. Mutula Kilonzo Jnr. and Sen. Wamatangi, are we okay?

(Loud consultations)

Order, Senators! Sen. Mutula Kilonzo Jnr., are we okay?

(Loud consultations)

Order, Senators! Order, Sen. (Dr.) Mwaura! I now order that the Bars be drawn and the Doors be closed.

*(The Doors were closed and the Bars drawn)
(Loud consultations)*

Order, Sen. Sakaja!

I now proceed to put the three questions then all the Senators are expected to vote for the three. The tellers are Sen. (Dr.) Milgo for the majority side and Sen. Kwamboka for the minority side.

Senators, you are expected to vote for three questions.

Please, call out the names.

(Voting in progress)

THE MUNG BEANS BILL
(SENATE BILLS NO. 09 OF 2020)

DIVISION

ROLL CALL VOTING

*(Question, that New Clause 9A, 9B and 9C be now read a Second Time,
put and the Senate proceeded vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. A.K. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghishio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. (Dr.) Milgo

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Chairperson (Sen. Pareno): Sen. (Eng.) Hargura, let us be patient we still have one more vote. The results of vote one are as follows-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to nil)

*(Question, that Clauses 4-7, 9- 13 & 21 be amended as proposed,
put and the Senate proceeded vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri; Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang’at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. A.K. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County

Teller of the Ayes: Sen. (Dr.) Milgo

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Temporary Chairperson (Sen. Pareno): The results of the second vote are as follows-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to nil)

(Question that Clause 3, Clause 4(as amended) Clause 5 (as amended) Clause 6 (as amended), Clause 7 (as amended) Clause 8, Clause 9(as amended) Clause 10 (as amended) Clause 11 (as amended) Clause 12 (as amended) Clause 13(as amended) Clause 14-20 and Clause 21(as amended), New Clauses 9 A, 9B and 9C, Clause 2, The Title and Clause 1 be part of the Bill, put and the Senate proceeded vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri; Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lang’at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Loiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. A.K. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. (Dr.)

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Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. (Dr.) Milgo

NOES: Nil

Teller of the Noes: Sen. Kwamboka

The Temporary Chairperson (Sen. Pareno): The results of the Division on question three are as follows-

AYES: 29

NOES: Nil

ABSENTIONS: Nil

(Question carried by 29 votes to nil)

Sen. Wambua: Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Mung Beans Bill (Senate Bills No. 09 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]

REPORT AND CONSIDERATION OF REPORT

THE MUNG BEANS BILL (SENATE BILLS NO. 09 OF 2020)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is time to report progress. Proceed, Chairperson.

Sen. Pareno: Madam Deputy Speaker, I beg to report that the Committee of the Whole has considered the Mung Beans Bill (Senate Bill No.09 of 2020) and its approval thereof with amendments.

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed, Mover.

Sen. Wambua: Madam Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

(Applause)

The Deputy Speaker (Sen. (Prof.) Kamar): We are now going to go to division for the Third Reading.

Sen. Wambua: Madam Deputy Speaker, I beg to move that the Mung Beans Bill (Senate Bill No.09 of 2020) be now read a Third Time and request Sen. Farhiya to second.

Sen. Farhiya Seconded.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kamar): We are going to have a roll call division.

Sen. Kang'ata.

Sen. Wamatangi, who are you proposing?

I thought you were proposing Sen. Kang'ata.

Sen. Wamatangi: Madam Deputy Speaker, the Majority Whip of the House is Sen. Wamatangi.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kamar): I thought you were proposing Sen. Kang'ata. So, I was wondering where he was because I did not see him.

Sen. Wamatangi: Madam Deputy Speaker, I am proposing that Sen. Farhiya will be our teller.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Farhiya and Sen. Kwamboka are the tellers.

Ring the Division Bell for one minute, then we draw the bars.

(The Division Bell was rung)

Hon. Senators, I now order that the Bar be draw and we start voting.

(The Bars were drawn and Doors closed)

(Roll Call voting in progress)

THIRD READING

THE MUNG BEANS BILL
(SENATE BILLS NO. 09 OF 2020)

DIVISION

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ROLL CALL VOTING

(Question, that the Mung Beans Bill (Senate Bills No. 9 of 2020) be now read a Third Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Loitiptip, Lamu County; Sen. Madzayo, Kilifi County; Sen. Malalah, Kakamega County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. A.K. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County.

Teller of the Ayes: Sen. Farhiya

NOES: Nil.

Teller of the Noes: Sen. Kwamboka

The Deputy Speaker (Sen. (Prof. Kamar): Hon. Senators, the results of the voting are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

(Question carried by 30 votes to nil)

(The Bill was accordingly read the Third Time and passed)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senators. There is an intervention from the Mover of the Bill, Sen. Wambua.

Sen. Wambua: Madam Deputy Speaker, on my behalf and on behalf of the people of Kitui County, I want to really and sincerely thank the 30 delegations that have voted to pass this Bill.

Madam Deputy Speaker, I am very sure that if the other 17 delegations had been accorded an opportunity to vote virtually, they too would have voted 'yes' as the Senator for Tharaka Nithi, Sen. Kindiki did.

Madam Deputy Speaker, having passed this Bill in the Senate, I want to make a very passionate appeal to the National Assembly; that, when this Bill goes to the Floor of the National Assembly for concurrence, they will fast-track the passing of this Bill, since this Bill had concurred with all the requirements for compliance between the two Houses of Parliament.

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Madam Deputy Speaker, I hope that this Bill will not queue unnecessarily in the National Assembly and that it will be enacted into law to help the millions of farmers across this country.

Madam Deputy Speaker, I want to make it very clear that this Bill seeks to empower *ndengu* farmers, not just in Kitui, or Makueni, or Machakos any more than it seeks to empower the farmers in Embu, Tharaka Nithi, Taita Taveta, Meru, Kirinyaga, Kajiado and in all parts of the country where this crop is grown.

Madam Deputy Speaker, I am also happy that we have made a bold step towards discussions in this Chamber for the establishment of the school feeding programme. This crop will go a long way in assisting, not just in the school feeding programme, but also in the National Grain Strategic Reserve.

Madam Deputy Speaker, with those remarks, I thank the Senate of the Republic of Kenya for Standing with *ndengu* farmers across this country.

Madam Deputy Speaker, I submit.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Sen. Wambua. Hon. Senators, we now move to the next Order.

MOTION

ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION

The Senate Majority Leader (Sen. Poghisio): Madam Deputy Speaker, I beg to move the following Motion:-

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (Approval of the Senate Calendar) and on 24th March, 2021 (Alteration of the Senate Calendar), pursuant to Standing Order No. 29 (4), the Senate resolves to further alter the Senate Calendar (Regular Sessions of the Senate) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; and that pursuant to Standing Order No. 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021, be held until conclusion of business appearing on the Order Paper.

Madam Deputy Speaker, it is a very critical and straight forward request to Members of this House to resolve that we proceed on short recess in order for us to deal with the current situation which is very grave in our country, the COVID-19 situation.

Madam Deputy Speaker, this is simply to ask that the calendar changes very briefly. For those of us who knew that we were proceeding for recess anyway, on 16th March, 2021, we are simply asking that we add the next two sittings to this recess and we proceed until the 11th May, 2021, to give room for us to deal with the pandemic which is so grave.

Madam Deputy Speaker, the President of the Republic of Kenya revised directions of the 12th March, 2021, following the empirical data evidencing COVID-19

positivity rate of the third wave. That is what is critical. Right now, all statistics show that many of our Members, relatives and friends are suffering from COVID-19, and that the hospitals and the Intensive Care Unit (ICU) beds are now full in most of the big hospitals in this city.

Now that five of our counties are under partial lockdown---

The Parliament of Kenya is situated in Nairobi City County which is one of the counties that are under lockdown. We must listen to the other arms of Government that have either shut down or reduced the activities, so that we deal with the pandemic from where we will be in our villages or counties and make sure that we assist our people in fighting the pandemic.

Among the measures in the Presidential Order No.2 of 2021, the President directed that in accordance with the Standing Orders of the National Assembly and the Senate and upon concurrence of the parliamentary leadership of both Houses, which we are doing now, and with concurrence of the county leadership, the two Speakers of Parliament do move to effect suspension of ordinary sessions of the august Houses, including those of their committees and the ordinary sessions of the county assemblies of Nairobi City, Machakos, Kajiado, Kiambu and Nakuru counties until further notice. Like I said, since we are in Nairobi City County, we fall under the directions. As a House of rules and procedures, we must lead by example.

The period we have been given can be used by Senators to undertake other constitutional mandates. As ruled by our own Speaker, committees can continue sitting virtually so, we can conduct activities virtually. We can use that time to undertake constitutional mandates that we have and be ready for numerous Bills that will come up for the consideration by the Senate. Owing to the urgency of this matter, we had said that we will deal with this Motion and other matters today and finish everything that we can so that we adjourn.

In conclusion, I urge all Senators to take up necessary precautions to prevent any spread of COVID-19 and encourage all the citizens who can take up this challenge and help stop the spread. There are many things that can be done and I am sure we are going to get more directions from our Ministry of Health during this difficult time.

In appealing to Members, I do not think this should be a matter to convince people about because we all know the seriousness of it. I urge all Senators, therefore, to support.

Madam Deputy Speaker, I beg to move and ask Sen. Orengo who is the Senate Minority Leader to second.

I thank you very much.

The Senate Minority Leader (Sen. Orengo): Madam Deputy Speaker, in supporting this Motion, I want to appreciate the comments I heard the distinguished Senator for Bungoma make when the Communication from the Chair was made. The need for adjournment cannot be gainsaid.

As I was sitting here and listening to the proceedings, I have lost three people that I know. One of them is very young. There is a young man I have known for a very long time who runs a clothes shop here in Nairobi. Many of my colleagues here know him. I spoke to him on Friday and today he is gone. Our Party Chairman of Orange Democratic

Movement (ODM) in Nakuru who has been hospitalized in Nairobi Hospital also died this morning.

The other thing we are also hiding from ourselves is the number of people in both Houses who in one way in the past two months have gone through tests that are a matter of public record---

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Orengo, you will have 28 minutes when we resume. We are only suspending the sitting to allow people go for lunch.

The Senate Minority Leader (Sen. Orengo): Is it the same sitting?

The Deputy Speaker (Sen. (Prof.) Kamar): It is the same sitting.

The Senate Minority Leader (Sen. Orengo): It should be a different sitting.

The Deputy Speaker (Sen. (Prof.) Kamar): According to what the Mover said, we are only suspending the sitting until 2.30 p.m., so that people can have lunch.

The Senate Minority Leader (Sen. Orengo): Madam Deputy Speaker, it should be a second sitting because we do not have a resolution yet.

The Deputy Speaker (Sen. (Prof.) Kamar): Therefore, we are going to meet at 2.30 p.m. With those remarks, let us take a break then come back.

(The Senate adjourned temporarily at 12.30 p.m.)

(The Senate resumed at 2.30 p.m.)

[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]

PRAYER

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, when we suspended the last Sitting, we were at Order No.10. You can see why I am calling it suspension. It is because the Order Paper remains one but we will adjust things. Do not worry about that.

The Mover had completed moving the Motion on alteration of the Senate Calendar for the Fifth Session. The Seconder had just started. He had only seconded for four minutes. He has 26 minutes.

Senate Minority Leader, Sen. Orengo, the time is yours.

MOTION

ALTERATION OF THE SENATE CALENDAR FOR THE FIFTH SESSION

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (approval of the Senate Calendar) and on 24th March, 2021 (alteration of the Senate Calendar), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (Regular

Sessions of the Senate) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021; and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

(Resumption of debate on the Motion)

The Senate Minority Leader (Sen. Orenge): Madam Deputy Speaker, let me try to get to the point and say the following on top of what I said in the morning. An impression should not be created that the Speaker can read a Communication which is binding on the House.

*[The Deputy Speaker (Sen. (Prof.) Kamar)
consulted the Clerk-at-the-Table]*

Madam Deputy Speaker, I wanted you to hear me because I think I am making an important point to the Chair.

If you read and listened to the Communication of the Speaker this morning, I was extremely uncomfortable with it because some of its elements were like giving a directive to the House. The Speaker's powers are very limited. The House makes decisions and resolutions in Plenary. Therefore, the Speaker's directive that there will be no further meetings of Committees virtually or otherwise without the approval of the House, those directives must be subject to the resolutions of this House.

I am saying this because we have come from a moment whereby the Executive seems to be directing the activities of the House. The nature of Parliament is very different from the Executive or the courts. The Executive can make a resolution by the President making a decision. While we go on recess, the President can make any decision he is justified to make under the law.

When Parliament is on recess or is not sitting, we have no way of making a resolution. Going by the history of this country, whenever Parliament is not in Session, that is when terrible things tend to happen. I want us to bear that in mind.

Around this Coronavirus (COVID-19) activity, there are issues of the Kenya Medical Supplies Authority (KEMSA), which have not been resolved up to now. We do not know what will happen when we are out. There will be a second KEMSA.

(Laughter)

To that extent, the Speaker cannot direct from the Chair that Committees or Parliament cannot meet. If the Speaker's directives find favour with this Plenary, then that can happen.

Madam Deputy Speaker, I am also saying this from the point of view of the fact that from last year, the President has given 15 addresses on the question of Coronavirus

(COVID-19). This Third Wave is so critical and serious that I thought when he was trying to persuade other Arms of Government that we should go on recess for a little while, he would talk about the status of the many directives he made regarding the Pandemic.

Despite the fact that this Coronavirus (COVID-19) pandemic has become more serious, some of the mitigating decisions, resolutions and directions the President gave have been recalled. Some resolutions, like the tax measures including Value Added Tax (VAT), have been recalled.

I hoped the resolution by the Executive that we should have a lockdown, should be accompanied by measures like the one the President mentioned over the last one year, to mitigate the circumstances of those who are needy and in pain. That has not been done.

Madam Deputy Speaker, I would have gone through one by one but so many measures were taken, including taking part of our allowances to buy masks and other things. I do not know what happened to the money that was taken. No report has been given to us on whether the money that we gave bought masks. To that extent, I do not think it has been well thought through. Therefore, there should be a lot more thinking.

The process by Sen. Sakaja and Sen. Kasanga together with the Committee on Health should sit together with the Executive, so that whatever they do should have a legal foundation and the support of Parliament.

Having said that, I am hoping that when we finally resolve this Motion, there will be some amendment, to the extent that there should not be an absolute directive that we cannot sit even in the intervening period. I think Committees are so important. When the Plenary is not sitting, then Committees must function because the Executive is functioning. While the Cabinet is not meeting, there are elements in the Executive that are functioning.

In absolute terms, it is important that we resolve to change our Calendar because this Pandemic is serious. I was talking about people that I know that have left us as I sat in the House in the morning. Between the time we left and now, I have heard of five more people that I know that have left us. This includes people very well known to Members in this House. We should not take this thing for granted. Even amongst us, you many never know. Some of these tests can never be accurate. You may think you are negative while essentially, you are not or you can still spread the virus.

Madam Deputy Speaker, if we want to meet on a weekly basis, I encourage that we have weekly tests like they do in the Congress in the United States of America (USA). Every week they meet, it is mandatory to do the test.

Before we come here, we should do the test on Monday and come with the certificate on Tuesday. If that happens, then we can go on. However, the way we are, I cannot protect my son here, Sen. Mutula Kilonzo Jnr. and I want God to give you a long life.

Sen. Mutula Kilonzo Jnr.: I tell you.

The Senate Minority Leader (Sen. Orenge): Madam Deputy Speaker, it is because he is such an important man in my life in every way.

(Laughter)

I am saying this from the bottom of my heart. He sits next to me. So, I do not want people to think that I passed this virus to this young man who has many days to go and be in this House for as long as I have been for those many years.

Madam Deputy Speaker, Sen. (Dr.) Ochillo-Ayacko and Sen. Olekina have shown me the amendment that they will make to this Motion. I agree with that. Otherwise, I plead with you that if we are required to meet once or twice every week, we should take a test every week. That is completely feasible so that we are all safe. We are our brothers' and sisters' keeper. We are all responsible for the safety and wellbeing of each other.

Finally, I was happy when the Speaker said that when they went to State House, they were requested and urged; they were not ordered. To that extent, that is why we have this Motion. Nobody is ordering us to stay or go away.

The Judiciary has taken a decision. Right now, if you file a case in the court, one judge, sitting alone, has to satisfy that it is urgent before you can be heard virtually. However, we are taking the risk of meeting all of us. This is playing too much with the hand of fate.

Politicians have now been described as super spreaders. I was listening to the sermon by a priest who was condemning politicians. Happily for me, when he was condemning us, behind him, there were several people who were not wearing masks. Therefore, he is also a super spreader, unknowingly.

Having said all that, I support.

(Question proposed)

Sen. Khaniri: Thank you, Madam Temporary Speaker, for the opportunity. I state from the onset that I rise to vehemently oppose this Motion.

As we oppose the Motion and take this stand, allow me to take this opportunity to hail the President for the effort that he is putting in the fight against Covid-19. If there is one area that President Uhuru has done well, it is in the fight against Covid-19. He must be supported by all and sundry and all arms of the Government.

Madam Deputy Speaker, Covid-19 is a real threat to the extinction of our being on this world. Therefore, we must take it serious and ensure that we adhere to the protocols that have been put in place for us to survive. It is real and has gotten to our doorsteps.

We used to read about it and look at the statistics on television and read in the newspapers, but now it is with us in our households. We are losing relatives, friends and people that we know, every day. Therefore, we must support the President in the fight. We are glad that he is acting on advice of science. That is the beauty. However, as we fight---

Sen. (Dr.) Ochillo-Ayacko: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): What is out of order?

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I hate to interrupt my good friend Sen. Khaniri, with whom we share a lot. We are good friends and both Luhyas of Mulembe nation.

(Laughter)

I have submitted a written notice of amendment. I seek your indulgence that if you are to allow it, then it will inform part of the debate that Sen. Khaniri would contribute to.

I rise on a point of order to seek your indulgence to accommodate that amendment that I had intended to raise.

The Deputy Speaker (Sen. (Prof.) Kamar): I will call you at the appropriate time. So, let us allow Sen. Khaniri to continue.

Sen. Khaniri: Madam Deputy Speaker, if the amendment will be acceptable to what we are thinking, we will certainly support it.

Sen. Olekina: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Is it on the same amendment?

Sen. Olekina: Yes. It is on the same issue.

The Deputy Speaker (Sen. (Prof.) Kamar): I thought you were the next to contribute.

Sen. Olekina: Madam Deputy Speaker, contributing is different from the amendment.

The Deputy Speaker (Sen. (Prof.) Kamar): We have not yet prosecuted the amendment. I hope that your point of order is related to---

Sen. Olekina: Madam Deputy Speaker, my point of order is in relation to the point of order raised by Sen. (Dr.) Ochillo-Ayacko.

Procedurally, if there is an amendment that he proposes to bring, the Senate deliberates on it so that the Motion which has already been moved and seconded is contributed to as amended.

I am being pragmatic in terms of the procedures. My friend, Sen. Khaniri, is contributing to the Motion the way it has been moved and seconded. We have an amendment to that. It would be much neater if we listened to the amendment and vote on it. If we do not agree on it, then we can revert to the Motion as moved and seconded.

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, be at peace. Our Standing Orders are clear. I will call him on time. Allow Sen. Khaniri to---

Sen. Olekina: My concern is one. I am second on the list to contribute. I will be contributing to the Motion as moved and seconded. If it can be amended and we vote on it, it will save us more time.

There is no point for me to contribute on a Motion as moved and seconded when there is an amendment, which we must listen to. Let us vote on it and continue with the Motion as amended or the Motion as moved and seconded.

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, please take your seat. Let us allow Sen. Khaniri to finish. This is because the amendment may not be one. You may be aware of one amendment and maybe there are more than one. So, hold on. We will do things procedurally.

Sen. Khaniri: Madam Deputy Speaker, we must teach these new legislators that this has been the practice in this House. We will contribute to the Motion that has been moved. If there is an amendment, I will be allowed to contribute to it and the same will apply to him. Those are the Standing Orders and you cannot change them.

As we embark on the war on Covid-19, we must ensure that we do it within the confines of our Constitution, 2010, which we all swore to uphold and protect.

One of the biggest gains that we got in our Constitution, 2010, was the absolute independence of the three arms of Government. Those of us who served in earlier Parliaments, for example, Sen. Orengo, Sen. Wetangula and Sen. Wako, can bear me witness. We served in a Parliament that was an appendage of the Office of the President. If you remember, even the Clerk of the Assembly was seconded from the Office of the President.

In those days, the President could prorogue or dissolve Parliament any time and recall it as he wished. It was not working for our country. It is for that reason that we passed the Constitution 2010, to ensure that Parliament has its independence.

We can decide when to sit, when to go home or go on recess. The President has nothing whatsoever in deciding when Parliament or the Judiciary will sit or not sit. All the three arms of Government are independent of each other. As we speak, the President is asking us to go home until May but the Executive is functioning and their roles are going on.

I do not anticipate the amendments that will be brought by my namesake, Sen. (Dr.) George Ochillo-Ayacko. However, I propose, and I am glad that Sen. Orengo, in seconding the Motion, alluded to it, that we can still hold one sitting every week in strict adherence to the protocols which we will ask you to ensure that they are enforced.

We reached at a certain stage and relaxed the protocols. For example, it is clearly marked on our seats where one should sit or not sit but we have always flouted that. If we can adhere to those protocols of keeping distance, nothing will stop us from conducting our business on a weekly basis.

I second the proposal by the Senate Minority Leader. If it means taking weekly or bi-weekly Covid-19 tests, so be it. We are ready. As long as we are here to transact the business of the people who elected us to be here to represent them. We cannot cower and go home. That will send bad signals to the people who elected us. We must be here and be part of the solutions.

As the executive takes decisions, we must be here to audit them. It is our duty. Who will oversight them? There is so much that needs to be done. Telling us to go home for one month, is like giving the Executive a blank cheque. We cannot afford to do that.

Madam Deputy Speaker, we insist. I will vote against this Motion if it is voted on the way it is. I do not know what the amendment says but I insist that we meet here every week and observe all the protocols.

It must go clear to our Speaker Hon. Kenneth Lusaka that he should be on the fore-front in protecting the independence of this House. He should lead from the front.

Decisions cannot be made in State House, then the very Speaker that we expect to be in the forefront comes to read them to us here and you expect that we just pass them like that. This House is independent. We will make our own Calendar and the President must get this very clear that the two Houses of Parliament are independent. He is not going to decide when the Senate sits or when it does not sit. It is not in his duty.

I oppose.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. (Dr.) Ochillo-Ayacko, can you come forward please? While he is coming, Sen. Olekina, it is your turn.

Sen. (Dr.) Ochillo-Ayacko, come forward here for consultations first. In the meantime, the next Member to contribute is Sen. Olekina.

Sen. Olekina: Madam Deputy Speaker, I thank you. I rise to support this Motion, of course, with amendments. I am anticipating some amendments. I think you speak through the Speaker. The way it is, I am cognizant of the fact that this disease is very serious. We cannot continue to behave as if we are immortal.

I am a Member of the Senate Committee on Health and I know. I am privy to information on how dangerous this disease is. While we are sitting here, truth be told, none of us can actually stand here and say they are not aware of one person; a relative or a friend who has suffered Coronavirus disease (COVID-19) pandemic and even maybe died.

Madam Deputy Speaker, the most important thing is for us to ask ourselves what is the most responsible thing that we should do as a legislative arm of Government. I am not averse to the fact that there are three arms of Government which are independent. There is the Judiciary, Executive and Legislative arm of Government. They are all independent bodies.

I completely agree with my good friend, Sen. Khaniri, when he says that the President cannot control Parliament. However, we are not blind. We know what is happening. People are dying on a daily basis.

Madam Deputy Speaker, I support the fact that when we are sitting here right now, in fact, what we are doing is that we are trying to play dumb. We are trying to behave as if we are immune to this pandemic which is taking away the high and mighty of this world. The truth of the matter is that do we need to adjourn? Yes, we do; but what does it say in terms of our work as Parliament?

Can we continue with our work as Parliament? Yes, we can but we have to do it in an intelligent way that does not put our families in danger.

When we stand here, we represent communities. We represent people who elected us to be here. However, we have to do so in a very wise way. When we call for these amendments, one of the reasons why I am supporting this Motion of Adjournment, but of course with amendments, I hope that those amendments will be brought by Sen. (Dr.) Ochillo-Ayacko, which I will be happy to second on how we can continue doing our work.

Madam Deputy Speaker, let us not get into this argument of who is more powerful between the Executive, the Judiciary or the Legislative arm. We are three independent arms of Government. However, the fact remains that there are many things that we must do. When we go into this adjournment, the work of Parliament must continue.

There is no way you can continue spreading the disease virtually. We have issues relating to Cabinet Secretaries (CSs) that we have called. We have asked them to appear before the Committee to respond to matters dealing with the vaccine. They can do so virtually. It does not mean that they cannot appear virtually.

Madam Deputy Speaker, when we sit here as distinguished Senators, we must put everything on the table and say we are happy to adjourn. However, if we are happy to adjourn, how do we ensure that our work continues?

Sen. Khaniri spoke of an issue which I believe and I fully support him. The Executive is continuing and doing their work. One of the things that this Parliament must know is that since we started borrowing money as a country, the National Government has received Kshs214 billion to fight COVID-19. However, the money that has gone to the county governments is only Kshs7 billion which is a mere 3.7 per cent.

Madam Deputy Speaker, the question we should be asking is: If, indeed, we are going to adjourn, how do we ensure that more counties receive more money to fight this pandemic and deal with this issue of COVID-19?

I have stood here before and said that the truth is like a lion. You do not have to defend it. Let it go out there and it will defend itself. Let us be very honest. Why are we adjourning?

Madam Deputy Speaker, are we adjourning because we are scared of the effects of COVID-19 or we are scared that when we are here, someone else will bring another Motion and it will take the day? There are so many debates, which are going on. Let us be candid. The work of our committees is very important. However, let us not lie to Kenyans that we represent them.

I am sure many people are afraid to ask about the status of the Building Bridges Initiative (BBI); where it is right now. When I stand here, I know that I represent the people who elected me to stand here and speak the truth.

Madam Deputy Speaker, I support this Motion entirely but I would wish that at least, we can be honest. I was not happy with the directive of the Speaker. When the Speaker gave a directive, it rendered our powers as distinguished Senators useless. Parliament pronounces itself through resolutions and Motions. This is a Motion that we are discussing.

Nothing stops a distinguished Senator from bringing in an amendment to make it wise that when we are adjourning, we can continue performing our work. I wish that we can be candid. Are we afraid that maybe the BBI will pass the way it is or it will be brought here and bulldozed and we will be reduced to voting machines?

Madam Deputy Speaker, are we adjourning because we are scared of COVID-19? If we are, indeed, scared of COVID-19, then let us adjourn knowing that we have a fiduciary responsibility as distinguished Senators who serve in different committees. I serve in the Committee on Health. When I am in that Committee, I would like to ensure that I do my job diligently to ensure that the people who are at home can get vaccinated.

I am not quite happy when I know that I live in Narok County and together with Kajiado, Machakos, Kiambu and Nakuru Counties, we have been zoned. Kajiado County borders Narok County. They have been zoned as red zone areas. I cannot be able to get there.

Madam Deputy Speaker, are we doing anything? Have we asked the hard questions? The question we need to ask is this. About Kshs214 billion has been disbursed into this country through loans not grants. The national Government has taken loans worth Kshs214 billion to fight COVID-19.

However, we in this Senate of the Republic of Kenya, which represents and protects the interest of counties as Article 96 of the Constitution says are only happy and clapping their hands. Only about 3.7 per cent of the Kshs214 billion has gone into counties. That is where the disease is spreading.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Kinyua of Laikipia County.

Sen. Kinyua: Madam Deputy Speaker, I have listened to Sen. Olekina talking so candidly about the way he wants to be very truthful. He is a Member of the Committee on Health. I expected him to tell us what they have done as a Committee instead of giving us numbers and figures. I thought he would be giving us answers as we listen. He is telling us that instead of us having out of the Kshs214 billion that he talking about, what have they done?

The Deputy Speaker (Sen. (Prof.) Kamar): Point noted. He still has five minutes. He may be going there.

Sen. Kinyua: Madam Deputy Speaker, maybe but he is doing much of lamenting.

Sen. Olekina: Madam Deputy Speaker, I am very happy for the intervention by my good friend, who I serve with in the Committee on Energy. That is precisely the reason as to why I am saying that I would want to support this Motion with amendments, so that the Committee on Health can continue performing its function.

Today we tabled a report in this House---

Sen. Malalah: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Malalah. I encourage that we can use our microphones, so that we do not share this one. Let us try and use our microphones, please.

Sen. Malalah: Thank you, Madam Deputy Speaker. Is Sen. Olekina in order to support this Motion with amendments, yet no amendments have been moved so far? I think he is misleading the House and anticipating debate. Therefore, you should rule him out of order. He should stick to the content of the Motion as it is and as tabled.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Olekina, you will have a right to come back when the amendments are tabled. You do not have to refer to an amendment that we have not seen.

Sen. Olekina: Madam Deputy Speaker, I am happy that my colleagues are raising those concerns, which are the same concerns that each one of us here who has a fiduciary duty to protect the interests of their counties should be raising. COVID-19 is there and it is real. It is decimating our populations. There are reported and the unreported cases. There are those who are lucky to be able to go to hospitals and those who are unlucky.

Yesterday, we heard the Cabinet Secretary saying that other people - and I am sure these are the rich and famous - have been able to gift themselves with the oxygen cylinders that are supposed to be in hospitals to help everybody. I have no problem with my colleagues questioning my support for this Motion. The reason why I say this is because I would not want this Motion to fail on this Floor.

We have to lead by example. The economy has essentially been closed; it has been shut but we are going on here. Kenyans will be saying that Members of Parliament are happy to continue staying in office because they are getting allowances. I am saying

that we should save face. Let us be honest and candid and say: Yes, we want to close because it is dangerous. I support the idea that---

Even before we come here on a weekly basis, we should be submitting our negative results to the Clerk. That is what is happening in other countries. However, if we are standing here and contributing and we are saying that we are opposing, we want to continue doing business, what business are we going to do when the *mama mboga* out there cannot go to the market because Nairobi is considered a Red Zone, and yet she gets her goods from the other zone?

Madam Deputy Speaker, let me change it a little bit. When I started saying that other people who want to continue sitting here on a daily basis and are not thinking about those people who elected them, those people who are jobless, and they say that they want to continue working here, they are not raising issues or serious concerns like what Sen. Kinyua has raised.

Sen. Kinyua has said that I sit in the Committee on Health and I should tell the House what we are doing. The only way that I can continue doing this is when we pass a resolution in this House which is supported by a majority of the distinguished Senators that says let us adjourn, but adjourn in a way that we can continue doing our job.

Madam Deputy Speaker, to finalize, I want to state as follows: I will support this Motion with amendments. I hope that those amendments will be allowed to come in.

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, please do not refer to amendments. That is what is making Members impatient with you.

Sen. Olekina: Madam Deputy Speaker, then let me put it this way: It is not a book of lamentations as Sen. Khaniri would call it. It is a fact. We lay the facts on the table and say that we are in deep shit. We are in problems as a country. What is happening in this country right now is that we are not willing to tell the truth. The Speaker gave ---

Sen. Shiyonga: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Shiyonga.

Sen. Shiyonga: Madam Deputy Speaker, we have heard Sen. Malalah say here that we do not have any amendments that are on the Floor of the House. Why is Sen. Olekina talking of amendments and yet we have not reached that stage? If he does not have anything to communicate to us, let him sit down.

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, can you please wind up. I see another point of order from Sen. Malalah.

Sen. Malalah: Madam Deputy Speaker, I would like to request Sen. Olekina to have a straight thought process. He says that he supports this Motion, yet the contents of his contribution are insinuating that he is opposing the Motion.

I would therefore like him to be in order and remain steadfast, so that he tells us whether he is supporting this Motion or opposing it.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Olekina, you have only two minutes. Can you wind up, please?

Sen. Olekina: Madam Deputy Speaker, my 120 seconds will begin running now. I put my foot on the ground and say: Listen, gentlemen, let us not pussy foot here. Let us

be honest and speak the facts as they are. COVID-19 is real. I want to continue doing my job as a Member of the Committee on Health, to be able to help this country.

I want to be able to put the National Government to task. I want to continue with my job to ensure that when Sen. Kinyua asks me how much money has gone to Laikipia County, I can tell him that it is X amount of money. The truth of the matter is that because we are now intertwined in this relationship between the Executive and the Legislative arm of Government, it is very difficult for us as Parliament of Kenya to stand for what we were elected to defend.

Madam Deputy Speaker, I hope - I am speaking plain English here - that there will be amendments that will come in, that will change this Motion, so that when I fully support it, I can be able to defend it.

The Deputy Speaker (Sen. (Prof.) Kamar): Order, Senator!

Sen. Olekina: My 120 seconds are not over.

Finally, I want to continue doing my job. As I do so, I hope that Sen. Khaniri, and Sen. Wambua, whose Mung Bean Bill I supported--- *Ero, mimi ndio nilikupatia support mingi sana.*

(Laughter)

I supported him entirely with the Mung Beans Bill and therefore, I hope that they will support an adjournment of this House, but with amendments, so that we can continue working.

(Laughter)

Madam Deputy Speaker, the reason why I am insisting on this is because I have seen that the Speaker did not approve my amendments, which means that this House will not adjourn.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Olekina, you are busy introducing more complicated issues and you are attracting another point of order.

Sen. (Dr.) Langat, since he has left, you can drop your point of order for now.

Sen. (Dr.) Langat: Madam Deputy Speaker, why can you not save my good neighbour by allowing these amendments that he is looking forward to so much, to save us from this agony?

The Deputy Speaker (Sen. (Prof.) Kamar): Okay, I would like to invite, therefore, Sen. (Dr.) Ochillo-Ayacko to move forward again for consultation while Sen. Cheruiyot contributes without discussing the amendments for now. We will give you another time.

Sen. Cheruiyot, go on.

Sen. Cheruiyot: Thank you, Madam Deputy Speaker, for this opportunity. This makes for a very interesting afternoon; never has a Motion been amended and un-amended so many times before it is even discussed as we are doing---

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kamar): Order, Members! Please consult in low tones. We are progressing well. I do not expect Sen. (Dr.) Lelegwe to close the House at midnight. Please let us use our discretion to spend less than 20 minutes that we have been given. If we can move faster, then maybe---

Sen. Cheruiyot: Madam Deputy Speaker, I will try and be brief as a follow up to your guidance. Like the rest of my colleagues who have shared their concerns with the Communication from the Speaker earlier on this morning if one was in the House at that time, they will recall a number of us were fairly agitated and wanted to make a contribution immediately after he communicated. We felt that something was amiss; there was something not so right about the Speaker of a House.

He should attend as many meetings as possible at State House, but when we receive Communication from him of a meeting that this House did not sanction, we cannot be bound by decisions made in such a meeting, and be brought as a Communication before a Motion of this magnitude is discussed in this House. Therefore, as a House, we are bound to be worried.

The colleagues that have spoken of that matter in my honest opinion are rightfully within their place to speak so and to send a strong message from the Floor of this House that the Calendar of Parliament is not something that can be amended and discussed in any other meeting anywhere else in this Republic.

The right and proper thing that should have been done was to bring a Motion such as the one that has been brought by the leadership then we have a discussion as a House as it is happening this afternoon.

I too register my disappointment and I hope our Speaker takes note and realizes that it is not something that should be treated casually.

Secondly, Kenyans are looking up to us. I am sure many of them are watching what is going on, on the Floor of this House this afternoon. They want direction from us. So many things have gone wrong in the country. It will be unfortunate if the people they have bestowed the responsibility to ensure that at least they speak up for them and ensure the Executive does not chicken out of the problem and hide as is being proposed before us.

It will be so unfortunate if as a House, we do not speak coherently about the many questions that Kenyans continue to ask in furtherance to that address by the President. If you watch the news - I do not know how many of us are keen to listen to things Kenyans say - immediately after the President gave that address last week on Friday, Kenyans were asking so many basic questions which any leader that cares for the people that sent him to this House, should have been concerned about.

For instance, people were asking basic questions such as closing institutions of learning and giving people two to three hours to be within restricted zones of the country. How were people supposed to move? That is what is happening in our country. If we do not put our foot down as the House that is supposed to oversight the Executive, things are going to get worse.

People have spoken and shared their concerns that if Nairobi and the other four counties that have been declared to be disease zones are areas where they should not move in or out of, what is the plan? Closing down Nairobi and its environs will not take

the virus away. Apart from this House, Kenyans do not have any other avenue to ask this Government questions about its plans.

We must think critically as we make this decision. There must be an intricate balance. I hear those colleagues of us who are urging us to remember we have lost colleagues in this pandemic. It is true, but there are risks for any job. Just like doctors, I believe, would have wished to be with their families like the rest of us, but given that this war is being fought in hospitals with medicine and not with bullets and guns, they are on the frontline.

Article 1 of our Constitution provides that the first institution that Kenyans delegate power to even before anybody else is Parliament. Therefore, we speak on behalf of the millions. The people of Kericho are confused and are wondering. There are only 6,000 doses of vaccine that have been sent to Kericho a county that has over one million people. They are looking up to me. What answers will I give them while I am locked in this City and told not to dare to move away?

We must balance and think critically. The challenge of leadership is rising up to the occasion in moments of difficulties as this one is being called. When one reads the Supplementary Budget which the National Assembly passed I think last week, Kshs8 billion is being pumped down this thing called Nairobi Expressway. Who is this that is in such a hurry that even in times of pandemic when we should be saving every coin to import vaccines, we are buying steel and cement?

Who is in charge of this country? I would wish to meet that person because the things that are being done do not make sense to me as a leader. I am concerned.

Sen. Farhiya: On a point of order, Madam Deputy Speaker

Sen. Cheruiyot: Madam Deputy Speaker, I beg for your attention because the things I am---

The Deputy Speaker (Sen. (Prof.) Kamar): There is a point of order from Sen. Farhiya.

Sen. Farhiya: Madam Deputy Speaker, is my colleague Sen. Cheruiyot in order to ask who is in charge of this country when we know that His Excellency President Uhuru Kenyatta was elected by the people of Kenya as the President of this country and he is in charge?

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cheruiyot, conclude. Your time is almost up.

Sen. Cheruiyot: Madam Deputy Speaker, I am sure it is because of the type of the things I am saying.

The Deputy Speaker (Sen. (Prof.) Kamar): It is because of the time.

Sen. Cheruiyot: Madam Deputy Speaker, whatever I say is not out of disrespect or bad faith; just what anybody who means well for this country would ask. At a time when we are struggling, we read in the newspapers two weeks ago that Kenya was trying to secure a loan to buy vaccines.

If one takes a study of the Supplementary Budget, it can be seen that this Government is continuing to with the onset of capital projects that we do not need at this time, instead of buying vaccines for its citizens. Everybody should be concerned. Sen.

Farhiya, my colleague, should also be concerned on behalf of the citizens she represents in this House.

My point is simple. Let us be given a plan. I heard the Senate Majority Leader, Sen. Poghiso reminding us that in any case, it is only two sittings we are sacrificing because in two weeks' time we are supposed to proceed on recess.

That sounds fairly convincing, but then it would have made more sense had it suggested that at the earlier one scheduled time of recess we can offload back those two weeks and instead of coming back on 11th of May, perhaps we come back two weeks earlier so that we compensate for the time that is ongoing.

I am more persuaded by the arguments that are being made by our colleagues that just a Motion in the state that has been presented before us this afternoon does not suffice to pass the threshold of what leaders of a country should do in times of a pandemic. In other countries, people are asking the right questions and pushing governments to make proper planning for their people.

I would be keen to listen to what the Senator of Nairobi City County, Sen. Sakaja and the Senators of the other four counties. What are the plans for the people who have been denied sources of livelihood as Sen. Wetangula so ably captured it?

What is this hurry with Nairobi Metropolitan Services (NMS) laying cabro everywhere? They should instead put a stop to that and see how we, as leaders of this country, at least ensure we feed the people in the informal settlements. They should also see that these people who draw a living from the closed bars and hotels and all these places we have denied operations have some form of cushion.

Therefore, it is a humble plea.

I know that you have consulted and I could understand the agony of the Senator for Narok, Sen. Olekina, because he is being assured that an amendment will come and on the other hand, he is being told to stick to the Motion that had been presented before the House at this particular time.

Madam Deputy Speaker, every time I see you calling Sen. (Dr.) Ochillo-Ayacko and I do not know who else has an amendment. Perhaps, it is better before we declare our stand whether we are going to support this Motion or oppose it; that they be granted an opportunity, so that in the fullness of time, they have the benefit of having listened to all of us and the things that we are proposing.

Madam Deputy Speaker, therefore, this---

The Deputy Speaker (Sen. (Prof.) Kamar): On a point of information from Sen. Sakaja.

Would you like to be informed?

Sen. Sakaja: Madam Deputy Speaker, just two things. In as much as I agree with what Sen. Cheruiyot is saying and he has mentioned that he would want to hear my comments, the example he has used is not accurate.

The Expressway of Nairobi, which is going to serve a big part of the transport corridor, not a shilling from the taxpayer is being used. It is a public-private partnership (PPP) project. Therefore, the Kshs60 billion is being sourced by the contractor and probably that is why they are hurrying because they want to finish and start levying tolls.

Therefore, you might have a point but not that example of the Nairobi Expressway. It is a PPP project and Kenyan taxpayers' money is not being used on that.

Madam Deputy Speaker, the reason I stood is because as you saw, there is a list, my microphone was switched on from the table and when they switched it off, I am sure I have fallen down on the list. May I be returned to where I was because I have those points to make?

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cheruiyot, please wind-up.

Sen. Cheruiyot: Madam Deputy Speaker, but not before correcting what Sen. Sakaja has said.

I will share with him a copy of the supplementary budget. I have taken time to read what I am saying. That figure of Kshs8 billion is not a figure that I have just arrived at.

If he speaks to his colleagues who are in the Standing Committee on Finance and Budget, they will tell him that various Ministries have actually been allocated resources towards that particular project. Kshs2 billion to the Ministry of Water to move water utilities along that corridor, and some amount to the Ministry of Energy.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cheruiyot, I wish you could concentrate on what---

Sen. Cheruiyot: Madam Deputy Speaker, I was just correcting something that he said and I thought---

Madam Deputy Speaker, okay, I will conclude.

Therefore, I said that I will delay my decision on whether to support or oppose depending on a better proposal that will be given to us because the one that has been proposed by the Leadership cannot fly, in my honest opinion.

Therefore, I will have to wait for a better proposal for Sen. (Dr.) Ochillo-Ayacko.

Otherwise, in the absence of that, I will be forced to oppose this.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Cheruiyot, you know how to debate and you know that there is nothing like a delayed decision. Senators, when we are debating, you either oppose or support.

When the amendment comes, you decide whether you want to support the amendment or not.

Hon. Senators, now that I have received the Notice of amendment in an approved format, I would like to invite Sen. (Dr.) Ochillo-Ayacko to come forward and move his amendment.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, thank you for the opportunity.

Forgive me for my reluctance to come over there and move it from there. I am comfortable where I am using my own microphone. The one at the dispatch box has been used a couple of times and I cannot vouch for its safety.

The Deputy Speaker (Sen. (Prof.) Kamar): I support, you Senator.

In fact, please, I plead with Members, let us avoid these two microphones at the dispatch box. Let us use our own microphones.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Deputy Speaker.

It is also in a line with the COVID-19 protocols that we keep to where we are. Therefore, I am keeping it where I am.

Madam Deputy Speaker, just like my colleagues here and outside this House, we all love to live. None of us would want to die. Particularly, if anybody here is suicidal---

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Ochillo-Ayacko, you are a very senior Member of Parliament. You are supposed to be moving an amendment.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I am sorry. Let me move my amendment. I am so excited about life.

Pursuant to Standing Order No. 62(1), I rise to move an amendment to the Motion at Order No. 10 in the following terms:

By adding the following words immediately after the following words “resolution made on 24th March 2021” appearing on the seventh line of the Motion and I quote “provided that Select Committees of the Senate continue to hold virtual meetings pursuant to Standing Order No.251A and where necessary, hold physical meetings in absolute and strict compliance with COVID-19 protocols.”

Madam Deputy Speaker, I want to move this Motion and give very brief reasons because Members would like to efficiently and in a tidy manner dispose of this anxiety. We all love to live and I, particularly, love to live. I know all my colleagues would love to live and not suffer any affliction.

In fact, the Presidential directive and the Speaker’s directive are all in line with preserving ourselves and preserving the nation. I want to state clearly that this Motion is not a reckless Motion. This amendment is one that allows us to protect ourselves, but also to do the work, as we are able to do it.

Madam Deputy Speaker, in all employment matters, it is said that if you feel too unwell that you cannot work, you should resign. Therefore, as a House, we should not give the impression that we are so afraid of COVID-19 that all work must stop yet Kenyans place so much premium on what we want to output.

This amendment is intended to help the Senate do its work. The Senate or Parliament work in two ways; we work through Plenary or through Committees. If one of them is shut completely and the others are not facilitated to operate within the COVID-19 regulations, we will have abdicated our responsibility to be out there to work for Kenyans.

This amendment is intended to allow the Committees to sit virtually knowing that no Member of the Committee wants to be suicidal or does not want to be alive in order to represent the interests of the people who sent us here.

However, it must allow Committees to have an opportunity to sit physically when that is the only way to discharge the obligations of the Senate. I want to give two examples. If you look at the Standing Committee on National Security, Defence and Foreign Relations and something happens in any part of this nation, which requires a physical visitation or a physical meeting between this Committee and any responsible institution; that should be allowed because there is nothing more urgent than security matters.

If something should happen that affects health that may require a meeting between the Standing Committee on Health and any other relevant entity, that should also be allowed and other similar matters.

Therefore, it is important to allow an opportunity for a physical meeting where virtual meetings may not be sufficient to discharge the obligations of the Senate.

Madam Deputy Speaker, in the morning, the Speaker gave a ruling---

(Loud Consultations)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, please consult in low tones.

The Mover is giving very important points.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Deputy Speaker. In the morning, the Speaker gave a directive that there will be no physical meetings. What has informed this amendment is not to challenge that directive. The Speaker and I are very good friends and we share many beliefs. Therefore, it would be unheard of for me to have or to even countenance trying to negate the Speaker's decision.

This amendment is intended to assist the Speaker. The Speaker, perhaps, did not take into consideration the fact that after we pass this Motion, there will be a long queue of Members going to the Speaker's office trying to discuss it with the Speaker. There will also be other people, external to this House, calling the Speaker to other places where he was called to, telling him not to allow Members to meet. This amendment is seeking to inform any person who may want to interfere with the Speaker or us that, the House has resolved, and it is a House of responsible Members that, where absolutely necessary, it will have physical meetings.

(Loud consultations)

Madam Deputy Speaker, kindly, protect me from the side opposite---

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators. Please, take your seats. The Mover is giving you reasons why he is seeking an amendment.

Sen. (Dr.) Ochillo-Ayacko: Madam Deputy Speaker, I also want to state and agree with my friend, Sen. George Khaniri. Sen. George Khaniri indicated that it appears that Parliament was being directed from some place. The Press also reported that Parliament was being directed to take certain actions from certain places.

Madam Deputy Speaker, including the substantive Speaker and I have also had an occasion to be a senior Government official. When you visit State House, that is not where free discussions are held. The Press took the discussions there to mean they were directives. It is in this platform, here in Plenary that sensible amendments like this would be discussed that take into consideration the practical work of the Senate.

This amendment is necessary. I know that it is absolutely necessary. This is because as we work in a manner that is practicable, we do not have Plenary because plenary comprises many Members. Let us allow Committees which comprise fewer Members to work, so that we are able to discharge the functions of the Senate in compliance with COVID-19 regulations.

I did not intend it to be long, but I want to move this amendment and request my very good brother, Sen. Murkomen, to support and Second this amendment.

Sen. Murkomen: Thank you, Madam Deputy Speaker, I beg to second the amendment to the Motion.

Madam Deputy Speaker, there is a very important point that Sen. (Dr.) Ochillo-Ayacko is making that, perhaps, we may lose as a Senate. The reason why the Constitution of 2010 was amended and to take out powers from anybody else even the Speaker or the Executive in determining the calendar of the House, including the procedures of this House, was because there is a history where the Executive used to manipulate Parliament in the old days.

This amendment is very important. It may look so superfluous. It may even look like it is so obvious. This is because nobody had opposed online meetings. However, it is important that it is known and it is in public domain that the calendar of this House, including whether Members will meet virtually or not, is determined by the Members themselves, so that this is not left to the determination of the Chair of a Committee or the Speaker of the House or any other powers. Therefore, it may look like---

I really appreciate the thinking of Sen. (Dr.) Ochillo-Ayacko, who is a senior lawyer and one of my brightest students. Initially, when I looked at this amendment, I thought this man is adding unnecessary amendments to this Motion to derail the debate in this House. However, the uptake of this amendment is to make it abundantly clear that it is only Members of this House, through resolutions of this House that can determine how committees meet, the period of time it takes for committees to meet, the manner in which the committees will meet and whether or not we can adjourn the proceedings of this House at any given time.

I therefore, want to persuade my colleagues that we adopt this amendment as an addition to the main Motion. I know we are going to make contributions to the main Motion. I may not get similar time that I have in seconding this Motion to say this, that, I was of the opinion that we should not adjourn even for a day, and that, we must meet every week. However, I was persuaded when I realized that the calendar already indicates that we are going on recess on 16th of April, 2021. Meaning that, we are only forfeiting two sittings of next week and the week after. Thereafter, we go on recess that was already planned, come back on 11th of May, 2021, and follow our calendar as it is.

It is because of that reason that I was persuaded that we can take two weeks break, the committees continue meeting virtually as suggested by Sen. (Dr.) Ochillo-Ayacko as many times as dictated by the Standing Orders, so that we can continue with the business of this House.

(Loud consultations)

The Deputy Speaker (Sen. (Prof. Kamar): Hon. Senators, please, consult in low tones. The seconding is going on.

Sen. Murkomen: Madam Deputy Speaker, please, protect me from Sen. Cheruiyot. Thank you very much.

Madam Deputy Speaker, I am saying this with utmost respect that time is not on our side. I hope it has occurred to all of us that there are only 16 months to the elections.

We have about seven months before we go for the annual recess and come back in February, 2021. We lose about two months out of the 16 months remaining. When we come back in February, we will go back for our party nominations which ends around April. Thereafter, some Members will have lost their party tickets. Some Members will have gone to campaign for governorship. We may have less than six or seven months of productive work in this Houses.

One of the reasons why we should not have a long recess period is because we have no time. Let us take only the two weeks out of the old calendar, come back on 11th of May, 2021. I suggest that when we come back, we must increase the frequency of our meetings between May, June, July, August, September and October. Thereafter, I do not think there will be any very profitable time to contribute from November, going ahead.

The last thing I want to say is that, part of the reasons why Members are saying committees must meet is to deal with the question of oversight. Last time we went on recess, some darkness came. When oversight was not going on in this House, we had the Kenya Medical Supplies Authority (KEMSA) Scandal. If we were to close this House without the committees meeting, there is a possibility that the House will not have an opportunity to intervene if another situation was to occur.

(Loud consultations)

The Deputy Speaker (Sen. (Prof. Kamar): Hon. Senators, please, consult quietly. I do not know where this consultation is. Maybe it is in the corridor. Serjeant-at- Arms, please, check what is going on because I hear some noise.

Sen. Murkomen: Thank you. This is to enable us to carry out our oversight responsibilities.

Secondly, we also have to perform our responsibilities. We cannot continue earning salaries, having been elected by the people of Kenya to protect to them from this pandemic. We cannot go into hiding and expect other leaders, I do not where, to think about the issues that are affecting the people of Kenya. With the closure of the eateries, the transport system having been stopped, the curfew that is affecting five counties, so many people are out of employment. This House must be meeting to think about the interventions we are going to give.

I saw the Governor of Machakos County attempted to propose certain social safety nets for the people of Machakos. However, we all know that a governor cannot do it. We will only believe those social safety nets if the County Assembly of Machakos met to pass them because some of them relate to licenses, taxation, which the executive in Machakos does not have the powers to determine.

It is in the same way, as a Parliament, we must be here to pass various Motions, resolutions, and legislation that will protect the people of Kenya.

Secondly, Madam Deputy Speaker, it pains me that in the Presidential Address, the President put in place measures that are indefinite. There is no country in the world where a curfew has been put in place indefinitely without timelines.

The Deputy Speaker (Sen. (Prof.) Kamar): Senator, you are moving away. Just second the amendment. If you stick to the amendment, then you can come back later.

Sen. Murkomen: I agree, Madam Deputy Speaker, but you can see this amendment is about--- I am making justification for the existence of online meetings for the committees. This is because we must discuss the issue of indefinite closure of the country, indefinite closure of the five counties and indefinite curfew beginning at 8.00 p.m.

I was seated there when the late Gerald Kajwang', during the time we had a curfew in Lamu, raised an important issue. He said that if we do not follow laws related to curfew, somebody would wake up one day and close the country indefinitely. I did not know that it was going to happen in less than five years. Now we are in a situation where we do not know the next time the curfew will be reviewed.

We have senior counsel like Sen. Omogeni, Attorney-General *emeritus*, Sen Wako, Sen. Orengo and the team that is here. Is it really right for a country to have a curfew that is indefinite? Is it really right for a country to have measures that do not have timelines, not even timeline for review? Are we going to remain in darkness as a country? How are we going to achieve that if the Committee on Justice, Legal Affairs and Human Rights as suggested by Sen. (Dr.) Ochillo-Ayacko--- They can advise the country about the legality and viability of measures that have been put in place.

Madam Deputy Speaker, for the benefit of the people of Kenya, for us to think about hustlers that are suffering at the moment and people who have no jobs and social protection, it is upon us to recommend to the Government about the social safety nets that were provided before, including tax measures that are going to protect the people of Kenya.

I support that we should amend this Motion to ensure that committees continue meeting virtually like we have always done for the period that we have had COVID-19 for the past one year.

I beg to second

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Hon, Senators, I would like to propose the Motion by inserting the amendment that has been proposed.

(Question of the amendment proposed)

Hon. Senators, we are going to deal with the amendment first, so that we dispose it off. My screen shows everybody wants to contribute; those who may have wanted to contribute to the main Motion and those who would wish to deal with the amendment.

I will call the names in order. If you do not want to contribute on the amendment, please, turn it down. Secondly, as I had requested earlier, we do not want to go up to midnight. Some Members had proposed five minutes each. Is that reasonable?

Hon. Senators: Yes!

The Deputy Speaker (Sen. (Prof.) Kamar): Okay, each will have a maximum of five minutes. If you can do it in three minutes, that is perfect. We need to dispose of the amendment and then go back to the main Motion.

Sen. Halake: Madam Deputy Speaker, I rise to support the Motion in its amended form. I think select committees will do a good job especially if they meet virtually. So, I support the Motion with the amendments.

I would like to say something about this whole issue. We have been told about the powers and privileges of our House and there is no doubt. However, these are not normal times. We cannot be talking about the powers, privileges, autonomy and everything else when these are not normal times. These are times of pandemic. Therefore, measures should be taken. What His Excellency proposed and encouraged Parliament to do is not in any way unconstitutional, given the dire circumstances.

This pandemic has been with us now for one year. In this House, we have talked about how we will deal with the COVID-19 billions and look at different things such as social safety nets, all of which are valid. Having said that, what stopped us from doing them in the past one year that this pandemic has been with us? Let us be honest. If this is a House of record, if this is a House of procedure and if this House is about representation, oversight and passing all the legislation that we want to do, we had all the time to do so, not to mention that now because there is a pandemic and a recess has been proposed, then we cry foul.

Many Kenyans have been at home. They are not working and exercising their freedoms and powers. They are at home obeying the science to save lives of others. This House should also obey the science and not play politics with the lives and livelihoods of other Kenyans because it is true that we may be culpable and super spreaders.

We have seen the rallies we have been having and the number of times we have ignored the basic protocols. Therefore, we should not stand here today, because we have been asked to go on recess, and say we must be here by recalling the powers and privileges of this House.

We must make sure that people's livelihoods are taken care of. We must also make sure that people are cushioned against the vagaries of this disease. That being said, how is our being in this Chamber going to help? We need to think outside the box. The select committees can go virtual and do what we are supposed to do.

At the height of the first wave, we had an *Ad Hoc* Committee on COVID-19 that represented and did everything for this House. In fact, if there is need, perhaps we can have the Committee on Health to take care of the business while we are at home or another *ad hoc* committee can be put in place if that is desirable.

Having said that, we should not act like we are immune to the pandemic because the science is very clear. We, in this House, have been affected just like other Kenyans.

Therefore, while I support, I would like to discourage my colleagues from playing politics with this disease. Wearing a mask, keeping social distance and staying at home is not political. It is a matter of life.

Sen. Wambua: Madam Deputy Speaker, I thank you for the opportunity to contribute to this Motion. From the outset, I want to be clear that I support this Motion as amended.

In supporting the amendment to the Motion by the Senate Majority Leader, I want to remind all of us that we are here to exercise the sovereign authority donated to us by the people of Kenya. I am not denying that we all need to exercise a lot more caution and greater fidelity to the containment measures as given to us by the World Health Organisation (WHO) globally and the Ministry of Health at the national level. Even as

we observe containment measures and protocols, we must also be reminded that we have a job to do. The job should be done in good and bad times, in good or in ill health.

I welcome the amendment to ensure that the committees of the Senate will continue to meet virtually and where necessary physically, to address themselves to the challenges and the plight of our people.

Madam Deputy Speaker, I was a bit worried by the ruling of the Speaker in the morning that even before anyone approaches the Speaker to seek to have either virtual or physical meeting of the committees, that request had already been denied pronto. I am happy that these amendments have been brought and I thank Sen. (Dr.) Ochillo-Ayacko for bringing that amendment.

Our first encounter with this pandemic sometimes last year, when we sort of lowered our guard as the Senate, we all know what happened. Within a few months, this country had evolved several billionaires benefiting from monies that had been directed to the containment of this pandemic. It would have been a dereliction of duty if, as the Senate, we stopped meetings of committees and plenary at a time that we are talking of sourcing for more funds to go towards the containment of this pandemic.

I am happy that committees will continue to meet. I want to urge the committees, especially committees that will be dealing with the containment of this pandemic, that we must be told in very clear terms, how much money is being directed into the fight against COVID-19 and the source of that money especially in the counties. Counties have been receiving funds to fight COVID-19. There are some counties that I am told are directing this money towards funny use. The other day I was reading that my own county, Kitui County, is using the funds to produce tomato paste. I am wondering what does tomato paste have to do with the containment of the spread of the pandemic?

Counties must be held to account. If the Senate committees were to go on recess or stop meetings, it would be very difficult for us to hold the governors to account. Both the National Executive and the county executive must be held to account by committees of this Senate on how they spent money meant for the containment of the spread of COVID-19.

Thank you, Madam Deputy Speaker.

Sen. Were: Thank you, Madam Deputy Speaker. I rise to support the amendment to the Motion to alter the Senate Calendar. You are aware that I had already proposed the idea of a hybrid sitting so that we continue working as the legislature of this country because we are representatives of the people and they are looking upon us for directions on certain issues. People are more trusting of the Members of Parliament than they are of the Executive. It was important that we continue with these sittings even if it is just the virtual committee sittings, or where necessary have physical meetings as is envisaged in the amendment by Sen. (Dr.) Ochillo-Ayacko.

It is important that we continue with these sittings because we have Kenyans of goodwill who are making donations to our county and national hospitals. Who is going to check to ensure that these donations are well received and well utilized; to make sure that the Executive facilitates the process of receiving these donations to help Kenyans who are facing this pandemic?

Thank you, Madam Deputy Speaker. I support the amendment.

Sen. Ndwiga: Thank you, Madam Deputy Speaker. I stand to support the Motion as amended for both the calendar and also the sittings of the Senate committees. Some of our committees have a full---

The Deputy Speaker (Sen. (Prof.) Kamar): I see a point of order from the Senate Majority Leader.

The Senate Majority Leader (Sen. Poghio): Madam Deputy Speaker, I do not want to interrupt my good friend. However, I think clarity needs to be made to the Senator. He is now debating the Motion as amended while he should actually now be debating the amendment only. I just wanted to make that clarification.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Majority Leader. I was about to stop him because I was wondering why he was phrasing the statement we have amended.

Hon. Senators, we are dealing with the amendment. Let us deal with the amendment, finish with it, then we go back to the Motion as amended. This is why I was saying, do not go beyond five minutes. If you support, state so. We need to move faster so that we dispose it off, then come back to the amended version.

Sen. Murkomen: On a point of order, Madam Deputy Speaker. If Members are in agreement, we can allow Sen. Ndwiga to finish, then you put a vote on the amendment so that people just contribute on the Motion because of the time we have; it is now 4.00 p.m. Then we can debate the Motion. If Sen. Ndwiga is more comfortable contributing to the Motion as a whole, we can put the vote first, then he can continue.

The Deputy Speaker (Sen. (Prof.) Kamar): Your proposal is good except it is coming from the wrong person. Normally, it is the person who has not spoken, who should be giving that kind of proposal.

Sen. Murkomen: Madam Deputy Speaker, I know the rules. I only made a proposal; I did not move a Motion. It is unless someone moves. I was not moving.

The Deputy Speaker (Sen. (Prof.) Kamar): Please, whisper to your neighbour now so that they can move. However, it is a good proposal.

Sen. Ndwiga: Thank you, Madam Deputy Speaker. I want to support the amendments because some of the committees of this House have an overflowing in-tray and there is so much business that needs to be done. If we are going to avoid the work of committees totally, that would be bad for both the House and the committees. I support the amendments and hope that you will see me because I am still pressed to contribute for the main Motion.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. Cheragei. I see some intervention from you.

Sen. Cheragei: Madam Deputy Speaker, I move that the Mover be called to reply, then we can move to the main Motion.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, a proposal has been given that the Mover be called to reply.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Sen. (Dr.) Ochillo-Ayacko: Thank you, Madam Deputy Speaker. I am very grateful for the good remarks that Members have made in favour of these amendments. I do not want to take more time since Members want to contribute to the Motion as amended. I therefore rest my reply there and pray that Members will unanimously and in a bipartisan way, support the amendments.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, I want to put a question on the amendment that was brought by Sen. (Dr.) Ochillo-Ayacko. I put the question.

(Question of the amendment put and agreed to)

(Question of the Motion as amended proposed)

Hon. Senators, we are now back to the Motion as amended. Sen. Farhiya, proceed.

Sen. Farhiya: Thank you, Madam Deputy Speaker, for allowing me to contribute. I want to affirm that COVID-19 is real. The graveyards are filling up quickly. We should be very careful given that we come from different counties. If we continue meeting the way we are doing right now, we could be also super spreaders besides risking our lives.

The 26 per cent infection rate is not just a number. Those are people's lives. As we have all noticed, the death rates have increased from one or two deaths to 18 to 24. That should be alarming to anybody who has sense of responsibility for the lives of Kenyans.

Madam Deputy Speaker, our President was taking his duty seriously by ensuring that in the counties that have a greater number are locked down for now. I am sure if these infection rates come down and the curve flattens, those five counties will be opened up for business.

I was hearing that *mama mboga* cannot get supplies of *mboga*. I thought the rules in terms of transport for essential things have not been revised. I did not see it anywhere in the communiqué that was shared in terms of our President's message.

Madam Deputy Speaker, if you go to Lang'ata Cemetery today, you will see the number of graves for the Muslims have increased; so have the Christian graves. Knowing that even most of the Christians, the ones who die in Nairobi are taken to their home counties for burial, but still the number has gone up. I withdraw. Even then, the graveyards are also increasing. That shows the gravity of this matter.

Sometime I tend to feel even the people who die of COVID-19; all of them are not in the country's statistics. Sometimes people assume they died from other ailments, but they still could have died from COVID-19. From the normal time to now, you will see the difference. Even the side that is marked for COVID-19 is totally different from the other side graves are increasing being filled.

Madam Deputy Speaker, I heard assertions that the President directed Parliament. I just went back to read his speech. He said with the concurrence with Parliament

leadership. I do not see how with concurrence can be translated to direction. When we communicate some of these things, let us put the right communication forward.

We have moved from the previous position where our people were asking who knows anybody who has gotten or died of COVID-19 complications. Today, we know of people who have died and some of them are our relatives, friends and people you just spoke to the other day and they are gone. This is a very serious issue.

Madam Deputy Speaker, I also support the Motion as amended because if we continue holding virtual meetings, as you remember a majority of our Bills because of lack of concurrence, they were returned to the Senate. It will be tragic if the Committees do not handle some of these Bills and we leave this House, for example, having sponsored like more than four Bills and none of it goes through. However, if the virtual sitting continues, committees will finish their work in terms of the Bills. Once we open, it is just a matter of debating and passing those Bills.

Madam Deputy Speaker, as the Committee on Finance and Budget, there are two Bills that need to go through. That is the Division of Revenue Bill and the County Allocation of Revenue Bill. Both are very important for counties in terms of financing.

As we approach towards the end of the financial year, if the committees do not handle those issues, it means it will waste our time and things will not move as quickly. Therefore, the passage of budget will be delayed. As a result, we will not have the budget on time the way it should be.

Madam Deputy Speaker, I believe virtual sittings have no risk. People can just join from their houses. Therefore, cross infection of people will not happen if we are contributing to committee work through virtual sittings.

I support the main Motion as well as the amendment.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you. Sen. Omogeni, proceed.

Sen. Omogeni: Madam Deputy Speaker, thank you. I also rise to support the Motion that is on the Floor to the effect that we alter our Calendar so that we adjourn from the 30th March, 2021, and resume our sittings on 11th May, 2021.

First, I begin by trying to understand that what His Excellency the President did was to request and persuade Parliament to assist him in putting in place measures that can assist in stopping the transmission of COVID-19 pandemic. I do not think he was in any way trying to direct Parliament on how to conduct its business.

Madam Deputy Speaker, the main reason why we want to adjourn our sittings is simply because we want to assist in stopping the transmission of COVID-19 pandemic.

We are also trying to heed the warning that science is telling us. The scientists say that the more your physical interactions, the more the risk of exposing yourself to contracting the Coronavirus Disease (COVID-19). It is that simple. We can choose to listen to science, or we can choose to ignore what science is telling us.

Madam Deputy Speaker, because of the devastating effects we have seen from this invisible enemy, I beg that we give science a chance and listen to it. In my county, just this morning, we buried somebody who died of COVID-19. On Friday, we are burying another resident of Nyamira who passed on from COVID-19. These are people we know. This virus is with us and it is causing devastating effects on our people.

As leaders, we need to lead by example. If you saw the reaction to the statement that was issued by the President, there are a number of organizations that wanted to challenge the decision by the President. They are waiting to see what action we will take as the Senate. The church is waiting. If you read online postings, they are asking if the Senate can hold its sessions, why not the church?

Madam Deputy Speaker, if we make the decision not to adjourn today, there will be a trickle-down effect. Other bodies like our brothers in mosques, churches, and by extension people who run bars, they would say that they watch Senators in meetings, so why are they being stopped from having their fun? This is just trying to act as responsible citizens and trying to show leadership.

I was watching the Cable News Network (CNN) channel on television this morning. In a state called Brisbane of the Gold Coast of Australia, they only had three cases, and the premier of that state issued a decree stopping any movement from that state to the other states of Australia. There were just three cases. However, for us, I was watching the news yesterday and we were told that our positivity rate is at 26 per cent. If you listen to the scientists, they are telling us that if we do not put in place measures to control transmission, we will watch Kenyans dying on the corridors of our hospitals. Our Intensive Care Unit (ICU) beds are full to capacity, and that is the reality that we should tell our people.

The neighbouring counties have got no capacity to receive patients from Nairobi City County. More worry is---

(Sen. (Omogeni's microphone went off)

The Deputy Speaker (Sen. (Prof.) Kamar): Your time is up.

Sen. Omogeni: Just give me one minute to sum up.

Even if you watch the updates that we are getting from our professional bodies like the Law Society of Kenya (LSK), we are losing members daily.

The situation is not looking good, and I plead with Members that we lead by example. Let us sacrifice, adjourn, and observe how this virus behaves in the next 30 days, so that we can lead other Kenyans by example.

I support.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Wako.

Sen. Wako: Thank you very much, Madam Deputy Speaker, for giving me this opportunity. As somebody who has gone through this terrible thing and has been lucky to survive, I fully support this Motion. In fact, I believe that this is an action that should have been taken some time before to save lives of people.

Many people have passed away, many of whom were close to each one of us. As the Chair of the Committee on Justice, Legal Affairs and Human Rights has stated, if you look at the minutes of the LSK, every day, at least two advocates are passing on after a short illness. The word "short illness" these days stands for COVID-19. Unless it is a heart attack, but it is mostly COVID-19.

Madam Deputy Speaker, we ask that we adjourn until 11th May. It is not an indefinite adjournment, it is until a specific date; 11th May, when this House was set to

resume. On 11th May, if the situation continues the way it is, I will be ready to say that we should adjourn again.

I think that the amendment that was made was appropriate because it allows for virtual meetings of the committees. As we all know, a lot of work is done in the committees. It is only appropriate that during the intervening period, between now and the 11th May, Parliament, in its oversight role will be able to see the various actions that are being taken with regard to COVID-19 pandemic or violated through the committees.

Madam Deputy Speaker, I know that the Committees on Health, Transport and Infrastructure, Devolution and Intergovernmental Relations, and Education will have some work to do in this regard. The Cabinet Secretary (CS) of Education is moving all over the country issuing statements here and there. He is a very active CS, and I like his activity. The Committee should be there to comment and add value to what he says. I know that the Committees on Finance and Budget, National Security, Defense and Foreign Relations will also have to do some work in this regard.

Most of the work of this House is through committees. It is appropriate that between now and 11th May, something should be happening, so that when we resume, assuming that the situation would have become better and we can continue our sittings, we will at least have some quality work to do. In other words, between now and then, the committees will be preparing work for us to start on 11th May. They will do so virtually, in such a manner that the COVID-19 protocols will be observed.

Madam Deputy Speaker, I do support the Motion as amended by Sen. (Dr.) Ochillo-Ayacko. I did not know that he was a student of Sen. Murkomen. That is why he sometimes makes mistakes with the law. I did not know where they came from, and I had to correct him on some of those things. I now know where those things came from.

With those few remarks, I support.

[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]

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

The Temporary Speaker (Sen Pareno): Sen. (Eng.) Hargura.

Sen. (Eng.) Hargura: Thank you, Madam Temporary Speaker, for giving me this opportunity. I would like to support this Motion as amended. We all know that COVID-19 is real, and the effects of the third wave are being felt, especially in the identified five counties. We have to assist the President in ensuring that the lives of Kenyans are preserved, and actions are taken.

As has been said, the Executive is still performing its duties so as a Legislature, we still have to perform ours to oversight them. In the first wave when we suspended our sittings, things such as the Kenya Medical Supplies Authority (KEMSA) Scandal took place.

This time, we need to be vigilant and take the action required by adjourning our sittings but because the Senate works mainly through the committees, we need to suspend the Plenary sittings because that is where the in-person contact is taking place and now concentrate on the oversight role in the committees. That is why I support the

amendments which expressly state that the committees can continue working virtually so that we do not suspend our oversight role.

We should oversight in a way that is in compliance with the current situation. Technology is there, and we have been using it. So let us have that and continue doing the oversight.

Madam Temporary Speaker, when the President announced the measures, there was the question which came up. The question was now on what would happen to the livelihoods of the affected Kenyans in the five counties which were said to be disease infested zones and had been closed off.

In the first wave, there was the raft of measures such as reduction of taxation and rescheduling of loans repayment. We know that already the Governor of Central Bank (CBK) has said that the window is closing by I think next week. What happens now that we have gone back to the same situation? Those who were trying to pay those loans are already again being taken back to the situation where their businesses have closed down.

I urge the President that while implementing these measures, we also come up with ways of cushioning Kenyans so that they do not get doubly affected. Already since March last year, we have been going through this pandemic. At least, business was recovering when the economy was opened up and now we are going back to the same lockdown. Restaurants have been closed, working hours have been reduced, transport businesses have already been affected because of this lockdown.

Let it not end at the lockdown because this thing will not sort itself out. Let us also take care of how the Kenyans will be affected especially in these five counties by reinstating again the cushioning measures which were there in the first wave so that we do not lose livelihoods while trying to save lives. At the end of the day, we have to be sensitive to the lives of Kenyans.

In other parts of the world, governments are coming up with very clear measures such as cushioning for job losses. We may not be in a position as an economy to do that but we need to make sure we also cushion our citizens as much as we can.

I support the Motion as amended.

The Temporary Speaker (Sen. Pareno): I do not see Sen. Malalah. That could be his nephew but certainly not him. Proceed, Sen. (Prof.) Onger.

Sen. (Prof.) Onger: Thank you, Madam Deputy Speaker. I think history is replete with many reminders of where we have come from and where we are going.

In the 14th Century, Asia and Europe were ravaged by a plague that killed so many people. That was to an extent that during the plagues that appeared later, those of us who went to school much later were told it was something very positive if we killed and presented one rat at school.

In 1957 and 1968, we had the flu pandemics that appeared globally not to mention the H1N1 Pandemic of 2009 which was a swine flu that appeared and devastated a lot of populations worldwide.

In 1918-19, there was the Spanish flu not because it happened in Spain but because it was nomenclatured in that level. The outstanding factor is that it killed 20 to 40 million people. We now have COVID-19 of 2019-2020 which has ravaged the whole world.

What is a pandemic? It is not an epidemic because an epidemic is confined to a small community but this is a global occurrence. The COVID-19 fits that description of a global pandemic which is infectious and spreading. Unless some very stringent measures are put in place, the entire populations will be decimated. We do not have to joke or argue against it.

Having defined what a pandemic is, being an infectious disease, unless some measures are put in place, we will lose so many people. That is why I am fully persuaded, first of all, as a professional medic to support the amended form of this Motion. It means so much for the population of this country.

We cannot continue fooling around with an infectious disease that is already killing thousands of our people and pretend to be heroes that we will be able to reverse the events. We will not be able.

The best thing we can have is to operationalize the Public Health Act. For the sake of clarity, the Public Health Act Chapter 242(3) Section 17-20 deals with notification of an infectious disease. The Ministry of Health has done so. Part Four deals with prevention and suppression of this scourge which is where we are.

The best thing that the Senate can do is to be part of this fight against this pandemic. I fully support the Government efforts by the President and Ministry of Health. They must be fully supported by this House while performing their duties. That is why we are allowing the committees to be in session so that they can check the excesses particularly when the resources are being shifted from normal budgets to deal with this pandemic by its nature being an infectious disease.

That is why this House must at all times ---

(Sen. (Prof.) Onger's microphone went off)

Sen. Sakaja: Madam Temporary Speaker, I rise to support this Motion as amended by the Senate. Tough times call for tough measures. Throughout last year, I think our country received a lot of accolades for the management of this pandemic as opposed to many others not just in the region but world over.

I think at some point, we let our guard down because we had been doing well in terms of managing the disease, keeping the numbers down and even in terms of the kind of healthcare we were able to get.

Madam Temporary Speaker, at that point, we had the Ad Hoc Committee. The Ad Hoc Committee of the Senate which I was chairing, was the one institution or body representing this institution that had a bird's eye view over all the aspects of the COVID-19 pandemic in this country.

Madam Temporary Speaker, we interacted with all areas, economic issues, the health issues, the social issues, security and human rights. At that time, you could tell that even the Executive was really taking the cue that the House was setting throughout that period until the Committee ended its mandate under Sen. Kasanga.

The concern that there still needs to be oversight must be stated even at this point because I support the President's initiative to lock down the country. In as much as it is difficult, I think we all need to understand that it is never in any government's interest to

do a lockdown. If you look at the level of taxes that have gone down, no government would want to reduce how much money it is collecting. No government would want to restrict trade.

When we were doing the Budget Policy Statement (BPS) the other day, we considered the projected economic growth, which is very low and what has happened in the last financial year. Therefore, that tells you that these are desperate times.

The number of deaths has increased. We have lost friends. In fact, tomorrow, I am burying a friend, Antonio Letting, in Kitale. We have lost many friends over the past few days. In fact, it is no longer news. These days you wait and hear who has died today. These measures needed to be taken.

Madam Temporary Speaker, it is unfortunate - and I have heard certain colleagues saying because our Standing Orders are clear - Standing Order 100 says that a Member must be responsible for a statement of fact. Nowhere in the President's statement did he direct Parliament. The President did not direct Parliament. He cannot direct Parliament and he did not.

On top of saying with the concurrence of the Speakers, he asked that the Houses then take cue and use their procedures to consider an adjournment and that is what we are doing.

People like to come to throw stones sometimes at the President, but we cannot allow that because that is not what he did. We saw our Speakers there; I do not think they were being told off. However, even in this House, we have lost friends. We have lost Members in the National Assembly. We have lost many people.

What we need to be talking about at this point is; how do we, as leaders, play our part in ensuring that the common *mwananchi* is safeguarded at this point? There are many areas that we need to look at.

Madam Temporary Speaker, as we speak today, I am dealing with almost 4000 Nairobians evicted in Njiru quarry in the ongoing demolitions during a pandemic. When you talk to those people and try to commiserate, they ask you which kind of Government is it that is evicting us at this point? We need to be able to have our committees to look into that issue.

That is why I like Sen. (Dr.) Ochillo-Ayacko's amendment. We need to look at those demolitions in Njiru, in Kasarani Constituency, in Nairobi County. We need to look at these people who have been in the hospitality industry, the taxi drivers, the bouncers and the disc jockeys; they need to be cushioned.

Madam Temporary Speaker, I would like to inform the House - I know my time is going - as I finish, the Bill that we did last year, the Pandemic Response and Management Bill is still very much needed. It has been republished and it has taken---

The Temporary Speaker (Sen. Pareno): One minute.

Sen. Sakaja: Madam Temporary Speaker, Nairobi is not only worst hit, but by virtue of the work we did, this Bill is still very much needed.

Remember when we were doing oversight, we went to all counties and we agreed on the number of intensive care unit (ICU) beds to be increased. Since we lowered our guard as a country, today, there are no ICU beds.

Last week, I was struggling to find an ICU bed for some Nairobian, but even talking to the CEO or the Chair of Kenyatta University Referral Hospital could not help.

Therefore, we need to pick up that Bill again. I hope that when we come back we can pass it properly. We have agreed with the National Assembly how to deal with it because we must know how to deal with a pandemic because it is not a normal occurrence.

We need to make sure that the police are not harassing people in those areas where there is lockdown and my county is one of those areas. In Nairobi, there is no agriculture going on that can feed the entire county. There is agriculture, but not the level that can feed the entire county. We need to make sure that flow of food is going on and that when schools reopen, the school feeding program is re-introduced just as we had said before we have done this.

Madam Temporary Speaker, I support the adjournment of the House. I hope that as chairpersons of committees - and I chair a Committee as well - we will not lower the guard of oversight because any Executive would not want a Parliament that is oversighting them at this point.

Thank you, Madam Temporary Speaker.

Sen. Kwamboka: Asante Bi. Spika wa Muda. Ningependa kuunga mkono huu mjadala wa kusitishwa kwa Bunge mpaka mwezi ujao.

Kusema kweli, kuna janga kubwa la COVID-19 na ni wakati mwafaka kwa Bunge kuenda likizo kidogo. Wakati ambapo tutakuwa kwenye likizo ni wakati wa kamati, sana sana Kamati ya Afya ambayo mimi ninashiriki hapo, tuweze kuangalia hizi *vaccines* ambazo zimekuja wakati huu kuona kama wananchi wa Kenya wanaweza kupata hizi *vaccines* kwa urahisi.

The Temporary Speaker (Sen. Pareno): Kwa Kiswahili inaitwa chanjo.

Sen. Kwamboka: Bi Spika wa Muda, ni vizuri pia tujifunze Kiswahili. Lazima tujivunie Kiswahili.

Kwa wakati huo, hizi kaunti ambazo Rais wa nchi amesema kuwa ziwe kwenye *lockdown*, ni wakati muhimu tuangalie maslahi ya wafanyi biashara wadogo; wawache kuchukua ushuru kwa hao wafanyikazi kwa sababu kazi zao zinafungwa mapema si kama kitambo.

Bi. Spika wa Muda, ni wakati ambapo kamati zetu ambazo zitakuwa zikihudumu, kama Kamati ya Afya, wakati ambapo tunamwalika Waziri, ni lazima Waziri aelewe kuwa wakati huu ni wakati wa dharura. Lazima Wananchi washughulikiwe. Kwa hivyo, Waziri lazima afike mbele ya Kamati kujibu maswali ambazo wataulizwa.

Wakati tunaenda mashinani, ningehimiza kuwa sisi Wabunge tuongee na wananchi wetu na tuwaeleze manufaa ya kupata chanjo hii. Pia, tukatiza mikutano ambayo tuko nayo katika maofisi.

Bi. Spika wa Muda, naunga mkono huu mjadala wa kusitishwa kwa Bunge mpaka mwezi ujao.

Asante sana, Bi. Spika wa Muda.

The Temporary Speaker (Sen. Pareno): Kiswahili sanifu kweli.

Sen. (Dr.) Langat: Thank you very much, Madam Temporary Speaker. I would also like to congratulate Sen. Kwamboka on matters to do with that language. Congratulations.

May I make my contribution to this Motion as amended. It is so important that we make this serious move in our country taking into account that our country is facing a big challenge at the moment. More so, when it comes to our villages, this pandemic has taken toll on most of the people.

In Bomet County, for example, burials have increased in number to a point that I had to inquire what was happening from the Ministry of Health offices in Bomet County. It is interesting that most counties are running out of the reagents of testing COVID-19. Most of the dead are buried as normal and the hospitals are not separating people who have died of COVID-19 so that they can be handled differently.

Therefore, we are in a very serious situation. I am happy that though adjournment is taking place, we still remain an oversight institution in this country.

The Committees will continue doing their work through virtual meetings and whenever they call for physical appearance on serious matters, they should be allowed despite the fact that we understand the independence of this House and separation of powers as provided for in the Constitution. COVID-19 pandemic is a serious matter that the three arms of Government must take it seriously.

Health is a very important matter. I encourage the Government to emphasize on mass testing of our people. We must also test those who have died without the knowledge whether it is COVID-19 or any other disease and bury them with caution. Secondly, there is need for us to conduct mass vaccination. Going forward, we must ensure all Kenyans are vaccinated. We are happy it has started with some of us because we are labeled as the super spreaders. This will really help our people fight this pandemic.

As I support this amended Motion, I urge that we jealously protect the independence of this institution. We should not be dictated on what to do from any quarter. This amendment shows that we are a powerful and an independent institution that should be respected by other arms of the Government.

I support this particular Motion.

The Temporary Speaker (Sen. Pareno): Sen. Shiyonga, kindly proceed.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to support the Motion as amended by the Senate.

Madam Temporary Speaker, right now, our country is struggling to manage COVID-19 pandemic. As it stands now, we, as leaders, need to lead by example by legislating anything that will assist this country and its people. COVID-19 pandemic is here with us. It has killed our relatives and friends. Right now, we do not know who has it.

The President took his own initiative and, therefore, we should not misunderstand him. The President was once a Member of Parliament and he understands the business of the two Houses of Parliament. Therefore, he cannot direct Parliament how to do its business as alleged by some leaders here. As I said, we need to pass Bills that will assist our country to curb the spread of this pandemic.

I want to urge hon. Members to adopt this Motion as amended on alteration of the Senate Calendar. Instead of accusing the President that he directed us, we advise him through legislation as our duty and mandate demands.

We have heard from the President and seen it in social media that our people are not taking this pandemic seriously. It is very unfortunate that some leaders are also not treating this pandemic as seriously they should. We need to move away from misleading the public as leaders. We need to be advisers to our people.

I want to urge the President that as he considers the lockdown in the five counties, let him extend the same incentives he had offered Kenyans when the country was on a partial lockdown in the first place. Here I am talking about taxation measures or relieve which went a long way to help citizens of this country.

I urge private sector to desist from sacking their employees because right now the country is experiencing hard economic time caused by this pandemic. Let us all join hands and fight this pandemic because has very devastating effects on our economy.

Kenyans in Nairobi City County and other four counties that have been lockdown must know these statistics are real.

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

The Temporary Speaker (Sen. Pareno): Order, Senator! There is an intervention from Sen. Farhiya.

Sen. Farhiya: Thank you, Madam Temporary Speaker. Will I be in order to ask that we reduce the time to three minutes? There is a lot of interests and time is not on our side because we have other businesses to transact in the House. I want Sen. Kwamboka to second me with your permission.

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

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Olekina.

Sen. Olekina: Madam Temporary Speaker, I hate to stand and question my good sister's intention. This is a House of record. She should have quoted the Standing Orders because they are quite clear that before the commencement of any Motion, that is when a Senator can rise and seek for a limitation of time. I find her point of order not really appropriate.

In my view, it will be proper if we were to talk about adjournment and allow Senators to express their views. We do not know whether they are supporting or not supporting. It is a matter which we will still have to go on Division.

Madam Temporary Speaker, I just want to request that when my colleagues stand here, they have to remember that when the Motion was being moved, it was quite clear that it had to proceed to the end. Therefore, it will be proper for us to allow Senators to address the matter in accordance to our Standing Orders which we must follow them to the letter.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Sen. Shiyonga, kindly conclude.

Sen. Shiyonga: Madam Temporary Speaker, I hope I will get extra time because of that interruption.

We are discussing a very important matter. Currently, we cannot be thinking about any other matter in this House apart from this pandemic. I feel so bad when

Senators address side issues that are important to them and not serious as COVID-19 pandemic in this country. We are discussing about life and death, allow us to discuss it as freely as possible.

(Applause)

Madam Temporary Speaker, some counties in this country continue to misuse COVID-19 money. We heard of some individuals becoming overnight COVID-19 billionaires. I stand with the Senate Committee on Health. They can bring their report to this House so that we adopt it. We should not allow some individuals to enrich themselves at the expense of our people who are dying from the COVID-19 complications.

Madam Temporary Speaker, the Ministry of Health has urged some of the companies and people to surrender the gas cylinders they are hoarding. This is because these cylinders are crucial in mitigating effects of COVID-19 pandemic in our hospitals and homes. Please, let us be considerate of other individuals in this country who desperately in need of oxygen to help them fight this pandemic.

Madam Temporary Speaker, I will leave this time for other Members to contribute. I thank you very much. COVID-19 pandemic is a serious matter and it is here with us. Therefore, we need to discuss it to its logical conclusion even if it means we do it until midnight.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker, for giving this chance to also support this Motion as amended. The President of this country did not direct Parliament as many people have alluded to because I listened carefully to the speech. He requested the two Speakers of the two Houses to discuss with MPs so that they amend the calendar accordingly.

Right now our country is in a challenging period because we are losing many people. The ones being recorded are even fewer because in most cases there are deaths, but people do not know whether they are due to COVID-19.

Like the President said, despite the fact that this House has a lot of work to do, it is important to choose life as opposed to imagining that our economy will go down. Without healthy people, the economy will still be low.

Now that Committees will have a leeway to continue with their work virtually and in extreme cases they can even meet physically, but they must follow COVID-19 protocols. That shall ensure that we contain the spread of COVID-19 because the numbers are rising. Recently the positivity rate was at 20 per cent and yesterday it was 26 per cent. Nobody knows. Maybe by close of business today, we will be informed that it is over 30 per cent.

We all know that as more people become infected with COVID-19, our health facilities become overstretched. For that reason, by altering our calendar, it will set an example to the rest of the country that this is a serious matter.

The Motion in an amended form will further enhance the work of the Committees, more specifically, the Committee on Health. A few minutes ago, we were told that Kshs241 billion will be used in the fight against COVID-19. Since the time of the *ad hoc* Committee on COVID-19 Situation in Kenya expired, the Committee on Health should

take up the challenge and ensure that work is done just like the *ad hoc* Committee used to.

During that time, we could follow keenly about the thematic areas. They were able to inform us what was happening in security and other social issues. In this case, there is nothing wrong for the Committee on Health to take it up and be informing us how much money is sent to the counties or even how Kshs241 billion is being used.

Madam Temporary Speaker, I support this particular Motion based on the counties that have been locked down because the numbers are increasing. Maybe the situation is the same in other counties, but the situation is serious in the five counties. The Government should increase testing of the people in the five counties. In addition to that, people should be vaccinated.

When one million doses of the vaccine were brought, we thought they would be over in less than one month. However, people are approaching it with a lot of caution. We encourage people that vaccination is important because without vaccination, very many people will die. Counties that have received the vaccine should vaccinate people. We also encourage the Government to consider the needy and vulnerable people in the five counties so that they are vaccinated.

Sen. Ndwiga: Madam Temporary Speaker, I want to support the Motion as amended. We listened to the address by the President. I support Sen. (Dr.) Milgo that the President did not order Parliament. He suggested that Parliament should look at its calendar and see how to alter it. He suggested that it will be good to go on recess. He also suggested the same for the Judiciary.

Sometimes people are very quick to judge without thinking about the information they get. Being a President is not easy because you have to balance between the economy and the lives of your people. It is in that respect that the President suggested that counties which have been overwhelmed by this disease be locked down for sometimes and I am happy about it.

People have said that he should have given a period for the lockdown. Normally he locks down for one or two months, but this time he did not. I am sure that the fear of the Government was that during this Easter period, people were going to flock to social places and merry make and spread the disease wildly. It is not that I know, but I will not be surprised if the President announces after Easter that people should go back to their normal business. I hope he does that.

We know that even with the curfew and all other requirements by the Ministry of Health, the behaviour of Kenyans out there is far from what you would expect of a people in the midst of a pandemic. When you go to our counties or even markets, you will see people walking without masks.

When the curfew time is about to commence, you will see the police busy locking bars and collecting whatever they can from bar owners. They are least concerned about the curfew and the implications of the health of the people. I request the provincial administrations in our counties to up their game so that we stop escalation of this pandemic.

Other victims are *matatus*. Last week I saw a *matatu* that must have been carrying more than 26 people although it should carry only 13 passengers. It had just passed

through a police roadblock. How many people are we going to kill in this country before we understand that proceeds of corruption will not help?

I am sure some of the policemen who allow that to happen have been affected if not infected by the disease. Although it is not right to wish it on anybody, I hope they will realise that this pandemic is bad for the entire country, including themselves.

Sen. Cherargei: Thank you, Madam Temporary Speaker for this opportunity. In the interest of time, I will not be in the business of defending the President. He has enough defenders on what he said or meant. However, there are reservations on the President's directive to lock five counties; this is over ten million Kenyans.

Two things that the President deliberately failed to tell Kenyans is how we will cushion the vulnerable. According to the Kenya National Bureau of Statistics (KNBS), in 2020 during the first wave of COVID-19, 1.7 million Kenyans lost their jobs. These are *mama mbogas*, waiters, people who sell *mahindi choma* and low-income families. The President did not provide a safety net to these families who are suffering. This is sad and we would have expected the President to learn one or two things since the inception of the COVID-19 pandemic.

Secondly, most of the *matatus* that operate within the locked down counties are acquired from loans. The issues of tax relief, tax exception and loan restructuring were done away with. We would have expected the Government to order commercial banks and other money lending institutions to restructure loans, especially for the people who have borrowed. Most eateries and establishments in the hospitality industry are running on loans. We expected there would be tax relief or tax exemptions, the way Governor Mutua of Machakos County has done. This is the way to cushion Kenyans, especially through loan restructuring.

The fourth point I want to make is on the mass testing and vaccination. We received about 1.2 million vaccines. We are told at least 100,000 Kenyans have been vaccinated. The President has not requested for money in the supplementary budget, from the National Assembly to vaccinate the 47.5 million Kenyans free of charge. Be it the vaccine that comes from Russia, AstraZeneca or Moderna from the United States of America, so that all Kenyans can have an opportunity to receive free vaccination.

Today, as we agree or disagree to go on adjournment, what is the exit strategy? The strategy is not about lockdowns and curfews. You are delaying the spread of COVID-19. What is the masterplan that the Executive has put in place that needs complimentary support from the Judiciary and Parliament going into the future?

As we go on recess, we have agreed that the Committees can function. I challenge the Health Committee that as we come occasionally back to the House, they should give timely updates on interventions and the masterplan on the way out.

I saw a bishop from PEFA church who knows better strategies than lockdowns and curfews. Therefore, I challenge the President that this is the right time to provide leadership. There is a saying by the former Prime Minister of Great Britain that the person who matters is the person in the ring, who has sweat, blood and in the thick of things.

Finally, on police brutality, I ask the police as they implement lockdowns and curfews, this is not a license for human rights abuses. You remember Kenya was singled

out during the first wave of the Pandemic that more people were being killed by police brutality than COVID-19. I challenge the police to stop brutality.

Thank you for giving me an opportunity to contribute to this Motion. I support.

Sen. A. K. Muthama: Thank you, Madam Temporary Speaker, for giving me this opportunity to support the alteration of the Senate Calendar. When the President made the pronouncement, it was not a command. It was a suggestion that the House can discuss. This is why we are discussing it.

As we go on recess, we should think of how our people will be protected. I just finished my campaigns and I noticed that many people in the villages could not afford masks and sanitizers.

Despite what we are doing, we should think of how the counties will supply these people with masks, sanitizers and also educate them on how to take precaution, since the majority is ignorant.

As I speak, most of them are saying that they have no food to eat. We should think of all those things even as we focus on the Kshs214 billion that my fellow Senator talked about. With this kind of money, our people should get the vaccines, masks and sanitisers even as we educate them.

I support the Motion as amended.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to support this Motion in its amended form.

I commend the President for his statement. It must be clear that his statement was not obligatory when referring to Parliament. It was clear that he knows the role of the tripartite arm of Government in ensuring the smooth running of the country. This makes the statement a request. He requested the two Speakers to see how this can be fast-tracked.

If Kenyans can remember and flashback, the President came up with raft of measures when COVID-19 pandemic was first reported, because he empathized with Kenyans and wanted to see how they can be helped throughout the pandemic. It must be clear in the minds of Kenyans and parliamentarians that the President was well meaning. He wants to walk together with Parliament during this COVID-19 pandemic.

Also, the President walked his talk by taking the COVID-19 jab with his family. This is a message to Kenyans that COVID-19 is real. We have to protect ourselves, our loved ones and fellow Kenyans.

As we address the issue of COVID-19, the amendment in this House is to ensure service delivery to Kenyans. It is clear that Committees are obligated to pursue issues that come to Parliament and are platforms to listen to Kenyans. The issue of virtual meetings will help parliamentarians listen to Kenyans and see how to help them. As I stand here, Persons With Disabilities (PWD) are wondering what will become of them. What will be done to cushion them during this period of pandemic?

Madam Temporary Speaker, I want to suggest that even as we talk about the long recess, it would be paramount also for PWDs to be considered in getting the job. They are also vulnerable and can easily succumb to COVID-19. These are some of the questions we will be asking in the Zoom meetings. What are county governments doing to ensure that PWDs are cushioned?

I support this Motion in its amended form. I believe that the tripartite arms of the Government will work together in ensuring that we combat this COVID-19 pandemic.

Madam Temporary Speaker, thank you for the opportunity.

The Temporary Speaker (Sen. Pareno): Sen. Olekina, I am told that it is on record that you did debate in the main Motion. So, you cannot speak to it again. I proceed to call in Sen. Chebeni.

Sen. Chebeni: Thank you, Madam Temporary Speaker. I also rise to support the Motion as amended to alter our calendar.

It is a very important Motion given the situation we are in. The third wave is not very pleasing and we need to take necessary precautions.

As a House, we have a duty to represent and undertake our oversight mandate. As we are all aware, majority of our work is done through Committees. I am glad that we are able to continue with our virtual meetings for oversight reasons. As you are aware, many Bills are still pending at the Committee Stage. Therefore, it is very important that Committees undertake this critical mandate and ensure they are passed.

Madam Temporary Speaker, we have heard testimonies from our fellow Senators who have gone through the COVID-19. It is only wise that we, therefore, adjourn so that we do not spread it among ourselves and our constituents. I think all of us should support this Motion.

I am seated next to Sen. Kasanga and she was just telling me that the Auditor General's Report on COVID-19 funds was tabled here. The mandate was given to the Committee on Health to take a look at it and provide a report to this House. It is very important that the Committee on Health takes these matters seriously. We need to know how the funds were utilized.

Madam Temporary Speaker, we need to understand where the funds went. How many Intensive Care Unit (ICU) beds are there? How is oxygen availed at our hospitals? It is important that the Committee sits to look into the Report of the Auditor General and give this House a better report on how the funds were utilized.

I support this Motion.

The Temporary Speaker (Sen. Pareno): I see no further requests. I, therefore, call upon the Mover to reply. Sen. Wamatangi, proceed.

Sen. Wamatangi: Madam Temporary Speaker, I take the opportunity to thank Members for their contributions on this Motion in its amended version. For clarification and to ensure that there is no contradiction in the thoughts and minds of Kenyans, those who watched and followed; there is passion by Members of this House to have a say on how the lives of their people will be cared for in this trying and tough times of COVID-19. For example, the amendment brought about by Sen. (Dr.) Ochillo-Ayacko and supported by all Members of both sides of the House is evidence that Members are passionate about the lives of Kenyans whom they represent.

Madam Temporary Speaker, for avoidance of doubt, it is important to put it on record that indeed the only people who have a direct mandate on the question and say of how the health and lives of our people would be are elected Members. Indeed Members of this House fall in that category.

Various suggestions have been made. Noteworthy of those suggestions is, for example, that the thought that we should see this pandemic not as a one off thing. The plans that the Government has got in mitigating and ameliorating the concerns and conditions of Kenyans should be long-term.

Madam Temporary Speaker, for example, look at how we have dealt with the pandemic of HIV/AIDS. Since the 1980s when the first cases of HIV/AIDS were detected in the country, up to today, Kenyans are still suffering from the same ravages of that virus. That may be an implication or a pointer that, probably COVID-19 will be here to stay and stay long.

I want to laud the good thoughts by Senators that Government must think beyond tomorrow. The Government must be thinking beyond the lockdown, curfew and adjournment of Houses. We will be asking ourselves how we address this situation without necessarily waiting for external help to be our solution.

Madam Temporary Speaker, I thank Members also for their suggestions here that in case there is any situation that may arise that require Members of this House to appear here immediately and pass resolutions, that window is left open. That right and privilege of Members of this House is not curtailed in any way.

Indeed, the continued discussion and engagement of Members of this House through Committees will further enhance and cushion Kenyans. This is such that whatever continues to happen can be debated by Committees of this House.

Madam Temporary Speaker, as I conclude, it would be important as we continue with our discussions that we ask ourselves how we want to rest the case of our *ad hoc* Committee on COVID-19. Is it time we rethought the idea of reintroducing a specific Committee that would be looking at the continued way we are dealing with COVID-19 as a country?

I remind Kenyans that there are countries who suffered worse than we have suffered, but as of today, they have managed to contain the pandemic. You would go around countries in Asia specifically a country like China itself where this virus is said to have emanated from. They are proud to say that they have dealt with the pandemic to an extent that they can say the infection rates are almost negligible. That is what we should be aiming to do. The culture of continuing to ensure that continued and personal discipline in dealing with COVID-19 must be the emphasis of the health sector of this country and even of the Government.

I want to laud the actions that have been taken by the Ministry of Health in the various moves that they have done in putting up a fight against the virus. Also, there are actions taken by the Executive and the various periodic updates that have been given. There are actions by His Excellency the President to ensure that he continually informs this country. Indeed, there are other leaders who have been at the forefront.

Madam Temporary Speaker, I take the opportunity to even thank Members of this House. If you look at many platforms of social media, you can see several Senators whose photos appear taking the vaccine. We lead by example. I am sure as most Kenyans first had doubt about this vaccine, we, ourselves, are taking the jab to dispel off some of those rumours. I want to laud those Members that have taken the vaccine and urge the ones who have not to do so.

In conclusion, when we went to take the vaccination, we have been told that you will have to take about three for you to attain levels that would be said medically to mitigate the effects of COVID-19 in case you got infected. We should be thinking about those Kenyans who cannot afford a meal on their table today. We need to ask ourselves what we are doing about them.

Madam Temporary Speaker, they have to deal with the same fate, tragedy and problem that we, as Members of Parliament with the privilege that we have that they are facing. What will happen to that person in Mukuru slums? What is the hope that we are giving the person in Obunga Slums in Kisumu? What are we telling Kenyans who are expecting to have not only, hope, but solutions?

That is why I want to laud Members who have contributed to this Motion. I urge all of us to stay vigilant and keep our eyes wide open. Members should be ready to stand and act when necessary to ensure that we salvage our country and put COVID-19 behind us and get to move our economy, our country and the work that we do forward.

Madam Temporary Speaker, I beg to reply and move.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2021 (approval of the Senate Calendar) and on 24th March, 2021 (alteration of the Senate Calendar), pursuant to Standing Order 29(4), the Senate resolves to further alter the Senate Calendar (Regular Sessions of the Senate) in respect of Part II, so as to adjourn on Tuesday, 30th March, 2021 and to resume sittings on Tuesday, 11th May, 2021, in accordance with the Resolution made on 24th March, 2021 provided that Select Committees of the Senate continue to hold virtual meetings pursuant to Standing Order No.251A and where necessary, hold the physical meetings in absolute and strict compliance with COVID-19 protocols and that pursuant to Standing Order 31(3)(a) and (b), the morning sitting of Tuesday, 30th March, 2021 be held until conclusion of business appearing on the Order Paper.

The Temporary Speaker (Sen. Pareno): Let us move to the next order.

APPROVAL OF SENATORS TO SERVE IN THE
SENATE BUSINESS COMMITTEE

Sen. Wamatangi: Madam Temporary Speaker, I rise to move-

THAT, pursuant to Standing Orders 184(1)(d) and 189(3), the Senate approves the nomination of Sen. (Justice Rtd.) Stewart Madzayo, MP, to serve in the Senate Business Committee, to replace Sen. Cleophas Malalah, MP.

Madam Temporary Speaker, I beg to move and request the Senate Minority Leader to second.

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

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

The Senate Minority Leader (Sen. Orengo): Mr. Temporary Speaker, Sir, this Motion is understandable. Without further ado, I second.

(Question proposed)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, there is no interest, so I will now proceed to put the question.

(Question put and agreed to)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Next order.

APPROVAL OF SENATORS TO SERVE
IN THE SESSIONAL COMMITTEES

Sen. Wamatangi: Mr. Temporary Speaker, Sir, I rise to move -

THAT, pursuant to Standing Orders Nos. 189, 219, 220 and 221, the Senate approves the following Senators nominated by the SBC to serve in Sessional Committees of the Senate as follows -

A. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS
(CPAIC)

- (1) Sen. (Eng.) Hargura Godana, MP
- (2) Sen. Njeru Ndwiga, EGH, MP
- (3) Sen. Adan Dullo Fatuma, CBS, MP
- (4) Sen. Kimani Wamatangi, MP
- (5) Sen. (Dr.) Christopher Langat, MP
- (6) Sen. (Dr.) Ochillo-Ayacko, EGH, MP
- (7) Sen. (Prof.) Imana Malachy Charles Ekal, MP
- (8) Sen. Johnes Mwaruma, MP
- (9) Sen. Mercy Chebeni, MP

B. COMMITTEE ON DELEGATED LEGISLATION

- (1) Sen. Anwar Loiptip, MP
- (2) Sen. Samuel Losuron Poghio, EGH, MP
- (3) Sen. Farhiya Haji Ali, MP
- (4) Sen. Mary Yiane Seneta, MP
- (5) Sen. Halake Abshiro, MP

- (6) Sen. Agnes Kavindu Muthama, MP
- (7) Sen. Judith Pareno, MP
- (8) Sen. Erick Okong'o Omogeni, SC, MP
- (9) Sen. Mwinyihaji Mohammed Faki, MP

Mr. Temporary Speaker, Sir, I move and request---

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators! Consult in low tones.

Sen. Wamatangi: I request Sen. Kwamboka to second.

Sen. Kwamboka: Thank you, Mr. Temporary Speaker, Sir. I rise to second this Motion on the approval of the Senators to serve in Sessional Committees of CPAIC and Delegated Legislation. We need these Committees to have their meetings as soon as possible. This is the right time to meet because things must move on.

I know the Members who have been nominated to serve in these Committees are up to the task and they will execute their mandate diligently.

Mr. Temporary Speaker, Sir, I second this Motion.

(Question proposed)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, I do not see any request or interest to contribute on the Motion.

(Question put and agreed to)

Next Order.

Sen. Kasanga, please approach the Chair.

(Sen. Kasanga approached the Chair)

I order that are we re-arrange the Order Paper so as to have Order No. 7.

STATEMENTS

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Clerk has called out Order No. 7 which is pursuant to Standing Order 48(1).

Proceed, Sen. Omanga.

Sen. Omanga: Thank you, Mr. Temporary Speaker, Sir. I have two Statements. I will read the first Statement so that you can commit it to the relevant Committee while hon. Senators can contribute to the second one because it is on current issue and of public interest.

ALLEGED MISUSE OF FUNDS BY
KENHA, KERRA AND KURA

Sen. Omanga: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on Roads and Transportation on the alleged misuse of funds by KeNHA, KERRA and KURA.

In the Statement the Committee should-

(1) Provide further information on the allegations of financial misappropriation amounting to Ksh142 billion as contained in the Auditor General's Report 2019 by the three roads agencies that received funding from the Minister of Transport, Infrastructure, Housing, Urban Development and Public works.

(2) State the plans in place to ensure that roads build by KeNHA, KERRA and KURRA are appropriately marked and all roads furniture and signage put in place.

(3) Outline measures laid down to ensure all those involved in the embezzlement are held accountable.

MEASURES TO CUSHION KENYANS FROM
EFFECTS OF COVID-19

Sen. Omanga: I rise pursuant to standing Order 48(1) to seek a Statement from the Standing Committee on Finance and Budget. In the Statement the Committee should-

(1) State plans put in place to cushion Kenyans from different job group sectors who have been rendered jobless due to the partial lockdown put in place by Government.

(2) Report on plans laid down to ensure banks restructure loans repayments period of millions of Kenyans affected by the partial lockdown.

(3) Outline safety net measure put in place by Government to ensure negative social-economic impact of the COVID-19 does not further dampen Kenya's economic growth in 2021.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen.(Dr.) Lelegwe): Proceed, Sen. Olekina.

(Loud consultations)

Order Senators! I am following the schedule here. Sen. Olekina are you contributing to the Statement?

Sen. Olekina: I want to read my Statement. Do I need to contribute to the Statement first? I can contribute.

The Temporary Speaker (Sen.(Dr.) Lelegwe): Proceed.

Sen. Olekina: Mr. Temporary Speaker, Sir, I rise to support the Statement raised by Sen. Omanga on misappropriation of funds in the transport sector. If transverse this country, you see a lot of development taking place in central Kenya and you wonder why other parts of Kenya are not getting money for development. When you hear a Senator---

(Sen. Kang'ata stood up in his place)

The Temporary Speaker (Sen.(Dr.) Lelegwe): Order, Sen. Kang'ata! You are on your feet while you have not been given a chance---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Senators.

Sen. Olekina: Mr. Temporary Speaker, Sir, could I finish because it will only be three minutes and I will give my colleague time to add?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Cherargei, what is your intervention?

Sen. Cherargei: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Sen. Olekina, if I heard him correctly, to isolate one region by saying that all development is going to Central Kenya? He should substantiate because it is a serious allegation.

We would not want Kenyans to believe that only one region is benefitting from Government development. I wish he would give us the necessary facts and figures so that we do not have rumour mongering in the country.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Olekina, substantiate or withdraw your statement.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I just do not utter words for the sake of it. Facts are very stubborn. I am standing here to support the Statement sought by the distinguished Senator, Sen. Omanga, on misappropriation of funds.

I wish to school my dear colleague here in terms of Statements and when a Senator rises to seek clarification---

Sen. Cherargei: Address me through the Speaker.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Sen. Cherargei.

Sen. Olekina: Relax!

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Sen. Olekina, address the Chair.

Sen. Olekina: Mr. Temporary Speaker, Sir. When the distinguished Sen. Omanga rose and sought a Statement, she stated clearly that she would like some clarification in terms of misappropriation of funds. I rose and said that I traversed this country called Kenya and I have seen a lot of development. I am from Narok and I have not seen the road being expanded to Narok.

Last week, I drove to Marsabit and I was quite perplexed and mesmerized by the number of developments going on in Central Kenya. Therefore, these are facts. Anybody who has eyes can clearly see.

When a Senator rises to seek a Statement, we are given time to contribute to be able to seek clarity. Therefore, when you commit this Statement to a Committee what I would like to get more clarity on is the percentage of development that is skewed towards Central Kenya.

It would be proper for us to get an itemised list of development projects being spread countrywide, and then, maybe my dear colleague, Sen. Cherargei, who I respect very much, would not say that I am rumour mongering. These are facts because I have seen the projects for myself.

Mr. Temporary Speaker, Sir, I know you come from Samburu. If you drive to Samburu through Archers Post-Kenol-Kirinyaga, all the way to Laikipia County, the number of development projects that are being undertaken that side will mesmerize you.

I am happy that my colleague, Sen. Omanga, has sought this Statement. Therefore, what I would like the Committee to do is to go further and request that we be

given an itemised list of all the development projects which are going on across the entire 47 counties. It would be good for us to know this under Article 96 of the Constitution.

We sit in this House to defend the interests of our counties and their governments. Therefore, we want to know because earlier on when I stood here, I indicated clearly that Kenya has received over Kshs214 billion in terms of fighting COVID-19, but only 3.7 per cent of that money, Kshs7 billion, has gone to the county governments. What business will we be transacting here if we cannot be able to question?

Mr. Temporary Speaker, Sir, for us to get clarity, when you commit that Statement, hopefully to the Standing Committee on Roads and Transportation - I can see my dear colleague is consulting with the Chairperson of the Standing Committee on Roads and Transportation - we can actually get to know how much of the development projects in terms of roads went to Samburu County and how much went to Narok County.

We cannot just be sitting here and saying we are happy with what is going to county governments from the Division of Revenue or from the County Allocation of Revenue Act. It is peanuts.

What perplexes me is that we have Kshs214 billion in COVID-19 funds and people are spread across the 47 counties, but the 47 counties only get Kshs7 billion. Therefore, these are issues that we must raise and get answers. If we do not get those answers today or we do not demand for those answers today, then who is going to demand for them? We might as well just go home and lament like all other Kenyans.

Mr. Temporary Speaker, Sir, without wasting more time, I want to thank Sen. Omanga for this Statement and I hope that we will get answers. Hopefully, the details that---

I can see she is giving the statement to the Chairperson of the Standing Committee on Roads and t who is also the Whip. I know he is a man who is diligent, especially when it comes to the issue of the green note. We can get real answers.

I support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators. We are still on that Statement sought by Sen. Omanga. I seek clarification from Sen. Cherargei whether he is ready to contribute or seek his Statement.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I wanted to contribute. I want to support the Statement by Sen. Omanga. I am happy that today Sen. Omanga has raised very serious issues that all hustlers across the country will be following keenly.

What I would want to say is---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators.

(Loud Consultations)

Sen. Omanga: Mr. Temporary Speaker, Sir, on a point of order. Is it in order for Sen. Cherargei to say, 'today, Sen. Omanga has raised pertinent issues?' You know that I am a very active Member. I have several Bills and Motions in this House.

I would want Sen. Cherargei to withdraw and admit that I have brought a number of Motions, Bills, Statements and Petitions more than any other Member in this House.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I said today. I have not said that you are not an active Member. I am happy that the Nairobi City delegation is doing very well.

I want to make an observation on two things. I want to request that the Committee that this matter will be referred to, to ask the Government what issues, especially the subsidies they have given to farmers.

Mr. Temporary Speaker, Sir, you remember, in the years 2018/2019 and 2019/2020, as farmers, we were able to harvest 39.8 million bags of maize in this country. It is very important that we give incentives to farmers, including those in Samburu County, who are engaging in livestock business. We need farmers who are planting maize and tea so that even as we look at the lockdown and curfews---

My worry is that inflation will rise. When it rises, it means it will affect food prices. I would like to request the Committee to consider issues to do with agriculture, especially maize farming. We largely depend on maize. I know Sen. Shiyonga who is the Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration and my neighbour, rely heavily on maize and we are the major suppliers. Let us look at the subsidies that we have put in place.

Finally, I have agreed with Sen. Omanga on the loan restructuring issues. I want to thank Sen. Sakaja who had a Bill called Start-up Bill, 2020 that was assisting Small and medium-sized enterprises (SMEs). So, where is the place of SMEs as we try to bring them back to business? Most of them have shut down because they are depending on loans, grants and donations. We would want to be told how the SMEs are doing.

Apart from agriculture, I think there are many young people on the streets of Nairobi and across our counties who have small businesses, to the tune of 20,000 kiosks. We should be told what the Government is doing to cushion them. Even if the Government does not have an idea, they should consult Sen. Sakaja and his Bill so that they can assist the many young people we have in this country.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators. As you can note from the Order Paper, we have a series of Statements. We wish to deal with some of them before we adjourn. Kindly, limit your contributions to three minutes.

Sen. (Dr.) Langat, kindly, proceed.

Sen. (Dr.) Langat: Thank you, Mr. Temporary Speaker, Sir, for also giving me this opportunity to support this very important Statement by Sen. Omanga. It is one of the most important Statements she has ever made.

Mr. Temporary Speaker, Sir, I support it because of the fact I would also like to highlight on some areas that are seriously affected by COVID-19, and the people working in those sectors are really suffering.

Yesterday, I listened to the Chairman of the Transport Sector in Bomet. Those matatus that have been operating between Kisii, Kisumu and Bomet are really suffering because their system has been stopped. Those people have loans that they had secured, so that they could buy these matatus, to make sure that their ends meet. The Government has now stopped transport in some places. This sector is no longer working. These people are supposed to repay their loans and they have not been cushioned effectively.

I would like to call upon the Government to restructure the loan systems that were given to these people, so that their businesses are not seriously affected. The Government should go ahead to cushion these people because they play a very important role in the economy of this country.

Secondly, Mr. Temporary Speaker, Sir, I want to bring to your attention that the stipend that used to be given to the aged in our societies stopped several months ago. This is the money that they have been using to pay for their National Hospital and Insurance Fund (NHIF), and support themselves during this period. The stipend that the Government used to give these people has stopped. The Government should come back to its senses and provide this money to these people because they are unable to work, so that they can earn a living. They are aged, old and some of them have been sick for a long time. Therefore, the Committee that will take over this responsibility should make sure that the aged are catered for accordingly.

My time is up. I support this Statement. The Committee that will take up this Statement should bring the answers to this House. I also want to encourage the Committee on Health. In fact, most of the issues that came as a result of COVID-19 almost stopped during the time when the *Ad Hoc* Committee on COVID-19 situation in Kenya stopped. I want to cheer up our Committee on Health to take up their responsibility and assist this country during this time.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, the Statement on cushioning of Kenyans is referred to the Committee on Finance and Budget and the Statement on the alleged misuse of Kshs142 billion taxpayers money by the Kenya National Highways Authority (KENHA) is committed to the Committee on Roads and Transportation.

Sen. Olekina, kindly, proceed.

THE COVID-19 PANDEMIC SITUATION IN THE COUNTRY

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No. 51 (1) (a) to make a Statement regarding the COVID-19 pandemic situation that is currently ravaging this country.

According to the World Health Organization (WHO), as of 22nd March, 2021, there were 122,922,844 confirmed cases of COVID-19 and 2,711,071 attributed to the pandemic across the globe. In Africa, the WHO reported 3, 600, 474 confirmed cases and 76,241 deaths. While in Kenya, it reported 120, 910 confirmed cases and 2, 011 deaths. This represents almost double the number of confirmed cases and deaths that had been reported in Kenya in November, 2020.

Mr. Temporary Speaker, Sir, according to the Ministry of Health, these figures are continuing to rise at an alarming rate. Indeed, with the current patient demand outstripping hospitals bed capacity, there are fears that this country is in the midst of a third wave that is more deadly than the first two waves that we had experienced.

Mr. Temporary Speaker, Sir, under Section 36, 38 and 42 of the Public Health Act, Cap 242 on rules of prevention of disease, power of entry and provisions for multinational responses respectively, the Ministry of Health, through the Office of Director of Medical Services, is empowered to require any person, owning or having charge of any land or any building or dwelling, not occupy it or any person owning or having charge of tents, transport, bedding, hospital equipment, drugs, foods and other appliances, materials or articles urgently required in connections with an outbreak to hand over the use of any such land or building or to supply or make available any such articles subject to the payments of a reasonable amount as hire or purchase price.

Mr. Temporary Speaker, Sir, in such a time as this where this country is in a crisis, we demand that the provision of the Public Health Act be put in full force and that the Cabinet Secretary (CS) for Health use the powers that have been bestowed on him to ensure that no patient is turned away from any hospital, whether public or private, due of lack of space or bed capacity.

Mr. Temporary Speaker, Sir, I wish to inform this House that in response to the escalating number of confirmed cases and deaths attributed to the COVID-19, the Standing Committee on Health held a series of meetings with various health stakeholders that were aimed at getting a clear understanding of COVID-19 pandemic situation and chatting a way forward. These include, but are not limited to-

Government agencies and departments, including the Ministry of Health, the Council of Governors (CoG), the Kenya Medical Practitioners and Dentists Council (KMPDC), the Kenya Medical Supplies Authority (KEMSA), the Pharmacy and Poisons Board (PPB), the Kenya Bureau of Standards (KeBS), the Kenya Medical Research Institute (KEMRI) and the Kenya Medical Laboratory Technicians and Technologist Board (KMLTTB).

Representative of health workers groups, including unions and professional associations at the county branch level such as doctors, nurses, clinical officers, allied workers and private sector representatives, including the Kenya Health Federation (KHF) and the Christian Health Association of Kenya (CHAK), *et cetera*.

Mr. Temporary Speaker, Sir, as a result of these meetings, I have the pleasure to inform the House that the Committee on Health has today tabled the First Progress Report on the COVID-19 situation as well as the Committee Report on KEMSA.

Mr. Temporary Speaker, Sir, in addition to this, last week, Wednesday, 17th of March, 2021, and Thursday the 18th of March, 2021, the Committee on Health met health workers representing groups, the Ministry of Health and the CoG to deliberate on the status of the national COVID-19 vaccine deployment and vaccination plan, 2021. The statement of both the Ministry of Health and the CoG have been annexed herein to the information for all the Members.

Mr. Temporary Speaker, Sir, the Committee takes note that from the meeting last week, there appears to be a high level of vaccine hesitancy among health workers, which had translated into low uptake and acceptance of the vaccine among health workers.

The Committee also notes that the Ministry of Health has since opened up the vaccine to members of the public, thereby driving up the uptake. However, in view of the fact that health workers remain uniquely vulnerable to infections, the Committee notes

that the Ministry of Health must put in place the necessary measures to increase the uptake and acceptance of the vaccine among special groups.

The Ministry of Health further needs to scale up efforts to sensitize the public, to raise awareness on this very important matter, so as to ensure that Kenyans are not left behind. The Committee further recommends the Ministry of Health to use services of vernacular radio stations and local churches to raise more awareness on the need for Kenyans to accept the vaccine. The Committee will continue to closely monitor the vaccination drive and will table a comprehensive report on the same at the close of the first phase which is scheduled to take place in June, 2021.

Mr. Temporary Speaker, Sir, further to the above, I wish to inform the House that the Committee is seized of a special audit report of the Auditor-General on the actualization of the COVID-19 funds by county governments and is set to commence hearings with various county governments. Further to the above, the Committee is scheduled to conduct a series of county visits aimed at assessing the level of preparedness for the COVID-19 pandemic by counties. A comprehensive report on the same will likely be tabled before this House in due course.

Before I conclude, I wish to state that even as we struggle to tackle the crisis of the COVID-19 pandemic, it is important that health workers avoid falling into the dangerous assumption that all cases arriving at hospitals are as a result of COVID-19 infections. We, therefore, appeal to the Ministry of Health to review all its treatment guidelines and protocols with a view towards ensuring that all patients receive appropriate and proper treatment.

Finally, Mr. Temporary Speaker, Sir, I wish to assure this House and this nation that the current COVID-19 pandemic situation is a matter that the Standing Committee on Health has and will continue to take very seriously.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, the Statement as read by Sen. Olekina is similar to the discussions we had in the Adjournment Motion. So, limit your contributions to three minutes.

Sen. Were: Mr. Temporary Speaker, Sir, I rise to support the Statement by the Chair of the Committee on Health regarding the COVID-19 situation in the country. I will emphasize what he said that in dealing with the pandemic, we should not leave anyone behind.

Article 21(2) of the Constitution of Kenya requires the state to take legislative policy and other measures, including the setting up of standards to achieve the progressive realization of the rights guaranteed under Article 43 which provides for the economic and social rights of Kenyans. Social assistance in Kenya is through non-contributory transfer programmes which are funded from the state budget, aimed at preventing the poor and those who are vulnerable to shocks from falling below a certain poverty level.

During the pandemic, women and girls especially should be sensitized on how to take advantage of these programmes to mitigate the economic and social effects of the COVID-19 pandemic. These programmes include the cash transfer programme to persons

with severe disabilities which targets adults and children with severe disabilities who require full time support. This includes their caregivers as well.

The second safety net programme is the one on hunger which seeks to reduce dependency on emergency food aid in Arid and Semi-Arid Lands (ASALs) by sustainably strengthening livelihoods through cash transfer. The other programme is the cash transfer programme to orphaned and vulnerable children which provides a social protection system through regular cash transfers to families living with orphaned and vulnerable children.

Finally, there is a programme called the older persons' cash transfer which provides regular and predictable cash transfer to poor and vulnerable older persons who are 65 years and above. We hope these programmes will not be interrupted during this period. They should continue in order to cushion Kenyans from the effects of COVID-19.

Sen. (Dr.) Musuruve: Mr. Temporary Speaker, Sir, I support the Statement by Sen. Olekina. Indeed, it is true that cases of COVID-19 are escalating. That means that drastic measures have to be put in place to combat COVID-19.

Article 43(2) states clearly that no person shall be denied emergency medical treatment. It is unfortunate that right now, the bed capacity in some hospitals is full. Sometimes patients are told to quarantine themselves at their homes. Some of the homes may not be appropriate for self-quarantine. Let us take, for instance, someone living in the slums of Kibera. They may not have a room for self-quarantine.

Therefore, the suggestion by Sen. Olekina that private people should support the Government in case they have land that is not in use is good. Land can be utilised because it is a factor of production. Once it is there, then it is possible to put in place mechanisms to help in combating the virus by coming up with buildings that will complement what the Government has. Some people might be having houses that they are not using. That can also help in supplementing the Government's work so that beds are put and patients are taken there to ensure the issue of quarantine is effected.

I support this Statement although it will not be referred to any committee. It is important that the Ministry of Health is aware of these issues. When it comes to the vaccine, I have said this before, there is need for the Ministry of Health to ensure that PwDs are given priority because they are also vulnerable. We have to see how to protect citizens who cannot protect themselves and their families because it is a constitutional requirement.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Finally, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Mr. Temporary Speaker, Sir, I stand to support the Statement by Sen. Olekina because it is important at this particular time when Kenyans are facing a lot of challenges because of COVID-19. The truth of the matter is that today COVID-19 is in every county and every village and every one of us is affected in one way or the other. My prayer is that Kenyans will be given the attention they deserve.

Unfortunately, we do not have facilities that can support patients at this particular time in most of the Level 5 hospitals in the counties. Many people die on the roads or even at their homes after infecting many other members of the family. It is our responsibility to make sure that we try our best. The pandemic has affected us and even the Government in a big way, but we should try our best.

Before I finish, I would like to touch on the matter of the vaccine. I urge the Ministry to make sure the vaccine is given to everybody even in the villages. Our citizens should take this issue very seriously because many people are saying they are not ready for it. However, when COVID-19 comes you will not say that; it will take you to the grave and many people will remain behind suffering and mourning your death. It is high time that we considered getting the vaccine. The Government should also ensure that we have enough vaccines in the country to help our people.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, the Statement is referred to the Standing Committee on Health. We proceed to Statements pursuant to Standing Order No.48(1).

Proceed, Sen. Kang'ata.

ALLEGED PROCUREMENT IRREGULARITIES IN AWARD OF
TENDERS FOR PRE-EXPORT VERIFICATION BY KEBS

Sen. Kang'ata: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Tourism, Trade and Industrialisation regarding the alleged procurement irregularities in the award of tenders for pre-export verification of conformity by Kenya Bureau of Standards (KEBS).

In the response, the Committee should address the following-

(1) State the reasons for failure by KEBS to comply with the provisions of the Public Procurement and Assets Disposal Act and the attendant regulations as cited on 22nd and 23rd February, 2021 by the Public Procurement Administrative Review Board.

(2) Explain the implications of the extension of the deadline for the advertised tender for pre-export verification of conformity inspection for a further two weeks to ensure KEBS complies with the said laid down provisions.

(3) Elucidate on KEBS previous disregard of the law and in some instances ignoring adverse reports from other Government agencies on the suitability of the bidders.

(4) Outline measures that have been put in place, if any, to ensure that KEBS conforms to the laid down provisions of the Public Procurement and Disposal Act in future.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, there are no requests. The Statement stands committed to the Standing Committee on Tourism, Trade and Industrialisation.

Proceed, Sen. Cherargei.

ROLLOUT OF THE ASTRA ZENECA
COVID-19 VACCINE

Sen. Cherargei: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Health on

the roll out of COVID-19 vaccine Astra Zeneca and vaccination campaign in Kenya. In the Statement the Committee should-

(1) State why the roll out of vaccine campaign of the Astra Zeneca vaccine in Kenya is slower than expected since only less than 20,000 out of 1.02 million doses that were received have been administered.

(2) State the reason why the Ministry of Health has not sensitised the public on the possible side effects of the Astra Zeneca vaccine or any other vaccine.

(3) Explain what the Ministry of Health is doing to assure the public of the safety of the Astra Zeneca vaccine and other vaccines in the country, considering that various concerns and speculations have been raised by differently entities.

(4) State whether there is any other vaccine. We have seen there is a Russian vaccine, but no one is telling us who is administering it, who imported it and whether the Government cleared it or not.

State whether there is any other vaccine apart from the Astra Zeneca vaccine that is being administered in Kenya to contain COVID-19 virus and whether it is approved and allowed to be used in public.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): We proceed to the next Statement under Standing Order No.47(1).

Proceed, Sen. Kasanga.

FEES CHARGED FOR ISSUANCE AND FILLING OF P3 FORMS

Sen. Kasanga: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.47(1) to make a Statement on an issue of general topical concern, namely fees being charged for issuance and filing of P3 forms.

According to a recent survey by the East African and Legal Resources Foundation, P3 forms are highly inaccessible. Such inaccessibility is stifling access to justice for poor litigants especially survivors of violence, including sexual and gender-based violence and domestic violence.

The survey further indicates an emerging trend in which fees are being charged for the issuance and filing of P3 forms. It is also noted that access to P3 forms remains largely free in the urban areas while in the countryside people pay for access to the document.

Mr. Temporary Speaker, Sir, Article 48 of the Constitution of Kenya, 2010 clarifies the centrality of the principle of access to justice in which if any fee is required, it shall be reasonable and shall not impede access to justice.

The P3 form is an important prosecutorial document that ensures collection of witness statements and assists in corroborating written evidence with forensic evidence. While civil society organizations in Kenya are advocating for enrichment of the document to include more comprehensive and vital information, the situation on the ground is that numerous victims have been impeded from accessing justice.

The Embu High Court ruled on 4th April, 2019 to outlaw all fees charged on issuance and filing of P3 forms. The ruling was a relief to poor survivors of violence who had previously abandoned their quest for justice because they could not afford this payment. This meant that most perpetrators walked scot free unprosecuted.

In view of the issues raised herein I urge you to refer this Statement to the Standing Committee on National Security, Defence, Foreign Relations pursuant to Standing Order No.47(3) so that the Committee may interrogate and furnish this House with a report on why P3 forms are being paid for as well as the institutions that are culpable.

The Committee should also provide a mechanism for enriching the P3 form and effective processing of the document as well as encouraging survivors of violence to report their perpetrators.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Statement is therefore, referred to the Standing Committee on National Security, Defence and Foreign Relations. I will go back to Statements pursuant to Standing Order No.48(1).

Sen. Mutula Kilonzo Jnr. You can proceed and read both Statements.

RISE IN FUEL PRICES IMPOSED BY EPRA

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Temporary Speaker. I rise to seek a Statement on the sharp rise of fuel prices imposed by the Energy and Petroleum Regulatory Authority (EPRA). In the Statement the Committee should-

(1) Explain and justify the reasons for the sharp increase in fuel price imposed by EPRA---

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators! Order, Sen. Kasanga.

Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, the Committee should-

(1) Explain and justify the reasons for the sharp increase in fuel price imposed by EPRA on 15th March, 2021.

(2) State the amount of money collected so far through the Petroleum Development Levy Fund and the manner in which it has been utilised.

(3) State the reasons why the Ministry of Petroleum and Mining has not utilised the funds collected by the Petroleum Development Levy Fund to cushion Kenyans from the high cost of fuel.

(4) State the reason why the Ministry of Petroleum and Mining has not published the regulations as per the Petroleum Development Fund Act, Chapter 426(c) Section 6.

STATUS OF LOANS GRANTED BY THE EXPORT IMPORT BANK OF CHINA TO FINANCE CONSTRUCTION OF SGR

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Mr. Temporary Speaker, Sir, the second Statement is on the status of the three loans granted by the Export Import Bank of China to the Government of Kenya through National Treasury to finance the Standard Gauge Railway (SGR).

In the Statement, the Committee should do the following-

(1) Explain the status of the repayment of the three loans as quoted in the press statement issued on 15th March, 2021 by the Cabinet Secretary for National Treasury and Planning.

(2) Confirm the collateral offered if any, by the Government of Kenya to the China Exim Bank for the three loans granted.

(3) Disclose the terms of the agreements, including and not limited to the following-

(a) The amount in each agreement and the currency thereof.

(b) The period of repayment and interest payable on each loan.

(c) The dispute resolution clauses in the agreement and the seat of arbitration.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Olekina, proceed.

Sen. Olekina: Mr. Temporary Speaker, Sir, I thank you. I rise to make a few comments on the Statement on the rise of the cost of energy in this country.

Let me thank Sen. Mutula Kilonzo Jnr. for bringing this matter. I am speaking as a Member of the Energy Committee. Last year when we were dealing with the issue of passing the Petroleum Act, there were several pieces of taxes which had been proposed that we tried to stop.

I know we will deal with this matter in detail, but since this is something which is out in the public, it is important to be candid to Kenyans, to share with them the reason the cost of petroleum is going high. I will not be doing my job as a Member of the Energy Committee if I do not take this opportunity. I am grateful that my colleague has raised this matter.

It is important for Kenyans to know that the reason fuel prices are going high is because of the current situation of the economy in the country. We cannot control the Dollar, the exchange rate or the taxes that the Parliament of Kenya; both the Senate and the National Assembly, approved that all the fuel which is coming to this country to be charged. I do not know how we will give a different answer. I do not intend to respond 100 per cent to the query that has been sought by my colleague. I am concerned---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, on your concerns on time as to Order No. 10, we need to hold our sitting until conclusion of business appearing on the Order Paper. So we proceed.

Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. Just for the record, it is important because this is information that we will provide later. We have several taxes. In fact, what happened here is that the taxes remained constant. The only thing that went up is the Value Added Tax (VAT) because of the landing costs. When fuel landed into this country, it was Kshs49.84. The profits which the oil marketers are getting have remained constant at Ksh12.39.

This is the conversation that I am willing to have with my colleague Sen. Mutula Kilonzo Jnr. What are we going to do with these taxes? First, the Petroleum Regulatory Levy, the Railways Development Levy, the Anti-adulteration Levy, the Merchant Shipping Levy, the import declaration fee, VAT, and all the taxes. If you add all of them, they add up to Kshs57.33. When the oil or fuel landed in Mombasa, it was at Kshs49.84. That was heavily affected by the exchange rate of the foreign currency which we cannot control because of the current pandemic.

Mr. Temporary Speaker, Sir, what I like about the Statement sought by my colleague is that the next question is what happened to that levy? Is that levy supposed to cushion? With that aspect, I am willing to go to a greater extent as a Member of that Committee to see what happened to that money. Can we use that money to cushion Kenyans? However, the buck stops with us now limiting the amount of taxes that we will charge. Are we really going to be able to do that? I think that is the question that my friend, Sen. Mutula Kilonzo Jnr. and I need to ponder on. We are both Members of the Committee on Finance and Budget.

Mr. Temporary Speaker, Sir, in terms of the issue of the taxation, how will the country function if we limit the taxes? I support that and I look forward to receiving that Statement in our Committee so that we can give a more comprehensive response to the query that the Senator has sought.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Shiyonga, proceed.

Sen. Shiyonga: Mr. Temporary Speaker, Sir, I stand to support the Statement by Sen. Mutula Kilonzo Jnr. on the increase of the prices of the petroleum products---

(Loud consultations)

Mr. Temporary Speaker, Sir, kindly protect me from Senators?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, hon. Senators! Consult in low tones.

Sen. Shiyonga: Mr. Temporary Speaker, Sir, thank you. I would like to support the Statement by Sen. Mutula Kilonzo Jnr. on the prices of petroleum products in Kenya. When we look at the petroleum prices in Kenya, especially this time of the COVID-19 pandemic that we are struggling with, it is very expensive. Kenyans are digging more into their pockets when fueling their cars.

It is important that when the Committee is looking at this particular Statement, then it should come up with remedies we can put in place to cushion our people. We can think of reducing taxes levied on the petroleum products so that we ease the burden on our people. Currently, life has become unbearable to many Kenyans because our economy is depressed. It then means that we do not have any laws that can assist Kenyans to control their own economy.

I, therefore, urge that when the Committee will be looking at this particular Statement, they look for any remedies that can help Kenyans save the money in their pockets, because the pandemic has already decayed their pockets.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, we will proceed to Statements pursuant to Standing Order No.48(1).

Sen. (Dr.) Musuruve, proceed.

DISBURSEMENT OF HELB LOANS

Sen. (Dr.) Musuruve: Thank you, Mr. Temporary Speaker, Sir for giving me this opportunity.

I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Education concerning the disbursement of Higher Education Loans Board (HELB) loans. In the Statement, the Committee should-

(1) State the measures put in place to ensure that HELB loans are released to students in good time.

(2) State the measures put in place to ensure that students from disadvantaged families are able to meet their personal upkeep during delays.

(3) State the measures put in place to ensure that students are not barred from doing their examinations even when HELB loans delay to be disbursed.

(4) State the mechanisms put in place to ensure that students from low socio-economic backgrounds do not get into undesirable behaviours as a way of eking a living.

Thank you, Mr. Temporary Speaker, Sir. If I may comment---

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order, Senator! You have made your Statement. There is no more chance to contribute on it.

There are no requests to speak on this Statement, so we will proceed to the next Statement by Sen. Were.

AUTHORIZATION FOR USE OF SPUTNIK COVID-19 VACCINE IN KENYA

Sen. Were: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Health regarding the authorization of the use of the Russian manufactured Sputnik COVID-19 vaccine in Kenya.

In the Statement, the Committee should-

(1) State whether the Russian manufactured Sputnik COVID-19 vaccine has been approved by the World Health Organization (WHO).

(2) The Committee should outline the standard operating procedures, protocols and guidelines that are followed prior to the registration and or authorization for use of health products in Kenya.

(3) Explain what processes the Pharmacy and Poisons Board (PPB) used to grant emergency use authorization of the Russian manufactured Sputnik COVID-19 vaccine in Kenya through a private entity.

(4) Provide details of the safety profile efficacy and known effects of the Sputnik COVID-19 vaccine at the global, regional and local level.

(5) State which other vaccines are awaiting registration or authorization by the PPB.

(6) State what steps and measures are in place by the Ministry of Health and the PPB in the introduction of COVID-19 vaccines that guarantee the health and safety of Kenyans.

(7) Explain the apparent discrepancy between the global and local pricing of the Sputnik COVID-19 vaccine.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Let us have the next Statement by Sen. Outa.

STATUS OF PENDING PAYMENTS TO CONTRACTORS
AND SUPPLIERS BY THE KISUMU COUNTY GOVERNMENT

Sen. Outa: I rise pursuant to Standing Order No.48(1) to seek a Statement from the Senate Committee on Finance and Budget on the Status of Pending Payments to Contractors and Suppliers by the Kisumu County Government. In the Statement the Committee should-

(1) Explain why the contractors and suppliers who did various works for the County Government of Kisumu over the years, including financial year 2018/2019 and 2019/20, have not been paid to date.

(2) Explain why the directives by the President and the Cabinet Secretary(CS) for the National Treasury and Planning that historical pending bills be given preference have been ignored by the county Executive.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Chebeni.

FOREST BLAZE TRIGGERED BY BRITISH
SOLDIERS IN LAIKIPIA

Sen. Chebeni: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding the forest blaze triggered by the British Army Troops at their training base at Nyati Barracks, Laikipia County that occurred on Thursday, 25 March, 2021.

In the Statement the Committee should-

(1) Explain the circumstances under which the forest fire was triggered.

(2) State how many hectares of the forest were destroyed by the fire, including the wildlife that was killed and neighboring families that were displaced.

(3) Outline the preparedness and capacity by the national and county governments respectively in responding and coping with forest fires.

(4) State the measures taken by the Government of Kenya to seek compensation for the affected families, including the restoration of the ecosystem.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): There are no more requests to contribute to that Statement. I direct that Statements one and three, four and five pursuant to Standing Order No.47(1) be deferred.

THE INCREASE IN FUEL PRICES

(Statement deferred)

REVIEW OF REGULATORY FRAMEWORK FOR
UNMANNED AIRCRAFT SYSTEMS (DRONES)

(Statement deferred)

THE THIRD WAVE OF COVID-19 PANDEMIC
AND CONCERNS RAISED ON ITS VACCINE

(Statement deferred)

THE INCREASING RATE OF UNEMPLOYMENT
CAUSED BY COVID-19

(Statement deferred)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Statement No.8, pursuant to Standing Order 48(1), is deferred.

THE MARITIME BORDER DISPUTE IN THE INDIAN
OCEAN BETWEEN KENYA AND SOMALIA

(Statement deferred)

The Temporary Speaker (Sen. (Dr.) Lelegwe): All Statements pursuant to Standing Order No. 51(1)(b) as listed are deferred.

ACTIVITIES OF THE COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON EDUCATION

(Statement deferred)

The Statement pursuant to Standing Order No.53 is deferred.

PERSONAL STATEMENT BY SEN. CHERARGEI

(Statement deferred)

Next Order.

MOTIONSFAST TRACKING CULTURAL
DEVELOPMENT IN COUNTIES

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

NOTING that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

ACKNOWLEDGING, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

(a) formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and

(b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Mover of the Motion is not present. The Order is therefore, deferred.

(Motion deferred)

Next Order.

ADOPTION OF THE REPORT ON THE INQUIRY INTO THE
OPERATIONALIZATION OF NATIONAL CONSTRUCTION
AUTHORITY (DEFECTS LIABILITY)
REGULATIONS, 2020

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24th September, 2020.

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Chairperson is not present. The Order is, therefore, deferred.

(Motion deferred)

Next Order.

PARKING CHARGES IN PUBLIC INSTITUTIONS
OFFERING ESSENTIAL SERVICES

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amounts to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Ali is not present. Therefore, the order stands deferred.

(Motion deferred)

Next Order.

NOTING OF REPORT OF THE 3RD
ORDINARY SESSION OF THE 5TH PAP

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa, laid on the Table of the House on Tuesday, 10th March, 2020.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, Sen. Kihika is not present. Therefore, the Order stands deferred.

(Motion deferred)

Let us move on to the next Order.

NOTING OF REPORT OF THE 141ST ASSEMBLY
OF IPU AND RELATED MEETINGS

THAT, the Senate notes the report of the Parliament of Kenya Delegation to the 141st Assembly of the Inter-Parliamentary Union (IPU) and related meetings, held in Belgrade, Serbia, from 13th to 17th October, 2019 laid on the Table of the House on Wednesday, 4th March, 2020.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, Sen. (Dr.) Ali is not present. Therefore, the Order stands deferred.

(Motion deferred)

Next Order.

NOTING OF REPORT OF THE 3RD ORDINARY
SESSION OF THE 5TH PAP

THAT, the Senate notes the Report of the Third Ordinary Session of the 5th Parliament of the Pan-African Parliament held from 7th to 18th October, 2019 in Midrand, South Africa, laid on the Table of the House on Tuesday, 10th March, 2020.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, it is now time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 11th May, 2021, at 10.00 a.m.

The Senate rose at 6.47 p.m.