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THE SENATE

Hon. Speaker  
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THIRTEENTH PARLIAMENT | SECOND SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE COUNTY HALL OF FAME BILL, 2023 (SENATE BILLS NO. 18 OF 2023)

APPROVED  
RT. HON. SEN  
AMASON J. KINGI

05/11/23

PAPERS LAID	
DATE	11/10/2023
TABLED BY	Chairperson
COMMITTEE	Labour & Social Welfare
CLERK AT THE TABLE	A-Macharia

Clerk's Chambers,  
The Senate,  
Parliament Buildings,  
NAIROBI.

September, 2023

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## PRELIMINARIES

### Establishment and Mandate of the Committee

The Senate Standing Committee on Labour & Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. The Committee is mandated to consider all matters related to - *Manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

### Membership of the Committee

The Committee is comprised of –

- |  |                           |
|--|---------------------------|
| a) <b>Sen. Julius Murgor Recha, MP,</b>          | - <b>Chairperson</b>      |
| b) <b>Sen. George Mungai Mbugua, MP,</b>         | - <b>Vice Chairperson</b> |
| c) Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP, | - Member                  |
| d) Sen. Mohamed Faki Mwinyihaji, MP,             | - Member                  |
| e) Sen. Erick Okong'o Mogeni, SC, MP,            | - Member                  |
| f) Sen. Alexander Munyi Mundigi, MP,             | - Member                  |
| g) Sen. Crystal Kegehi Asige, MP,                | - Member                  |
| h) Sen. Miraj Abdullahi Abdulrahman, MP,         | - Member                  |
| i) Sen. Gloria Magoma Orwoba MP,                 | - Member                  |

## FOREWORD BY THE CHAIRPERSON

### **Hon. Speaker,**

The County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023), sponsored by Senator Miraj Abdillahi Abdulrahman, MP was published *vide* Kenya Gazette Supplement No. 65 of 12<sup>th</sup> May, 2023. The Bill was read a First Time in the Senate on Tuesday, 8<sup>th</sup> August, 2023 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration.

The Bill seeks to establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments. The Bill therefore imposes duties on the county governments to ensure that county governments discharge their functions under the Constitution.

### **Hon. Speaker,**

Pursuant to Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Standard Newspapers on Thursday, 10<sup>th</sup> August, 2023, inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. Following the call for submissions, the Committee received written memoranda from stakeholders.

The Committee proceeded to consider the Bill extensively, scheduled and held meetings with various stakeholders including the Ministry of Tourism, Wildlife and Heritage, Ministry of Youth Affairs, Sports and the Arts and the National Heroes Council.

The Committee also received written submissions from the Ministry of Tourism Wildlife and Heritage, the Council of Governors, the County Assemblies Forum and the Ministry of Youth Affairs, Sports and the Arts.

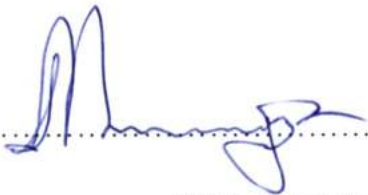
The Committee received amendments to the Bill, including reservations on the Bill. This Report is therefore an account of the deliberations of the Committee. The Committee observes that most of the matters covered under the County Hall of Fame Bill, 2023, are addressed under the Kenya Heroes Act, 2014 and the National Honours Act, 2013. The Committee recommends to the House not to proceed with the Bill and that the Sponsor of the Bill may consider proposing amendments to existing laws on the same.

**Hon. Speaker,**

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

**Hon. Speaker,**

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on Labour and Social Welfare on the County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023).

Signed .....  .....

Date. 2nd September, 2023

**SEN. JULIUS MURGOR RECHA, MP**  
**CHAIRPERSON, STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**

## CHAPTER ONE: INTRODUCTION

### 1.0 Background

1. The County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023), sponsored by Senator Miraj Abdillahi Abdulrahman, MP was published *vide* Kenya Gazette Supplement No. 65 of 12<sup>th</sup> May, 2023. The Bill was read a First Time in the Senate on Tuesday, 8<sup>th</sup> August, 2023 and thereafter stood committed to the Standing Committee on Labour and Social Welfare for consideration. A copy of the Bill is annexed to this Report as *Appendix 2*.
2. Pursuant to Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Standard Newspapers on Thursday, 10<sup>th</sup> August, 2023, inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is attached as *Appendix 3*.
3. Following the call for submissions, the Committee received written memoranda from various stakeholders including the Ministry of Tourism Wildlife and Heritage, the Council of Governors, the County Assemblies Forum and the Ministry of Youth Affairs, Sports and the Arts.
4. The County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023), seeks to establish county hall of fame as a means through which exceptional individuals will be recognised by county governments. The Bill therefore imposes duties on the county governments to ensure that county governments discharge their functions under the Constitution.
5. Paragraph 4(h) of Part 2 of the Fourth Schedule to the Constitution provides that cultural activities, public entertainment and public amenities including sports and cultural activities and facilities some of the functions and powers of county governments.

6. Currently, the National Honours Act, 2013 provides a legal framework for the procedures and mechanisms for conferring of national honours by the President under Article 132(4)(c) of the Constitution nationally.
7. The legal framework for counties to confer county honours is yet to be developed. The Bill therefore proposes the establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments.

### **1.1. Overview of the Bill**

8. The Bill proposes to establish a hall of fame in each county, which shall honour the achievements of exceptional individuals and serve as a repository for the history, heritage and culture of the county. The Bill further seeks to establish, in each county, a selection committee responsible for recommending to the governor, the induction of exceptional individuals into the county hall of fame.
9. Under the Bill, a person shall merit to be inducted into the county hall of fame if such person is —
  - (a) a person who exhibited or exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership for the defence, benefit or betterment of the county or country;
  - (b) a person who has made an exemplary contribution to the county or country in the economic, social, scientific, academic, public administration, governance, sports, journalism, business, security or other field;
  - (c) a State officer or public officer who has made an exemplary contribution to the betterment of the county government; or
  - (d) a person who has otherwise brought honour, glory or pride to a county or country.
10. The Bill further contemplates that the hall of fame will be a repository of historical documents and artefacts relating to the culture and heritage of the respective county.

## **1.2. Purpose of the Bill**

11. The principal objective of the Bill is therefore to establish a platform through which county governments honour individuals, within the respective counties, who have made significant contributions in any profession or activity.

## **1.3. Consequences of the Bill**

12. The Bill proposes the establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments. The Bill therefore imposes duties on the county governments to ensure that county governments discharge their functions under the Constitution.



## CHAPTER TWO: PUBLIC PARTICIPATION ON THE BILL

### 1.0 Committee Undertakings

13. The Committee published an advertisement in the Daily Nation and Standard newspapers on Thursday, 10<sup>th</sup> August, 2023, inviting members of the public to submit written memoranda on the Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is annexed to this Report as *Appendix 4*.
14. Subsequently, during consideration of the Bill, the Committee also resolved to invite additional submissions from key stakeholders, including –
  - a) Ministry of Tourism Wildlife and Heritage,
  - b) Council of Governors,
  - c) County Assemblies Forum and
  - d) Ministry of Youth Affairs, Sports and the Arts.
15. In response to the said invitations, the Committee received submissions from the Ministry of Tourism Wildlife and Heritage, the Council of Governors, the County Assemblies Forum and the Ministry of Youth Affairs, Sports and the Arts.
16. The Council of Governors were in support of the Bill while the Ministries proposed amendments to the Bill.
17. Copies of the written submissions are attached to this Report as *Appendix 6(a) – (d)*. Additionally, a matrix analysing the stakeholder submissions clause-by-clause is annexed as *Appendix 5*.
18. The Committee proceeded to consider the Bill extensively, together with the stakeholder submissions received thereon.

### 2.1 Overview of Stakeholder Submissions on the Bill

19. Below is an overview of the stakeholder submissions on the County Hall of Fame Bill, 2023 (Senate Bills No.18 of 2023).

20. The Ministry of Tourism, Wildlife and Heritage as follows –

- a) the National Honours Act, 2013, which establishes a system to award national and county officers with state/national honours is implemented by the Presidency through three committees namely: The National and County Governments Honours Committee; Parliamentary Honours Advisory Committee; and Judiciary Honours Advisor Committee (sections 5,6 & 7).
- b) It is therefore, the considered opinion of the Ministry that, the avenue to bestow honour on individuals within the respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity proposed in the County Hall of Fame Bill is sufficiently factored in the existing laws.
- c) The Kenya Heroes Act 2014 also provides the identification and honouring of national heroes. The Act provides criteria and categories for identification and honouring of heroes (Preamble and the First Schedule).
- d) Clause 3 (a) on the objects of the Bill is to “provide for framework for recognition by counties of persons who have made significant contributions to the county or country”. This object is duplicative of the objects under the National Honours Act 2013 and the Kenya Heroes Act 2014.
- e) Clauses 3 (b) and (c) of the Bill on objects to “provide a framework for preservation of the history heritage and culture of the county” and “provide a basis for the education of members of the public on the history, heritage and culture of the country” respectively, would be duplicative of the mandate of the county museums as well as national museums existing within the counties.
- f) The purposes of the Bill under Clause 4, (2) (b), (c) and (d) are currently undertaken by the Kenya National Archives and Documentation Service (for documents), as well as the National Museums of Kenya under the National Museums and Heritage Act, 2006 (for artefacts).
- g) Clauses 4 and 5 provide respectively, for establishment of a county hall of fame and designation of public building for purposes of establishing a

county hall of fame. The Kenya Heroes Act under section 26 provides for establishment of Heroes' squares where the Council may establish and maintain, heroes' squares in such places as it may deem appropriate.

- h) Clause 6 (a) provides for establishment of the County hall of fame selection committee to be chaired by the County Executive Committee member responsible for culture and heritage. The same role is cross-referenced under the Kenya Heroes Act, section 16 specifically assigning administration and the implementation of heroes honours systems to the County Executive Committee Member of their respective Counties in accordance with the provisions of the Kenya Heroes Act. It follows therefore, that, the powers to administer heroes' honours is already in existence under the law.
- i) In regard to clause 15 (1) (b) on establishment of "a register of all documents, information, items and artifacts received for preservation and display in the County Hall of Fame," and clause (18) (1) and (3) on the receipt of artifacts and historical documents, including their preservation; it is our submission, that, the county museums and the national archives are well suited to undertake such activities.
- j) Implicitly, various parts of the Senate Bill No. 9 of 2021, the Kenya Heroes Act 2014 and the National Honours Act 2013 may be inoperable due to the duplicity of functions. There is therefore need to review and harmonize the three pieces of legislation with the view of providing for optimal synergy and productivity in their implementation.

21. The Ministry of Youth Affairs, Sports and the Arts as follows –

- a) Clause 6 of the Bill providing for County Hall of Fame Selection Committee is silent on the criteria and qualifications of the Committee. While it has been provided for specific office holders it does not reflect on the community involvement which is goes against the provisions of Article 10 of the Constitution. Further, the clause has left out the women and youth demographic;

- b) Clause 18 of the Bill providing for the submission and receipt of artefacts and historical items. It is understood that the purpose of these is to introduce controls and giving the County Executive Committee member in charge the opportunity to exercise the control. However, the control needs to be protracted to include the family, clan or Community. This allows families that submit items have a say over items that may hold sentimental value to the family. It also allows controls from persons who steal from families. Moving forward, greater clarity is needed through the provision of guidelines, practice notes and templates and the proposed development of guidelines for issuance of controls and measures at Clause 18 of the Bill is welcomed; and
- c) Clause 20 of the Bill providing for the Offences- The clause while it has provided for the offences it is a recommendation to introduce another offence that reads “A person who submits historical items or artefacts to the selection committee without consultation from the family, community or clan if need be shall have committed an offence”

## **CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

### **3.0 Committee Observations on the Bill**

The Committee observes that -

- a) National Honours Act, 2013, establishes a system to award national and county officers with national honours through three committees namely: the National and County Governments Honours Committee, the Parliamentary Honours advisory Committee and the Judiciary Honours Advisory Committee.
- b) The Kenya Heroes Act, 2014 also provides the identification and honouring of national heroes. The Act provides criteria and categories for identification and honouring of heroes at the national and county levels of governments.
- c) Under section 16 of the Kenya Heroes Act, 2014 the administration and the implementation of heroes honours systems is assigned to the County Executive Committee Members of their respective Counties.
- d) Most of the matters covered under the County Hall of Fame Bill, 2023, are addressed under the Kenya Heroes Act, 2014 and the National Honours Act, 2013.

### **3.1 Committee Recommendations**

In view of the above observations, the Committee recommends that the Sponsor may consider proposing amendments to existing laws to provide for issues not covered under the existing laws.



**MINUTES OF THE SEVENTY NINTH (79<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON SATURDAY, 2<sup>ND</sup> SEPTEMBER, 2023 AT 11:00 AM. IN AT THE PRIDE INN PARADISE BEACH RESORT, MOMBASA COUNTY.**

**MEMBERS PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, MP                 | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP                | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member           |
| 4. Sen. Mohamed Faki Mwinyihaji, MP             | - Member           |
| 5. Sen. Alexander Munyi Mundigi, MP             | - Member           |
| 6. Sen. Crystal Asige, MP                       | - Member           |

**APOLOGIES**

- |  |          |
|--|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP   | - Member |
| 2. Sen. Gloria Orwoba, MP              | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

**SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban  | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant  |
| 3. Mr. Jeremy Chabari  | - Legal Counsel I        |
| 4. Mr. Rhyan Injendi   | - Research Officer III   |
| 5. Mr. Erick Kiboye    | - Accountant             |
| 6. Mr. Joseph Otieno   | - Audio Officer          |
| 7. Mr. John Chege      | - SAA III                |
| 8. Ms. Alice Nanyama   | - Secretary, DSEC        |

**MIN/SEN/SCLSW/394/2023: PRAYERS**

The Chairperson called the meeting to order at 11.29 am followed with a word of prayer.

**MIN/SEN/SCLSW/395/2023: ADOPTION OF AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen. Mohamed Faki Mwinyihaji, MP and seconded by Sen. Alexander Munyi Mundigi, MP as follows –

1. Prayers & Introductions;
2. Adoption of the Agenda;
3. **Adoption of the Report of the County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023);**
4. **Adoption of the Report of the Care and Protection of the Child Parent Bill, 2023 (Senate Bills No. 29 of 2023);**
5. **Adoption of the Report on the Petition concerning the unfair terms and conditions for Universal Health Coverage (UHC) staff and delay in internship posting;**
6. **Adoption of the Report on the Petition concerning unlawful salary deductions by Kenya Women Teachers Association (KEWOTA); and**
7. **Adoption of the Report on the Petition concerning alleged fraud by the First Choice Recruitment and Consultancy Agency Ltd.**
8. **Consideration of correspondences before the Committee;**
9. Any Other Business; and
10. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/396/2023 ADOPTION OF THE REPORT OF THE COUNTY HALL OF FAME BILL, 2023 (SENATE BILLS NO. 18 OF 2023);**

1. The Committee considered the draft report and amended the recommendation to state that the Committee does not wish to proceed with the Bill however, the Sponsor of the Bill can continue with the Bill if she so wishes; and
2. The report was adopted having been proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. George Mungai Mbugua, MP.

**MIN/SEN/SCLSW/397/2023 ADOPTION OF THE REPORT OF THE CARE AND PROTECTION OF CHILD PARENT BILL, 2023 (SENATE BILLS NO. 29 OF 2023).**

1. The Committee considered the draft report and recommended the full implementation of the existing laws that would address the Care and Protection of Child Parent Bill, 2023; and
2. The report was adopted having been proposed by Sen. Mohamed Faki Mwinyiaji, MP and seconded by Sen. Alexander Munyi Mundigi, MP.

MIN/SEN/SCLSW/398/2023

ADOPTION OF THE REPORT ON THE  
PETITION CONCERNING THE UNFAIR TERMS  
AND CONDITIONS FOR UNIVERSAL HEALTH  
COVERAGE (UHC) STAFF AND DELAY IN  
INTERNSHIP POSTING;

1. The Committee considered the draft report and proposed that the recommendations indicate a time frame to allow for reporting back to the Committee; and
2. The report was adopted having been proposed by Sen. Alexander Munyi Mundigi, MP and seconded by Sen. Crystal Asige, MP.

MIN/SEN/SCLSW/399/2023

ADOPTION OF THE REPORT ON THE  
PETITION CONCERNING UNLAWFUL SALARY  
DEDUCTIONS BY KENYA WOMEN TEACHERS  
ASSOCIATION (KEWOTA);

1. The Committee considered the draft report and recommended that KEWOTA refunds all monies owed to the female teachers who had not voluntarily joined KEWOTA; and
2. The report was adopted having been proposed by Sen. Crystal Asige, MP and seconded by Sen. Alexander Munyi Mundigi, MP.

MIN/SEN/SCLSW/400/2023

ADOPTION OF THE REPORT ON THE  
PETITION CONCERNING ALLEGED FRAUD  
BY THE FIRST CHOICE RECRUITMENT AND  
CONSULTANCY AGENCY LTD.

The Committee considered and adopted the report having been proposed by Sen. George Mungai Mbugua, MP and Seconded by Sen. Crystal Asige, MP.

MIN/SEN/SCLSW/401/2023

CONSIDERATION OF CORRESPONDENCE  
BEFORE THE COMMITTEE

The Committee was briefed on all the correspondences before the Committee for it and resolved that it be put in a tabular form for consideration in the next in-house meeting.



MIN/SEN/SCLSW/402/2023      ANY OTHER BUSINESS

1. Members noted that there were many pending Statements, which the Ministries had not responded to and in particular, the Ministry of Youth Affairs, Sports. It was resolved since the Cabinet Secretary was scheduled to appear before the Committee on Thursday 7<sup>th</sup> September, 2023 the secretariat provides a summary of all the pending Statements for his attention.
2. It was proposed that the Committee conducts investigations as opposed to waiting for the public to present Petitions for the Committees consideration.
3. Sen. Crystal Asige, MP noted that she had not received a response to the Statement on Management and Collection of Music Royalties in Kenya. It was resolved that the same be presented for her attention.

MIN/SEN/SCLSW/403/2023      ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 14.35 pm, the date of the next meeting was scheduled for 7<sup>th</sup> September, 2023 at 9:00am.

SIGNED..........DATE 3-10-2023.....

CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



**MINUTES OF THE SEVENTY SIXTH (76<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON FRIDAY, 1<sup>ST</sup> SEPTEMBER, 2023 AT 10:00 AM IN WITU CONFERENCE ROOM AT THE PRIDE INN PARADISE BEACH RESORT, MOMBASA COUNTY.**

**MEMBERS PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, MP                 | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP                | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member           |
| 4. Sen. Mohamed Faki Mwinyihaji, MP             | - Member           |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP          | - Member           |
| 6. Sen. Crystal Kegehi Asige, MP                | - Member           |

**APOLOGIES**

- |                                      |          |
|--------------------------------------|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 2. Sen. Alexander Munyi Mundigi, MP  | - Member |
| 3. Sen. Gloria Orwoba, MP            | - Member |

**SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban  | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant  |
| 3. Mr. Jeremy Chabari  | - Legal Counsel I        |
| 4. Mr. Rhyan Injendi   | - Research Officer III   |
| 5. Mr. Joseph Otieno   | - Audio Officer          |
| 6. Mr. John Chege      | - SAA III                |
| 7. Ms. Alice Nanyama   | - Secretary, DSEC        |

**MIN/SEN/SCLSW/375/2023: PRAYERS**

The Chairperson called the meeting to order at 10.30 am followed with a word of prayer. He thereafter, requested for a round of introductions.

**MIN/SEN/SCLSW/376/2023: ADOPTION OF AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen. Stewart Madzayo, CBS, MP and seconded by Sen. George Mbugua, MP as follows –

1. Prayers & Introductions;
2. Adoption of the Agenda;
3. **Consideration of the Public Participation Matrix of the County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023);**
4. **Consideration of the Public Participation Matrix of the Care and Protection of the Child Parent Bill, 2023 (Senate Bills No. 29 of 2023);**
5. Any Other Business; and
6. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/377/2023 CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX OF THE COUNTY HALL OF FAME BILL, 2023 (SENATE BILLS NO. 18 OF 2023);**

1. The Committee was taken through the Public Participation matrix arising from the submissions by the stakeholders.
2. In the presentation, it was noted that-
  - i. The Bill is sponsored by Sen. Miraj Abdullahi, a Member of the Committee;
  - ii. There were existing legislations (Kenya Heroes Act 2014 and the National Honours Act, 2013) that addressed the issues that the Bill was trying to address;
  - iii. The Bill did not under go pre-publication scrutiny thus the Committee did not get an opportunity to give its comments;
  - iv. That the Sponsor of the Bill has the options of withdrawing the Bill and introducing amendments to the existing legislation.
3. The Committee resolved not to proceed with the County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023); and to table the report of the Bill.

**MIN/SEN/SCLSW/378/2023 CONSIDERATION OF THE PUBLIC PARTICIPATION MATRIX OF THE CARE AND PROTECTION OF THE CHILD PARENTS BILL, 2023, (SENATE BILLS NO. 29 OF 2023);**

1. The Committee was taken through the Public Participation matrix arising from the submissions by the stakeholders; and

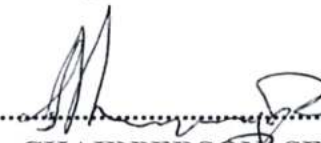
2. In the presentation, it was noted that the issues the Bill ought to address were already catered for in the Children Act, 2023.
3. The Committee resolved not to proceed with the Care and Protection of the Child Parent Bill 2023, (Senate Bills No. 29 of 2023); and to table the Report of the Bill.

MIN/SEN/SCLSW/379/2023      ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/380/2023      ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.44 am, in readiness for the next meeting at noon.

SIGNED..........DATE Thursday, 21<sup>st</sup> September, 2023  
CHAIRPERSON SEN JULIUS MURGOR RECHA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



**MINUTES OF THE SEVENTY FOURTH (74<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY, 30<sup>TH</sup> AUGUST, 2023 AT 10:00 AM ON ZOOM ONLINE PLATFORM**

**MEMBERS PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. Julius Murgor Recha, MP        | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP       | - Vice-Chairperson |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member           |
| 4. Sen. Alexander Munyi Mundigi, MP    | - Member           |

**APOLOGIES**

- |   |          |
|---|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP            | - Member |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 3. Sen. Mohamed Faki Mwinyihaji, MP             | - Member |
| 4. Sen. Crystal Asige, MP                       | - Member |
| 5. Sen. Gloria Orwoba, MP                       | - Member |

**IN ATTENDANCE**

- |                        |  |
|------------------------|--|
| 1. Hon. Ababu Namwamba | - CS, Ministry of Youth, Sports and the Arts |
| 2. Mr. Ismail Maalim   | - PS, State Department of Youth Affairs      |
| 3. Dr. Damaris Ogama   | - State Counsel                              |
| 4. Ms. Caroline Omondi | - Legal Counsel                              |
| 5. Ms. Harriet Tergat  | - Advisor to the CS                          |

**SECRETARIAT**

- |                       |                           |
|-----------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant  |
| 2. Ms. Getrude Nthiri | - First Clerk Assistant   |
| 3. Mr. Jeremy Chabari | - Legal Counsel I         |
| 4. Mr. Rhyan Injendi  | - Research Officer III    |
| 5. Ms. Juliet Masinde | - Media Relations Officer |
| 6. Mr. Joseph Otieno  | - Audio Officer           |
| 7. Ms. Swaluha Yusuf  | - Protocol Officer III    |

**MIN/SEN/SCLSW/365/2023: PRAYERS**

The Chairperson called the meeting to order at 10.01 am followed with a word of prayer. He thereafter, requested for a round of introductions.

**MIN/SEN/SCLSW/366/2023: ADOPTION OF AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen. George Mbugua MP and seconded by Sen. Miraj Abdulahi, MP as follows –

1. Prayers and Introductions;
2. Adoption of the Agenda;
3. **Meeting with the Cabinet Secretary, Youth Affairs, Sports and the Arts on the County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023) (Committee Paper No. 30 (a));**
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/367/2023 MEETING WITH THE CABINET SECRETARY, YOUTH AFFAIRS, SPORTS AND THE ARTS ON THE COUNTY HALL OF FAME BILL, 2023 (SENATE BILLS NO. 18 OF 2023) (COMMITTEE PAPER NO. 30 (A));**

1. The Chairperson welcomed all the participants from the Ministry of Youth Affairs, Sports and the Arts to make oral submissions.

**a) Submissions by the Principal Secretary, State Department of Youth Affairs**

2. In his submission, the Principal Secretary informed the Committee of the following proposed amendments –
  - i. Clause 6 of the Bill providing for County Hall of Fame Selection Committee is silent on the criteria and qualifications of the Committee.
  - ii. Clause 18 of the Bill providing for the submission and receipt of artifacts and historical items.
  - iii. Clause 20 of the Bill providing for the Offences.

In conclusion Principal Secretary informed the Committee that the Ministry of Youth, Sports and the Arts was in support of the Bill.

**b) Committee Resolution**

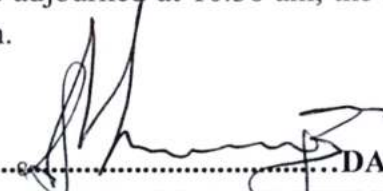
3. The Committee appreciated the submission by the Ministry and requested the Ministry to ensure that once the Bill is passed, it is implemented at the Counties.
4. The Committee resolved to retreat to consider all the submissions and prepare a report.

MIN/SEN/SCLSW/368/2023      ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/369/2023      ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 10.38 am, the next meeting was scheduled for 30<sup>th</sup> August, 2023 at 11:30 am.

SIGNED..........DATE 1<sup>st</sup> SEPTEMBER 2023  
CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



**MINUTES OF THE SEVENTY THIRD (73<sup>RD</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON MONDAY, 28<sup>TH</sup> AUGUST, 2023 AT 10:30 AM ON ZOOM ONLINE PLATFORM**

**MEMBERS PRESENT**

- |  |                    |
|--|--------------------|
| 1. Sen. Julius Murgor Recha, MP        | - Chairperson      |
| 2. Sen. George Mungai Mbugua, MP       | - Vice-Chairperson |
| 3. Sen. Mohamed Faki Mwinyihaji, MP    | - Member           |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member           |
| 5. Sen. Crystal Asige, MP              | - Member           |

**APOLOGIES**

- |   |          |
|---|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP            | - Member |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 3. Sen. Alexander Munyi Mundigi, MP             | - Member |
| 4. Sen. Gloria Orwoba, MP                       | - Member |

**IN ATTENDANCE**

- |                        |   |
|------------------------|---|
| 1. Hon. Penina Malonza | - CS, Tourism, Wildlife and Cultural Heritage |
| 2. Mr. Victor Akanga   | - National Heroes Council                     |

**SECRETARIAT**

- |                        |                         |
|------------------------|-------------------------|
| 1. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 2. Mr. Jeremy Chabari  | - Legal Counsel I       |
| 3. Mr. Rhyan Injendi   | - Research Officer III  |
| 4. Mr. Joseph Otieno   | - Audio Officer         |
| 5. Ms. Swaluha Yusuf   | - Protocol Officer III  |

**MIN/SEN/SCLSW/360/2023: PRAYERS**

The Chairperson called the meeting to order at 10.38 am followed with a word of prayer. He thereafter, requested for a round of introductions.



**MIN/SEN/SCLSW/361/2023: ADOPTION OF AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen Miraj Abdulahi, MP and seconded by Sen. Mohamed Faki, MP as follows –

1. Prayers and Introductions;
2. Adoption of the Agenda;
3. **Stakeholders' engagement on the County Hall of Fame Bill, 2023 (Senate Bills No. 18 of 2023) (Committee Paper No. 30 (a));**
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/362/2023 STAKEHOLDERS' ENGAGEMENT ON THE COUNTY HALL OF FAME BILL, 2023 (SENATE BILLS NO. 18 OF 2023) (COMMITTEE PAPER NO. 30 (A));**

1. The Chairperson welcomed all the participants and invited the stakeholders to make oral submissions.

**a) Submissions by the National Hero's Council-**

2. In his submission, the representative of the Council informed the Committee as follows -
  - i. The Council proposed amendments with regard to Clauses 2, 4 and 15; and
  - ii. The Bill contains proposals that can be addressed in existing laws or incorporated in proposed legislation to sufficiently cater for the intended purpose.

**b) Submissions by the State Department for Culture and Heritage**

3. In her submission, the Cabinet Secretary informed the Committee as follows –
  - i. The Ministry proposed amendments to Clauses 2, 3, 4, 5, 6, 15 and 18;
  - ii. There is need to review the functions allocated to the County Hall of Fame vis-à-vis any intended resource mobilization for establishment of the County Halls of Fame; and
  - iii. The Kenya Heroes Act 2014 and the National Honours Act 2013 may be inoperable due to the duplicity of functions, therefore there is need to review and harmonize the three pieces of legislation with the view of providing for optimal synergy and productivity in the implementation.

**c) Committee Resolution**

4. The Committee appreciated the submission by the National Heroes Council and the Ministry of Tourism, Wildlife and Cultural Heritage and resolved to retreat to consider all the submissions and prepare a report.

MIN/SEN/SCLSW/363/2023

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/364/2023

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11.14 am, the next meeting was scheduled for 30<sup>th</sup> August, 2023 at 10:00 am.

SIGNED.....



DATE.....

15 SEPTEMBER, 2023

CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



**MINUTES OF THE SIXTY-NINTH (69<sup>TH</sup>) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 10<sup>TH</sup> AUGUST, 2023 AT 9.30 AM IN THE COMMITTEE ROOM 22, 5<sup>TH</sup> FLOOR, BUNGE TOWERS, PARLIAMENT BUILDINGS.**

**MEMBERS PRESENT**

- |  |                      |
|--|----------------------|
| 1. Sen. Julius Murgor Recha, MP        | - Chairperson        |
| 2. Sen. George Mungai Mbugua, MP       | - Vice-Chairperson   |
| 3. Sen. Alexander Munyi Mundigi, MP    | - Member             |
| 4. Sen. Miraj Abdulahi Abdulrahman, MP | - Member (Virtually) |
| 5. Sen. Crystal Asige, MP              | - Member (Virtually) |

**APOLOGIES**

- |   |          |
|---|----------|
| 1. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 2. Sen. Erick Okong'o Mogeni, SC, MP            | - Member |
| 3. Sen. Mohamed Faki Mwinyihaji, MP             | - Member |
| 4. Sen. Gloria Orwoba, MP                       | - Member |

**SECRETARIAT**

- |                        |                               |
|------------------------|-------------------------------|
| 1. Ms. Mwanate Shaban  | - Senior Clerk Assistant      |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant       |
| 3. Mr. Jeremy Chabari  | - Legal Counsel I             |
| 4. Ms. Sande Marale    | - Principal Research Officer  |
| 5. Mr. Rhyan Injendi   | - Research Officer III        |
| 6. Mr. John Chege      | - SAA III                     |
| 7. Ms. Felistas Mutune | - Media Relations Officer III |
| 8. Mr. Joseph Otieno   | - Audio Officer               |
| 9. Ms. Swaluha Yusuf   | - Protocol Officer III        |
| 10. Mr. Onganyi Elphus | - Attachee                    |

**MIN/SEN/SCLSW/340/2023: PRAYERS**

The Chairperson called the meeting to order at 9.46 am followed with a word of prayer.

**MIN/SEN/SCLSW/341/2023: ADOPTION OF AGENDA**

The Agenda of the meeting was adopted having been proposed by Sen. Miraj Abdulahi Abdulrahman, MP and seconded by Sen. George Mbugua, MP as follows –

1. Prayers;
2. Adoption of the Agenda;
3. Briefing on the Bills before the Committee on the County Hall of Fame Bill, 2023 and the Care and Protection of Child Parents Bill, 2023 (Committee Paper No. 30);
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCLSW/342/2023 BRIEFING ON THE BILLS BEFORE THE COMMITTEE – THE COUNTY HALL OF FAME BILL, 2023 AND THE CARE AND PROTECTION OF CHILD PARENTS BILL, 2023 (COMMITTEE PAPER NO. 30);**

**a) The County Hall of Fame Bill, 2023**

The meeting was informed that-

1. The Bill seeks to establish a platform through which county governments honour individuals, within the respective counties, who have made significant contributions in any profession or activity as this was envisioned in Fourth Schedule of the Constitution which provides that cultural activities, public entertainment and public amenities including sports and cultural activities and facilities some of the functions and powers of county governments.
2. Currently, the National Honours Act, 2013 provides a legal framework for the procedures and mechanisms for conferring of national honours by the President under Article 132(4)(c) of the Constitution nationally.
3. The legal framework for counties to confer county honours is yet to be developed. The Bill therefore proposed the establishment of a county hall of fame as a means through which exceptional individuals will be recognised by county governments

**b) Care and Protection of Child Parent Bill, 2023**

The meeting was informed that -

1. The principal objective of the Bill was to provide a legal framework for the care and protection of child parents within the counties.
2. The framework is intended to ensure that an expectant underage girl or a child parent may actualize their right to basic education and at the same time ensure proper care of their children as enshrined in Article 53 of the Constitution.

**c) Committee Observations and Resolutions**

The Committee noted the submissions and resolved that public participation of the County Hall of Fame Bill and the Care and Protection of the Child Parents Bill be held on Tuesday 23<sup>rd</sup> August, 2023.

**MIN/SEN/SCLSW/343/2023      ANY OTHER BUSINESS**

There was no other business.

**MIN/SEN/SCLSW/344/2023      ADJOURNMENT AND DATE OF THE NEXT MEETING**

The meeting was adjourned at 10.31 am, in readiness for the next meeting.

SIGNED..........DATE.....1<sup>st</sup> SEPTEMBER, 2023.....

**CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP  
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 65 (Senate Bills No. 18)*



REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**SENATE BILLS, 2023**

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**NAIROBI, 12th May, 2023**

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**THE COUNTY HALL OF FAME BILL, 2023**  
**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I— PRELIMINARY**

- 1 — Short title.
- 2 — Interpretation.
- 3 — Object of the Act.

**PART II — ESTABLISHMENT OF COUNTY HALL OF FAME**

- 4 — Establishment of a county hall of fame.
- 5 — Designation of public building.

**PART III — COUNTY HALL OF FAME SELECTION  
COMMITTEE**

- 6 — Selection Committee.
- 7 — Functions of the Selection Committee.
- 8 — Meetings of the Selection Committee.
- 9 — Conflict of interest.
- 10 — Secretariat.

**PART IV — INDUCTION INTO THE COUNTY HALL OF FAME**

- 12 — Persons who may be inducted to the county hall of fame.
- 13 — Petition for induction of a person into the county hall of fame.
- 14 — Notification and public hearing.
- 15 — County hall of fame register.
- 16 — Removal from the county hall of fame.
- 17 — Posthumous induction.

**PART V — MISCELLANEOUS PROVISIONS**

- 18 — Receipt of historical items or artefacts.
- 19 — Repository of information.
- 20 — Offences.
- 21 — Regulations.

**THE COUNTY HALL OF FAME BILL, 2023****A Bill for**

**AN ACT of Parliament to: establish a county hall of fame in each county as an avenue through which the County Governments shall bestow honour on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity; provide a framework for the preservation of the history, heritage and culture of counties; and for connected purposes**

**ENACTED** by the Parliament of Kenya, as follows —

**PART I— PRELIMINARY**

**1.** This Act may be cited as the County Hall of Fame Act, 2023.

Short title.

**2.** In this Act—

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to culture, heritage and state honours;

“county executive committee member” means a member of the county executive committee in a County responsible for matters relating to culture and heritage;

“county hall of fame” means a roll, in a county, of persons who are judged as being outstanding, exceptional or illustrious; and

“Selection Committee” means a county hall of fame Selection Committee established under section 6.

**3.** The objects of this Act are to —

Objects of the Act.

- (a) provide a framework for the recognition, by counties, of persons who have made significant contributions to the county or to the country; and
- (b) provide a framework for the preservation of the history, heritage and culture of the county; and
- (c) provide a basis for the education of members of the public on the history, heritage and culture of the county.



**PART II — ESTABLISHMENT OF COUNTY  
HALL OF FAME**

4. (1) Each county may establish a county hall of fame. Establishment of county hall of fame.

(2) The purpose of a county hall of fame shall be to—

- (a) honour the achievements of persons who have made significant contributions to the county or to the country;
- (b) serve as a repository and source of information for members of the public on the history, heritage and culture of the county; and
- (c) serve as a mechanism for the preservation of historical documents and artefacts relating to the county; and
- (d) promote the preservation of the prevailing heritage and culture found within the county.

5. (1) A governor may, for the purpose of section 4— Designation of public building.

- (a) erect a county hall of fame site in such manner as the governor may consider appropriate; or
- (b) designate a permanent public site or public building or such part of a permanent public building within the county that the governor may consider appropriate to serve as the county hall of fame.

(2) The county executive committee member shall, in liaison with the Selection Committee, be responsible for the maintenance of the premises in which the county hall of fame is housed.

**PART III — COUNTY HALL OF FAME  
SELECTION COMMITTEE**

6. There is established a Selection Committee which shall consist of — County hall of fame selection committee.

- (a) the county executive committee member responsible for culture and heritage who shall be the chairperson;
- (b) the Clerk of the County Assembly;

- (c) the chairperson of the County Public Service Board;
- (d) two public officers nominated by the county public service Board.

7. The functions of the Selection Committee shall be to —

Functions of the Selection Committee.

- (a) receive and consider representations from any person, body, association of persons or corporation recommending the induction of a person into the county hall of fame;
- (b) recommend to the governor, on its own motion or on a representation made under paragraph (a), persons who may be considered for induction into the county hall of fame;
- (c) advise the governor on the suitability or otherwise of a person who is proposed for induction into the county hall of fame;
- (d) propose to the governor, the types, classes or categories of inductees into the county hall of fame; and
- (e) perform any other function that may be conferred on it by this Act or any other written law.

8. The Selection Committee shall meet at least two times in each year and shall keep a record of its proceedings which shall be open to the public for inspection.

Meetings of the Selection Committee.

9. (1) A person who has a personal or fiduciary interest in any matter before the Selection Committee, and is present at a meeting of the Selection Committee at which that matter is the subject of consideration shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in the consideration or discussion of, or vote on any question touching such matter.

Conflict of interest.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

10. The county executive committee member shall designate such officers within the department responsible for matters relating to culture to serve as the secretariat to the Selection Committee.

Secretariat.

**PART IV – INDUCTION INTO THE COUNTY HALL OF FAME**

11. A governor may, on the recommendation of the Selection Committee and in accordance with the provisions of this Act, induct into the county hall of fame—

Induction to the county hall of fame.

- (a) an individual; or
- (b) a body, unit, association of persons or a corporation.

12. (1) A person shall merit to be inducted into the county hall of fame if such person is —

Persons who may be inducted to the county hall of fame.

- (a) a person who exhibited or exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership for the defence, benefit or betterment of the county or country;
- (b) a person who has made an exemplary contribution to the county or country in the economic, social, scientific, academic, public administration, governance, sports, journalism, business, security or other field;
- (c) a State officer or public officer who has made an exemplary contribution to the betterment of the county government; or
- (d) a person who has otherwise brought honour, glory or pride to a county.

(2) In making a recommendation for the induction of a person into the county hall of fame, the Selection Committee shall take into account —

- (a) the impact that such person has had on the county or country including the social or economic impact of such person's actions;
- (b) the influence the person has had on other persons within the county;

- (c) the personal conduct of such person including the moral behaviour of the person; and
- (d) such other factors as the Selection Committee shall consider appropriate.

**13.** (1) A resident within a county may submit a petition to the Selection Committee in the respective county for the induction of a person into the county hall of fame.

Petition for the induction of a person into the hall of fame.

- (2) The petition shall set out —
  - (a) the person proposed to be inducted into the county hall of fame;
  - (b) the reasons for the proposed inclusion of the person into the county hall of fame;
  - (c) the name, address and proof of residence of the person making the petition; and
  - (d) such other information as the Selection Committee may require.

(3) A person shall not submit a petition for his or her own admission into a county hall of fame.

**14.** (1) Where the Selection Committee receives a petition under section 13, it shall, prior to forwarding its recommendation to the governor, publish and notify the members of the public within the county through such media and platforms established in the County pursuant to section 91 of the County Governments Act as it considers appropriate, the following information—

Notification and public hearing.

- (a) the details of the person it intends to induct into the county hall of fame;
- (b) the reasons for the intended induction into the county hall of fame;
- (c) a statement inviting the members of the public to present its views on the intended induction; and
- (d) such other information as it may consider necessary.

No. 17 of 2013.

(2) The Selection Committee shall invite views of the members of the public on the intended induction into the county hall of fame in the form of written submissions or through oral submissions made at a public forum held by

the Selection Committee in such manner as it shall consider appropriate.

(3) The Selection Committee may, in the performance of its functions under this Act, consult with such other persons or bodies as it may consider necessary.

(4) The Selection Committee shall not make a recommendation on whether to induct a person into the county hall of fame unless it has heard and taken into account the views of the members of the public under subsection (2).

(5) The Selection Committee shall, upon considering the petition and any views submitted by a member of the public under subsection (4), submit its recommendations to the governor for the induction of a person into the county hall of fame.

(6) The provisions of this section shall, with such modifications as may be necessary, apply to a petition by a resident of the county for the induction of a person into the county hall of fame.

(7) The governor shall, upon receipt of a recommendation under subsection (6), consider the recommendation and may induct the person recommended into the respective hall of fame.

(8) A county government may enact county specific legislation to provide for —

- (a) the procedure for the consideration of petitions for induction into a county hall of fame under this Act;
- (b) the types, categories or classes of persons that may be inducted into a county hall of fame;
- (c) the precedence to be accorded to different categories of persons inducted into a county hall of fame;
- (d) the number of persons who may be inducted into a county hall of fame at a particular time;
- (e) the procedure for the suspension or revocation of an inductee from the county hall of fame; and

- (f) the privileges or benefits that shall be accorded to a person who is admitted to a county hall of fame.

**15.** (1) The Selection Committee shall keep and maintain —

County hall of fame register.

- (a) a county hall of fame register consisting of the names of all the persons inducted to the county hall of fame; and
- (b) a register of all documents, information, items and artefacts received for preservation and display in the county hall of fame.

(2) The registers kept under subsection (1) shall be available for inspection by of the public.

**16.** (1) The governor may, on the advice of the Selection Committee and by notice in the *Gazette* —

Removal from the county hall of fame.

- (a) suspend the induction of a person into the county hall of fame; or
- (b) revoke the induction of a person into the county hall of fame.

(2) The governor shall suspend or revoke the induction of a person into the county hall of fame under subsection (1) where —

- (a) the inductee engages in conduct that is inconsistent with the conduct expected of an inductee;
- (b) the information relied upon in approving the induction of the person into the county hall of fame was inaccurate, misleading or false; or
- (c) the inductee commits an offence and is sentenced to a term of imprisonment exceeding six months.

(3) Where the inductee is alive, the governor shall not remove the inductee from the county hall of fame without affording him or her an opportunity to be heard on the matter.

**17.** A person may be inducted into the county hall of fame or removed from the county hall of fame posthumously.

Posthumous induction.

**PART V— MISCELLANEOUS PROVISIONS**

18. (1) The Selection Committee may receive historical items or artefacts donated to it for preservation in the county hall of fame.

Receipt of historical items or artefacts.

(2) The Selection Committee shall not accept any item or artefact under subsection (1) unless it has consulted with, and obtained the approval of the county executive committee member.

(3) The artefacts received under subsection (1) shall be preserved in the county hall of fame and shall remain in the hall of fame as part of its permanent collection.

(4) Any item or artefact received under subsection (1) shall be held by the county government on behalf of the Selection Committee.

19. (1) The county hall of fame shall serve as a repository of information regarding persons inducted into the county hall of fame and information on the history, culture and heritage found within the county.

Repository of information.

(2) The information under subsection (1) and such portraits, statues and biographical information regarding persons inducted into the county hall of fame received for display in the hall of fame pursuant to subsection (1) shall be preserved, located and displayed in the hall of fame in such manner as the Selection Committee shall determine.

20. A person who —

Offences.

- (a) falsely represents himself or herself as having been inducted into a county hall of fame;
- (b) receives or solicits, or agrees to receive or solicit a benefit as an inducement or reward for procuring or assisting in the procurement for induction into the hall of fame under this Act; or
- (c) gives or offers, or agrees to give or offer, a benefit as an inducement or reward for procuring or assisting in the procurement for admission into the hall of fame under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

**21.** The Cabinet Secretary may, with the approval of the Senate, make Regulations for the better carrying out of this Act. Regulations.



**MEMORANDUM OF OBJECTS AND REASONS**

**Statement of the Objects and Reasons for the Bill**

The purpose of the Bill is to provide a means through which exceptional individuals in each County are recognized and honoured by their Counties. The Bill creates a forum by which the County Governments can honour persons who may not necessarily be recognized at the National Level but are heroes and heroines within their respective counties. The Bill therefore appreciates that each County may have a group of persons that it may want to honour at the County level of government. The County Hall of Fame established by this Bill creates a forum for the recognition of such persons.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

The Bill does not delegate legislative powers, nor does it limit the fundamental rights and freedoms.

**Statement on how the Bill concerns county governments**

The establishment of the County Hall of Fame will enable each county to preserve its history, culture and heritage. The Bill therefore concerns county governments in terms of Articles 110(1)(a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in Part 2 of the Fourth Schedule to the Constitution.

**Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution**

This Bill is not a money Bill within the meaning of Article I 14 of the Constitution.

Dated the 27th April, 2023.

MIRAJ A. ABDULRAHMAN,  
*Senator.*



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT—SECOND SESSION—2023

IN THE MATTER OF ARTICLE 118 (1)(b) OF THE CONSTITUTION AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

- 1. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2023) 2. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2023)

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 15 of 2023); and the Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No. 30 of 2023) were read a First Time on Wednesday, 2nd August, 2023 and thereafter referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED THAT:

- 1. The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 15 of 2023) sponsored by the Member for Sirisia Constituency (The Hon. John Wanjiku, MP) with the principal object being to amend the Parliamentary Pensions Act, Cap 196. It proposes to raise the amount of pension due to former Members of Parliament who served between 1st July 1984 and 1st January 2001 to a minimum sum of Kenya Shillings one hundred thousand (KShs 100,000). 2. The Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No. 30 of 2023) sponsored by the Member for Homa Bay Constituency (The Hon. George Peter Kaluma, MP) with the principal object being to amend the Anti-Corruption and Economic Crimes Act, 2003 to delete the provisions providing for the disqualification of persons convicted of corruption or economic crimes from being elected or appointed as public officers.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees as listed below:

Table with 3 columns: S/N, BILL, COMMITTEE

copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings or on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41942-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke to be received on or before Tuesday 22nd August, 2023 at 5.00 p.m.

S. NIRODGE CLERK OF THE NATIONAL ASSEMBLY 10th August 2023

For the Welfare of Society and the just Government of the People

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | SECOND SESSION THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At sittings of the Senate held on Wednesday, 2nd August, 2023, Thursday, 3rd August, 2023 and Tuesday 8th August, 2023, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, the respective Senate Standing Committees now invite interested members of the public to submit any representations that they may have on the Bills.

The representations may be made by way of written memoranda on email to the Clerk of the Senate on the address clerk.senate@parliament.go.ke and copied to the email addresses of the respective Committee indicated at the fourth column below, to be received on or before Friday, 25th August, 2023 at 5.00 p.m.

Table with 3 columns: BILL, COMMITTEE REFERRED TO, EMAIL ADDRESS

The Bills may be accessed on the Parliament website at http://www.parliament.go.ke/the-senate/house-business/bills.

J.M. NYEGENYE, CBS, CLERK OF THE SENATE.

REPUBLIC OF KENYA



Telegraphic Address Telephone: 053 2062077, 053 2033507 Email: info@ugcountyassembly.or.ke Web: www.ugcountyassembly.or.ke

County Assembly P.O. Box 100-30100 Eldoret, Kenya

UASIN GISHU COUNTY ASSEMBLY OPEN TENDER NOTICE

Uasin Gishu County Assembly invites sealed tenders and pre-qualification from reputable, competent and interested companies for the supply and delivery of the following goods, works and services for the 2023/2024 Financial Year. Bidders are informed that goods, works and services will be procured on "As and when required basis". The tender documents are available at county assembly website. Interested bidders are encouraged to download free forms from our website.

Table with 3 columns: S/N, ITEM DESCRIPTION, ELIGIBILITY

Table with 3 columns: S/N, ITEM DESCRIPTION, ELIGIBILITY

Interested eligible candidates may obtain further information from supply chain management, procurement department Uasin Gishu county assembly. The tender document containing detailed information on the tenders can freely be downloaded from Uasin Gishu county Assembly website: www.ugcountyassembly.or.ke, ITMS Portal: www.treasury.go.ke or PPIP Portal: www.tenders.go.ke

Complete tender documents must be submitted through the ITMS supplier portal supplier.treasury.go.ke as per the requirements contained in the document as to be received on or before 24th August, 2023 at 12:00 Hours.

NOTE:

For pre-qualification the tender document must be paginated in the format (1, 2, 3, 4, ...) and be submitted manually (hard copies) as to be deposited into tender box on or before 24th August, 2023 12:00 Hours.

Click to Uasin Gishu County Assembly, P.O. Box 100-30100, Eldoret



SONYSUGAR Simply The Sweetest



South Nyanza Sugar Company Limited invites sealed tenders from competent vendors for the provision of the below listed services/works and supply of goods. Tenders are open to all candidates meeting the eligibility criteria set in the tender document including AGPD group.

TENDER NOTICE

Table with 4 columns: S/No, Item Description, Type of Tender, Closing Date

The tender documents containing detailed information on the tenders can freely be downloaded from the official company website (www.sonyssugar.co.ke) & PPIP Portal

Duly filled and completed tender documents clearly marked "Tender reference No. and Closing date" should be addressed to.

The Managing Director, South Nyanza Sugar Company Ltd, Off Kisili-Migori Road, P.O. Box 107-40405, Sare-Awendo. Tel. no. 020-8029203 or 020-8029043 Fax. no. 020-8029204 Email: administration@sonysugar.co.ke

and be deposited in the tender box at our Headquarters in Awendo by 24th August 2023 at 02.00 p.m Tenders will then be opened thereafter at the Company's Training Centre in the presence of tenderers or their representatives who choose to attend. (This is optional)

SonySugar Company Limited reserves the right to accept or reject any application and is not bound to give any reasons thereof.

ISO 9001:2015 QMS CERTIFIED COMPANY CHANGE TOWARDS A SWEETER, INTEGRATED AND RESPONSIVE SONYSUGAR

**THE SENATE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

**THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO. 18 OF 2023)**

<b>CLAUSE</b>	<b>STAKEHOLDER</b>	<b>PROPOSED AMENDMENT</b>	<b>JUSTIFICATION</b>	<b>COMMITTEE RESOLUTION</b>
Long title	Ministry of Youth Affairs, the Arts and Sports.	The scope of preserving history is different from the scope of this Bill.		Not adopted.
2	Ministry of Youth Affairs, the Arts and Sports.	Provide definitions for the terms “artefacts”, “culture” and “heritage”.		Not adopted.
6	Council of County Governors (COG)	<p>Include the following members in the selection Committee—</p> <ul style="list-style-type: none"> <li>(a) the County Director responsible for culture and heritage who shall be the secretary to the Committee;</li> <li>(b) the County Attorney;</li> <li>(c) representative of the youth;</li> <li>(d) a person representing persons with disabilities.</li> </ul> <p>6 (2) The members of the Selection Committee shall hold office for a period of five years and shall be eligible for reappointment for a further five years.</p>	<p>The director will provide technical expertise.</p> <p>Include the youth and persons with disabilities for inclusivity and equality.</p> <p>The tenure of office should be provided for.</p>	Not adopted.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
7	COG	Include the function of receiving donations and gifts on historical, cultural items or artefacts made to the County.	This for preservation in the Hall of Fame.	Not adopted.
9	County Assemblies Forum (CAF)	Insert new sub clause 9(3) to read—  “Any member of the selection committee who knowingly refuses to disclose a conflict of interest commits an offence and is liable on conviction, to a fine not exceeding one million shillings”	The new clause provides a clear deterrence for members of the selection committee and ensure they declare conflict of interest.	Not adopted.
10	COG	Include a clause on making of decision by consensus or by majority of all members if there is no consensus.	Modalities of decision making should be provided for.	Not adopted.
14	CAF	Amend sub clause (8) to read as follows—  (8) A County Assembly may enact county specific legislation to provide for —  (a) the procedure for the consideration of petitions	The clause should be specific that County Assemblies may enact county specific legislation.	Not adopted.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		<p>for induction into a county hall of fame under this Act;</p> <p>(b) the types, categories or classes of persons that may be inducted into a county hall of fame;</p> <p>(c) the precedence to be accorded to different categories of persons inducted into a county hall of fame;</p> <p>(d) the number of persons who may be inducted into a county hall of fame at a particular time;</p> <p>(e) the procedure for the suspension or revocation of an inductee from the county hall of fame; and</p> <p>(f) the privileges or benefits that shall be accorded to a person who is admitted to a county hall of fame.</p>		
14	COG	Include timelines for notification and public hearing.	It is essential to set specific timelines.	Not adopted.

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
		Provide a mechanism to handle conflict of interest.  Delete subclause 14 (8)	This is for accountability.  This can be provided in schedules.	
17	COG	The relevant county executive committee members should be allowed to make county specific regulations.	This is in order to be county specific.	Not adopted.

1. The Ministry of Tourism, Wildlife and Heritage through the State Department for Culture & Heritage noted that—
  - (a) the National Honours Act, 2013, which establishes a system to award national and county officers with state/National honours is implemented by the Presidency through three committees namely: The National and County Governments Honours Committee; Parliamentary Honours advisory Committee; and Judiciary Honours Advisory Committee (sections 5,6 & 7)
  - (b) It is therefore, our considered opinion that, the avenue to bestow honour on individuals within the respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity proposed in the County Hall of Fame Bill is sufficiently factored in the existing laws.
  - (c) The Kenya Heroes Act 2014 also provides the identification and honouring of national heroes. The Act provides criteria and categories for identification and honouring of heroes (Preamble and the First Schedule).

- (d) Clause 3 (a) on the objects of the Bill is to “provide for framework for recognition by counties of persons who have made significant contributions to the county or country”. This object is duplicative of the objects under the National Honours Act 2013 and the Kenya Heroes Act 2014.
- (e) Clauses 3 (b) and (c) of the Bill on objects to “provide a framework for preservation of the history heritage and culture of the county” and “provide a basis for the education of members of the public on the history, heritage and culture of the country” respectively, would be duplicative of the mandate of the county museums as well as national museums existing within the counties.
- (f) The purposes of the Senate Bill under Clause 4, (2) (b), (c) and (d) in our considered view are currently undertaken by the Kenya National Archives and Documentation Service (for documents), as well as the National Museums of Kenya under the National Museums and Heritage Act, 2006 (for artefacts).
- (g) Clauses 4 and 5 provide respectively, for establishment of a county hall of fame and designation of public building for purposes of establishing a county hall of fame. The Kenya Heroes Act under section 26 provides for establishment of Heroes' squares where the Council may establish and maintain, heroes' squares in such places as it may deem appropriate.
- (h) Clause 6 (a) provides for establishment of the County hall of fame selection committee to be chaired by the County Executive Committee member responsible for culture and heritage. The same role is cross-referenced under the Kenya Heroes Act, section 16 specifically assigning administration and the implementation of heroes honours systems to the

County Executive Committee Member of their respective Counties in accordance with the provisions of the Kenya Heroes Act. It follows therefore, that, the powers to administer heroes' honours is already in existence under the law.

- (i) In regard to clause 15 (1) (b) on establishment of "a register of all documents, information, items and artifacts received for preservation and display in the County Hall of Fame," and clause (18) (1) and (3) on the receipt of artifacts and historical documents, including their preservation; it is our submission, that, the county museums and the national archives are well suited to undertake such activities.
  - (j) Implicitly, various parts of the Senate Bill No. 9 of 2023, the Kenya Heroes Act 2014 and the National Honours Act 2013 may be inoperable due to the duplicity of functions. There is therefore need to review and harmonize the three pieces of legislation with the view of providing for optimal synergy and productivity in their implementation.
2. The Council of Governors agreed with the content of the Bill.
  3. The Ministry of Youth Affairs, the Arts and Sports submitted that the Public Archives and Documentation Services Act, the National Museums and Heritage Act, the National Honours Act and the Kenya Heroes Act have addressed most of the matters provided for in the current Bill.

**LIST OF STAKE HOLDERS**

1. The Ministry of Wildlife, Culture and Heritage
2. State Department for Culture & Heritage
3. The Council of Governors



4. The County Assemblies Forum

5. The Ministry of Youth Affairs, the Arts and Sports



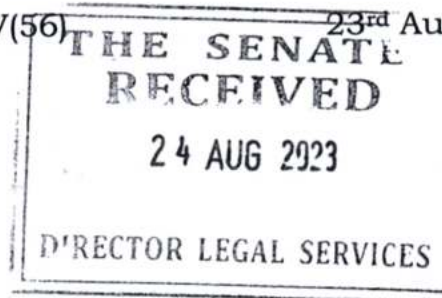
REPUBLIC OF KENYA  
MINISTRY OF YOUTH AFFAIRS, THE ARTS AND SPORTS  
STATE DEPARTMENT FOR YOUTH AFFAIRS AND THE ARTS  
OFFICE OF THE PRINCIPAL SECRETARY

Telegrams: 'MOYAAS' Kencom Hse, Nairobi  
Tel: +254-020-2210083, 2250576  
When replying, please quote

P.O. Box 49849 - 00100  
Nairobi, Kenya

REF:MOYAS/SDYAA/1/34/1 VOL.IV(56) 23<sup>rd</sup> August, 2023

**Mr. Samuel Njoroge**  
Clerk of the National Assembly  
Parliament Building  
**NAIROBI**



Ms. Mwanate  
Kindly deal.  
24/08/2023

**STATE DEPARTMENT VIEWS ON THE DRAFT COUNTY HALL OF FAME BILL 2021**

The above matter refers.

We have perused the draft County Hall of Fame Bill No. 9 of 2021 and wish to make the following comments:

**1. Clause 6 of the Bill providing for County Hall of Fame Selection Committee**

The Selection committee is silent on the criteria and qualifications of the Committee. While it has been provided for specific office holders it does not reflect on the community involvement which is goes against the provisions of Article 10 of the Constitution.

Further the Clause has left out the Women and Youth demographic. It should also be noted that the

**2. Clause 18 of the Bill providing for the submission and receipt of artefacts and historical items.**

It is understood that the purpose of these is to introduce controls and giving the County Executive Committee member in charge the opportunity to exercise the control.

However, the control needs to be protracted to include the family, clan or Community. This allows families that submit items have a say over items that may hold sentimental value to

the family. It also allows controls from persons who steal from families.

Moving forward, greater clarity is needed through the provision of guidelines, practice notes and templates and the proposed development of guidelines for issuance of controls and measures at Clause 18 of the Bill is welcomed.

### **3. Clause 20 of the Bill providing for the Offences**

The clause while it has provided for the offences it is a recommendation to introduce another offence that reads

*"A person who submits historical items or artefacts to the selection committee without consultation from the family, community or clan if need be shall have committed an offence"*

Submitted for your consideration.



Ismail Maalim Madey  
**PRINCIPAL SECRETARY**



THE SENATE

DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

MEMORANDUM ON THE COUNTY HALL OF FAME BILL, 2023  
(SENATE BILL No. 18 of 2023)

BY

MINISTRY OF YOUTH AFFAIRS, THE ARTS AND SPORTS

SUBMITTED TO THE CLERK OF THE SENATE.

BY HON. ABABU NAMWAMBA, EGH

**WHEREAS** a Bill entitled “An Act of Parliament to establish a County Hall of Fame in each County as an avenue through which the County Governments shall bestow honour on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity; provide a framework for the preservation of the history, heritage and culture of counties; and for connected purposes” (hereinafter referred to as Senate Bill No. 18 of 2023)

**AND WHEREAS** pursuant to Article 118 of the Constitution and Standing Orders 140 (5) of the Senate Standing Orders inviting the undersigned vide a letter dated 17<sup>th</sup> August 2023 to submit written submissions to be referred to during the Committee meeting that is scheduled to be held on Wednesday, 23<sup>rd</sup> August 2023 at 10.00a.m on the the Senate Bill:

**NOW THEREFORE**, The Ministry of Youth Affairs, the Arts and Sports being a stakeholder hereby submits the following views on the County Hall of Fame Bill, 2023 (Senate Bill No. 18 of 2023):

Subs	PROVISION	COMMENT
Long Title	ACT of Parliament to: establish a county hall of fame in each county as an avenue through which the County Governments shall bestow honour on individuals within their respective counties acclaimed as being outstanding, exceptional or	The scope of the Bill comprise two distinct and unrelated subjects: <u>bestowing</u> honours / entering individuals into a hall of fame and <u>preservation</u> of history, heritage and culture. The two subjects have no natural or legitimate connection and putting them in one Act would be akin to log-rolling.

	<p>illustrious in any profession or activity; provide a framework for the preservation of the history, heritage and culture of counties.</p>	
<p><b>Memorandum of Objects and Reasons</b></p>	<p><b>Statement of the Objects and Reasons for the Bill</b></p> <p>The purpose of the Bill is to provide a means through which exceptional individuals in each County are recognized and honoured by their Counties. The Bill creates a forum by which the County Governments can honour persons who may not necessarily be recognized at the National Level but are heroes and heroines within their respective counties. The Bill therefore appreciates that each County may have a group of persons that it may want to honour at the County level of government. The County Hall of Fame established by this Bill creates a forum for the recognition of such persons.</p>	<p>The Statement on the objects of the Bill vis-à-vis the Long Title.</p> <p>The Memorandum of objects only speaks to the Honours at County levels and is silent on the preservation of the history, heritage and culture of counties. This lends credence to comment No. 1 above and to the fact that the inclusion of subjects that are diverse in nature but which have no connection, is disruptive and would not allow for each subject to be considered separately and on its own merit.</p> <p>It is equally not clear the gaps the Bill aims to address with respect to the preservation of the history, heritage and culture.</p>
<p><b>Interpretation Clause</b></p>	<p>“County Hall of Fame” <u>means a roll</u>, in a county, of persons who are</p>	<p>The use of the term <i>County Hall of Fame</i> in the body of the and the meaning assigned to it under clause 2.</p>

	<p>judged as being outstanding, exceptional or illustrious</p>	<p>Whereas the meaning assigned to it under <u>Clause 2 is a roll</u>, under Clause 5, the County Hall of Fame includes a permanent public site or public building or such part of a permanent public building or that as shall be erected by the Governor, and which under Clause 4 will among other things serve as a repository and source of information for members of the public on the history, heritage and culture of the county; and a mechanism for the preservation of historical documents and artefacts relating to the county.</p> <p>The <u>ordinary meaning</u> assigned to a roll is a register, a schedule or sheet of parchment on which information is entered. (Blacks Law Dictionary)</p> <p>It is noted that under Clause 15 the Selection Committee shall keep and maintain a county hall of fame <u>register</u> consisting of the names of all the persons inducted to the county hall of fame; and a <u>register</u> of all documents, information, items and artefacts received for preservation and display in the county hall of fame.</p> <p>It is therefore recommended that the meaning assigned to the "County hall of fame" ought to be aligned with its usage in the rest of the body.</p>
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	<p>“Artefacts” “Culture” and “Heritage”</p>	<p>There are no meanings assigned to the words “artefacts”, “culture” and “heritage” used in the body of the Bill.</p> <p>It is noted that under the Museums and Heritage Act, the word used is “<b>cultural heritage</b>”, and the meaning assigned to it is: “means;</p> <p>(a) monuments;</p> <p>(b) architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of universal value from the point of view of history, art or science;</p> <p>(c) groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding value from the point of view of history, art or science;</p> <p>(d) works of humanity or the combined works of nature and humanity, and areas including archaeological sites which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view, and includes objects of archaeological or palaeontological interest, objects of historical interest and protected objects”</p>
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		<p>It is proposed that the same be defined, with reference to the definition under the National Museums and Heritage Act.</p>
<p><b>Part IV</b></p>	<p><b>Induction into the Hall of Fame</b></p> <p>(1) A person shall merit to be inducted into the county hall of fame if such person is —</p> <p>(a) a person who exhibited or exhibits exemplary qualities, actions or achievements of heroism, sacrifice, bravery, patriotism or leadership for the defence, benefit or betterment of the county or country;</p> <p>(b) a person who has made an exemplary contribution to the county or country in the economic, social, scientific, academic, public administration, governance, <u>sports</u>, journalism, business, security or other field.</p>	<p>Whilst, the proposal to honour persons who have made exemplary contribution to the country in the field of sports is greatly appreciated, it is however noted that the Ministry of Youth Affairs, the Arts and Sports has an elaborate framework to do this through a National Honours and Awards Scheme for all athletes.</p>
	<p><b>Existing Legislations</b></p>	

	<ol style="list-style-type: none"> <li>1. National Honours Act</li> <li>2. National Museums and Heritage Act</li> <li>3. Public Archives and Documentation Service Act</li> <li>4. Heroes Act</li> </ol>	<p>There is an elaborate legal framework to address the issues, if any, that are sought to be addressed by the said Bill:</p> <ol style="list-style-type: none"> <li>1. It is noted that <b>Section 5 the National Honours Act</b>, establishes a National and County Governments Honours Advisory Committee comprising: <ol style="list-style-type: none"> <li>(a) the Deputy President who shall be the chairperson;</li> <li>(b) the Cabinet Secretary responsible for national heritage;</li> <li>(c) the Cabinet Secretary responsible for public service;</li> <li>(d) <b>two Governors elected by the Council of County Governors;</b></li> <li>(e) the chairperson of the Public Service Commission; and</li> <li>(f) <b>a chairperson of a County Public Service Board elected by the Council of County Governors.</b></li> </ol> </li> </ol> <p>The County Governments are adequately represented in the said Committee and whose functions are similar to the functions of the Selection Committee (established under Clause 6) proposed under Clause 7 of the Bill. It is recommended that duplicity of functions be avoided, where a</p>
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		<p>function can be adequately addressed by one level of government.</p> <p><b>2. Under Section 5 of the National Museums and Heritage Act, the National Museums shall—</b></p> <ul style="list-style-type: none"> <li>(a) serve as national repositories for things of scientific, cultural, technological and human interest;</li> <li>(b) serve as places where research and dissemination of knowledge in all fields of scientific, cultural, technological and human interest may be undertaken;</li> <li>(c) identify, protect, conserve and transmit the cultural and natural heritage of Kenya; and</li> <li>(d) promote cultural resources in the context of social and economic development.</li> </ul> <p>Considering that museums is a devolved function under Part 2 of Schedule IV of the Constitution, and there are County museums performing the functions proposed in the Bill, a framework for collaboration with the National Museum of Kenya and the County Governments would be more useful. These museums can be designed as County Halls of Fame, or in the alternative, the Counties can designate part of the</p>
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		<p>County Headquarters, or erstwhile Social Halls as Halls of Fame.</p> <p>However, in counties where there are no County museums, then the Cost-Benefit Analysis is key; the implication of setting up Halls of Fame, and preserving artefacts (financial and human-expertise costs).</p> <p>3. Section 3 of the <b>Public Archives and Documentation Service Act</b>, establishes the Kenya National Archives and Documentation Service, with a Director whose mandate includes having the charge and proper housing, control and preservation of all public archives and public records,</p> <p>(a) examine any public records, and advise on the care, preservation, custody and control thereof;</p> <p>(b) require the transfer to his custody of any public records which he considers should be housed in the national archives;</p> <p>(c) compile, make available and publish indexes and guides to, and calendars and texts of, all public archives; among others.</p>
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		<p>4. The Kenya Heroes Act 2014 established the National Heroes Council whose functions includes identifying and recommending national heroes.</p> <p>It is notable that there exists a framework for implementation of the said Act at county level. Under Section 16 of the said Act, on Administration of system in the Counties</p> <p><i>“The County Executive Committees established under Article 183 of the Constitution shall be responsible for the administration of the heroes’ honours system in their respective counties in accordance with the provisions of this Act”.</i></p> <p>Under Section 26 on the Establishment of Heroes’ Squares, the Council may establish and maintain Heroes’ Squares, in such places as it may deem appropriate.</p> <p>It is noted that the Council has no representation of the County Governments. It is proposed that the council be expanded to include a representative of the Council of Governors or County Governments</p>
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It is our submission that the Senate Bill contains proposals that have no natural or legitimate connection, and which ought to be separated. Further, where there are existing laws, the proposed areas under the Bill should be

incorporated through amendments to the existing legislation as reflected in the Kenya Heroes Act 2014, incorporating the counties. The Memorandum and Objects of the Bill should identify the gaps the would otherwise not be sufficiently addressed by the existing laws.

Dated the 29<sup>th</sup> August, 2023



ISMAIL MAALIM MADEY  
PRINCIPAL SECRETARY  
STATE DEPARTMENT FOR YOUTH AFFAIRS AND THE ARTS  
MINISTRY OF YOUTH AFFAIRS THE ARTS AND SPORTS  
FOR: CABINET SECRETARY

Felix Mwendwa Mutunga,  
P.O BOX 21- 90128,  
Mtito Andei,  
Tel no. 0796116533,

August 3,2023.

To: The Clerk of the Senate,  
Parliament buildings,  
P.O. BOX 41842-00100,  
NAIROBI.

Dear sir/Madam,

REF: INDUSTRIAL ATTACHMENT

I am a third year student pursuing Bachelor of science Degree in Corporate Communication and Management at Jomo Kenyatta University of Agriculture and Technology (JKUAT) main campus and i wish to apply for an industrial attachment at your institution.It is a requirement that i spend two months( September - December) in an industry that is related to my field of study prior to the final year program.

Your offices are most suitable to me in terms of my area of interest and your location.I shall be most grateful if my application is considered favourably.  
Thank you.

Yours faithfully,

Felix Mwendwa Mutunga,  
Tel no. 0796116533.  
felixmwendwa183@gmail.com.



**MINISTRY OF YOUTH AFFAIRS, THE ARTS & SPORTS  
STATE DEPARTMENT FOR YOUTH AFFAIRS AND ARTS  
Office of the Principal Secretary**

Telegraphic address: 'Personnel', Nairobi  
Telephone: Nairobi 2240068/2214056  
Email address: [ps@youth.go.ke](mailto:ps@youth.go.ke)  
When Replying please quote:

P.O. Box 34303 - 00100  
NAIROBI  
KENYA

**Ref: No. MOYAAS/SDYAA/1/16**

29<sup>th</sup> August, 2023

**Mr. Jeremiah Nyegenye, CBS**  
The Clerk  
The Senate of Kenya  
Parliament Buildings  
**NAIROBI**



1 DSEC/DLS.  
Note and deal  
30/08/2023

Dear Sir,

**RE: STAKEHOLDERS ENGAGEMENT ON THE COUNTY HALL OF FAME BILL 2023**

Reference is made to your letter dated 23<sup>rd</sup> August 2023 REF: SEN/DSEC/SCLSW/2023/187 inviting Cabinet Secretary for Youth Affairs, The Arts and Sports Hon. Ababu Namwamba, EGH to a meeting to deliberate on the Bill.

2 Hon. Ms. Kibati  
Kindly deal  
30/08/2023

The meeting is scheduled to take place on Wednesday 30<sup>th</sup> August, 2023 at 10.00AM.

The purpose of this letter is to formally forward the written submissions on the Bill ahead of our oral contributions during the planned virtual meeting.

The Hon. Cabinet Secretary is on an assignment outside Nairobi and will not be able to join the meeting. However Principal Secretaries from the Ministry will join the meeting with their technical teams.

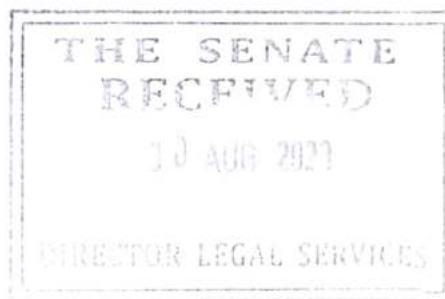
Attached please find our contributions as Ministry on the proposed Bill for your perusal and action.

Looking forward to fruitful engagements with the House.

Yours Sincerely,

**ISMAIL MAALIM MADEY  
PRINCIPAL SECRETARY**

3 Ms. Mwanate  
Kindly deal  
Kibati  
30/08/2023







## **MEMORANDUM**

**BY THE NATIONAL HEROES COUNCIL**

**THROUGH**

**THE STATE DEPARTMENT FOR CULTURE AND  
HERITAGE**

**SUBMITTED TO THE CLERK OF THE NATIONAL  
ASSEMBLY**

**ON**

**THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 9  
OF 2021)**

(A Bill published in the Kenya *Gazette* Supplement No. 29 of 8<sup>th</sup> March, 2021 and passed by the Senate, with amendments, on 11<sup>th</sup> January, 2022)

**WHEREAS** a Bill entitled "An Act of Parliament to establish a County Hall of Fame in each County as an avenue through which the County Governments shall bestow honour on individuals within their respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity; provide a framework for the

preservation of the history, heritage and culture of counties; and for connected purposes" (hereinafter "*the Senate Bill No. 9 of 2021*");

**AND WHEREAS** The Clerk of the National Assembly has invited The Ministry of Sports, Culture and Heritage to submit its Memoranda on the various Bills to facilitate public participation;

**NOW THEREFORE**, The State Department for Culture & Heritage under the Ministry of Sports, Culture and Heritage being a stakeholder hereby submits the following views on the Senate Bill No. 9 of 2021:

1. Whereas **Clause 2** on the interpretation of the Senate Bill No. 9 of 2021 refers to "the Cabinet Secretary responsible for matters relating to culture, heritage and **state honours**," the position is that matters related to State/National honours vest under the Cabinet Affairs Office as opposed to the Cabinet Secretary responsible for matters relating to culture and heritage.
2. The National Honours Act, 2013, which establishes a system to award national and county officers with state/National honours is implemented by the Presidency through three committees namely: The National and County Governments Honours Committee; Parliamentary Honours advisory Committee; and Judiciary Honours Advisor Committee (**sections 5,6 & 7**)

It is therefore, our considered opinion that, the avenue to bestow honour on individuals within the respective counties acclaimed as being outstanding, exceptional or illustrious in any profession or activity proposed in the County Hall of Fame Bill is sufficiently factored in the existing laws.

3. The Kenya Heroes Act 2014 also provides the identification and honouring of national heroes. The Act provides criteria and categories for identification and honouring of heroes (**Preamble and the First Schedule**).
4. **Clause 3 (a)** on the objects of the Senate Bill No. 9 of 2021 is to “provide for framework for recognition by counties of persons who have made significant contributions to the county or country”. This object is duplicative of the objects under the National Honours Act 2013 and the Kenya Heroes Act 2014.
5. **Clauses 3 (b) and (c)** of the Bill on objects to “provide a framework for preservation of the history heritage and culture of the county” and “provide a basis for the education of members of the public on the history, heritage and culture of the country” respectively, would be duplicative of the mandate of the county museums as well as national museums existing within the counties.

**Recommendation:** It is, thus, our proposition that the Cabinet Secretary responsible for culture and heritage administers these two forms of recognition as envisaged in the existing laws to avoid duplicity of functions.

6. The purposes of the Senate Bill No. 9 of 2021 under **Clause 4, (2) (b), (c) and (d)** in our considered view are currently undertaken by the Kenya National Archives and Documentation Service (for documents), as well as the National Museums of Kenya under the National Museums and Heritage Act, 2006 (for artefacts).

**Recommendation:** Considering that the museum function under the Fourth Schedule of the Constitution is a devolved function, we propose that County Museums is assigned the responsibility of the preservation of artifacts and heritage relating to county

heroes/heroines. Conversely, the National Archives should guide on preservation of documents on the counties' histories and heroes

7. **Clauses 4 and 5** provide respectively, for establishment of a county hall of fame and designation of public building for purposes of establishing a county hall of fame. The Kenya Heroes Act under section 26 provides for establishment of Heroes' squares where the Council may establish and maintain, heroes' squares in such places as it may deem appropriate.

**Recommendation:** It is our recommendation that there would be need for consideration to harmonize establishment of the county hall of fame and heroes squares, which would serve the same purpose. This will avoid duplication.

8. **Clause 6 (a)** provides for establishment of the County hall of fame selection committee to be chaired by the County Executive Committee member responsible for culture and heritage. The same role is cross-referenced under the Kenya Heroes Act, section 16 specifically assigning administration and the implementation of heroes honours systems to the County Executive Committee Member of their respective Counties in accordance with the provisions of the Kenya Heroes Act. It follows therefore, that, the powers to administer heroes' honours is already in existence under the law.
9. In regard to **clause 15 (1) (b)** on establishment of "a register of all documents, information, items and artifacts received for preservation and display in the County Hall of Fame," and **clause (18) (1) and (3)** on the receipt of artifacts and historical documents, including their preservation; it is our submission, that, the county museums and the national archives are well suited to undertake such activities.


10. Appreciating that the County Hall of Fame Bill has not been considered as a "Money Bill" within the meaning of the Constitution Article 114, it is our considered view that undertaking preservation activities, especially of artifacts is a specialized function that requires rich and diverse research expertise, as well as specialized facilities for research, conservation, curation and storage.

All these aspects require huge amount of money, and, therefore, the current provisions in the counties may not be sufficient. This position is informed by the fact that there may be need to employ conservation experts, archivists, curators and exhibition designers besides establishing specially designed spaces for storage and curation.

**Recommendation:** There is therefore need to review the functions allocated to the County Halls of Fame under the Bill vis-à-vis any intended resource mobilization for establishment of the County Halls of Fame.

Implicitly, various parts of the Senate Bill No. 9 of 2021, the Kenya Heroes Act 2014 and the National Honours Act 2013 may be inoperable due to the duplicity of functions. There is therefore need to review and harmonize the three pieces of legislation with the view of providing for optimal synergy and productivity in their implementation.

DATED 29<sup>TH</sup> ..... Day of SEPTEMBER ..... 2023

  
✓ Charles O. Wambia  
C.E.O/ Director



**COUNCIL OF GOVERNORS**



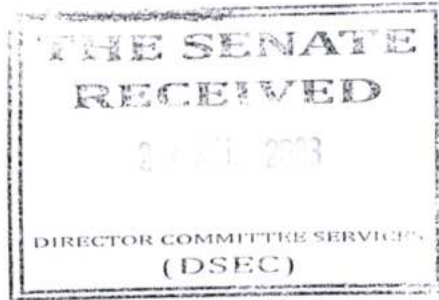
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Our Ref: COG/6/10 Vol. 12 (33)

25<sup>th</sup> August 2023

J. M. Nyegenye, CBS,  
The Clerk of the Senate,  
P.O Box 41482-00100,  
Nairobi.



① DSEC ✓  
DLS.  
Note and deal.  
29/8/2023

Dear Clerk,

**SUBMISSION OF LEGISLATIVE MEMORANDUM ON THE COUNTY HALL OF FAME BILL, 2023 (SENATE BILLS NO. 18 OF 2023)**

The above matter refers.

The Council of Governors has reviewed the County Hall of Fame Bill, 2023 (Senate Bill No. 18 of 2023) and hereby forwards the legislative memorandum attached herewith for your consideration.

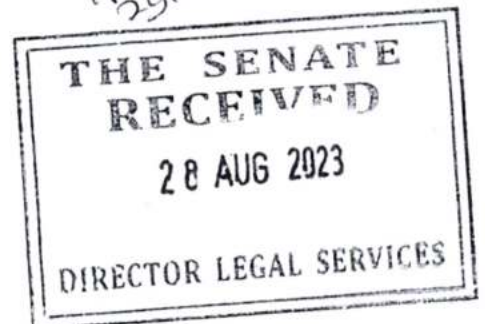
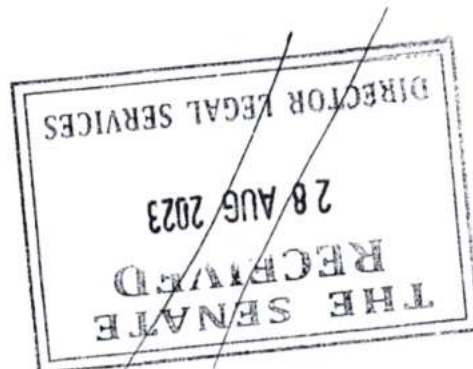
Please accept our highest esteem and regards.

Yours sincerely,

Mary Mwiti  
Chief Executive Officer

② HOD - Ms. Kibati  
Kindly deal  
29/08/2023

③ Ms. Mwanate  
Kindly deal  
Kibati  
29/08/2023





**COUNCIL OF GOVERNORS**

**LEGISLATIVE MEMORANDUM ON THE COUNTY HALL OF FAME BILL, 2023**

**From  
THE COUNCIL OF GOVERNORS**

## MEMORANDUM ON THE THE COUNTY HALL OF FAME BILL, 2023

The Council of Governors,

**In recognition** of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

**In further recognition** of Article 6 (2) that governments at the national and county levels are distinct; and

**Aware** of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution.

### **A. GENERAL COMMENTS**

1. Article 96 of the Constitution endows Senate with the law-making function of parliament by considering, debating and approving Bills concerning Counties, as provided in Articles 109 and 110.
2. The Council of Governors lauds the efforts geared towards the enactment of the County Hall of Fame Bill, 2023 and is in support of the same as it purely concerns County Governments and provides a framework for County Governments to honor persons who may not necessarily be recognized at the National Level but are heroes and heroines within their respective counties.
3. Further, the Bill is a step in the right direction towards the preservation of the history, heritage and culture of respective counties
4. The Council is further cognizant of the Protection Of Traditional Knowledge And Cultural Expressions Act,2016 which provides a framework for the protection and promotion of traditional knowledge and cultural expressions; to give effect to Articles 11, 40 and 69(1)(c) of the Constitution. Section 4 of The Act endows County Governments with the responsibility of protection and preservation of cultural knowledge within the County as similarly expressed under Clause 18 of the Bill.



**B. SPECIFIC COMMENTS**

The Council proposes the following specific amendments to the Bill;

CLAUSE/ SUB-CLAUSE OF THE BILL	PROVISION IN THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
<p><b>Clause 6</b></p> <p><b>County hall of fame selection Committee.</b></p>	<p>There is established a Selection Committee which shall consist of —</p> <p>(a) the county executive committee member responsible for culture and heritage who shall be the chairperson;</p> <p>(b) the Clerk of the County Assembly;</p> <p>(c) the chairperson of the County Public Service Board;</p> <p>(d) two public officers nominated by the county Public service Board.</p>	<p>Amend the membership of the committee to include additional members as follows:</p> <p>There is established a Selection Committee which shall consist of —</p> <p>(a)The county executive committee member responsible for culture and heritage who shall be the chairperson.</p> <p><b><u>b.)The County Director responsible for Culture and heritage who shall be the secretary of the Committee</u></b></p> <p>(c)The Clerk of the County Assembly;</p> <p>(d)the chairperson of the County Public Service Board;</p> <p>(e) Two public officers nominated by the county Public service Board.</p> <p><b><u>(f) The County Attorney</u></b></p> <p><b><u>(g)Two representatives, one for the youth and another for persons</u></b></p>	<p>The director responsible for culture and heritage should form part of the membership as the secretary of the committee due to the technocrat expertise in matters culture and heritage. Further, there should be representatives from the youth and persons with disabilities. Inclusion of the two additional representatives will address the issue of inclusivity and equality in line with the Constitutional values.</p>

		<p><u>with disabilities</u></p> <p>6 (2) The members of the Selection Committee shall hold office for a period of 5 years and shall be eligible for reappointment for a further 5 years</p>	<p>The Bill should be clear on the tenure of the committee members; also alive to the fact that a new regime may come to place after 5 years.</p>
<p>Clause 7</p> <p>Functions of the selection Committee</p>	<p>The functions of the Selection Committee shall be to —</p> <p>(a) Receive and consider representations from any person, body, association of persons or corporation recommending the induction of a person into the county hall of fame.</p> <p>(b) recommend to the governor, on its own motion or on a representation made under paragraph (a), persons who may be considered for induction into the county hall of fame;</p>	<p>Insert a new sub-clause (e) as follows: -</p> <p><u>e.) Officially receive donations and gifts on historical/ cultural items or artefacts made to the County</u></p>	<p>All donations in the form of artefacts or other historical items made to the County should be received by the Selection committee for preservation in the Hall of fame.</p>

	<p>(c) advise the governor on the suitability or otherwise of a person who is proposed for induction into the county hall of fame;</p> <p>(d) propose to the governor, the types, classes or categories of inductees into the county hall of fame; and</p> <p>(e) perform any other function that may be conferred</p>		
<p><b>Insertion of a new clause (10)</b></p> <p><b>Decision of the committee</b></p>	<p>Insert a new clause regarding decision of the committee</p>	<p>Insert a new clause (10) to read as follows:</p> <p><u>A decision of the selection committee shall be made by consensus but where there is no consensus, a decision shall be made by a majority of all the members of the Committee.</u></p>	<p>It is imperative for the Bill to expressly provide for the modalities of decision making by the selection committee both in instances of consensus or lack of it.</p>
<p><b>Clause 14</b></p> <p><b>Notification and</b></p>	<p>14. (1) Where the Selection Committee receives a petition under section 13, it shall, prior</p>	<p>Amend to read as follows:</p> <p>(1) Where the Selection</p>	<p>It is essential to set specific timelines within which the petition should be</p>

public hearing	<p>to forwarding its recommendation to the governor, publish and notify the members of the public within the county through such media and platforms established in the County pursuant to section 91 of the County Governments Act as it considers appropriate.</p> <p>(2) The Selection Committee shall invite views of the members of the public on the intended induction into the county hall of fame in the form of written submissions or through oral submissions made at a public forum held by the Selection Committee in such manner as it shall consider appropriate.</p>	<p>Committee receives a petition under section 13, it shall, prior to forwarding its recommendation to the governor, publish and notify the members of the county <u>within seven (7 days)</u> through such media and platforms established in the County pursuant to section 91 of the County Governments Act as it considers appropriate.</p> <p>2.) The Selection Committee shall invite views of the members of the public on the intended induction into the county hall of fame in the form of written submissions or through oral submissions made at a public forum held by the selection committee <u>within 14 days</u></p>	<p>published, receive views from the public and eventually forward the final recommendation to the governor. This will help in smooth execution of the exercise without unnecessary delays which may be inevitable if this provision is left open-ended</p>
Clause 14(3) Notification and public hearing	<p>14(3) The Selection Committee may, in the performance of its functions under this Act, consult with such other persons or bodies as it may</p>	<p>Amend to read as follows: 14(3) The Selection Committee may, in the performance of its functions under this Act, consult with such</p>	<p>The persons consulted by the selection committee in the performance of its functions should not have any conflict of interest</p>

	consider necessary.	other Persons or bodies as it may consider necessary <u>provided that such persons shall disclose any interest they may have in the matter or any subsequent interest acquired relating to the matter in question.</u>	whatsoever in the subject matter.
<b>Clause 14(6)</b>  <b>Notification and public hearing</b>	14 (6.) The provisions of this section shall, with such Modifications as may be necessary, apply to a petition by a resident of the county for the induction of a person into the County hall of fame.	14 (6.) The provisions of this section shall, with such modifications as may be necessary, apply to; a) A petition by a resident of the county for the induction of a person into the county hall of fame. b) <u>A recommendation from the selection committee on its own motion for persons who may be considered for induction into the county hall of fame;</u>	Recommendations made by the selection committee on its own motion should also be subjected to views from the public; similar to the petitions submitted by other County residents. This will enhance transparency and accountability in the selection process in line with Article 10 of the Constitution of Kenya 2010.
<b>14(8)</b>  <b>County specific legislation</b>	(8) A county government may enact county specific legislation to provide for — (a) the procedure for the consideration of petitions for induction into a county hall of fame under this Act (b) the types, categories or classes of persons that may be inducted into a county hall of	Delete the entire clause	The issues raised in sub-clause 8 (a) to (f) can be provided for the schedules or regulations inbuilt in the Bill as opposed to developing new legislation on the same

	<p>fame;</p> <p>(c) the precedence to be accorded to different categories of persons inducted into a county hall of fame;</p> <p>(d) the number of persons who may be inducted into a county hall of fame at a particular time;</p> <p>(e) the procedure for the suspension or revocation of an inductee from the county hall of fame; and 608 The County Hall of Fame Bill, 2023</p> <p>(f) The privileges or benefits that shall be accorded to a person who is admitted to a county hall of fame.</p>		
<p><b>Clause 17</b></p> <p><b>Regulations</b></p>	<p>The Cabinet Secretary may, with the approval of Senate, make Regulations for the better carrying out of this Act.</p>	<p>Amend to read as follows:</p> <p><u>The Executive Committee Member may make regulations for the better carrying out of the provisions of this Act within 6 months</u></p>	<p>The Executive Committee Members of the respective Counties should develop the Regulations to allow Counties to regulate on issues specific to their counties. This is owing to the fact that each County has its unique needs and priorities</p>