

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 17<sup>th</sup> April, 2025

### Afternoon Sitting

*The House met at the Senate Chamber,  
Parliament Buildings at 2.30 p.m.*

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

### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?  
Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Senators, we now have quorum. Clerk, kindly proceed to call the first Order.  
Is the Senator Majority Leader not here?  
Proceed, Chairperson, Committee on Energy.

### PAPER LAID

#### REPORT ON COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS IN WAJIR COUNTY

**Sen. (Dr.) Oburu:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 17<sup>th</sup> April 2025-

The Report of the Standing Committee on Energy on County Oversight and Networking Engagements in Wajir County.

Mr. Speaker, Sir, I beg to lay.

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

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**The Speaker** (Hon. Kingi): Next Order, Statements pursuant to Standing Order No.53(1).

Proceed, Sen. (Dr.) Khalwale.

## QUESTIONS AND STATEMENTS

### STATEMENTS

#### PURCHASE AND DISPOSAL OF MOTOR VEHICLES BY KAKAMEGA COUNTY GOVERNMENT

**Sen. (Dr.) Khalwale:** Thank you so much, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Finance and Budget on a matter of countrywide concern regarding the purchase and disposal of motor vehicles by the County Government of Kakamega.

In the statement, the committee should address the following-

(1) Give a comprehensive list of all motor vehicles purchased by the County Government of Kakamega from 2014 to date, indicating the make and model of each vehicle, its registration number, date of purchase and the total amount that was paid for it.

(2) The number of vehicles that have since been retired and disposed of, including reasons for the retirement, indicating the make, model and the year of disposal and the initial purchase value as well as the amount realised from such a disposal.

(3) Documentary evidence showing that the proceeds from the disposal of these motor vehicles were duly banked into the County Revenue Fund (CRF) account in accordance with the Public Finance Management (PFM) Act.

(4) Give a detailed account of whether the disposal of the above vehicles was done in line with the Public Procurement and Asset Disposal Act, 2015, including the names of the successful bidders.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Busia County, Sen. Omtatah, proceed.

#### DELAY IN COMPENSATING LAND OWNERS AFFECTED BY CONSTRUCTION OF EJINJA-BUMALA ROAD PROJECT

**Sen. Okiya Omtatah:** Mr. Speaker, Sir, thank you for the opportunity.

For general information, I am a Senator from Busia County. I am not a Senator for Busia County. My oath did not involve Busia County; it involved the Republic. So, I am rightly addressed as a Senator from Busia County and not for Busia County.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of inter-county concern regarding the delay in compensating owners of land---

**The Speaker** (Hon. Kingi): What is your point of order, Senator for Kakamega?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, you were consulting when the Senator for Busia started speaking. He has denied that he is not the Senator for Busia and made a lot of statements about it. Under Standing Order No.105, what is he talking about?

**The Speaker** (Hon. Kingi): Sen. Omtatah, are you the Senator for Busia or not?

**Sen. Okiya Omtatah:** Mr. Speaker, Sir, I am the Senator from Busia, not for Busia. I am a Senator of the Republic of Kenya from Busia County. This is a national House. It is the Parliament of Kenya; it is not the Parliament of Busia. So, I am elected by the people of Busia to sit in the national Parliament. Therefore, English, it is that. I am a Senator 'from' Busia, not 'for' Busia.

**The Speaker** (Hon. Kingi): So, you are the Senator elected by the people of Busia for the Republic of Kenya?

**Sen. Okiya Omtatah:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Is that the title you would want to be known for?

**Sen. Okiya Omtatah:** Yes, that is why I am able to go to Isiolo and demand accountability.

**The Speaker** (Hon. Kingi): Okay.

**Sen. Okiya Omtatah:** It is English-English.

**The Speaker** (Hon. Kingi): So, Sen. Omtatah, who has been elected by the people of Busia to represent the Republic of Kenya in the Senate. May you proceed to seek your statement.

**Sen. Okiya Omtatah:** Thank you, Mr. Speaker, Sir. By the way, that applies to all Senators and all Assembly men.

**The Speaker** (Hon. Kingi): Sen. Omtatah, just proceed, we have concluded that matter.

**Sen. Okiya Omtatah:** Thank you, the Senator from Nandi and the Senator of the Republic of Kenya from Kakamega, not "of" Kakamega.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of inter-county concern regarding the delay in compensating owners of land whose parcels were compulsorily acquired for the Ejinja-Bumala Road project in Busia and Kakamega counties.

The National Land Commission (NLC), in its response to my request for information on the delay in compensating Project-Affected Persons (PAPs) in the Ejinja-Bumala Road project, cited lack of funds, lack of requisite documentation and unending succession processes as the reasons for the delay.

In this regard, I request the committee to address the following-

(1) The details of the 536 PAPs who have already been compensated so far, including their respective compensation amounts.

(2) The failure by the Ministry of Lands, Public Works, Housing and Urban Development to forward to the NLC evaluation reports, award letters, statements of acceptance and other documentation in their custody, which are necessary to facilitate the conclusion of the evaluation of claims.

(3) The reasons for the delay by the Kenya National Highways Authority (KeNHA) to fully remit to the NLC compensation funds for the Ejinja-Bumala Road project and the timelines for remittance of the outstanding balance.

(4) The actions being taken by KeNHA as the acquiring entity and other Government agencies to facilitate prompt conclusion of succession processes affecting the acquired land to pave way for compensation.

(5) Proposed actions to ensure prompt compensation of the 635 remaining PAPs, including whether KeNHA could approve the reallocation of the undisbursed compensation funds at NLC to pay the PAPs that are payable.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon.Kingi): Senator for Nandi, Sen. Cherarkey.

IMPACT OF THE 10 PER CENT TARIFF IMPOSED  
ON KENYAN EXPORTS BY THE USA

**Sen. Cherarkey:** Mr. Speaker, Sir, with your indulgence, I would want to be referred as the Senator “from” Nandi, but the Senator of the Republic of Kenya in the national Parliament. This is so that some people do not fight us, especially when we oversight other counties like Taita or Trans Nzoia because we are the Senators of the Republic of Kenya.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism on a matter of national concern regarding the impact of the 10 per cent tariff imposed on Kenyan exports by the USA led by His Excellency Donald Trump.

In the statement, the committee should address the following-

(1) The projected impact of the newly imposed tariffs by the USA government on tea, coffee, horticulture, textile and other sectors that are largely contributing to Kenya's exports to the USA as well as the overall impact on the national economy of the Republic of Kenya.

(2) The measures in place to cushion farmers and traders in the affected sectors, including whether the Government has sought and found alternative markets for the affected Kenyan products and produce by our farmers and trade men and women.

(3) The efforts by the Government of Kenya to negotiate a review or even scrapping of the 10 per cent tariff on the Kenyan products and produce by the USA Government under the Donald Trump administration.

(4) The progress made in negotiating a free trade agreement between Kenya and the USA in view of the expiry of the African Growth and Opportunity Act (AGOA) programme in September, 2025.

I know Sen. Onyonka was Assistant Minister then.

STATUS OF KENYA'S DIGITAL LAND REGISTRATION SYSTEM  
AND CONCERNS OVER FRAUDULENT TITLE DEEDS

Mr. Speaker, Sir, again, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of national concern regarding the status of Kenya's digital land registration system and concerns over fraudulent title deeds across the country.

A recent report from United States Trade Representative (USTR) has raised serious concerns regarding Kenya's land administration system. The report specifically highlights the proliferation of fake title deeds as a significant barrier to investment, shining a harsh spotlight on the integrity and reliability of our land registration processes. According to USTR, these fraudulent land ownership documents have emerged as a major obstacle in Kenya's ongoing efforts to attract international investors.

*(Sen. Oketch Gicheru, Sen. Madzayo and  
Sen. Mwaruma consulted loudly)*

Mr. Speaker, Sir, the Senators should listen to this statement very carefully.

**The Speaker** (Hon. Kingi): Senator for Migori County, Senator for Kilifi and Senator for Taita Taveta, take your seats. Let the hon. Senator from Nandi be heard in silence.

You may proceed, hon. Senator.

**Sen. Cherarkey:** Mr. Speaker, Sir, thank you for that indulgence. I do not take it lightly. This is so that they can reason. This is a very serious matter that should worry---

**The Speaker** (Hon. Kingi): Just proceed with your statement, Hon. Senator.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. This underscores the need to strengthen and expedite the implementation of a secure, transparent and fully functional digital land registration system, which is critical to restoring investor confidence and safeguarding property rights in the Republic.

In the statement, I request the committee to address the following-

(1) A framework outlining the process for the renewal or revalidation of existing title deeds under the Digital Land Registration System (DLRS), including safeguards to ensure legitimate land owners are not disenfranchised.

(2) Measures in place to prevent the migration of fraudulent duplicated or disputed title deeds under the DLRS and the criteria used to verify historical records, including how the digital system is addressing and resolving historical land ownership disputes overlapping title deeds and legacy land historical injustices during the digitization process.

(3) The number of counties fully on board on the DLRS platform and the key operational, technical, legal and financial challenges affecting the nationwide rollout in the country.

(4) Information on the data security protocols, audit trails, system integrity checks instituted to ensure accuracy, transparency and accountability within the DLRS; outlining

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the role of county governments and land offices in the implementation and management of the DLRS, including coordination mechanisms within the national Government.

(5) The measures taken to ensure equitable access to the digital platform for users in rural and marginalized areas such as coastal regions, among other areas in this Republic, including the infrastructure support, user training and public awareness initiative in the country.

Thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Abass.

#### PLACEMENT OF STUDENTS TO KMTC BY KUCCPS

**Sen. Abass:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on matters of national concern regarding the continued placement of students to the Kenya Medical Training College (KMTC) by the Kenya Universities and Colleges Central Placement Services (KUCCPS) and the exclusion of qualified students from diploma medical programmes.

The issue has affected thousands of aspiring students from across the country, many of whom hail from marginalized regions and are eager to serve in Kenya's health sector. However, the rigid and exclusionary placement criteria used by KUCCPS raises concerns regarding fairness and equity alignment with the national healthcare workforce needs.

In the statement, the committee should address the following-

(1) The framework under which KUCCPS continues to place students to KMTC despite a court order of 24<sup>th</sup> July, 2018 in Petition No.3 of 2016, which declared such placements null and void and directed that the KMTC should manage its own admissions independently.

(2) The rationale behind the exclusion of students who score a mean grade of C plus and above from pursuing diploma medical courses at KMTC even after explicitly applying for them and provide data on the number of such students affected over the past three placement cycles.

(3) The justification for placing such students in unrelated degree programmes that they did not apply for after they had been declared ineligible for medical degrees placements.

(4) Measures being taken by the Government to ensure that student preferences are respected and that the placement policies will not unjustly limit access to healthcare training opportunities.

(5) KMTC institutional capacity and legal autonomy to resume direct admissions to these programmes as directed by the courts.

Thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Onyonka.

PROMOTION OF 25,252 TEACHERS BY  
TEACHERS SERVICE COMMISSION

**Sen. Onyonka:** Mr. Speaker, Sir, thank you for giving me this opportunity. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on a matter of national concern regarding the promotion of 25,252 teachers by the Teacher Service Commission on 2<sup>nd</sup> April, 2025.

In the statement, the committee should address the following issues-

(1) The criteria and the methodology that was used by the Teachers Service Commission (TSC) in selecting teachers for promotion across different counties and whether the criteria upheld the principles of merit, equity and inclusivity.

(2) Whether long-serving teachers with higher academic qualifications and graduates were either bypassed while younger teachers with fewer qualifications and years of experience were promoted during the exercise and if so, the justification for the same.

(3) The rationale behind the distribution model used, particularly with regard to counties which are densely populated, but receive fewer promotions.

(4) Whether a grievance redress and appeal mechanism was put in place for the teachers who felt aggrieved by this promotion process and how many complaints the TSC has received and how many they have resolved up to date.

(5) What measures are being implemented by the TSC to promote transparency and accountability to address the long-standing cases of career stagnation of our teachers?

IRREGULARITIES IN HUMAN ORGAN TRANSPLANTS  
AT MEDIHEAL HOSPITAL, ELDORET

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Health on a matter of national concern regarding the irregularities involved in human organ transplants at Mediheal Hospital in Eldoret.

In the statement, the committee should address the following issues-

(1) Whether the Ministry of Health has received and reviewed the report by the Kenya Blood Transfusion and Transplant Service (KBTTTS) regarding flagged irregularities involving 372 kidney transplants conducted at Mediheal Fertility and Transplant Centre in Eldoret since 2018.

(2) Which protocols were used to verify donor-recipient relationships, consent procedures involving foreign recipients and the involvement of foreign doctors and donors with no familial ties to recipients and compliance with transplant eligibility criteria in licensed medical facilities?

(3) The role of the Ministry of Health in ensuring that transplant centres have met ethical, clinical and legal requirements and an indication that there is a process available for routine audits, compliance and enforcement actions.

(4) What is the licensing status of Mediheal Hospital as a transplant centre and whether any investigations or reviews were done or any are underway to assess the compliance with the national health regulations.

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(5) Whether the Ministry is aware that there could be online platforms that may be facilitating the illegal sale of human organs, including kidneys and the Ministry's response to these concerns.

(6) What steps is the Ministry of Health taking to strengthen the oversight of organ transplant services and to seal any loopholes observed in the system across all health facilities in our Republic to enhance public trust in the transplant system as it is currently?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Chute.

EQUITY IN EMPLOYMENT AND WORKFORCE  
DIVERSITY IN PUBLIC TVET INSTITUTIONS

**Sen. Chute:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on a matter of national concern regarding equity in employment and workforce diversity in public Technical and Vocational Education and Training (TVETs) institutions.

In the statement, the committee should address the following-

(1) The total number of employees in each public TVET institution in Kenya desegregated by counties of birth, gender and job cadre.

(2) The number of employees recruited in each TVET institution from 2022 to date.

(3) The positions advertised and filled within the same period, the qualifications, recruitment for the advertised positions and recruitment process following each recruitment exercise.

(4) The manner in which the principles of inclusivity, diversity and equal opportunity have been observed during the recruitment, placement and promotion of employees in TVET institutions.

(5) The policies and guidelines in place to ensure equitable employment in TVET institutions, including the status of implementation of the policies and guidelines across the institutions.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Proceed, Sen. Edwin Sifuna.

VICTORY OF KENYA LIONESSES RUGBY TEAM  
IN WORLD HSBC CHALLENGER SERIES

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a statement on a matter of general topical concern, namely, the remarkable victory by the Kenya Women's Sevens rugby team, fondly known as the Kenya Lionesses, in the World Rugby HSBC Challenger 2025 Series.

At the conclusion of the series in Krakow, Poland on Saturday, 12<sup>th</sup> April, 2025, the Lionesses stood firmly at the top of the 12 team rankings after a commanding and

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resilient campaign. With this victory, they have secured their place in the HSBC Challenger Playoffs, set for the first weekend of May, 2025 in Los Angeles, USA.

Mr. Speaker, Sir, in March last year, I rose in this House under the same Standing Order to lament the deplorable treatment of the Lionesses by our sports authorities following their exclusion from the Africa Games in Accra, Ghana. Just one year later, through sheer determination, grit and belief, this same team, under the leadership of Coach Dennis Mwanja, who I am very proud to call my schoolmate, has quietly and effectively silenced doubters by delivering results on the global stage. Their resurgence should signal to us all that with deliberate investment and support, not just rugby, Kenyan sports as a whole can thrive.

Mr. Speaker, Sir, as the team heads to Los Angeles for the playoffs on the 3<sup>rd</sup> and 4<sup>th</sup> May, 2025, they will be pursuing the coveted co-status in the HSBC World Rugby 7<sup>th</sup> Circuit. For those of us who have followed their journey, this is more than just a sporting ambition. It is actually a national dream.

Based on their dominant performances, there is every reason to believe they are ready to take this next step. However, we must not be complacent. The players and technical team have done their part with great professionalism and commitment. It is now the country's turn to reciprocate with resolute and tangible support.

As a committed supporter of the Kenyan Lionesses, I take this opportunity to rally national support for the team ahead of their upcoming playoffs. I urge the Kenyan Rugby Union, the Ministry of Youth Affairs, Creative Economy and Sports, corporate sponsors and the general public to step up and invest in this team.

The unfortunate tendency to favour foreign teams stems from deep-seated frustration with mismanagement and internal wrangles in local sports federations. I firmly believe that the success of the Lionesses can serve as a launch pad for a wider sports renaissance in Kenya.

Mr. Speaker, Sir, as the Senator for Nairobi City C, our nation's capital where youth unemployment remains a pressing crisis, I am constantly reminded of the urgent need to develop sports as an alternative source of employment and opportunity. For this to happen, we need the national Government, county governments, federations and unions to do more.

The Lionesses have given us a blueprint. A small team, working quietly with focus and unity, can achieve greatness without fanfare. We are a sports-loving nation. What we lack are the systems to nurture and elevate our talent and the time to act is now.

Mr. Speaker, Sir, I wish to congratulate coach Dennis Mwanja, the players and the entire support staff of the Kenya Lionesses for their brilliant performances. I reaffirm my personal commitment to support them however I can. Should they secure co-status in Los Angeles, I am confident their visibility will grow and the deserved support will follow. I am immensely proud to be associated with this team.

The Lionesses are the pride of Kenya. They are going places and we shall be here to cheer them all the way.

RECOGNITION AND HONOUR TO KENYA AIR  
FORCE HARBIN Y-12 ACCIDENT VICTIMS

**Sen. Chute:** Mr. Speaker, Sir, I rise under Standing Order No.52(1) to make a statement on a matter of national concern namely, the recognition and honour of the brave individuals who tragically lost their lives in the Kenya Air Force Harbin Y-12. This was an aircraft from China and the incident happened on 10<sup>th</sup> April, 2006.

The aircraft which departed Nairobi for Marsabit, was carrying a delegation on a critical peace-building mission. I extend my deepest sympathies to the families, friends and colleagues of the departed. Though the years have passed, the weight of the loss continues to be deeply felt across the nation.

On that day, Kenya lost committed leaders and public servants who had dedicated themselves to the cause of peace and national unity. Just last week, we marked the anniversary of this national tragedy, a solemn reminder of the sacrifice made by those on board that ill-fated flight.

We remember with profound respect the lives of Hon. Mirugi Kariuki, then Assistant Minister for Internal Security, Hon. Titus Ngoyoni, then Assistant Minister for Regional Development, as well as Hon. (Dr.) Bonaya Godana and Hon. Abdi Sasura, MP for Saku.

Other lives were also lost in this national tragedy, including the then-Moyale District Commissioner Peter King'ola, Lieutenant General Retired Abdullahi Adan who was an MP in East African Legislative Assembly (EALA), a Reverend of the Anglican Church, Bishop William Waqo, two police officers, the provincial intelligence officer, an Under-Secretary in the Office of the President and two Kenya Airforce Force pilots.

Mr. Speaker, Sir, these individuals were patriots. Each of them committed to building a more peaceful and unified Kenya. They died while pursuing that noble mission *en route* to Marsabit where they hoped to help mediate and reconcile communities torn by conflict.

Their dedication to public service and their courage in the face of national challenges deserves our highest recognition. It is imperative that this House ensured their legacy is preserved. We must uphold the values they stood for, which is peace, justice, unity and equal inclusion of all regions in our national development.

Let us also not merely remember these people as men and women in words, but also honour them through deliberate actions and institution's memory. May their courage serve a constant reminder that the call to serve often comes with great sacrifice and that their ultimate sacrifice must not be in vain.

May their soul rest in eternal peace. May their sacrifice never be forgotten.

PERSONNEL AND FISCAL CRISIS IN THE  
COUNTY GOVERNMENT OF KAKAMEGA

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a statement on a matter of countywide concern regarding the

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deepening personnel and fiscal crisis within the County Government of Kakamega. If this crisis left unchecked, threatens not only the welfare and morale of county workers, but also the overall stability of service delivery and public trust in the county's governance systems.

It has come to my attention that throughout the entire calendar of the year 2024, the County Government of Kakamega deducted statutory pension contributions from its employees, but failed to remit the same to the County Pensions Fund. This non-remittance has left county employees in an extremely precarious financial situation, risking their long-term savings and retirement security.

In addition to the pensions, the County Government also failed to remit other critical statutory deductions, including those related to bank loan repayments, cooperative society contributions and medical cover premiums. These omissions have led to penalties being imposed on our workers in Kakamega, some being blacklisted by credit reference bureaus, others being suspended from essential services such as health insurance and others faced with legal threats from financial institutions. County personnel are now facing immense personal and financial stress while continuing to serve under very difficult circumstances.

Mr. Speaker, Sir, the dossier presented in my office indicates that despite routine deductions being reflected in employees' pay slips, no transfers were made to the relevant third-party institutions. This includes banks, insurance providers, cooperative societies and pension schemes. It is deeply regrettable and alarming that even salary increments approved for the 2023-2024 financial year were not honoured and that certain cadres such as early childhood development education teachers, health workers and enforcement officers were most affected.

Mr. Speaker, Sir, this trend points to systemic financial mismanagement by the Governor and lack of accountability in the county's payroll systems. The consequences of these failures are dire. Staff morale has plummeted with widespread reports of delayed promotions, arbitrary changes in job designations and lack of adherence to law that concerns labour governing public service. Many health workers have reportedly relocated due to non-payment or underpayment compromising service delivery in critical sectors such as public health and sanitation.

Moreover, the County's inability to meet its obligations and objectives to the Kenya Revenue Authority (KRA) and the Local Authorities Provident Fund, (LAPFUND), exposes it to legal penalties and disqualifies it from accessing critical financial incentives. Of greater concern is that these breaches are occurring despite the County Assembly of Kakamega having passed all the necessary budgetary allocations to facilitate payments.

The question that must now be answered is: where did the money go? The absence of transparency in the handling of county finances has triggered justified fears of misappropriation, if not outright embezzlement of public funds. I am aware that a formal memorandum has since been submitted to the Ethics and Anti-Corruption Commission (EACC) detailing these malpractices. The memorandum includes documentary evidence outlining how these irregularities have persisted despite protests and formal notifications.

The impunity with which public funds and workers' contributions have been handled in Kakamega cannot and should not be allowed to continue. It is on this basis that I call upon this House to stand with the people and workers of Kakamega County. I urge relevant investigative bodies, particularly the EACC, to move with speed to establish the circumstances surrounding these violations, identify those responsible and recommend immediate remedial actions.

Furthermore, I call upon the Senate Committee on Finance and Budget to institute a targeted audit of the county's payroll and statutory remittances for the financial year 2023/2024. The findings must guide urgent reforms to protect the welfare of county staff and uphold physical discipline.

Let this be a reminder to all county governments across the Republic that public trust is not a privilege to be abused. It is a responsibility to be safeguarded at all times and the lives and livelihoods of public servants are not a collateral damage for political mismanagement or financial misconduct.

I thank you and hereby table the detailed memorandum that I received on the 18<sup>th</sup> March, 2025 that contains damaging allegations that speak to actual individuals and actual breaches. It goes as high as corruption of the EACC by the County Government of Kakamega and high levels in the Judiciary involving judges.

I table.

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

**The Speaker** (Hon. Kingi): Sen. Mwaruma, your statement is under Standing Order No.53(1). You may proceed.

#### DEATHS OF ARRESTED PERSONS AND INMATES UNDER STATE CUSTODY

**Sen. Mwaruma:** Thank you, Mr. Speaker, Sir, for the opportunity to request for a statement on the deaths of arrested persons and inmates under state custody across the country.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of national concern regarding the deaths of arrested persons and inmates under state custody across the country.

My attention has been drawn to a particularly disturbing incident involving the unexplained death of Mr. Sylvester Mwangoji, popularly known as Mwangoji Wameliza, while in custody at Weruga Police Post in Wundanyi Sub-County, Taita Taveta County between the 11<sup>th</sup> and 12<sup>th</sup> April, 2025, following his arrest by the police.

This case is not isolated and points to a worrying trend that raises critical questions about safety, treatment and the rights of arrested persons under the custody of the state. It is deeply troubling that such deaths occur without prompt accountability, thorough investigations or adequate reporting mechanisms.

In the statement, the committee should address the following-

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(1) Whether the National Police Service (NPS) and the Kenya Prison Service (KPS) maintain an updated and publicly accessible register of all arrested persons and inmates who have died while in custody, and if so, provide a comprehensive list of these deaths from 2022 to date, including names, dates, places of death, causes of death and the status of investigations or inquests conducted.

(2) The deaths of inmates directly linked to actions or negligence by police officers, prison wardens or other law enforcement personnel and the disciplinary, administrative or legal actions taken against officers found culpable.

(3) The adequacy of the legal and institutional mechanisms that currently exist to safeguard the rights and welfare of arrested and detained persons in detention facilities, the independent bodies mandated to investigate these deaths and whether the findings of such investigations are made public.

(4) The mechanisms in place for the handling of bodies of persons who die while in police custody, including whether an autopsy is conducted in the presence of families of the deceased persons and the modalities of releasing bodies for burial.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Now, hon. Senators, before I allow comments on these statements, I will allow the following to table their papers-

The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations. That will be followed by the Chairperson of the Standing Committee on Finance and Budget and the Chairperson of the Committee on Land, Environment and Natural Resources.

*(Interruption of debate on Statements)*

## PAPERS LAID

### PROGRESS REPORT ON THE OPERATIONAL AND LEADERSHIP CRISIS AFFECTING THE COUNTY ASSEMBLY OF NYAMIRA

**Sen. Abass:** Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate today, Thursday, 17<sup>th</sup> April, 2025-

Progress Report of the Standing Committee on Devolution and Intergovernmental Relations on the Operational and Leadership Crisis Affecting the County Assembly of Nyamira.

Thank you.

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

### REPORT ON THE FOURTH BASIS FOR ALLOCATION OF THE SHARE OF NATIONAL REVENUE AMONG COUNTIES

**Sen. Ali Roba:** Thank you, Mr. Speaker, Sir. I beg to lay the following Paper to the table of the Senate today, Thursday, 17<sup>th</sup> April, 2025-

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Report of the Standing Committee on Finance and Budget on the Fourth Basis for Allocation of the Share of National Revenue among Counties.

I beg to lay.

*(Sen. Ali Roba laid the document on the Table)*

REPORT ON THE ENVIRONMENT LAWS (AMENDMENT)  
BILL, 2024 (SENATE BILLS NO. 23 OF 2024)

**Sen. Faki:** Mr. Speaker, Sir, I beg to lay the following Paper to the table of the Senate today, Thursday, 17<sup>th</sup> April, 2025-

Report of the Standing Committee on Land, Environment and Natural Resources on the Environment Laws (Amendment) Bill, 2024, (Senate Bills No. 23 of 2024).

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

**The Speaker** (Hon. Kingi): Now, we will go back and give comments on the statements that have been sought. Before that, I will allow Sen. Faki because he has a statement to make.

Proceed, Senator.

*(Resumption of debate on Statements)*

STATE OF SERVICE DELIVERY  
IN MOMBASA COUNTY

**Sen. Faki:** Thank you, Mr. Speaker, Sir. I stand pursuant to Standing Order No.52(1) of the Senate Standing Orders to make a statement on a matter of county-wide concern.

Mr. Speaker, Sir, pursuant to Article 96 of the Constitution of Kenya, 2010, the Senate is mandated with representation, legislation and oversight duties. Representation and legislation roles are undertaken in the Senate, while the oversight role is undertaken both at the Senate level and grassroots level by county assemblies. It is this oversight function that I seek to address in this statement.

The Senate through the Parliamentary Service Commission (PSC) has facilitated Senators to undertake oversight functions in their respective counties. Although there were teething problems initially, this important function took off in January this year.

In my county, I appointed a committee of 11 members in each of the 30 wards in Mombasa County. The 11 members of the Ward Oversight Committee were elected competitively in an open process at the respective wards. I also appointed a manager and oversight coordinator at the county level to coordinate the oversight process.

During the January recess, together with the ward committees, I undertook a countywide tour of the projects and facilities belonging to the County Government of Mombasa. This visit took 60 days with each day reserved for a sub-county. We visited

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five wards, with the exception of Kisauni Sub-County, where we covered seven wards, and Jomvu Sub-County, where we covered three wards.

Upon conclusion of the tour, the oversight committee together with my office retreated and prepared an interim report, which was shared with the governor at his own invitation. We shared the interim report with the governor in the presence of his County Executive Committee Members (CECMs), the County Public Service Board (CPSB) and county secretary. Although the governor took to respond to the issues in the report by 14<sup>th</sup> April, 2025, no response was received from the County Government of Mombasa.

During the tour, we held public forums in every sub-county. We visited 30 health facilities, including the Coast General Teaching and Referral Hospital. We also visited social halls, markets, fire stations, stadia, including the Mombasa Municipal Stadium, which is now named Mombasa Sports Complex.

We have also visited Early Childhood Development Education (ECDE) centres and facilities owned by the County Government of Mombasa. We also had candid discussions with the medical personnel, market masters and other county employees. We saw firsthand the problems encountered by the county staff in the execution of their duties. They shared a number of challenges that they face in their day-to-day work within the county.

We thereafter prepared our final report, with the input from the Auditor-General's Reports, the Controller of Budget (CoB) reports, the County Integrated Development Plans (CIDPs) and the Annual Development Plans (ADPs). The report is a collection of our personal observation and the existing reports by the different officers involved in county oversight. We also had an engagement with the Civil Society Organisation (CSOs,) operating within Mombasa County. They gave valuable comments, which we have taken on board in the report.

The findings in the report may be at variance with the Auditor-General's reports. I wish to state that the Auditor-General was given a copy of the interim report for her comments, but none were received.

I do not wish to go into detailed findings in the report. Suffice to say that, as Senators, we need to do more on our oversight role. We need to mobilise our people to take keen interest in the functions and programmes of our county governments.

As the guardians of devolution, we need to take a leading role in this. We should fight misuse of county resources the same way we fight intrusion into devolution functions. This is to ensure devolution attains its stated goals and objectives.

It is the first time the Senators are taking this oversight function through individual Senators and we may not have a precedent to guide us. However, this could be a case study, and we could build on this as we chart our devolution course.

I want to thank the PSC for availing these funds for the oversight function, although the amount is little compared to the work that needs to be done. I believe we can build on it.

I also want to thank Mr. Ibrahim Khamis Babangida, who is the Chairperson of the Oversight Committee and all the members for the good work and sacrifice they made. We have set a standard that could be replicated in the whole country. I also thank my office staff for the work and support extended to the Oversight Committee.

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Mr. Speaker, Sir, I finally wish to lay a copy of this report on the table of the Senate.

I thank you.

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

*(Applause)*

**The Speaker** (Hon. Kingi): We will now move to comments on these Statements for a period not more than 20 minutes. Hon. Senators, if you have the opportunity to speak, keep it under three minutes.

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

Well, there is another Statement here under Standing Order No52 (1) by Sen. Olekina.

INSTITUTIONALISATION OF STRATEGIC FORESIGHT AND  
ANTICIPATORY GOVERNANCE IN THE SENATE OF KENYA

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a statement on the need to institutionalise strategic foresight and anticipatory governance in the Senate of Kenya. We live in a time of accelerated change defined by interconnected global crisis, rapid demographic shifts, disruptive technologies, as well as climate and environmental volatility that threaten both our livelihood and legacy.

In this regard, Parliaments must not now only legislate for the present, but also design policies with the future in mind. Strategic foresight is a forward-looking, long-term approach to policymaking. It enables institutions to anticipate emerging trends, risks and opportunities, and to adopt more resilient, inclusive and sustainable legislation.

Anticipatory governance, on the other hand refers to the integration of foresight into institutional decision-making process. This ensures that laws and oversight functions serve not only the current generation, but also the generations to come.

In recognition of the strategic importance of foresight in governance, I champion the establishment of the bipartisan Senate Future Caucus. This was born out of a collective recognition that governance must evolve beyond immediate concerns and short-term decision-making.

We need a forward-thinking, proactive and anticipatory approach to our governance that ensures Kenya remains resilient, adaptable and competitive in the ever-changing global landscape. The work of this caucus is to ensure that our policies and needs today do not compromise the prosperities of Kenya's future generations.

A sobering reminder of the consequences of legislation without foresight is the recent nationwide protest of 25<sup>th</sup> June, 2024. This young-led movement was not a spontaneous outburst, but a culmination of systemic neglect of youth voices, economic

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pressures and a deep disconnect between Government policies and public sentiments towards the system.

Had the Government institutionalised mechanisms for meaningful public participation and scenarios planning, we might have detected the signs earlier and acted before frustration turned into protest. Had we considered long-term thinking in our legislation proposals, perhaps we may have turned our appetite for an unsustainable debt that has now pushed us to tax Kenyans heavily to meet our obligation?

As the Chairperson of the Senate Future Caucus, I am proud to be spearheading future thinking within this House. The caucus has this past weekend held an impactful induction strategic foresight retreat in the Great Maasai Mara Game Reserve. We laid the groundwork for institutionalising a culture of anticipatory governance thinking in the Senate of Kenya.

The retreat brought together Members of the Senate Future Caucus, including myself, the Chairperson, Sen. (Prof.) Kamar, Sen. Thang'wa, Sen. Kibwana, Sen. Crystal Asige, Sen. Gataya Mo Fire and Sen. Wakili Sigei.

Other Members of the Future Caucus included Sen. M. Kajwang', Sen. Abdul Haji, Sen. Onyonka, Sen. Kisang, Sen. Kathuri, Sen. Abass, Sen. (Prof.) Tom Ojienda, Sen. Ali Roba, Sen. Ogola, Sen. Eddy Gicheru, Sen. Sifuna, Sen. Chute and Sen. Wamatinga.

Mr. Speaker, Sir, there is still a lot of work required to establish a formal legislative framework for foresight, while ensuring the institutional commitment and accountability. Across the world, parliaments such as Finland, Uruguay and Philippines have embedded futures thinking into the legislative architecture. These legislatures have equipped their institutions with foresight tools, conducting scenarios planning and engaging experts and citizens in shaping long-term agendas.

Legislatures that have embraced foresights do not just react to crises; they anticipate them. They do not just manage problems; they create opportunities through their legislative proposals. They can better allocate resources, understand the long-term impact of laws and ensure that the legislature is robust enough to withstand the test of time.

Mr. Speaker, Sir, in this regard, Kenya must not be left behind. The Senate as the 'upper' House of Parliament must lead the way in innovating our approach to governance and ensure that Kenya takes the lead on the continent in institutionalizing foresight. I attended a highly acclaimed UN Summit on the future, which took place last year in September. Heads of states from all around the world were in attendance and made commitment to safeguard the interest of the future generation.

During the Summit, His Excellency the President of the Republic of Kenya, Dr. William Ruto, pledged to embed foresights across all levels of Government. This is an important commitment to which we must hold him accountable.

Mr. Speaker, Sir, I take this opportunity to applaud Senators who participated for their forward-looking leadership and commend our partners, the School of International Futures (SOIF), the Westminster Foundation for Democracy (WFD) and Longview Consult, notably Dr. Katindi Sivi, for their steadfast commitment to capacity building and global best practices. I also thank the Senate Liaison Office (SLO) for logistical and institutional support.

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The lack of structured approach to foresight, however, risks us passing legislation that may become obsolete in the short run and failing in our duty to protect future generations. We may overlook warning signs that could protect our economy, environment and our people. Ultimately, we risk governing reactively instead of proactively.

I, therefore, propose the following concrete steps to embed foresights and anticipatory governance in the Senate-

(1) Amendment of the Senate Standing Orders to formally recognise foresight as a core component of legislative process.

(2) Capacity building of all Senate committees through technical training in foresight and methodologies, including horizon scanning, system thinking and scenarios development.

(3) Strengthening the Senate Future Caucus with adequate technical support to research and coordinate foresight approach across committees.

(4) Enhance the role of the SLO to conduct future-oriented research and policy analysis.

(5) Training of Senate staff across relevant departments to institutionalise futures thinking and subsequently improve support of Members of this House.

(6) Drafting of legislation in this House with due consideration paid to intergeneration fairness as well as mandating pre-legislative and post-legislative scrutiny with a foresight approach.

This is not just about procedural refinement. It is a paradigm shift. It is a necessary transition from reactive transitional leadership to proactive and value-based governance.

Mr. Speaker, Sir, the Senate of Kenya must lead foresight to safeguard the future of this Republic and the inherent of Kenya's future generation. I, therefore, urge all hon. Senators to support this agenda, not just for us, but for the generations whose voices are yet to be heard; the Kenyans of tomorrow.

I thank you.

**The Speaker** (Hon. Kingi): Next is the Statement pursuant to Standing Order No.57(1) by the Senate Majority Leader.

BUSINESS OF THE SENATE FOR THE WEEK  
COMMENCING TUESDAY, 6<sup>TH</sup> MAY, 2025

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to present the business of this Senate for the week commencing Tuesday, 6<sup>th</sup> May, 2025. The status of the legislative business pending before the Senate is as follows-

We have 54 Bills of which 42 are at the Second Reading stage while 12 are at the Committee of the Whole; 21 Motions are pending conclusion; 27 Petitions are pending conclusion, out of which 17 are due for reporting by the respecting Standing Committees; and 590 Statements pursuant to Standing Order No.53(1) are under consideration by Standing Committees.

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Mr. Speaker, Sir, I am reading this particular statement on behalf of the Senate Majority Leader. Allow me to add this particular point for the benefit of the Committee on Finance and Budget, especially for the ears of Sen. Dullo. There is no discrimination when we handle statements. The reason statements take long to come is because we handle them on a first come, first served basis. She should be patient. If she has any doubts, she is free to write to us and we shall answer her in writing.

Hon. Senators, it is noteworthy that in Part II of the Fourth Session, the Senate passed six Bills and referred them to the National Assembly for consideration, as well as 11 Motions on various matters whose resolutions have been referred to the concerned implementing agencies. You may recall that the Senate agreed to the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No.7 of 2023). This Bill has since been transmitted to His Excellency the President of the Republic of Kenya for assent.

I take this opportunity to thank hon. Senators for availing themselves to dispense with business as highlighted. However, from the foregoing, it is evident that the business before the Senate is a lot. It is my wish and that of the Senate leadership that as we proceed for the recess at the rise of the Senate today. We shall redouble our efforts to ensure that significant progress is made on the business upon resumption from regular sittings.

I hasten to add, on my behalf and on behalf of the lion of Narok, which has been meandering into Kajiado without permission that we are very grateful---

**The Speaker** (Hon. Kingi): Sen. (Dr.) Boni, just take your seat first.

*(Sen. (Dr.) Khalwale sat at his place)*

*(Loud consultations)*

Order, Hon. Senators! Sen. (Dr.) Boni please compose yourself because I have given you some latitude. First of all, you got away with how you were addressing your colleague, Sen. Fatuma. Here you are referring your colleague as a lion. The Standing Orders are very clear on how to refer your colleague. You should refer your colleague as the Hon. Senator for Narok County.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I apologise and stand guided. I meant the distinguished Senator for Narok County, who is also the Chief Whip on the side of the Minority, aka the lion of Narok, aka the lion that meanders in Kajiado and causes a lot of pain to some predators who sit in this House.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Boni, can you conclude that statement?

**Sen. (Dr.) Khalwale:** Yes, Mr. Speaker, Sir, I was doing it on his behalf because we are very grateful---

**The Speaker** (Hon. Kingi): Sen. (Dr.) Boni, can you read it verbatim and conclude, please? You are reading it on behalf of your Majority Leader. Just read it as written. Do not explain.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. From now onwards, I will read it as written, but I want to advise the secretariat that they be consulting the

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leadership of both sides. We have serious input we can add here, which keeps on missing every week.

Mr. Speaker, Sir, on Tuesday, 6<sup>th</sup> May 2025, the Senate Business Committee (SBC) will meet to consider the business of the week. The tentative business for that day will include business not concluded from today's Order Paper, as well as the business indicated in the Notice Paper.

The tentative business for the Morning Sitting, Wednesday 7<sup>th</sup> May, 2025 will include scheduled questions to Cabinet Secretaries as approved by the SBC and Motions. The questions scheduled are as follows-

Question No.65 to the Cabinet Secretary Cooperatives, Microfinance, Small and Medium Enterprises Development by Sen. Joyce Korir, MP.

Question No.34 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. Enoch Wambua, MP.

Question No.35 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. James Murango, MP.

Question No.43 to the Cabinet Secretary for the National Treasury and Economic Planning by Sen. (Prof.) Tom Ojienda, SC, MP.

Question No.52 to the Cabinet Secretary for Education by Sen. Catherine Mumma, MP. Senior counsel-in-waiting.

Question No.53 to the Cabinet Secretary for Education by Sen. Edwin Sifuna, MP, still very far from senior counsel.

Question No.60 to the Cabinet Secretary for Education by Sen. George Mbugua, MP.

Question No. 61 to the Cabinet Secretary for Education by Sen. Joyce Korir, MP.

Question No.64 to the Cabinet Secretary for Education by Sen. (Dr.) Boni Khalwale, CBS, MP.

Question No.71 to the Cabinet Secretary for Education by Sen. Daniel Maanzo, MP.

The tentative business for the Afternoon Sitting on Wednesday, 7<sup>th</sup> May, 2025, will include business not concluded on Tuesday, 6<sup>th</sup> May, 2025, and the following are the Bills at the Second Reading-

- (a) The County Government's Procedure Bill;
- (b) The Creative Economy Support Bill;
- (c) The County Government's Bill;
- (d) The Labour Migration Management Bill; and,
- (e) The Street Naming and Property Addressing Systems, Bill.

The following are the Bills at the Committee of the Whole-

- (a) The Nuts and Oils Crops, Bill;
- (b) The Cooperative Societies Bill;
- (c) The County Government's Elections Laws (Amendment) Bill;
- (d) The Public Fundraising Bill;
- (e) The Environment Laws (Amendment) Bill;
- (f) The County Civic Education Bill;
- (g) The Heritage and Museums Bill;

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- (h) The County Library Services Bill, and,
- (i) The Statutory Instruments (Amendment) Bill.

The projected business on Thursday, 8<sup>th</sup> May, 2025, will include business not concluded on the Order Paper for Wednesday, 7<sup>th</sup> May, 2025 and any other business scheduled by the SBC.

In addition to the business as listed above, there are Bills at the mediation stage which need to be dispensed with. They include-

- (a) The Natural Resources Benefit Sharing Bill;
- (b) The Employment (Amendment) Bill;
- (c) The Equalisation Fund Appropriation Bill;
- (d) The Food and Feed Safety Control Coordination Bill; and,
- (e) The Gambling Control Bill.

I urge the mediation committees to use the recess to finalise on the mediation process and table reports for consideration by the two Houses.

As hon. Senators are aware, the Senate is scheduled to proceed on recess at the rise of the Senate today in accordance with the Senate calendar.

I, therefore, take this opportunity to wish all hon. Senators a Happy Easter and a fruitful engagement with their constituents within their counties, families, friends and relatives.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Yes, Senator for Nyamira.

**Sen. Omogeni:** Thank you, Mr. Speaker, Sir. I rise on a point of order. I have just perused through a report that has been tabled before the House by the Standing Committee on Devolution and Intergovernmental Relations.

It is a progress report on the operational and leadership crisis affecting the County Assembly of Nyamira. I rose on a point of order on 1<sup>st</sup> of April and sought the indulgence of the committee to deal with four issues. I have had the opportunity to peruse through. I thank the Chairperson of the Devolution and Intergovernmental Relations Committee and his members for the attention that they gave this matter and for the speed at which they have tabled the report before the House.

On behalf of the people of Nyamira, I want to thank the Chairperson and the committee, especially on the resolution that states that the sittings of the county assembly should henceforth be held at the county assembly building opposite Kenya Industrial Estate, Nyamira. I am hopeful that the people of Nyamira will appreciate the intervention of the Senate and that we will not have two parallel sittings henceforth in the County Assembly of Nyamira. That is a really big milestone for me and for the people of Nyamira.

This dispute has been ongoing since October last year. I brought it here on 1<sup>st</sup> of April and the Senate of the Republic of Kenya has moved with speed and resolved the issue. I am sure this will be a matter that will be applauded by the citizens of the County Government of Nyamira.

Now, there are a number of issues that are purely legal that may not be resolved by the Devolution and Intergovernmental Relations Committee. If you read my statement, I sought the committee to tell the House the legal status and effects of the sittings that were held outside the official premises of the county assembly. That issue

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has not been resolved by the committee. I believe rightly so, because that is a matter that should squarely fall within the Justice, Legal Affairs and Human Rights Committee (JLAHRC).

Secondly and my final point, there is another issue I sought on the legal standing of all the businesses that have been transacted by the two factions, especially the faction that was led by a speaker who had been impeached. If you read the documents that have been tabled before the court, there is a finding in Petition No.E-008 of 2024 where Justice Okwany states that she gave the initial orders in that case erroneously and that she did not up the jurisdiction to entertain the issues that were before her.

Mr. Speaker, Sir, the second matter is Petition No.E001/2024, that was filed before the Employment and Labour Relations Court at Kisii, being, Constitutional and Human Rights Division, Petition No.1/2024. If you read that affidavit which appears on page 244 of the report, the Speaker says that he was present when the vote to impeach him was taken and that he intends to have the High Court declare the impeachment process to be unconstitutional.

Mr. Speaker, Sir, I would like the Senate Standing Committee on (JLAHRC) to tell this House the import of a Speaker moving to court after impeachment, seeks a conservatory order and the court declines to issue a conservatory order. What happens to the resolution that was passed by the County Assembly? This is because those issues are weighty and legal in nature. They are urgent issues that need to be resolved so that we can have resumption of normal operations in the County Assembly of Nyamira.

Mr. Speaker, Sir, I seek that you refer those issues to the Senate Standing Committee on JLAHRC for determination. I am making this request as the Senator who rose and sought answers from the Senate Standing Committee on Devolution and Intergovernmental Relations.

I thank the Senators who dealt with this matter. I am also happy that they have directed the sittings of the Assembly to proceed in accordance with the Constitution of Kenya and the law. This means that anybody who has gone to court and has not obtained any orders should respect the constitutional process that has taken place. We do that all the time. Since the matter is urgent, I will seek your direction that the Committee reports on that matter within 14 days.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, we are not debating the report. Guidance has been sought on two issues. Whereas we do appreciate the good work that has been done by the committee on---

*(Hon. Senators spoke off record)*

Let me dispense with this issue that has been raised by the Senator for Nyamira County.

While we do appreciate the good work that has been done by the Abbas-led committee, indeed, it is true that I have perused the report myself before approving it for tabling. There are two issues that remain unresolved in that particular matter. Those two issues are as given by the Senator for Nyamira County.

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One the committee ought to have looked at and, indeed, indicated in the report, recommended and guided the House what the legal status of the sittings that were held outside the normal designated area is. What is the legal implication of those two sittings?

The second limb was the Speaker of the County Assembly of Nyamira, having been impeached, went to court seeking conservatory orders and the court declined. He decided to still come back and proceed, or rather, to come back to continue working as a Speaker. So, what is the legal implication of the actions of the Speaker?

Hon. Senators, those are legal matters and are better probed by the Justice, Legal Affairs and Human Rights Committee (JLAHRC).

While we appreciate the good work that has gone into this report up to the time of tabling, I do direct that JLAHRC takes up those two legal issues to come and inform the House on whether the proceedings that took place outside the areas that are designated for transacting County Assembly matters in Nyamira County are valid, or to give us the legal implications of the sittings that were done outside the designated Chamber in Nyamira County.

Secondly, to guide the House on the implication of the Speaker who after impeachment decided to continue working as a Speaker, the impeachment not standing. So, I will be referring those two aspects to JLAHRC for determination and guidance to the House. JLAHRC will process those two aspects. They have 60 days.

Hon. Senators, looking at the urgency of this particular matter, I would like to request the committee to report to the House much earlier than the 60 days that we always give committees to deliberate on matters and table reports. If possible, we can have a response or report from JLAHRC within 21 days, that is one week into the coming sitting. We are going on recess today for two weeks. If JLAHRC can take three weeks from today to table the matter, because it is extremely urgent.

What is happening in Nyamira County is not something that we should let to continue for even a minute. However, because the committee needs to sit and probe the matter, let me allow them to do their work within 21 days and table a report so as to guide the Senate in making a recommendation on these two matters. It is so guided.

Hon. Senators, allow me then to go to the comments on the statements that have been sought.

I will call upon Sen. Thang'wa Karungo to take the Floor.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir, for the opportunity. As I give my comments, may it be known that I am Karungo wa Thang'wa, Senator for Kiambu County. You can be just like Sen. Sifuna, the Senator for Nairobi City County, but from Kakamega County.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Hon. Senator! Sen. Karungo, I would like to remind you that I had earlier on communicated that. Therefore, if you have an opportunity to speak, keep it under three minutes.

**Sen. Thang'wa:** I will do so. You know, it is because we are treated---

**The Speaker** (Hon. Kingi): What is your point of order, Senator for Nairobi City County?

**Sen. Sifuna:** Hon. Speaker, Sir, pursuant to Standing Order No.105, the remarks by the Senator for Kiambu County are not only in bad faith, but also not factual. He has allocated me an origin that is strange to me. I do not come from Kakamega County. I do not understand why he has done so. I am the Senator for Nairobi City County.

*(Loud consultations)*

I do not come from Kakamega County. That is the whole point. Can he be asked to withdraw that?

**The Speaker** (Hon. Kingi): Order, Hon. Senators! Sen. Sifuna knows where he comes from. He has stated that he comes from Nairobi City County. So, any other assertion is not factual. Therefore, that ought to be withdrawn.

So, proceed with the withdrawal aspect, Sen. Karungo and conclude your remarks.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir. It is only yesterday he was saying that his mother does not have network all the way from Western---

**The Speaker** (Hon. Kingi): Honestly, that is his mother.

*(Applause)*

**Sen. Thang'wa:** Mr. Speaker, Sir, it is only yesterday that he said here that there is no network where he comes from. He asked the Cabinet Secretary (CS), Hon. Kabogo, to make sure that they have network. Anyway, I withdraw and apologize. He knows where he comes from.

Mr. Speaker, Sir, let me comment on the statement that was requested by Sen. Omtatah. This is an issue of compensation. As the Senate, we need to stop every other business when we come back and deliberate on the issues of compensation for the Project-Affected Persons (PAPs).

This mandate is given to NLC that whenever a person, individual or a community is affected by an infrastructure, whether a road, building or a bridge, they should be compensated. This is not the case because they never get their money.

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

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

As a Senate, we should make it mandatory for NLC before they agree to the signing of any contract, that affected persons should be compensated or must be compensated.

Madam Temporary Speaker, through the memories from the Committee on Roads and Transportation, I remember very well that we had these issues. The people of Kabete, Gitaru, and Ndeiya, all in Kiambu County, have not been compensated. In the Committee

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on Roads and Transportation, in the files there, there are people all the way from Elgeyo Marakwet who have never been compensated as far as 1975. This is happening even today. We need to stop every other business because this is a matter of national importance that the Government is trespassing on people's properties. When you build a road on somebody's private land and you deny them compensation, you are a thief grabbing their land.

Sen. Olekina raised the issue about the Senate Caucus on Futures. It is time for us to think about the laws that help the generation.

*(Sen. Thang'wa's microphone went off)*

**The Temporary Speaker** (Sen. Mumma): Just give him 30 seconds to finish, please. Will that be adequate?

**Sen. Thang'wa** Yes, Madam Temporary Speaker. It is good for us as a Senate and also the National Assembly, to think about the next generation when we come up with laws. We should make laws for posterity.

Before any law is passed by this House, we should be asking ourselves, how will it affect our country in the next five or 10 years? That is what exactly Sen. Ledama was saying. I urge the House to support that we do have a standing committee on future. That is foresight.

**Sen. Orwoba:** Thank you, Madam Temporary Speaker. I would like to add my voice to Sen. Onyonka's statement about illegal organ trade.

This has since been brought to the public and to the limelight that our youth are being recruited by rogue agents, particularly in the area of Eldoret, to sell their kidneys for less than US\$1000. Now the going rate, apparently, is US\$250,000 to US\$300,000 for a kidney. Apparently, it has become such a lucrative business for these agents, because once they do that they are selling these kidneys at about Kshs9 million to India. We have a whole group of cartels who have organized that space in a way that it has become a norm in Eldoret.

Madam Temporary Speaker, it is unfortunate that this has even spread down to the labour export agents. Agents who are supposed to be taking people to go and work abroad are now looking for desperate youth to ensure that they harvest their organs and make a killing in between for agency fee. Some are being lied to that they will work outside and it is all under the Government's watch.

I hope that when this statement is dealt with, we will not just give a report as usual. We have to see arrests. There are many of our desperate youth who have ended up with severe complications because they are being promised Kshs300,000 instantly. Some are being promised an exchange for a *boda boda*. Can you imagine? Being so desperate, they are saying, "Let me give out my kidneys to own a *boda boda* and start earning a living. This is unfortunate. It is not what this Government intended to do with our youth.

**Sen. Sifuna:** Thank you, Madam Temporary Speaker. I rise to comment on the statement by Sen. Onyonka. Before I do so, I have forgiven my counterpart from Kiambu. During the campaigns, we used to transport people from *Murima*. They would go and see how western region and the lake looks like. We take our people from western;

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they also come and see the difference between Kiambu, Murang'a and the others. This was because some Kenyans have never gone past their homes and their home areas. They do not know the difference between Kakamega, Bungoma, Vihiga and Trans Nzoia counties. To him, we all look the same. He looks at me and sees Sen. (Dr.) Khlawale.

There is need for cultural exchange, which is why it was terrible that Senate Mashinani, which was scheduled to happen in Busia last year, was cancelled. I think the Senator for Kiambu County would have benefited from that trip.

I also watched with horror last night, the news on these reports of organ harvesting at a very hitherto credible medical facility in Eldoret. Many of us actually have even sought services there. Many of our parents, especially from Western Kenya, consider this facility a very credible one. In fact, when the late Lawrence Sifuna passed away, that was the facility that was taking care of him. We were in shock. It points to a greater problem in the country, not just the exploitation of young people, but Kenyans are so desperate now that they consider some of the parts of their bodies not useful. They are available for sale and so that they can feed only one organ; that is the stomach. It is a sad situation.

In the newspapers in the morning, I read that there were top officials of the Ministry of Health that doctored the report on this organ harvesting and trafficking business to remove what they call "damning sections" of that report. I think those are the people the committee should go for.

If we are unable to provide a good living for our people such that they can be exploited like this, we, at the very minimum, should be able to catch the people who are exploiting them when it happens in the circumstances that have happened with Mediheal Hospital in Eldoret.

Madam Temporary Speaker, our committee should focus on those people. We want the original, unadulterated report, so that we know the culprits and we prescribe the best punishment for them. There should be arrests as the Senators who have spoken before me have said.

Madam Temporary Speaker, I do not know what is happening to professionalism in this country. I think Sen. (Dr.) Khalwale, you must speak to this. Even those Kenya Medical Practitioners and Dentists Union (KMPDU) and Kenyan Medical Association (KMA) need now to enforce ethical behaviour within their own profession.

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. I rise to support the statement on the issue of kidney transplant operations by Mediheal Hospital in Eldoret.

I used to think these Mediheal group of hospitals was credible. As my colleagues have said, a number of us have sought medical services there. I watched with horror, gnashing of teeth and with a lot of fear when I saw that the hospital was facilitating the harvesting of kidneys from some of our young people to Israel. I am happy the Israeli Embassy in Nairobi has issued a statement condemning the operations and saying they are willing to partner in the investigations.

Mediheal used to give television sets and cows in Kesses Constituency. They were just selling human organs to go and donate in campaigns in Kesses Constituency. It is very sad that 372 organ transplants have been done. It is very unfortunate. The Ministry of Health must be called out for sanctioning and approving this process.

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I know in Kenya we do not have a proper law on how organ harvesting and transplant should be done. It is a wake-up call that anybody who participated in this illegal syndicate of organ transplant and organ harvesting must be brought to book. Some of the young people who sold their kidneys and other organs have now become weak. They cannot do anything, not even participating in conjugal rights. It is unfortunate that this country is becoming like this.

I heard Maina Kageni and Mwalimu King'ang'i say this morning at Classic 105 that the economic situation in the country is so sad that some Kenyans might want to sell parts of their body like fingernails and toes. This means there is a deeper economic problem in this country. We must come out and talk about it. I want to call out professional bodies and Ministry of Health to sanction all officials who participated in this syndicate.

Kenyans should be careful when they see politicians giving out money without explaining the source of that money. I say this because the same hospitals were used by politicians to get elected as Members of Parliament.

I agree that the Teachers Service Commission (TSC) is now the headquarters of corruption and they should be called to order. They were given Kshs1 billion and they only promoted 25,000 teachers. There was also a lot of political patronage. It is said that TSC has left its work of recruitment to other agencies, including politicians and they must be called out.

I support those statements.

**Sen. Okenyuri:** Thank you, Madam Temporary Speaker. I will begin by supporting the statement by Sen. Onyonka on the promotion exercise that has just been conclude by TSC. I will borrow the words of Sen. Cherarkey that TSC is actually the headquarters of corruption. Notorious officials who I call rogue, are soliciting for resources from teachers who are already in a deplorable state in order for them to get promoted.

In the just concluded exercise, we have teachers who have been in the service for over 17 years, but were not promoted. On the other hand, we have teachers who have just served for one year and were promoted. How can one explain that? I will use the words of a trade unionist by the name of Benjamin Burombo. He said that “when I am fighting for African rights, the other hand is busy keeping away Africans who are fighting me.”

I know corruption will always fight back, but we will not relent on this issue. This is because teachers deserve support and good remuneration for them to have the motivation to keep offering their services to Kenyans. I call out TSC and mention that some of their officers have actually overstayed in office.

My worry is that the culture is the same such that reshuffling them might not help. That culture runs from the national to the ground. They should know that what they are doing will not be entertained. I also want to support the statement by Sen. Cherarkey on the tariff that has been imposed by the United States of America Government. That tariff has effects on us and we, as a country, need to seriously look at our engagement with other countries. Just the other day, South Sudan banned tea imports from Kenya which will have a trickle-down effect. Most tea farmers will suffer huge losses. As a result, we will not generate revenue.

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My Committee on Tourism, Trade and Industrialization will be looking at that issue. I promise Sen. Cherarkey that we will look deeply into that matter. We will try and sort out most of the challenges that have been addressed by the Nandi warrior, Sen. Cherarkey.

Thank you.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. The issue by Sen. Okiya Omtatah about compensation is very serious. It is only today when it has come into public domain that Prof. PLO Lumumba has sued Hon. Nixon Korir, the Principal Secretary in charge of the State Department for Lands and Physical Planning because they embezzled money belonging to 184 families.

That money was meant for compensation for areas where the standard gauge rail line passed through. The people responsible are Hon. Nixon Korir and some other senior officers at the Ministry of Lands, Public Works, Housing and Urban Development. As Parliament, we must wake up to these things.

Prof. PLO Lumumba should not be doing our work. By now, we should have removed Hon. Nixon Korir from office to pave way for comprehensive investigations. How do you investigate the Principal Secretary when he is in control of all the data that the courts will require to nail him? I demand that Hon. Nixon Korir steps down as a Principal Secretary and awaits the outcome of the investigations.

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

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

**Sen. Oketch Gicheru:** Madam Temporary Speaker, I rise under Standing Order No.101. The Majority Whip, who oversights the Government, has brought to the attention of this House very serious things happening in the Government where he is the Whip.

**The Temporary Speaker** (Sen. Mumma): Sen. Oketch Gicheru, what is your point of order and it is under which Standing Order?

**Sen. Oketch Gicheru:** Madam Temporary Speaker, that is the point of order. I said that I am rising under Standing Order No.101. He has alleged that there is a Principal Secretary who has embezzled some funds thus must resign. He has actually used the word 'demand,' which I respect because it is the Whip who has demanded that. Is it in order under Standing Order No.101---

**The Temporary Speaker** (Sen. Mumma): Sen. Oketch Gicheru, cite the Standing Order under which you are---

*(Loud consultations)*

Oh, I did not hear that.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, I said Standing Order No.101. I was just saving you the reading. Under Standing Order No. 101, can we discuss the conduct of an individual without a substantive Motion? Can the Whip be directed to bring a substantive Motion to discuss the conduct of that PS because this is a very serious issue?

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There is an issue of embezzlement. Can you direct the Whip to bring a substantive Motion on the said Principal Secretary for us to discuss? He cannot demand for him to step aside out of the blues. The demand is obsolete if it does not have power given by this House. Can he table a substantive Motion?

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, you have heard the point of order. Would you, please, withdraw your demands around the Principal Secretary and bring before this House, the matter in the proper manner for it to be discussed?

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. I will do as directed. I will handle it in the proper manner. For purposes of this institution---

**The Temporary Speaker** (Sen. Mumma): Yes, but first withdraw the demand.

**Sen. (Dr.) Khalwale:** Yes, Madam Temporary Speaker, I withdraw the demand until guided by a resolution of the House.

Allow me to use this opportunity. There was a time when I was the age of the Senator for Migori County and the nominated Sen. Orwoba, who keeps on screaming from the back. There was a time when I was their age and we learnt from senior politicians in this House to be good legislators.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, please, do not use unparliamentary language in respect of colleagues.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. I will go to my contribution.

I will comment on the issue raised by Sen. Onyonka about human organ trafficking. I call upon the Chairperson of the Kenya Medical Practitioners and Dentists Board, Prof. Stanley Khainga, who was my classmate from high school all the way through medical school. He should know that the eyes of the country are on him.

He, together with the Principal Secretary, Ministry of Health, the Cabinet Secretary for Health and the Cabinet Secretary for Interior and National Administration should have gone to Eldoret and closed that thing people are calling a hospital. I saw some so-called Chief Executive Officer (CEO) of that hospital struggle to say that they are a world-class centre of doing kidney transplants. She was actually speaking in broken English. A world-class centre cannot employ people who are illiterate. They should not play around with the children of the poor. I want to see a child of a Cabinet Secretary or Principal Secretary going to donate a kidney for somebody who is unknown to them.

In medical ethics, organ donation typically occurs within families. Before such a donation is conducted, all necessary steps, including DNA tests, are carried out. We cannot allow people to be exploited. What a pity. Accepting a payment of Kshs300,000 in exchange for an organ that will profoundly alter your life while others profit millions of shillings from that organ through conmanship, must stop. We must protect the poor. If it is not---

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, you can finalise in 30 seconds.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I finalise by addressing the Cabinet Secretary for Health. He will not intimidate anybody. He is on record bragging

that although he is not a doctor, he knows more than a doctor. Duale, please, you are a 'small boy.' You found me in this Parliament.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, please, withdraw those words. Do not use unparliamentary language.

**Sen. (Dr.) Khalwale:** Okay, I withdraw the 'small boy' part. However, I caution him again and again to stop playing with doctors. He should go and reflect on what became of his classmates, with whom he was in high school. How was he performing in class compared to his classmates who went to medical school?

He owes them some degree of respect. Being appointed as a cabinet secretary does not make one supernaturally clever. In fact, there are Kenyans who could make this Government perform better if they were in those ministerial dockets.

*(Applause)*

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

**Sen. Tabitha Mutinda:** Madam Temporary Speaker, I rise to make comments on Sen. Cherarkey's statement regarding the 10 per cent tariff that has been imposed to the Kenyan exports by the United States of America (USA).

We all agree that tea, coffee, horticulture and textile are the most economically significant products in this country. The increase in these tariffs will undoubtedly impact the revenues of these products negatively. I trust and believe that the committee assigned this statement will thoroughly examine the issue to ensure we do not water down the efforts of our farmers in the tea and coffee sectors.

Madam Temporary Speaker, allow me to address Sen. Onyonka's statement regarding kidney transplants at MediHeal Hospital. From my perspective, having passed by the hospital, it appears very classy and well-maintained. It is a good hospital overall. Naturally, the expectation is that its standards and administrative services align with its outward appearance. However, the recent documentary we saw paints a completely different picture.

It was last year, when we had the issue of Shakahola. There were discussions that it was linked to a business of organ sales and that organs were being removed from Kenyans and sold abroad. A lot of discussions surrounded this.

The issue that has been highlighted from such a hospital is very sad. I request the Ministry of Health that has a new Cabinet Secretary to look into this matter. I believe Hon. Duale will be able to perform and deliver. He has been assigned to different ministries, and we have seen him streamline them effectively. At times, you do not always have to be a doctor to serve in the Ministry of Health. Leadership takes precedence. We trust in his ability to ensure that unscrupulous business people who establish hospitals for profit-driven ventures, are stopped. This must end.

Lastly, I wish to comment on the issue of teachers regarding the recent unfair promotions. I understand it is also part of Sen. Onyonka's statement. Each of us has come through the education system. I mean, we are here because our teachers---

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

**Sen. Tabitha Mutinda:** Thank you very much, Madam Temporary Speaker. For Christ's sake, our teachers deserve good and fair promotions. Everyone has passed through the education system. Imagine, today I sit as a Senator, yet the teacher who taught me at the lower level has never, for example, received their fair share of promotion. It is deeply unfair.

Madam Temporary Speaker, it is only right that the Chief Executive Officer (CEO) of the Teachers Service Commission (TSC) and the relevant bodies responsible for these promotions ensure they offer them fairly. Teachers who go out of their way to maintain the required standards of learning need to be promoted.

I thank you.

**The Temporary Speaker** (Sen. Mumma): The last speaker will be Sen. Eddy.

**Sen. Oketch Gicheru:** Thank you, Madam Temporary Speaker. Sen. Cherarkey has brought to this House a very important statement, one that may have escaped the attention of lawmakers in Kenya. This statement is directed to the Standing Committee of Trade, Industrialisation and Tourism, addressing a matter of national concern regarding the impact of the 10 per cent tariff imposed on Kenyan exports by the USA.

This tariff is set to affect key sectors such as tea, coffee, horticulture, textiles and other sectors that significantly contribute to Kenyan exports. I do not understand why this issue has not been raised as a substantive Motion in this House. In fact, I urge Sen. Cherarkey to bring this forward as a matter of national importance and propose a Motion for the House to deliberate on. If possible, resolutions should be made.

This Statement critically highlights flaws in our foreign policy approach. Simply put the USA has imposed taxes on our commodities. This will increasingly impact local producers. As I speak, these producers are already grappling with violence, economic disruption and business instability.

Last year, the Generation Z movement was fuelled by high taxation in Kenya. The tax burden on our people is already overwhelming. Adding tariffs on these sectors, especially in an economy heavily reliant on agricultural products, will only exacerbate the situation. Consider tea, coffee, horticulture and textiles, all of which are vital agricultural products. Textiles, in particular, are struggling to renew and regenerate our ginneries.

It is impossible to sustain normal production under these circumstances as such tariffs inevitably lead to higher production costs. Time and again, we have seen that when tariffs are imposed on goods like these, the producers are forced to pass the costs onto consumers. What does that mean? It means that Kenyans who are already extremely taxed will also face serious consumer prices rising on basic goods and services that these companies provide.

The moment the USA decided to impose 10 per cent tax on our commodities, that was an opportunity for both the Houses by way of a substantive Motion discuss the effects of these tariffs on our economy. It must also inform our foreign policy on how we want to engage with the USA. Do we want to review our lack of tariffs on a number of commodities so that we respond with the same, or do we want to negotiate on the backdrop of a sober foreign policy?

While I support this statement, which will be handled by the relevant committee, I urge this House to pay attention to it. Further from that committee, this statement should be brought back as a substantive Motion, so that we canvass it and come up with a position of the Senate. That should be sent to the President to find out how he can engage his counterpart in the USA.

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, we will defer Order Nos. 8 to 13.

### MOTION

#### NOTING OF REPORT ON THE 14<sup>TH</sup> ASSEMBLY OF FP-ICGLR HELD IN ZAMBIA

THAT, the Senate notes the report of the 14<sup>th</sup> Ordinary Session of the Plenary Assembly and Related Meetings of the Forum of Parliaments of the International Conference of the Great Lakes region, held in Livingstone, Zambia, from 15<sup>th</sup> to 19<sup>th</sup> April, 2024 laid on the Table of the Senate on Thursday, 30<sup>th</sup> May, 2024.

*(Motion deferred)*

### MOTION

#### NOTING OF REPORT OF THE SENATE DELEGATION TO THE HLPF 2024 ON SUSTAINABLE DEVELOPMENT

THAT the Senate notes the Report of the Senate delegation to the High-Level Political Forum (HLPF) 2024 on sustainable development, held in New York, United States of America (USA) from 8<sup>th</sup> – 17<sup>th</sup> July, 2024, laid on the Table of the Senate on Thursday, 20<sup>th</sup> February, 2025.

*(Motion deferred)*

### BILLS

#### *Second Reading*

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

*(Bill deferred)*

**COMMITTEE OF THE WHOLE**

THE EARLY CHILDHOOD EDUCATION (AMENDMENT)  
BILL (SENATE BILLS NO.54 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE LOCAL CONTENT BILL  
(SENATE BILLS NO.50 OF 2023)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)  
BILL (SENATE BILLS NO.41 OF 2023)

*(Committee of the Whole deferred)*

Hon. Senators, let us go to the next Order. Clerk, call out the next Order.

**BILL**

*Second Reading*

THE SPORTS (AMENDMENT) BILL  
(SENATE BILLS NO.33 OF 2024)

*(Sen. Sifuna on 16.4.2025 - Afternoon Sitting)*

*(Resumption of debate interrupted on  
16.4.2025 - Afternoon Sitting)*

**The Temporary Speaker** (Sen. Mumma): Sen. Oketch, you had a balance of 15 minutes.

**Sen. Oketch Gicheru:** Madam Temporary Speaker, yesterday I was interrupted by the aspiring Senator from Kwale because of quorum. Being a sky team member, probably he was trying to catch a flight. I am glad that today his flight will not be interfered with. He is around and looks very excited to contribute.

**The Temporary Speaker** (Sen. Mumma): Senator, please focus on what you should do.

**Sen. Oketch Gicheru:** That is on a light note.

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Madam Temporary Speaker, this is a fantastic Bill that was sponsored by the great Senator for Nairobi City County. Just to recap, the Senator for Nairobi is working round the clock to make sure that one per cent of the money that our counties receive is dedicated to a sports fund within counties. He wants to see sports organisations that are registered, whether individually or as a group, benefit from some sort of funding by county governments in a predictable way that allows them to be organised and participate in different sports.

As I do a recap, yesterday I intimated that, indeed, sporting has been left to grow like seeds, upon sowing, that grew among thorns surviving on their own. If you cast your eye on sporting activities in this country, sports thrive in three ways. The first one is organically through community organisations that support some form of sports here and there. Secondly, sports thrive within our schooling system, be it primary or secondary schools and then university level.

You will notice that the higher level of education you go, the more sports start dwindling. That is because investment in terms of both management, funding, infrastructural support and professionalization of sports becomes a problem. That means that there is nothing as devolved by the DNA of our own country in terms of our own organisation as sports.

The problem is that we have not seen the commercial viability or the business case for sports in our country to the extent that we have left local organisation of sports to just take an organic format.

This is one of the ways of making sure that we enable sports to thrive as a case that is economically viable mode of belonging in our country that in some ways can uptake a swath of young people who do not get economic opportunities in this country. What do I mean by this? If you were to have a bird's eye view on the issue of sports in our country, you will realise that the most popular sports are the ones that get a bit of attention; not enough attention to make them thrive. For instance, athletics gets a bit of attention because there is no proper investment infrastructure that is needed to support grassroots level organisation of athletes to enable them grow to the national level.

The second one is soccer. Everybody in this country will agree that if you cast your eye upon what brings us together even among communities, you will realise that there is some form of semblance of organisation in sports investment in this country. Thumbs up to Gor Mahia FC, AFC Leopards, Police FC, Mathare United FC and all the teams that form our premier league.

If you look at other sports that involve the other gender, especially the women who are sometimes excluded from some of physically hard sports like soccer, there is no attention to that. So, allowing this fund to take root in our grassroots communities will be the beginning of organising and investing in sports management and ensuring that we have a paradigm shift in the way we invest in sports.

Currently, when young people in Narok County want to play soccer during their holiday, the only way they can do so is to have their sports time and enjoy the game while also building their professional capacities is to call Sen. Olekina and ask for financial support for sports activities. If they are in Nandi, it is even worse. I have sat

with Sen. Cherarkey. They call Sen. Cherarkey to pay the referees of the matches. It is even worse in Nairobi City County where we should be having better sporting academies.

Sometimes when the pockets of my sister, Sen. Mutinda, a nominated Member, run dry, she tells me that there are young girls who want to go and play netball, but they cannot access some field. I have to dig in my pocket and become a charitable donor to my wonderful Senator to support her to make sure that people can access a field to do sports.

Madam Temporary Speaker, it is important that we invest in sporting activities, so that Sen. Mutinda does not suffer. She should not take money from her pocket to pay for a field for young ladies in Nairobi who relate with her so well to play. Those ladies could be from Kayole or Dandora. It is even worse in Migori County. Young people organise themselves so well. Some come from Rongo, Nyatike and Kuria to have a tournament in the furthest end of the county. Sometimes they call me to help them just get water and some loaves of bread to survive on. On the contrary, if you go to some counties today, you will find a governor moving around with a convoy of 10 vehicles to go and launch a project of Kshs200,000.

This is an important Bill that will ensure that our organisations at the grassroots level such as community programmes, clubs, locally organised organisations and to some extent, volunteer networks that are organising our clubbing activities at the grassroots level get the jumpstart to go far.

The only thing that I did not see here is, Sen. Sifuna, in his wisdom, indicated that the key sporting activities that you would want to see hugely invested in include football, swimming, basketball, netball and volleyball. I wanted to invite Sen. Sifuna in the amendment opportunity that we might have at the Committee of the Whole that we will have in this House, to think diversification and pride. Let us first invest in areas that have brought us serious pride.

One of the reasons I am proud to be Kenyan when I go to the USA or Europe is because of the fast feet of a lady called Faith Kipyegon. Currently, I am mentoring a young girl called Lillian Odera from Migori County who, for the first time, made it to the Olympics running the 800-metre category. You might remember that last year, in the qualification test for runners in this country, Lillian Odera defeated Moraa, who has been a champion at the world stage. So, we cannot exclude athletics from this funding at the grassroot level.

We must give athletics the opportunity, just like we would give football, swimming, basketball, netball and volleyball. To even more adventurous sports, if you are an enthusiast of sporting activities and you have been keen to watch the Olympics, you realise that there are a lot of sporting activities that some of them, you wonder why our sons and daughters in Kenya, are not participating in.

Madam Temporary Speaker, for instance, we have seen a number of young children going for gymnastics as a major sport that brings glory and honour to the USA. They compete with their counterparts from Russia, China and Japan. These are sports that, if you put people from Tharaka Nithi, where my friend, Sen. Gataya Mo Fire, comes from, you will have very good gymnasts who can compete at the global stage. However, we do not give them priority because we do not see them as sports.

If you think about sports like the synchronized swimming, if you come from the lake where I come from or in the Indian Ocean where Sen. Faki comes from, you will realise that the kind of swimming that Sen. Chimera does is called snorkeling. They do a lot of snorkeling and go and swim with the dolphins right in Wasini Island. This is an opportunity where they can get when you think about sporting in a broad capacity, that we see a lot of those diversified sporting opportunities in the Olympics. I think that people in Kenya have talent enough to participate at a global level. So, I want to invoke the spirit of *Ajua* in Migori County--- *Ajua* can be a sport. This is what we call mancala sports. It can be a sport that we showcase, not just locally in Migori County, but all the way nationally. Let us encourage our counties that when this fund, being supported by Sen. Sifuna comes to law, we must see investment in all the sporting activities that we are seeing at the Olympic levels.

Lastly, since I want to give time to my colleagues who want to contribute to this wonderful Bill, there is a conversation that I have seen the Rt. Hon. Prime Minister, Raila Amollo Odinga, bring around devolution. One thing that I have learnt, there are two concurrent Bills that have come to this House. The Bill on period poverty and the Bill on sports. You realise that where these things happen to the maximum is in primary schools, more fundamentally, and high school to some extent.

Is it not the right time for us to start thinking about devolving primary and secondary education, and to some extent, the entire education system? Counties can be given the power to deal with the immediate manifestation of the problems that are related with upbringing of our children at the schooling level.

When you leave them largely to the national Government, they collapse. Sporting is collapsing when the best place to build sporting capacities is in high school and primary schools, where age has not caught up with people that they can nurture these sports. So, there will be a contradiction where you have put a fund to support sports in counties, yet some of the hubs that they must put that financing is in primary school and in high school, which is not devolved,

Madam Temporary Speaker, I want to encourage that this conversation about sports and the Bill that was brought by my sister, Sen. Orwoba, should invoke in us the spirit of wishing for more devolved functions that are relevant to the upbringing and to the best well-being of our people, like education.

With that, I appreciate Sen. Sifuna. I support this Bill in totality, but with amendments in the areas that I have tried to cast some thoughts on.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. Ledama.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. I rise to support this Bill, the amendment to the Sports Act. As I do so, I am a firm believer that for us to get any sort of progress, we must consult county governments.

We are the House that protects devolution. We are the House that fights for more resources to go to counties. I was agonising on how these funds can be set aside, knowing very well that the Constitution is quite clear when it comes to the issues of shareable revenue that is set aside for the county governments.

Last year, we passed the Facility Improvement Fund (FIF). When we did that, it colluded with other funds that exist in counties. Now, as I support this fund, I am alive to the fact that county assemblies determine what sort of funds to set up. Once they do, you will find that a lot of counties have so many funds that exist. In fact, one of the biggest problems we have been having is how we collapse all these funds. We talk about the funds which are set up approved under Section 116 of the PFM Act. They are time-bound. You know, funds will be there for up to 10 years. This is a very noble idea that Sen. Sifuna has brought. However, we have to think thoroughly on how we will make sure we implement it. Counties are suffering.

The money that we are setting aside, we are sending to counties. If we send one per cent of the money that is being sent to Narok County to promote sports, it will be difficult for the county to carry out other activities.

I am a firm believer that we should not be reducing the money that we are already sending out to counties or forcing county governments to set aside one per cent of their resources for sports activities.

I think we need to look at the additional allocation funds, the funds from the national Government or the funds from the Consolidated Fund. I want to persuade my brother, Sen. Sifuna, that we find a way to amend this law and not require counties to set aside one per cent of the little money that we are sending to them to finance sports. Let us find a way how we can get one per cent from the Consolidated Fund. When we do so, we will be sending more money to our counties.

I know how painful it is for young men who are trying to nurture their talent to call their Senators to asking for financial support. I know how painful it is when we have sports in our counties which are not funded either by private sector or counties. In the wisdom of the county assemblies, when they are agonizing on how to budget the small resources that they have, they decide that sports might not be a necessity. So, I am agonizing on where this one per cent of resources will come from.

Madam Temporary Speaker, when you look at the Constitution, a share of revenue of county government raised by the national Government is sent directly and it is budgeted. Section 109 of the Public Finance Management (PFM) Act, which is still Article 207, talks about how that money should be sent. Article 116 of the PFM Act discusses about how funds can be set up.

When we set up the FIF, we created a conflict. This is because, the PFM Act sets up the treasurer of the County Assembly or the County Executive Committee Member (CECM) in charge of Finance and Economic Planning as the person in charge of all the resources. He is the one who has the fiduciary responsibility and the Authority to Incur Expenditure (AIE) holder. On the FIF Fund, we introduce a new concept where the CECM or the Chief Executive Officer (CEO) in charge of Health dictates how that money will be spent.

We need to be careful on how we develop this fund. I fully support this. However, I would like to request Sen. Sifuna to look at it and amend Clause 54(b) which says-

“There shall be paid into the county sports association fund, one per cent of all monies paid into the County Revenue Fund.”

I have a problem with that.

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Given the fact that this is a piece of legislation that has to go to both Houses of Parliament, in my opinion, we need to widen it up and request a particular percentage to look at how much we need from the Consolidated Fund so that we can make this Bill proactive.

Madam Temporary Speaker, I have gone across Nairobi City County. I am quite impressed by the role the private sector has played in setting up fields where people can go and nurture their talent. I hope that when we are talking about this fund, whoever will fund it or however it will be funded, we can clearly indicate how many fields should be set up. If this one per cent, for instance, Nairobi County gets about Kshs20 billion, then one per cent of Kshs20 billion is Kshs200 million. Narok County gets about Kshs10 billion. Approximately, one per cent of the population in Nairobi City County is about Kshs7 million. Would Kshs200 million proportionally be enough to support sporting activities in Nairobi City County? No.

Madam Temporary Speaker, perhaps Kshs100 million might be enough to support a population of 1.5 million in Narok County, but in Nairobi City County, it will not. So, I am of the idea that we try and get resources from the Consolidated Fund. I wish that my brother, Sen. Sifuna, will look for a champion in the 'lower' House so that they can discuss, particularly when we are going through the budget-making process, so that we can set that money aside.

Right now, when you need a road from somewhere, if you know the Committee on Finance and Budget, you can go discuss and say we need a road here. We just need to be able to negotiate. It is important. I like the fact that the Bill is proposing a situation whereby we recognize registered county sports associations. It is important that each one of us here, as Senators, really try to understand what associations are there and what support do they have. Can we talk to the private sector as well? The Government may not be able to do everything with the little resources that we have. Today, we are talking about borrowing from the World Bank approximately Kshs100 billion. Of course, the World Bank has their own stringent measures. They want us to pass legislation that will be uncomfortable to most of us. So, it makes it very difficult.

We need to figure out how we tap in and encourage Corporate Social Responsibility (CSR) from all those entities that are working or doing business in our counties. We could try to see whether we could include a particular amount, maybe that one per cent could be added in the fees for licenses. Some people might say it is over taxation. However, we have to be creative enough because the money that we are sending from the national Government is not enough to support these counties. I would like us to be a bit creative.

Madam Temporary Speaker, it is imperative that we become creative. I am saying this because earlier on, we were discussing about the tariffs which have been imposed by the current President of the USA, Donald Trump. I see that as an opportunity. I actually thank him because it is about time that we realign our own existing resources to build our economies.

We are relying on the West so much and lamenting that those tariffs will have a big impact on us. On the contrary, I see it as an opportunity. We have a lot of resources

which are exploited by foreign entities. Suppose we look back and say, how is our mining sector? Can we get some money from the mining sector?

I would like Sen. Sifuna to be creative in this Bill and look at areas where there are royalties which are paid. Those royalties are never paid to the local community. We find that there are individuals who go in and collude with those so-called investors or miners. Consequently, when the money which is supposed to go to the community comes in, it goes into private pockets. It is happening in Narok County where you find former and current leaders; people who are connected in the community, go to bed with foreigners or miners and collect the resources in millions. In fact, I know one. There is a company called Kilimapesa.

Right now, we are fighting so hard to ensure that the money which is supposed to be paid to the residents of Kilgoris, Lolgorian Ward, does not go into private pockets. There is a danger that the money might go into a few people who consider themselves as a committee. They are given like Kshs100 million, pocket and share it among themselves. We need to be creative.

Madam Temporary Speaker, I would like Sen. Sifuna to look at this Bill. We cannot have one solution for the 47 counties. Let us look at Taita Taveta County, for instance. Taita Taveta County has a lot of minerals. Can we work with the state departments and figure out, when we have a picture of Kenya, what resources do we have in this country. How do we make sure that we tap those resources to build our talent and be able to help us? The more the youth or even us go out there and exercise, we live a better life.

We need these resources. We just need to be able to think outside the box and extend our eye to where every single penny is coming from. For example, in Samburu County, there are a lot of mining activities going on there. Who is benefiting? Not the Samburu people, but the people who come in there, and team up with some people in Nairobi.

In Migori County, residents are not benefitting from proceeds of gold. We just need to be a bit creative on how we will fund this proposed sports association fund. If we become creative and extend the areas of sourcing funds, what Sen. Sifuna is proposing will become something which can be actionable. However, if we rely on the shareable revenue, we may not succeed.

I thank you.

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

**Sen. Chimera:** Asante, Bi. Spika wa Muda kwa kunipa fursa hii.

Kwanza, ningependa kumpongeza Sen. Edwin Sifuna kwa huu Mswada wake. Huu ni Mswada wa maana sana kwa vijana wetu ambao wanariadha mara nyingi katika nyanja ya michezo. Kwa mfano, wakimbiaji kutoka Kaunti ya Nandi, ambako Sen. Cherarkey anatoka, na pia ni mashemeji wangu, wachezaji mpira kutoka kaunti mbalimbali, na wanaocheza michezo inayojulikana kwa kizungu kama *indoor games*.

Bi. Spika wa Muda, ningependa kusema wazi kwamba kumekuwa na changamoto kubwa sana kwa wachezaji wetu kufanya michezo kwa sababu ya ufadhili.

Timu nyingi za soka ambazo zinacheza nyanjani sehemu za mashinani sana, Wazungu huita *rural areas*, zina changamoto ya fedha sio haba. Timu inayofaa kusafiri

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kwenda kuchezea mechi ya kirafiki pengine kaunti ya mbali, kwa mfano, kutoka Kilifi kwenda Nyanza lakini hawana ufadhili.

Mapendekezo ya Sen. Sifuna ya kwamba wachezaji wote waweze kijisajili katika makundi tofauti tofauti ili waweze kupata fedha kutoka kwa Serikali ni jambo la maana sana.

Ninaona Seneta wa Narok leo amepewa jina kuwa yeye ni simba. Sijui ni simba dume au jike? Naarifiwa ni simba jike.

**The Temporary Speaker** (Sen. Mumma): Order, Senator. Withdraw that.

**Sen. Chimera:** Bi. Spika wa Muda, nimetoa na kuomba msamaha.

Sen. Olekina amekuwa na wasiwasi ni kwa nini tunatoa fedha hii asilimia mia moja kwa ule mgao ambao unakwenda moja kwa moja kwa kaunti zetu. Amependekeza tuweze kufikiria njia mbadala za kuongeza kitita hiki. Ninakubaliana na mawazo yale. Hata hivyo, ni lazima tuanzie mahali fulani kwa sababu tunaona kero ambayo vijana wetu wamepitia.

Leo hii kuna timu pale Kaunti ya Kwale inayojiita SS Asad. Timu hii inashiriki katika ligi kuu ya kitaifa ama daraja la pili ama la kwanza. Inafaa kusafiri kutoka Kwale takriban kila wikendi kwenda maeneo ya kaunti tofauti. Timu ile imepata shida sana kupata ufadhili.

Serikali ya Kaunti ya Kwale imejaribu kuipatia ufadhili lakini haujatosheleza timu ile. Kila wikendi, ninapata maombi kutoka kwa maofisa wa klabu kile wakiniomba msaada. Mimi ni mchezaji wa timu ya Bunge FC tukiongozwa na Sen. Cheruiyot. Nimewahi kucheza soka tangu nikiwa kijana mdogo.

Ni lazima nichange kila wikendi ili kuhakikisha timu ile imepata usafiri. Vile vile, kuna timu inayojiita Samburu Lions. Ni timu shwari kabisa iliyojaza talanta kedekede pale lakini wanashindwa kuendelea katika michezo kwa kukosa ufadhili.

Nina imani kupitia Mswada huu wa Sen. Sifuna, timu zile nimetaja na zinginezo na wale wanamichezo wa aina tofauti watapata ufadhili ili waweze kuendelea kuonyesha talanta yao. Mwishowe, nina imani pengine talanta ile itageuka na kuwa ajira.

Bi. Spika wa Muda, kwa wale watakaopewa majukumu ya kuchunga fedha inayokuja kwa makundi ya michezo ya kaunti, ninawapa ilani kuwa fedha hii sio ya kutumiwa vibaya. Ipo kuhakikisha kwamba wale vijana wetu ambao tunawapenda; ambao tumekuwa tukiwasaidia kupitia vifaa au pesa, wapate fursa ya kushiriki katika michezo yao kikamilifu.

Ninajua asili mia moja hii ni nyingi kwenu. Ninafahamu mnafaa kutoa huduma mbalimbali kama vile afya, maji na kilimo bora. Vile vile, vijana wetu wanahitaji usaidizi na ufadhili.

Zile pesa zikikufikia pale kwa Wizara ya Michezo katika kaunti zetu, ninaomba magavana, mawaziri wa fedha na wale wa michezo wawe wepesi kuhakikisha fedha zile zimefikishwa kwa makundi ya vijana pasipo na utepetevu wowote wala kucheleweshwa ili tuone matunda yake.

Bi. Spika wa Muda, hivi punde pengine nikipata fursa, hata mimi nitachangia katika Mswada wangu ambao pia tumesukuma na Seneta Ojienda ambao unahusu michezo. Nina imani kupitia sheria zote hizi za michezo, lengo letu ni kuhakikisha

tumeboresha nafasi ya kijana aliye na talanta katika michezo. Kijana huyo apate fursa, atambulike ili talanta yake impe ajira.

Ni ilani kwa viongozi wetu tuache kutumia vijana vibaya kufanya siasa kama magenge ya kigaidi. Wakipata ajira yao kupitia talanta zao litakuwa jambo la kufurahisha sana.

Ninaomba tuupitishe Mswada huu haraka iwezekanavyo angalau hata mimi wikendi tatu nne zijazo nipumzike kutoka michango kwa vilabu vinavyofaa kusafiri.

Ninaunga mkono.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. Allow me to congratulate Sen. Sifuna for this industry.

*(Loud consultations)*

Madam Temporary Speaker, I cannot concentrate because of the lamentations from Sen. Cherarkey and Sen. Mungatana. Please, remind them that under our Standing Orders, practices and protocols, I am in leadership.

**The Temporary Speaker** (Sen. Mumma): Order! Senators, please, allow Sen.(Dr.) Khalwale to proceed.

**Sen. (Dr.) Khalwale:** I urge Sen. Sifuna to realize that this thing is bigger than he thinks. Yes, it is his brainchild, but he needs to bring many more players on board, so that we can make this law more comprehensive.

Very quickly, in establishment of the County Sports Association Fund, for example, he has mentioned the sources of the fund. We can quickly agree with him with A, B and C, but also help him to also realize that we can source that money from gate collections at the various stadia. We can also make money from hiring out the various stadia. I add that we want to demand in this law that we get money directly from the Exchequer.

Why do I insist that it is noble for us to ask for money from the Exchequer? It is because in our budget, we give up to 13 per cent of our budget into agriculture because there will be returns. Viewed as an industry, the economy of sports can generate so much money into our revenue collection. I dare say that we should not---

*(Sen. Kavindu spoke loudly on phone)*

**The Temporary Speaker** (Sen. Mumma): Order, Sen. Kavindu! Please do not speak loudly on phone.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, we should pump up to 10 per cent of our budget into sports. Let nobody be surprised with what I am saying. We pump billions of shillings into political parties. So, why can we not spend 10 per cent of our budget on sports?

I will walk you through what happens in football for you to realize how great the returns are when you invest in sports. The English Premier League is an 11.84 billion Euro economy. That is the equivalent of about Kshs2 trillion and all they do is to kick a ball.

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In our case, they will kick a ball, run to be the famous champions of Eldoret. If we invest, our sports will not just be limited to football and athletics, but we will also have bullfighting. This is because I am slowly waking up the country to the potential of investing in bullfighting.

There are those who do not believe in this, but I want to bring it to the attention of the House that bullfighting is not a joke in Spain. I had the privilege to be sponsored by President Mwai Kibaki to go to Spain and he allowed me to carry five bullfighters. We went there, visited the stadia and saw how they organized their bullfighting. Those people mint billions of shillings from bullfighting. I can tell you that a day will come when bullfighting of Malinya, Ikolomani, Isukha, Malava and Butsotso will be a major income earner to the economy of this country.

Madam Temporary Speaker, having said that, allow me to pay tribute to President Mwai Kibaki. I have already said that he sponsored me and fellow bullfighters to Madrid. He did not just do that. In 2008, he came up with Vision 2030. Inside Vision 2030, he had the pillar on the economy, political stabilization of the country and the pillar on the social issues and sports. That is why he put money for us to go and learn something because he realized what bullfighting would do in the social pillar.

Madam Temporary Speaker, courtesy of that investment, I was able to kick-start the construction of a stadium in Malinya. That stadium has stalled, but I know God willing, once I become the Governor of Kakamega County, I will complete Malinya Stadium.

When that happens, we will have Nissans arriving in Malinya and each tourist will pay US\$100 every time we have a bullfighting event. A Nissan can carry up to around 14 people. So at US\$100, we shall be netting US\$1,400 from one Nissan. To fill that stadium, we shall need in excess of almost 50 Nissans. You cannot imagine the multiplier effect of that industry.

President Mwai Kibaki wanted to quickly transform Kenya into a middle income country by the year 2030. Sen. Osotsi adequately articulated that when the Jubilee Government took over from President Mwai Kibaki, they went and found billions of shillings inside the Sports Fund. They started salivating for those billions and that is how the stadium that President Mwai Kibaki had wanted to grow from this initiative came to naught.

Madam Temporary Speaker, I pay tribute to President Mwai Kibaki and not forget about a young man from my backyard by the name of Hon. Ababu Namwamba. Not many people know that Hon. Ababu was a square peg in a square hole in that Ministry. Hon. Ababu was a symbol of success when he was the Cabinet Secretary for Youth Affairs, Sports and the Arts. It was under Hon. Ababu that the ban on Football Kenya Federation (FKF) by Fédération Internationale de Football Association (FIFA) was lifted. That is how Kenya came back into competing in soccer.

It was during his time that soccer was reinvigorated in our secondary schools. Today, if you go to our secondary schools, you will get to see the soccer that used to be in schools are back. We have the Green Commandos of Kakamega High School, the Scorpions of Musingu High School, the champions of Kisi High School and the

champions of Kisumu Boys. They are now competing thanks to efforts by Hon. Ababu. I want to celebrate him.

The Talanta Sports City on Ngong Road was his brainchild. There is construction going on. I wonder how a decision was made to remove Hon. Ababu, who was performing, then bring in people like Hon. Ruku. I saw someone called Hon. Ruku being interviewed to become a Cabinet Secretary. He struggled then another lady by the name Hon. Cheptumo came in. I say this with due respect. She is the wife of our former colleague, but she is not material for Cabinet Secretary position. You saw the potential Cabinet Secretary for Public Service, Youth and Gender Affairs telling the whole country, which cared to listen, that our young girls die in Airbnb because they are hungry for money.

**Sen. (Prof.) Kamar:** On a point of order.

**Sen. (Dr.) Khalwale:** You will have time to challenge me.

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

Please, sit down, Sen. (Dr.) Khalwale.

**Sen. (Prof.) Kamar:** Madam Temporary Speaker, did you hear the Hon. Member tell us that an unqualified person has been elevated to be a cabinet secretary? I do not even want to mention names. Which criteria does Sen. (Dr.) Khalwale have for appointment of cabinet secretaries that we do not have in this House?

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, unless you are able to demonstrate that---

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I respect Sen. (Prof.) Kamar and I wish she told me what she wanted me to do. She has not told me. I am a very serious debater and all I meant is that---

**The Temporary Speaker** (Sen. Mumma): Sen. (Prof.) Kamar, do you want to clarify what you said?

**Sen. (Prof.) Kamar:** Madam Temporary Speaker, if he does not have a criteria that is laid out, then he should withdraw that. That should not be in our HANSARD.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, you need to demonstrate that the criteria applicable to a cabinet secretary was not met by the National Assembly or withdraw what you said.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. I am surprised that a teacher of a university can fail to remember that the highest standard of appointing cabinet secretaries---

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

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I am now expanding---

**The Temporary Speaker** (Sen. Mumma): No, Sen. (Dr.) Khalwale. You just need to explain how the two cabinet secretaries that you made reference to failed to meet the standards that is required of cabinet secretaries.

**Sen. (Dr.) Khalwale:** Okay, Madam Temporary Speaker. I will prove it this way. The standard of a cabinet secretary is specified under the Constitution. They are not only appointed by the President, but they are supposed to undergo rigorous vetting. It is because of what Kenyans saw during the rigorous vetting that we realised---

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**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, the allegation is by you, not by Kenyans. Can you please just go to the point?

**Sen. (Dr.) Khalwale:** It is the rigorous vetting I witnessed that persuaded me that they will not perform. You cannot pretend. You either have it or not.

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, this is serious. You have not indicated the bar that they did not meet, please.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, since I am discussing about colleagues, I do not want to take it beyond what I have mentioned. However, if Professor insists, I will withdraw.

Madam Temporary Speaker---

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, it is not Professor insisting. It is the Chair who is asking you to withdraw because you have not demonstrated what I have asked you to do. Would you kindly withdraw?

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, because the Chair is my kid sister, I want to make her very happy by withdrawing.

**The Temporary Speaker** (Sen. Mumma): Order, Sen. (Dr.) Khalwale. The Chair is the chair.

*(Applause)*

**Sen. (Dr.) Khalwale:** I have withdrawn. The issue that is very clear in my mind is that if we fall back to Vision 2030, envisioned by the late President Mwai Kibaki, where the development of stadia was a priority, we would see significant progress. If you care to read it, President Kibaki envisioned that, today, every county would have a high-quality stadium. Considering the talent that abounds, you cannot imagine the latent potential that would emerge.

Who would have known until recently that the Luhyas can produce some of the best athletes? The fastest man in Africa today is Ferdinand Kakhayanga Omanyala. The fastest man in the world in the 800 metres is none other than Wanyonyi from Bungoma. I forgot to mention that the grandmother of Ferdinand Omanyala Kakhayanga is Omushere Kakhabaleya Kakhayanga, who happens to be my elder sister. That makes him my grandnephew, if there is such a term.

We must insist on giving each county a stadium. For larger counties like Nairobi City County, due to their population, they should have more stadia. The same applies to Kakamega, Bungoma, Mombasa, Nakuru and Kiambu counties. The success of sports lies in how you nurture talent from a young age. In Brazil, children join academies between the ages of five and ten. In the United Kingdom (UK), they join around 10 or 11 years old. In Kenya, due to liquidity challenges, we cannot establish stadia and football academies fast enough. However, there is a solution.

Part of the funds, Senator for Nairobi City County, can be directed to schools. It is evident where football talent in Kenya lies. It is rare to see players from other areas succeeding at the highest level in soccer. However, this happens quickly for children from the Coast, Western and Nyanza regions, specifically the Luhyas and the Luos. We are the giants of football.

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Madam Temporary Speaker, I propose that we direct funds to schools like Kakamega High School, Musingu Boys High School, Kisii High School, Kisumu Boys High School and Highway Secondary School in Nairobi. These schools consistently win national football championships.

On another note, I mentioned bullfighting, which drew some laughter. However, I have calculated its potential. In Spain, bullfighting is a 1.6 billion Euro economy, equivalent to about Kshs235 billion. Our bullfighting is more sophisticated than Spain's because, in their culture, the fighter bull is killed. In our culture, the fighter bull is idolized, celebrated and immortalized.

The funds we borrow from Europe to invest in sports are unnecessary. We have talent here that only requires minimal investment to grow. As I mentioned earlier, the English Premier League is an 11.84 billion Euro economy, translating to Kshs2 trillion. Right at our fingertips, we have the answer to how we can fund sports.

With those remarks, I want to celebrate Sen. Cherarkey, the Senator for Nandi County. I had the opportunity to confirm that he is a footballer. However, he shocked me when I saw him on the ball. Based on his shape, I could not tell if he was the player or the ball.

Madam Temporary Speaker, I support the Bill.

*(Laughter)*

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

**Sen. Tabitha Mutinda:** Thank you, Madam Temporary Speaker. Let me start by appreciating my Senator, the Senator for Nairobi City County, Sen. Sifuna, for this great Bill.

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

Madam Temporary Speaker, I request that you ask Sen. (Dr.) Boni to---

**The Temporary Speaker** (Sen. Mumma): Sen. (Dr.) Khalwale, order. Please, listen to Sen. Mutinda. She listened to you as you presented.

**Sen. Tabitha Mutinda:** Thank you so much, Madam Temporary Speaker.

Let me repeat and emphasize that we are truly proud of this Bill because it goes a long way. The generation we have today is highly talented in various fields. This Bill, as I have analyzed it, speaks to the sports fund at the county level.

Let me begin with Clause 54B, which addresses the County Sports Association Fund. Clause 54B (a) specifies the allocation of one per cent from the County Revenue Fund (CRF) account. From my standpoint as the Vice-Chairperson of Finance and Budget Committee, this percentage is not entirely sufficient. However, given the current circumstances, it is a good starting point, as this fund is being introduced. Perhaps later, this percentage can be increased.

The reason I raised the issue of the percentage is because the equitable share currently stands at Kshs387.4 billion. A percentage of that is about Kshs3.8 billion for all the 47 counties. This is how I want to look at it.

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From the conversations we have had at the committee and Senate level regarding to equitable share amounting to Kshs465 billion, that is what we have proposed in the Budget Policy Statement (BPS) as a committee. The National Assembly proposed Kshs405 billion.

Let me thank the former Prime Minister, none other than Hon. Raila Amolo Odinga, for his championship when it comes to money going to the counties. He strongly stated that counties should be allocated their fair share. I do not know why it has to be a fight between the 'lower' House and 'upper' House when it comes to the issue of the equitable share or any other fund that the Senate proposes for the counties.

A few weeks ago, we had a Special Sitting to pass the County Governments Additional Allocations Bill amounting to over Kshs50 billion so that our counties are not stuck. We have seen the challenges when it comes to timely disbursement of the equitable share to the counties.

Yesterday, Members of the National Assembly walked out when the Chairperson introduced the County Governments Additional Allocations Bill on condition that---

**Sen. Osotsi:** On a point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. Mutinda, would you like to be informed?

**Sen. Tabitha Mutinda:** Yes. I do not mind my former Chairperson informing me.

**Sen. Osotsi:** Madam Temporary Speaker, indeed, it was a sad day for Kenya when Members of the National Assembly walked out when the Chairperson of the Budget and Appropriations Committee---

**The Temporary Speaker** (Sen. Mumma): Senator, what is your information?

**Sen. Osotsi:** I am coming to that.

Madam Temporary Speaker, what the Senator said is what happened and that is sad. I am from there and Members have again walked out when the Mover started moving the Bill. That is the highest level of parliamentary dictatorship in this country.

That is what I wanted to inform her, that we are experiencing parliamentary---

**The Temporary Speaker** (Sen. Mumma): Sen. Osotsi, do not use that opportunity to speak.

Proceed, Sen. Mutinda.

**Sen. Tabitha Mutinda:** Thank you, Sen. Osotsi.

Madam Temporary Speaker, that is what transpired yesterday. Thank you, Sen. Osotsi because you have informed me that is what has happened again today. I understand where Sen. Osotsi is coming from. I might not have been there, but I am informed that Sen. Osotsi stood up and raised the same concern in the relevant forum. Therefore, I know where he is coming from and I really appreciate him when it comes to championing our concerns for more funds to county governments. You know he is going to be a governor in future. He not only champions for Vihiga, but also all the 47 counties. That is leadership.

Madam Temporary Speaker, my point is in relation to the funds. When the Finance Bill was not assented to, we had to again lower the allocations. As I speak, the amount is Kshs387 billion. You have heard what is happening as far as the County

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Governments Additional Allocations Bill is concerned. They proposed Kshs405 billion as equitable share. The National Treasury also had the same proposal. However, we are not even sure of what will happen. It is like the National Assembly is trying to put down counties, which is not the best way to go.

I urge the leadership of the National Assembly to sit with the leadership of the Senate and come up with an amicable solution as far as the issue of funds to the counties is concerned. I do not want to go to the other issues where we have had Bills from the National Assembly and others from the Senate as far as these funds are concerned. At the end of the day, they are serving our people at the village level. All these funds are supposed to serve our people.

Back to the Bill, different sports cut across. Sen. Sifuna has talked about financing development of sports facilities, including stadia, gymnasiums and building tracks. That is good because buildings should also be maintained so that they are in the standards required. Sports should be broadened. We should not just narrow down to football because other sports are coming up, which should also be factored, so that talents are nurtured from a lower level. I agree that sports take place in schools and also *mashinani* levels where our young people mostly are.

The Bill talks about funding to be given to teams that have a certificate of registration issued under the Sports Act, 2023. That is okay. It should not just be limited to support teams in learning institutions that are well established. Even those people who have decided to have their own teams should be supported.

Clause 54F(2) states that a person who wishes to receive funding from the fund and meets the criteria set out under Section 54E shall, at least six months before commencement of financing, apply to the administrator of the fund in a manner as prescribed by the board. My concern is the duration of six months. I do not know why the Senator decided to put it. Six months is quite a long period for people to meet deadlines and be spot-on on what is required.

For the administrators to plan accordingly and strategically, it would be wise to reduce that period to about three months, so that you do not give much room. There is this weakness of people seeking extension and things like that. At least they should lower it. I do not know why they decided six months. Maybe he will explain later. However, according to me, six months is quite a long period of time.

The other day we saw a Kenyan grannies team called Mutei FC. Those are women aged between 52 and 75 years. I saw them cry with emotions of happiness for having achieved their dream of first, going outside this country and secondly, playing with international teams. They played with South Africa. The beautiful part is that when they won, they were overjoyed. This is what I asked myself. When they were at ages 25 and 40s, if they nurtured their talents then, what would we be having? Probably we would be having an international team. We would have a team that has excelled at the international level. That is a clear example of success when it comes to sports.

I am very proud of this team. I am a patron of Kayole Starlets. It is a team made up of very young, beautiful and intelligent girls from Kayole. I support them very much. I am even happier because we represent in the city. This is the biggest county. Kayole Starlets is just one among the many teams that I support.

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You know that charity begins at home. With our good Senator for Nairobi City County, the delegation of Nairobi, will have a good opportunity to ensure that these funds are utilised by our people. These are the talents that we should nurture because our children have really portrayed excellence in sports.

Lastly, so that I give my colleagues time to make their comments, I want to appreciate the President of the Football Kenya Federation (FKF), Hussein Mohammed. We have seen how he has been out here supporting teams. I am happy because he also continues to support my teams in the different sub-counties that they come from. This is something I thought, would be good to acknowledge.

With those, many and few remarks, I look forward to see Sen. Chimera's Bill on sports. I have inquired from him and he has told me it is about the sports academies. It is excellent because bringing this fund to where we nurture the individuals, the players and the academies means we are doing very well. When you travel out there, when you say you are from Kenya, apart from tea and coffee that we are very much associated with, proudly, sports is something that people associate Kenyans with internationally.

With those many and few remarks, I support and appreciate Sen. Sifuna. Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Mumma): Sen. Mungatana.

**Sen. Mungatana, MGH:** I thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to this Bill.

I rise in support of this Bill. I will just hammer on the issue that this Bill is making it mandatory that money be set aside for sports activities in our counties. In a county such as Tana River, sporting activity is ignored and neglected. Sports development is not there. In fact, the much that the county does is supporting its own team, which is in very low levels as far as the rating and standing of teams in Kenya is concerned. Part IV of the Fourth Schedule of the Constitution is very clear that cultural and sporting activities are supposed to be the responsibility of the county government.

In some of our counties like Tana River County and others, money is not put in these activities. It is a very sad situation. So, when this law takes effect, it would make sure that at least one per cent of the monies that go to the county is set aside for sports and development of sporting facilities. This is a very beautiful development and we should all support it.

I am very happy that it has found its space in the Senate of the Republic of Kenya. What has then happened in Tana River County is that people have come up with different clubs. You know, you find those who are a bit capable in this village and others come up with their own clubs and try to support them.

The most successful club is called Sango Sportif FC. We say 'Sango' because 'Sango Vere' is supposed to be our great-great-grandfather; our famous warrior who led our community against invaders many years back. So, the most successful club is called Sango Sportif Football Club and it plays in Division Two. It has done very well, but lack of financial support is harming it. We always support it. Now, if we had a fund that makes sure talent such as this is supported, we would go very far.

Madam Temporary Speaker, if you look at what Sango Sportif is doing, you would be very proud. They not only have a team that is playing away and in very many

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matches at the regional competitions, but they now have started an under-12 division. This under-12 division means that they are bringing in young people to nurture talent. So, this is not just a club that has come in the whims. These are people who are very serious and dedicated in supporting football in Tana River County. It is a pity that the county government has not stepped up to its responsibility.

So, it is time that we, as the Senate, legislate and say we need to put money aside for sport activities. We need to put money to support sports, especially clubs that have started and are struggling on their own. They are doing well under the difficult circumstances. I have seen young men who have had their school fees paid for because they are playing in the team. Their major problem is how to raise school fees. We sit together and assist them. They have formed a self-help group and it is helping them.

This Sango Sportif has proven beyond any reasonable doubt that if we invest in sport, there is a direct benefit from sports to our people. I remember one time when we even had to take some young people from another team and make some financial arrangements for them to join this team and grow its strength. All this was being done by private individuals, leaders and ordinary members who were just giving contributions.

It should not be this way. It should be that county governments taking up their responsibility for sports and develop actual talent where it can be noticed. This is not happening. So, for us to get the compulsive power to push sports and develop sports to higher level, this Bill should become law.

Madam Temporary Speaker, I have heard colleagues here contributing and expressing their worry about where we shall find the money. I think that is a secondary concern.

If Tana River County is getting Kshs8 billion as equitable share, then they should get 1 per cent to budget for sports development. We are not asking for extra money. We are asking that county governments take the responsibility to also develop sports. Some counties are not doing are not nurturing talents and developing sports facilities. In fact, counties like ours are only supporting the team that is in the county government and nothing more. So, I think we should support this law 100 per cent.

Let us push it to the end, so that governors realise that sports and sports development is critical for the benefit of the youth of this country. Most times when we are doing campaigns, we tend to promise a lot. However, when we are in charge of the budget, we do different things from the things we had promised to the people. It is very sad. So, now we are forced to legislate from the top to say, there must be money set aside. This sports fund is not for the county team. It is not to buy uniforms for the county team. It is not supposed to be giving the CECM in charge of sports an opportunity to travel out of the country.

Believe it or not, in Tana River County, it has happened. Some Members of County Assembly (MCAs) travelled to go and watch world cup football some years ago. They were taken to go and watch football outside the country. All that money was available for travel and emoluments, but it was not available for sports development.

Madam Temporary Speaker, we would like the governors in this country to understand that this money is not supposed to be for officials. It is supposed to be for actual development of sports and sporting facilities in the county.

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With those words, I beg to support.

**The Temporary Speaker** (Sen. Mumma): I do not see Sen. Chesang, so the Mover may reply.

**Sen. Sifuna:** Thank you, Madam Temporary Speaker. I beg to reply. I will begin by thanking all the Senators who have spoken on this Bill. I will be quick, so that we can allow Sen. Chimera to also move his Bill that deals with county academies and the protection of minors involved in sports.

Madam Temporary Speaker, I would like to start by thanking the Seconder, the Hon. Osotsi, Hon. Karen Nyamu, Sen. Eddy Oketch, Sen. Olekina, Sen. Chimera, Sen. (Dr.) Khalwale, Sen. Mutinda, and last but not least, Sen. Mungatana, who have all spoken to this Bill. I was taking notes as they were speaking.

I think Sen. Mungatana has nailed it properly when he said that the Constitution says sports is a devolved function. Therefore, we expect that when the county governments put money in development of infrastructure, they must also support talent development through the registered associations.

What we are doing here, Hon. Speaker is although the responsibility is on the county governments and the governors are very fond of shouting, saying money must follow functions, even at the county government, those functions must be financed. This is why we are saying now that they are not doing it, I began by telling the House that, if you look at the budget of Nairobi City County, of over Kshs43 billion, there is not a single line that is assigned to supporting talent development and sports development through these associations.

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

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

Mr. Speaker, Sir, I also presented to you, a letter from the Nairobi Boxing Association (NBA) and whom I want to thank because they are the ones who started this conversation with me. As I said for them to attend a tournament in Mombasa, they have to move around with a begging bowl, from one office to another. They were doing so just to raise Kshs117,000 to be able to travel to a tournament in Kakamega or in Mombasa.

It happened the first time and I gave them what I had. When they came the second time, I told them we have to find a permanent solution and they agreed with me that it has to be sustainable. Today, Sifuna might have something in his pocket, tomorrow he has nothing. I would like to calm the anxieties of the Senator for Narok County by saying this-

First, Mr. Speaker, Sir, you know for a fact that under Article 114, we cannot as a Senate originate a money Bill. If you were to go into questions of the Consolidated Fund or even monies that are appropriated at the national level, which would automatically turn this Bill into a money Bill and it would be prohibited.

Mr. Speaker, Sir, the money we are addressing here is the money that finds itself in the County Revenue Fund (CRF). That is the equitable share together with the monies

that are raised locally by the county governments. It would be in order because sports is devolved. We are talking about money that is in the hands of the counties only.

We can have conversations about grants because immediately you have a fund, it is actually allowed for you to get grants even from national Government. However, we want to ring fence this money in a fund that will be specifically for registered sporting associations.

I would like to remind the House that if you look at the proposed Clause 54B(i)(c), other sources of money have been proposed, including grants or donations from the national Government or international agencies for purposes of supporting county sports associations. I am sure, for as long as we ring-fence this money, we will see a lot of support coming in from even private and international organizations to support sporting activities in Nairobi City County.

Sen. Mutinda might not have been here, but I had indicated that, in fact, during the committee public hearings, we had agreed with the stakeholders that we will remove any reference to financing of infrastructure from this Bill because that was not the intention. The counties must continue building infrastructure. It is very expensive.

Mr. Speaker, Sir, I will give you an example. In the last financial year, the Governor of Nairobi City County told us he has put Kshs500 million in the renovation of City Stadium alone. Now, if we pass this Bill, one per cent of the Kshs40 billion that we raise as Nairobi City County through the equitable share and even locally raised revenue, own-source revenue, would amount to about Kshs400 million for all the registered sporting associations in Nairobi City County.

Mr. Speaker, Sir, I would like you to consider the indignity that these sporting associations are going through. That is what we want to fix. That, they should be able to hire halls, pay referees, organize transport and buy food when they travel for these tournaments. That is all we are asking. That is what all this Bill seeks to do. So, I will be bringing an amendment at the third reading stage of this Bill to remove every reference. That is in Clause 54C(d) that had said-

“Financing the development of sports facilities including stadia, gymnasiums, buildings and tracks.”

By the way, the governors were very happy about this. Do you know why? It is because it would reduce the amount of money that they would have to put in building stadia. They were very happy. I have told you, one stadium alone, for instance, City Stadium, in one financial year, it would cost Kshs500 million. So, if you tell Governor Sakaja that now he has reduced, we have only Kshs300 million to sporting associations and also to build infrastructure, he will be happy. In my opinion, there is a lack of appreciation of the potential of sport to be able to change lives in Kenya.

Mr. Speaker, Sir, I conclude by an observation that came from Sen. Mungatana. That this money is not for officials. It is will not support the county team. No. It is for registered county sporting associations, for instance, the county association responsible for football.

If you look at Clause 54F(iii)(f), part of the application process is that you have first to be registered. You must show us a certificate of registration issued under the Sports Act. Then you have to give us details and signatories of bank accounts in the name

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of the association where the funds shall be channeled. This money will be sent from the fund to the accounts of the registered sporting associations and then to be executed or utilized in the proposed manner in accordance with the annual work plan which we have provided for, to be accounted for in the manner in which we have provided for.

So, it is not for the CECM of sports to go and watch Arsenal and Real Madrid or the Arsenal is facing Paris Saint-Germain (PSG). No, that is not the reason. We want these people who have been coming to our offices with begging bowls to just raise money to travel to Vihiga or to Mombasa to be able to take care of these small bills.

Mr. Speaker, Sir, with those many remarks, I beg to reply and pursuant to Standing Order No.66(3), request that you defer putting of the Question to a later date.

I thank you.

**The Speaker** (Hon. Kingi): Thank you, Senator for Nairobi City County, the Hon. Sifuna.

The putting of the Question on this particular Bill is deferred to a later date.

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

Next Order.

## BILL

### *Second Reading*

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

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

**Sen. Chimera:** Thank you, Hon. Speaker, Sir. I wish to move that the Sports (Amendment) (No. 2) Bill (Senate Bills No.45 of 2024) be now read a Second Time.

I start by appreciating and thanking Sen. (Prof.) Ojienda for his generosity in allowing me to co-sponsor this Bill with him. When I first set out to propose amendments to this Bill, I was informed by the office of the Legal drafter that the Senator for Kisumu had already proposed certain amendments to the Sports Act as it is. For concurrence purposes, I had to liaise with Sen. (Prof.) Ojienda just to agree primarily on the need to co-sponsor this Bill

Sen. (Prof.) Ojienda happens to have been my lecturer in Law School. I sat with him and without a shred of any resistance, the affable Senator allowed me to co-sponsor this Bill, contrary to what would be my ordinary expectation. For that support and show of generosity, I tremendously thank him.

As you might be aware, most of us if not all, including yourself, Mr. Speaker, Sir, in the course of our political life have participated and organised sports tournaments in our various and unique areas of jurisdiction. Some of us have taken the lead in organizing volleyball tournaments. Sen. Wakoli from Bungoma is a champion of that. I have attended many of his volleyball tournaments in Bungoma County. The Senator for Tana

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River, who has just ably and eloquently spoken about the Bill as proposed by Sen. Sifuna, has also been on the forefront trying to organise basketball tournaments.

Mr. Speaker, Sir, you had a chance to witness amazing football in Kwale County courtesy of Wakili Chimera Super Cup Initiatives that I have been organizing virtually in every ward. I think I have done these soccer tournaments from Mwereni ward in Lunga Lunga Constituency to Pongwe/Kikoneni ward to Kinondo and Gombatobongwe ward in Msambweni Constituency, Kasemeni ward and Puma ward in Kinango Constituency as well as Tsimba-Golini in Matuga Constituency. That means I have done tournaments across the county.

After the tournaments, what next for those who participate? Allow me to cite a young man by the name of Kevin Oloo. I know his boss might not have a chance to mention him on the Floor of this House. He has been on the forefront in our social media fora in Kwale saying there is no Supercup in Kwale other than one. He says the rest are not supercups.

Even for the Hon. Masito Fatma, who is our Women Rep Supercup, Kevin Oloo has always cast aspersions as to what constitutes a supercup. The only super cup in his mind that he identifies is the Rashid Abdalla Supercup Football bonanza in Kwale County.

We need to give credit where it is due. I take this opportunity to applaud, recognize and congratulate efforts by one gentleman, Rashid Abdalla and his wife Lulu Hassan, for their steadfast and resolute industry, effort, discipline and commitment in running what is perhaps the largest football bonanza in Kwale County - the Rashid Abdalla Super Cup Editions.

All football clubs in Kwale County are dear to me, but there is one that I love. It is called Denmark FC from Maganyakulo in Matuga Constituency. That club has participated in many tournaments over time. However, as I speak here today, they are participating in the nationwide league. That club started from non-script tournaments sponsored by politicians and well-wishers. Recently through the Rashid Abdallah Super Cup, Denmark FC was recognised nationally. It will be a travesty of justice if I do not subscribe and mention, on the Floor of this House, their rallying motto. You will allow me to speak in Swahili because the rallying motto of Denmark FC is in Swahili and I cannot translate it in English. They say, *'hii ni Denmark wewe, kataa uone.'* I am happy that through these tournaments, we have real world-class talent being showcased to the nation and the world.

The hallmark of this Bill is about identifying, nurturing and promoting sports talent. It is not necessarily about football talent, but sports talent as a whole. So, we will be able to identify, nurture, promote and hopefully turn the talents of our young men into an economic gaining activity.

Mr. Speaker, Sir, I also want to take this chance to laud the Ministry of Youth Affairs, Creative Economy and Sports, led by my able Governor emeritus, Hon. Salim Mvurya. I appreciate him for breathing life into this Bill even before it becomes law. Yesterday, I was supposed to accompany him in Taru, Kinango Constituency, as he was launching the Sports Academy at Taru High School.

As I speak today, the Hon. Cabinet Secretary has just launched the Matuga Constituency Sports Academy at Matuga Girls. That speaks to life on this Bill. It shows that the Government has seen the need to promote talent by walking a step ahead in establishing these sports academies. With that, our young, talented men and women can have a continuous platform where they can showcase their talent and both local and international scouts can scout for real talent.

I usually run tournaments which you always attend. We usually give them money, football jerseys and all the support that is required. Unfortunately, two or three weeks later after the split of that money both the players and the club always have nothing to show. They then end up waiting for the next politician to run a tournament for them to get something or to live off their talent. The act of misusing our talented young men and women must come to an end. That is what this Bill is all about.

I have seen tremendous talent in rural areas. When discussing sports like football, basketball and indoor games, it is essential to invest time in the rural communities. Small clubs such as Bumbani Stars FC, SS Assad FC, and Samburu Lions FC showcase incredible talent. However, this talent is often wasted. This is because there is no established law, policy or framework to help young men advance their sporting abilities. As a result, they cannot be scouted or recruited by leading Premier League clubs like Tusker FC

This is a debatable issue, as we rarely take pride in discussing our Premier League. Instead, we often focus on the English Premier League. However, I want to emphasize that the first point of focus should be home. I believe that with the introduction and establishment of a sports academy, we will have a unique opportunity to recognize and nurture local homegrown talent.

Mr. Speaker, Sir, with those remarks, I beg to move. I call upon Sen. Cherarkey to second.

Thank you.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. As I rise to second the Sports (Amendment) Bill (Senate Bills No.45 of 2024), I am impressed by the strides made by our in-law. During the Easter holidays in the village, I will ensure I pass this message to a good friend of mine, who is a father-in-law and a close associate. He is one of the synod members of the Anglican Church of Kenya (ACK). I will implore him to recognize that the Senator, our in-law, is performing exceptionally well in the roles envisaged in Article 96.

This afternoon has been very sporty. From the Sports (Amendment) Bill (Senate Bills No.33 of 2024) addressing issues of financing the sports association fund to the establishment of the sports academy. It is clear that we are making progress. However, in my opening remarks, I must say it is unfortunate that sports in this country still depend on tokenism and handouts.

Sen. Chimera Raphael, the Mover of this Bill, has highlighted that the lifeline of most sports clubs, be it Gor Mahia, AFC Leopards or even my own athletes in Nandi County, relies heavily on handouts. While we provide these handouts, we then post pitiful messages on *Twitter* and other social media platforms to celebrate their victories.

It is high time we developed this talent. We only seem to appreciate our athletes, sportsmen and women after they have already made it. I know Sen. Chimera organizes football tournaments, which he refers to as ‘super.’ However, he needs to work harder because if I have not heard about this ‘super’ aspect, then he is not doing enough. I will try to be more attentive next time.

We must ask ourselves: where do these athletes come from? You may recall that I brought up a statement about the challenges between primary school and secondary school sports organizations. Sixteen-year-olds are no longer allowed to participate, yet many of them are now in Grade Nine and have reached the age of 16. That matter ended up in court. We need to address and develop these sports.

I know the UEFA quarterfinals just ended. Yesterday, Arsenal performed marvellously. Now, we are headed to the UEFA semifinals. Most of the players we admire, be it Vinícius Jr., Lamine Yamal of FC Barcelona, Bukayo Saka of Arsenal or even Kylian Mbappé, have had their talents nurtured in academies. If we want to develop the talent we have in this country, we must establish sports academies.

I am pleased with the progress being made. I do not know if the Mover of the Bill implied that the previous Cabinet Secretary for Youth Affairs, Creative Economy and Sports did not perform well. However, I agree that Hon. Mvurya is doing an excellent job, unlike their predecessor, who was more focused on opulence and showmanship.

I hope Hon. Mvurya is following this serious conversation. We are not asking for much. If possible, can we establish a sports academy out of the six sub-counties in my county? We are even willing to donate 10 per cent of our maize and milk. After all, athletes need to eat a lot to perform well. We are ready to partner in the formation of sports academies so that our young men and women can thrive.

I was telling this to the young people the other day; not all of us can be leaders. Not all of us can go to university. Not all of us can become Clerks-at-the-Table like the ones we have here. Not all of us can become Speakers. However, if we develop talents---

Mr. Speaker, Sir, since you are friends with Hon. Salim Mvurya and other members of the Council of Governors (CoG), please, tell them to work on sports academies. We must also tie sports academies with stadia and the role of MCAs in oversighting.

We should not be doing oversight of sports academies because they use public funds. I hope Public Accounts and Investments Committees (PAICs) in the counties will do so. That is why MCAs are critical. We discussed about formation of Sports, Arts and Social Development Fund. We are now discussing about formation of sports academies. We should rely on MCAs to ensure that---

Governor Sang, for example, told us that he was constructing Early Childhood Development and Education (ECDE) centres, but he ended up constructing ECDE classrooms. There is a big difference. In the Bill of Quantities (BQs) for ECDE centres, there were sleeping areas for the children, ablution blocks, classrooms and staffrooms for teachers. However, he would construct one classroom and call it an ECDE centre. We need oversight at the local level. I want to challenge MCAs to think about other things instead of the fighting that we are seeing. I am happy that the Committee on Devolution and Intergovernmental Relations came up with a report about Nyamira County Assembly.

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Such matters should be resolved because at the end of the day, county assemblies must function. They must do oversight.

Mr. Speaker, Sir, your success story would not have been there without a functioning and reasonable county assembly. Therefore, we should also challenge MCAs to be part of this conversation.

I am happy that the Committee on Devolution and Intergovernmental Relations stated that MCAs of Nyamira County Assembly should have their sittings in a gazetted place and that the status quo should prevail and, therefore, Hon. Enock Okero is the substantive Speaker. Hon. Thaddeus was elected as Speaker, yet he has not resigned as an MCA. There is a lot that MCAs should avoid.

Mr. Speaker, Sir, as I drive my point home like a hot nail, even if you have to do anything, do it within the law or the Constitution. Even if you have to change a county assembly speaker, follow the law. I hope the issues affecting Nyamira County will be resolved, so that they allow Hon. Enock Okero and other Speakers in this country to do their work.

Nandi County scouts for talents. I know that whenever Sen. Chimera organises a tournament, he invites scouts to go and spot talent. The only way we can do that is by building serious sports academies in this country. I normally organise volleyball tournaments at the grassroots level in Nandi County. We normally invite the Kenya Volleyball Federation (KVF), where we have people like Coach Paul Bitok, one of the prolific volleyball players in this country. They also come when we have athletics competitions in Nandi County.

Mr. Speaker, Sir, it is a sad story. As I speak, Nandi being the source of champions, we do not have a functional stadium. The governor wants to convert Kipchoge Stadium to a market. You wonder where our priorities are. I am happy that our in-law is conversant with our local issues. He has to be aware of the problems we are facing in Nandi County by force.

Athletics puts Kenya on the global stage because of Kipchoge Stadium in Kapsabet. However, the governor wants to convert it to be used for selling cows and *mitumba*, yet that stadium should be used for training by our upcoming athletes. They also need a sports academy in Kapsabet Town.

According to the approved budget of Nandi County for Financial Year 2024/2025, Kshs169,497,537 was allocated to sports. That is close to Kshs170 million, but we cannot see what that money did. Our governor has not bought even one ball or net. He prefers to fly to Israel to go and see where Jesus Christ was born. During this Easter season, he should allow Jesus to be born in his heart. He should call pastors, so that we tell him where Jesus--- When Jesus died, he went to heaven. As Christians, we are told that Jesus should be born in our hearts. Why spend a lot of money to go and see where Jesus was born, instead of assisting the sporting fraternity by using close to Kshs170 million that was allocated? There is not even a single ball or net that was bought.

Mr. Speaker, Sir, as we proceed---

**The Speaker** (Hon. Kingi): Hon. Senator, it is now 6.30 p.m. You have a balance of 11 minutes. When we resume, you will consume your 11 minutes. Let us be upstanding.

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**ADJOURNMENT**

**The Speaker** (Hon. Kingi): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 6<sup>th</sup> May, 2025, at 2.30 p.m.

The Senate rose at 6.30 p.m.