

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 16th April, 2025

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

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)

Order, hon. Senators. Kindly, take your seats. Clerk, you may proceed to call the first Order.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION OF MEMBERS OF THE SPEAKER'S
PANEL OF TURKANA COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I have got two Communications to make. I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation of Members of the Speaker's Panel of the County Assembly of Turkana. The delegation is undertaking a benchmarking visit with their counterparts in the Senate.

I request each Member of the delegation to stand when called out, so that they may be acknowledged in the Senate tradition-

- | | | |
|---------------------------------|---|-------------------------------------|
| 1. Rt. Hon. Charles Lokito Ewoi | - | Speaker, County Assembly of Turkana |
| 2. Hon. Michael Ewoi | - | Member, Speaker's Panel |
| 3. Hon. Mary Nakapwan | - | Member, Speaker's Panel |
| 4. Hon. Samuel Aliwo | - | Member, Speaker's Panel |

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| 5. Mr. Lokawa L. Miinyan | - | Clerk, County Assembly of Turkana |
| 6. Mr. Patrick Tioko Eng'ori | - | Director, Legislative Services |
| 7. Mr. James Ikimat | - | Director, Speaker's Office |
| 8. Mr. James Sirte | - | Chief Serjeant at Arms |
| 9. Mrs. Kathreen Ereng | - | Deputy Director, Legislative Services |
| 10. Ms. Edna Eripete | - | Principal Clerk (Table Office) |
| 11. Ms. Cynthia Moru | - | Principal Clerk (Table Office) |
| 12. Mr. Calvin Ewoi | - | Principal Clerk |

The delegation is accompanied by-

- | | | |
|----------------------|---|--|
| 1. Mr. Philip Ogonda | - | Programme Officer, Refugee Consortium of Kenya |
| 2. Ms. Gloria Mwangi | - | Programme Officer, Refugee Consortium of Kenya |

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

(Applause)

STUDENTS UNDERTAKING VOLUNTARY SERVICE SCHEME IN THE SENATE

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, students from Starehe Boys' Centre and School and Alliance High School who are undertaking a one-week Voluntary Service Scheme in the Senate.

I request each student to stand when called out so that you may be acknowledged in the Senate tradition-

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|---------------------------|---|------------------------------|
| 1. Hendrick Jayden | - | Starehe Boys' Centre, Form 3 |
| 2. Ian Kiprotich | - | Starehe Boys' Centre, Form 3 |
| 3. Obed Omanyi | - | Starehe Boys' Centre, Form 3 |
| 4. Newton Ogwedhi | - | Starehe Boys' Centre, Form 3 |
| 5. Moses Kilemi | - | Starehe Boys' Centre, Form 2 |
| 6. Elvis Maiyan | - | Starehe Boys' Centre, Form 2 |
| 7. Chris Mutwiri Muriithi | - | Alliance High School, Form 4 |
| 8. Ryan Dylan | - | Alliance High School, Form 3 |
| 9. Tyrell Jones | - | Alliance High School, Form 3 |

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I will call upon the Majority Leader to extend a word of welcome to the delegation from Turkana County in under one minute. Thereafter, who are the old boys? I have one old boy from Alliance High School, Hon. Mungatana. In under one minute, you will extend a word of welcome to the students of Alliance High School. Sen. Onyonka will extend a word of welcome to the students from Starehe Boys' Centre.

Sen. Onyonka: Mr. Speaker, Sir, when you go to school in St. Mary's Yala, you sound the way I do. After that, when you go to the University of Nairobi (UoN) with impeccable grades because you went to Yala, the only people we disliked were Alliance High School because they were better than us.

Mr. Speaker, Sir, I am very proud of my son who now goes to Alliance. He is in Form 2. I want to encourage the students who have come from Alliance High School and Starehe Boys' Centre. I believe that the history and culture of both the institutions are highly regarded and respected. I hope that the students will have an opportunity to engage and listen to what debate is. They will see how the Speaker behaves and how we, who are the elected Members of the Kenyan community, behave.

Mr. Speaker, Sir, I also welcome the team from Turkana. When we visited the county about three weeks ago, the county assembly was complete. They had already set up their HANSARD equipment and were just sorting out the air conditioning system. The furniture was in place. These are champions of devolution. Thank you very much, keep doing the good work.

Thank you, Mr. Speaker, Sir.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I want to join you in welcoming the students from the Alliance High School. I interacted with some of the students when they came to our Committee.

I am glad that one of them is the house captain of Greve House, which was our neighbor. Those days, I also served as house captain of Arthur House. The Alliance High School has produced many great people. In fact, the first Cabinet of the Republic of Kenya was populated by students or old boys from that school.

Mr. Speaker, Sir, we have maintained that tradition of taking leadership in this Republic of Kenya. I am very proud that tradition has been maintained. Even in this Senate, our Speaker is a product of Alliance High School.

I encourage the students who have come from there today that it is possible, it can be done. You can excel in business, your profession, politics, leadership and religion. Just keep working hard. May God bless you as you continue in your journey.

I thank you.

(Loud consultations)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I cannot hear myself speaking. I do not know why there is a lot of excitement in the House. However, if you follow the principle that sons are better than fathers, then I am a more refined product than Alliance because my own father went to Alliance. That means I am even better than Alliance.

(Laughter)

Mr. Speaker, Sir, I want to join my colleagues this afternoon in welcoming the students from Starehe Boys' Centre and Alliance High School. These are two very distinct and excellent institutions that have produced some of Kenya's finest gentlemen. They are here on a study tour to interact with our staff and Members of the Senate to learn and be molded into the gallant men that we all expect them to be, so that when they take up the role of leadership in this country at the various spheres of life, they will do greater than the present generation.

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Lastly is to appreciate the County Assembly of Turkana. They hosted us very well when we visited Turkana and we had promised to revenge. I hope the “revenge” from the Senate side has been worth the while because it has taken a long time before their staff have joined us. I hope that they have interacted and met all the people that they need to meet. We appreciate the partnership that exists between county assemblies and the Senate.

Devolution is under tremendous threat from corruption in this day and age. As the anchors of the devolution and the institutions charged with oversight, I will ask them to focus their attention in making sure that corruption does not thrive in their county under their watch. There were reports last week about the things that are happening in Turkana that anybody that loves devolution would be concerned about. I hope the County Assembly is doing something about it. Eventually, when those reports get to the Senate, should any of the people listed be found culpable, this House will do justice for the people of Turkana.

I am only saddened since the former Speaker was a very good friend of mine. We served with him as Members in this House for the last two terms. Unfortunately, he seems to have fallen out with the County Assembly and he is now out. Nonetheless, that is the power of democracy.

I wish the new Speaker, who is part of the delegation, well. May he serve to the great goodness of the people of Turkana.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE BY THE NATIONAL ASSEMBLY OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.10 OF 2024)

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order Nos.46(3) and 4(4), I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Division of Revenue Bill, National Assembly Bills No.10 of 2025.

The Message, which is dated Monday, 14th April, 2025, was received in the Office of the Clerk of the Senate the same date and pursuant to the said Standing Order, I now report the Message.

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

WHEREAS the Division of Revenue Bill (National Assembly Bills No.10 of 2025) was published vide Kenya Gazette Supplement No.38 of 12th March, 2025 to provide for the equitable division of revenue raised nationally between the national and county governments in the 2025/2026 Financial Year;

AND WHEREAS the National Assembly considered the said Bill and passed it without amendments on Wednesday 9th April, 2025 in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order Nos.41 and 142 of the National Assembly, I hereby refer the Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.163, which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill

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introduced in the Senate by way of First Reading in accordance with Standing Order No.144, hon. Senators, as you may have noted, the Division of Revenue Bill (National Assembly Bills No.10 of 2025) has been listed in today's Order Paper and at the appropriate time during this sitting, I will direct the Clerk to read the Bill a First Time.

I thank you.

Next Order.

PETITION

EVICITION OF KOROGOCHO COMMUNITY LIVING ALONG THE NAIROBI RIVER CORRIDOR

Sen. Sifuna: Thank you, Mr. Speaker, Sir. This is a Petition to the Senate of the Republic of Kenya regarding the eviction of Korogocho Community living in the Nairobi River Corridor after its declaration as a special planning area.

Mr. Speaker, Sir, we, the undersigned, on behalf of the Korogocho Community in Ruaraka Constituency, being peace-loving and law-abiding citizens of the Republic of Kenya, and in exercise of our right under Article 119 of the Constitution of Kenya, which grants every person the right to petition Parliament on any matter within its authority, do hereby humbly submit this Petition to the Senate of the Republic of Kenya for consideration.

THAT whereas, the Korogocho Community Forum is a Community-Based Organisation (CBO) operating within Korogocho Location, Ruaraka Constituency, Nairobi County, this Petition is submitted to the Senate for consideration of the following grievances and requests;

THAT, on 5th March, 2025, the Nairobi City County issued a notice in the local dailies declaring the Nairobi River Corridor as a special planning area. This corridor spans the area along Nairobi River from Naivasha Road to Ruai, including the tributaries of the River.;

The notice declared that the Corridor extends 60 metres beyond the high-water mark on either side of the river, 30 metres riparian corridor and an additional 30 metres development area.

THAT, the purpose of this Petition is to draw the attention of the Senate to several grievances and concerns raised by the residents of Korogocho regarding the ongoing and planned activities related to the Nairobi River Corridor as declared as a special planning area by the County Executive Committee of Nairobi City County.

The following issues are brought forth for consideration by this House-

(1) Lack of adequate notice and/or public participation.

The public notice for the declaration of the Nairobi River Corridor as a special planning area by the CECM, Nairobi City County, dated 6th March, 2025, was communicated to the community's representatives after the expiry of the 14-day notice period.

Consequently, the community was unable to submit their opinions and memoranda on this matter. The reasons for the delay can only be known to the local leadership, including the local chiefs and other leaders.

(2) Unfair eviction criteria and intimidation.

The planning and eviction process for those affected along the Nairobi River Corridor has been marked by intimidation. Despite several attempts to engage the county and national governments, no improvement has been made to ensure a fair process.

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(3) Lack of representation in decision-making.

The community residents have not been adequately represented in the decision-making processes regarding the planning and eviction exercises. Public participation has not been conducted in any meaningful or inclusive manner.

(4) Unresolved compensation issues.

Residents who were evicted during an early eviction phase last year from the alleged riparian land remain uncompensated. To date, no clear communication has been made concerning their fate or any compensation plans; and lastly,

(5) A lack of commitment to compensate affected persons.

The recent notice by the County Government of Nairobi City, dated 6th March, 2025, did not outline any commitment or plan by the Government to compensate those who will be affected by the impending eviction. Many of these residents are structure owners who have resided in the area their entire lives and have no other place to call home.

THAT WHEREAS we, the undersigned, have pursued all possible means of resolution, including seeking audience with the Governor, Nairobi City County, the County Executive responsible and the County Assembly of Nairobi City, all these efforts have been in vain. We therefore have been left with no option, but to Petition the Senate of the Republic of Kenya.

We also confirm that this issue is not pending anywhere in any court of law or constitutional or legal body in the country.

AND WHEREAS we, the undersigned, on behalf of the Korogocho Community affected by the evictions, aver that-

(1) The Senate of the Republic of Kenya has the power and authority, as well as the moral obligation to step in and save the poor residents of Korogocho from inhuman evictions without compensation; and,

(2) The Nairobi City County and the national Government have shown unwillingness to listen to the grievances of the residents.

THEREFORE, we, the undersigned, humble petitioners, pray that the Senate inquires into the matter and makes recommendations as follows-

(1) On compensation to those already evicted and those who will be affected by future evictions, while ensuring that any evictions are humane in nature;

(2) On public participation necessary as required by the Constitution and that community representatives are included in all decision-making processes involving the Nairobi River Corridor.

We humbly submit this Petition for your consideration and appropriate action.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Pursuant to Standing Order No. 238(1), I commit the Petition that has just been read out by Senator for Nairobi City County to the Standing Committee on Land, Environment and Natural Resources.

*(The Petition was committed to the Standing Committee
on Land, Environment and Natural Resources)*

Now, in terms of Standing Order No.238(2)(a), the Committee is required in not more than 60 calendar days from the time of reading the prayer, which is today, to table its report in the

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Senate for consideration. The Senate thereafter shall consider and adopt the report of the Committee.

Next Order.

PAPERS LAID

LEGAL NOTICES FOR VARIOUS REGULATIONS ON WASTE AND ENVIRONMENTAL MANAGEMENT

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following papers on the table of the Senate today, Wednesday, 16th April, 2025-

The Sustainable Waste Management (Extended Producer Responsibility) (Amendment) (No.2) Regulations, Legal Notice No.62 of 2025.

The Environmental Management and Co-ordination (Water Quality) (Amendment) (No.2) Regulations, Legal Notice No.63 of 2025.

The Environmental Management and Co-ordination (Waste Management) (Amendment) (No.2) Regulations, Legal Notice No.64 of 2025.

The Environmental Management and Co-ordination (Sand Harvesting) (Amendment) (No.2) Regulations, Legal Notice No.65 of 2025.

The Environmental Management and Co-ordination (Air Quality) (Amendment) (No.2) Regulations, Legal Notice No.66 of 2025.

The Environmental Management and Co-ordination (Deposit Bonds) (Amendment) (No.2) Regulations, Legal Notice No.67 of 2025.

The Environmental Management and Co-ordination (Access to Biological Resources and Benefit Sharing) (No.2) Regulations, Legal Notice No.68 of 2025.

LEGAL NOTICES FOR VARIOUS REGULATIONS ON DIGITAL HEALTH

The Digital Health (Health Information Management Procedures) Regulations, Legal Notice No.76 of 2025.

The Digital Health (Data Exchange Component) Regulations, Legal Notice No.77 of 2025.

REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF HOMA BAY COUNTY CLIMATE CHANGE FUND

Report of the Attorney-General on the Financial Statements of the Homa Bay County Climate Change Fund for the year ended 30th June 2024.

Mr. Speaker, Sir, I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.52(1). Sen. Hamida Kibwana, proceed.

LEADERSHIP TRANSITION IN KEWOSA

Sen. Hamida: Thank you, Mr. Speaker, Sir. My statement is on transition of leadership in the Kenya Women Senators Association (KEWOSA).

Mr. Speaker, Sir, we, Sen. Hamida Kibwana and Sen. Maureen Tabitha Mutinda, the former Chairperson and Vice-chairperson of the KEWOSA, rise pursuant to Standing Order No.52(1) to make a Statement on the transition of leadership in KEWOSA and to formally acknowledge the election of a new leadership team.

We begin by expressing our heartfelt congratulations to the newly elected Chairperson, Sen. Veronica Maina, and the Vice-chairperson, Sen. Hezena Lemaletian and the entire new leadership team of KEWOSA. Their election is a testament of the confidence their peers have in their capacity to steer the critical Association forward.

Mr. Speaker, Sir, as the outgoing leadership of KEWOSA, it has been our singular honour and privilege to lead KEWOSA during a season of purpose engagement, bold advocacy and impactful service. During our tenure, we championed initiatives that placed the lived realities of women and girls at the heart of our legislative and policy agenda.

Under our leadership, KEWOSA undertook several key initiatives and achieved significant milestones, including-

(1) Launched a programme to support women petty offenders, many of whom were held in remand facilities simply because they could not afford bail or fines. Through partnerships with the civil society and legal aid providers, we helped secure, release and reintegrate these women back into society with dignity.

(2) We mentored and worked alongside women leaders, particularly women Members of County Assemblies (MCAs), through leadership development forums and capacity building engagements to strengthen their legislative, oversight and representation roles at the county level.

(3) Advocated for allocations, ensuring that the voices of women, especially those at the grassroots, were considered in national debates around health, economic empowerment and social justice.

(4) Built strong partnerships with local and international institutions, including the African Centre for Parliamentary Affairs, (ACEPA), the International Research and Exchange Board (IREX), the Centre for Multi-Party Democracy (CMD) and the Kenya Red Cross Society (KRCS), as with Tetra Tech International Development (TTID) and the Royal United Services Institute for Defence and Security Studies (USIDSS) through the Reducing Insecurity and Violent Extremism in the Northern and Coastal Regions of Kenya (Reinvent) Programme.

Mr. Speaker, Sir, KEWOSA has established bilateral relations with parliaments and institutions in various countries, among them The Netherlands, Luxembourg, Belgium, Qatar, Oman, the United Arab Emirates, Bahrain and Azerbaijan. These nations have expressed willingness to support KEWOSA in achieving its core objectives and mobilising resources for women leaders intending to vie for election posts.

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Additionally, KEWOSA has forged strategic partnerships with organisations such as Echo Network Africa, which implements targeted interventions to support girls and women, with a special focus on young women, women with disabilities and those from marginalised communities.

Mr. Speaker, Sir, these collaborations have been instrumental in expanding the reach and impact of KEWOSA's programmes and in enhancing gender-responsive governance across the country. They have also enabled KEWOSA to implement impactful capacity-building programmes, community outreach initiatives and cross-sectoral dialogues aimed at advancing gender equity and inclusive governance.

Mr. Speaker, Sir, while we now serve in the capacities of chairperson *emeritus* and the vice-chairperson *emeritus*, our commitment to the ideals and aspirations of KEWOSA remain steadfast. We pledge to support KEWOSA's new leadership and to continue championing the cause of gender equality, women's empowerment and inclusive governance.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Thank you. The second Statement under that particular Standing Order is by Sen. Mohamed Chute which is hereby dropped, pursuant to a request by the said Senator to have the Statement dropped.

RECOGNITION OF KENYANS WHO LOST
THEIR LIVES IN THE KENYA AIR FORCE
AIRCRAFT CRASH OF 10TH APRIL, 2006

(Statement dropped)

Before I call the Statement pursuant to Standing Order No.53(1), allow me to make the following Communication.

(Interruption of debate on Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM PCEA, EMMANUEL
CHILD DEVELOPMENT CENTRE, KIBRA

I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting teachers and pupils from Presbyterian Church of East Africa (PCEA), Emmanuel Child Development Centre, Kibra, in Nairobi City County. The delegation comprises two teachers and 43 pupils who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming guests to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, I wish them a fruitful visit. I will call upon the Senator from Nairobi City County to extend a warm welcome, in under one minute.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. On behalf of the House as well, let me take this opportunity to welcome the students from PCEA, Emmanuel Church in Kibra. This is an institution that has close to 300 students aged between three years and 22 years.

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The Centre works in collaboration with an organisation known as Compassion International to try and impart skills and develop the talents of these young children, so that they are able to be pulled from the extreme levels of poverty that is very prevalent in that area.

We hope that they will have an opportunity to interact with Members of Parliament and follow debate. As their Senator, I am available for them. I am sure they have followed some of the things that have already been presented here. We want to tell you that it does not matter what your background is. If you work hard in school, one day you will find yourself standing here and representing the great County of Nairobi.

I wish them all the best in their tour. We hope to see you out there after you are done with your tour. If there is any other Senator that you would want me to bring along, just let me know. I know the Senators from Alliance High School are not the best role models in this House, but if there is anyone from anywhere else that you want to meet, you can let me know and I will make arrangements.

Thank you, Mr. Speaker, Sir.

(Resumption of debate on Statements)

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No. 53(1). Proceed, Senator for Samburu County, Sen. (Dr.) Lelegwe.

STATUS OF SAMBURU COUNTY PROJECTS FUNDED BY THE
EQUALISATION FUND DISBURSED IN FY2022/2023

Sen. (Dr.) Lelegwe Ltumbesi: 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 status of projects funded through the Equalisation Fund, disbursed during the Financial Year 2023/2024 in Samburu County.

In the Statement, the Committee should address the following-

(1) The list of all projects funded through the Equalisation Fund in Samburu County in the Financial Year 2023/2024, indicating their respective budget allocations and implementation timelines;

(2) The criteria used in identifying and selecting the projects and whether public participation was conducted, pursuant to Article 232(1)(d) of the Constitution, including details of the participation exercises held and stakeholder involvement;

(3) The current implementation status of each project, including percentage of completion, delays encountered and specific challenges affecting execution with mitigation measures being undertaken; and,

(4) The disbursement structure of the Fund, including the tranches release, any delays experienced, reasons for such delays, and steps being taken to fast-track the disbursement and ensure uninterrupted project implementation.

The Speaker (Hon. Kingi): Proceed, Sen. Essy Okenyuri.

ESTABLISHMENT OF SHELTERS AND SAFE SPACES FOR
HOMELESS CHILDREN AND VULNERABLE MOTHERS
IN MAJOR CITIES AND URBAN CENTRES

Sen. Okenyuri: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of national concern regarding the establishment of shelters and safe spaces for homeless children and vulnerable mothers in major cities and urban centres across Kenya.

In the Statement, the Committee should address the following-

(1) Whether the national Government, in collaboration with county governments, has established well-equipped shelters and safe spaces in major cities and urban centres to provide temporary and transitional housing for homeless children and vulnerable mothers;

(2) Whether the Ministry of Labour and Social Protection has developed and implemented, in partnership with the relevant stakeholders, a comprehensive national policy framework for rehabilitation, reintegration and empowerment of homeless children and vulnerable mothers;

(3) Whether county governments, through their Social Welfare and Child Protection Departments, have identified rescue and holistic support services, including counselling, education, vocational training and healthcare to street children and vulnerable mothers;

(4) The adequacy of budgetary allocations made for the construction, staffing and maintenance of these shelters to ensure sustainability and efficiency in service delivery;

(5) Whether a multi-agency approach exists to enhance collaboration between Government agencies, Civil Society Organisations (CSOs) and development partners to strengthen interventions aimed at addressing the root causes of homelessness among children and mothers and to facilitate their social and economic reintegration.

The Speaker (Hon. Kingi): Next is the Senator for Wajir.

COMMERCIALISATION AND ACCESSIBILITY
OF WAJIR AIRPORT

Sen. Abass: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing on a matter of national concern regarding commercialization and accessibility, by the public, of Wajir Airport.

Although Wajir Airport is designated for civilian use, it continues to operate primarily as a military base under state control by the Kenya Defence Forces (KDF). As a result, the general public encounters significant challenges in accessing the facility with restrictions. That has limited the airport's potential to serve as a commercial hub for Northern Kenya. Commercialisation of Wajir Airport is vital for economic growth of both Wajir and the wider Northern Kenya.

Every day, Wajir Airport receives two or three passenger flights and several others with goods on transit from Somalia, especially those that carry *miraa* to Somalia. However, the continued military management of the airport has become a bottleneck that demands urgent attention.

In the Statement, the Committee should address the following-

(1) Reasons why Wajir Airport remains under full military control despite ongoing efforts to commercialise, thereby limiting civilian access to services;

(2) Why the Kenya Airports Authority (KAA) does not have full operational control over the facility, particularly with regard to management of passenger entry and exits and why essential service infrastructures such public transport within and around the airport are severely hampered;

(3) Reasons for reliance on a single bus operated by KAA for transporting passengers to and from the airport, a service that is grossly inadequate given the volume of users as public vehicles are prohibited from dropping off or picking up passengers at the airports, restrictions that often leaves travelers stranded; and,

(4) Plans by the Government to construct civilian entrance and terminals independent from areas managed by KDF in order to ease passenger movements and improve public accessibility.

The Speaker (Hon. Kingi): The next one is by Sen. Tabitha Mutinda.

FINANCIAL CRISIS AT THE METROPOLITAN
NATIONAL SACCO LIMITED

Sen. Tabitha Mutinda: Mr. Speaker, Sir, 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 financial crisis at the Metropolitan National SACCO Limited.

The financial crisis at the SACCO, which has been declared technically insolvent by the Commissioner for Cooperatives has left over 75,000 members unable to access their hard-earned cash and savings. This situation has been attributed to massive embezzlement and financial mismanagement at the SACCO, including irregular lending, fictitious dividend payments and fraudulent loan disbursements to non-existent members.

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

(1) The current financial status of Metropolitan National SACCO Limited;

(2) The annual audits on the financial statements of the SACCO for 2020, 2021, 2022, 2023 and 2024 and actions taken to address any adverse opinions or audit queries that had been raised earlier;

(3) The recovery plan in place for the SACCO, including plans underway to ensure that members are able to access their savings and benefits;

(4) Identify the identities of persons involved in the embezzlement and financial mismanagement at the SACCO, including the actions that have been taken to ensure that they are held accountable; and,

(5) Whether the SACCOs Societies Regulatory Authority (SASRA) played its role in ensuring compliance with the established policies as well as the proposed reforms to strengthen financial oversight mechanisms for SACCOs so as to prevent similar instances in the future.

The Speaker (Hon. Kingi): Next is the Statement by the Senator for Trans Nzoia County, Sen. Allan Chesang.

OPERATIONALISATION OF THE NAWIRI FUND
BY TRANS NZOIA COUNTY GOVERNMENT

Sen. Chesang: 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 operationalization of the Nawiri Fund by Trans Nzoia County Government.

In the Statement, the Committee, should address the following-

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(1) The details of the operationalisation of the Nawiri Fund, including the legal framework establishing it, regulatory compliance, its mandates and objectives, including whether public participation was conducted prior to its establishment, pursuant to Article 232(1)(d) of the Constitution.

(2) The target beneficiaries and the criteria used in selecting the beneficiaries and the priority areas considered in the disbursement of the funds.

(3) The amounts of money disbursed so far and the schedule of the funds indicating a list of all those who have benefited and the wards where the said beneficiaries come from.

I thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): The Senator for Kirinyaga County, Sen. (Dr.) James Murango. What is the issue, Sen. Cherarkey? Can you state your position, please?

Sen. Cherarkey: Mr. Speaker, Sir Sen. (Dr.) Murango, had requested me to read the Statement on his behalf.

The Speaker (Sen. Kingi): Do you have any written authority in that regard? **Sen. Cherarkey:** No, but Sen. Kinyua was a witness.

The Speaker (Sen. Kingi): That Statement is dropped.

IMPOSITION OF LEVIES ON COFFEE PRODUCTS BY THE NAIROBI
COFFEE EXCHANGE AND CAPITAL MARKETS AUTHORITY

(Statement dropped)

The Senator for Nandi County, Sen. Cherarkey, you may proceed to read your Statement.

ENGAGEMENT OF PRIVATE LAW FIRMS FOR LEGAL
REPRESENTATION BY NANDI COUNTY GOVERNMENT

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. This is a request for Statement on contracting of private law firms by the County Government of Nandi.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on a matter of national concern regarding the contracting of private law firms to represent the County Government of Nandi in court cases and in other legal proceedings.

In the Statement, the Committee should address the following-

(1) The number and identities of all private law firms contracted to represent the County Government of Nandi in court cases and in all other legal proceedings since September, 2022, including the status of the respective cases and the amount of money paid to the concerned law firms in each case.

(2) The processes followed by the County Government of Nandi in contracting the law firms, including details in all the law firms that submitted bids in each case, the respective bids and the winning bids.

(3) Finally, the number of court cases and other legal proceedings handled by the Office of the County Attorney in Nandi County since September, 2022 on the appointment and the justification for contracting private law firms to handle cases that could otherwise be handled by the office of the county attorney.

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I thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): Senator Raphael Chimaera.

DELAYED PROCESSING OF CERTIFICATES
OF TITLES IN LAND REGISTRIES

Sen. Chimera: Thank you, Mr. Speaker. 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 delays in the processing of certificates of titles in land registries across the country.

In the Statement, the Committee should address the following-

(1) Reasons for the current delays in the processing of land titles at the land registries countrywide;

(2) Shortage of necessary documents required for the processing of certificates of titles or title deeds.

(3) Measures being implemented by the Ministry of Land, Public Works, Housing and Urban Development to resolve this issue, along with the timelines for restoring normal operations in land registries.

Thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): The Senator for Kisumu County, Sen. (Prof.) Tom Ojienda, SC.

Sen (Prof.) Tom Ojienda Odhiambo, SC: Thank you, Mr. Speaker, Sir.

Mr. Speaker, I have two Statements this afternoon. The first Statement is on the state of sanitation in the rural areas of Kisumu County.

STATE OF SANITATION IN RURAL
AREAS OF KISUMU COUNTY

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 countrywide concern regarding the state of sanitation in the rural areas of Kisumu County.

Mr. Speaker, Sir, access to improved sanitation facilities remains a significant challenge in Kisumu County and across the country, particularly in rural areas. According to a study published in the United States of America National Centre for Biotechnology Information (NCBI), 50.8 per cent of rural populations in Kenya use unimproved sanitation and another 13.9 per cent practice open defecation. This situation poses serious health risks and requires urgent attention.

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

(1) The type and condition of sanitation facilities used by households in the rural areas of Kenya, with the focus of Kisumu County, including the level of household access to improved sanitation facilities.

(2) The steps being taken by the County Government of Kisumu to improve sanitation infrastructure and services in the rural areas of Kisumu County.

(3) Strategies put in place to enhance participation of local communities in planning and maintaining sanitation facilities and to ensure sustainability.

(4) Lastly, the budgetary allocation for sanitation projects in Kisumu County in 2024/2025 Financial Year, including whether the allocation is adequate to address the existing challenges, particularly in the rural areas.

My second Statement is on the pollution of Lake Victoria.

POLLUTION OF LAKE VICTORIA AND
THE ASSOCIATED HEALTH RISKS

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 pollution of Lake Victoria and the associated health risks. Lake Victoria is a crucial resource for millions of people in and out of Kenya and is facing severe pollution from untreated sewage, industrial effluents, agricultural runoff and plastic waste. This contamination of the lake poses significant environmental and health risks.

In this Statement, I request the Committee to address the following-

- (1) The pollution levels in Lake Victoria and the health risks associated with it; and,
- (2) The measures put in place to restore the lake and prevent further pollution, including the steps being taken to hold the polluters accountable.

I thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): Now, hon. Senators, I will allow comments for not more than 15 minutes. Therefore, if you get an opportunity to speak, kindly keep it under three minutes.

The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, I have a quick comment on this Statement by Senator for Trans-Nzoia. I feel that as a House, perhaps, the Committee that will handle this matter needs to lead this House into making a decision on the number of funds a county government can create.

There are counties that up to now, have more than 100 fund accounts, all in separate different bank accounts. That makes it even practically impossible to keep tabs of what each of these funds is doing. As a House, we must make a decision on the justification that needs to exist before a county government can create a fund. Otherwise, we run the risk of county governments actually creating funds for every Kshs10 million and billions that we send to them, therefore, making it virtually impossible to keep track of.

Mr. Speaker, Sir, I have been seeing the Governor of Trans Nzoia in so many functions, saying so many things, but none to do with devolution. How is he able to do this? You know another time I said in this House, if you want to know a stealing governor, they are very vocal on every subject other than the subject matter for which they were elected for. You will never hear them talk about healthcare or devolved services, but they will be out there parroting, somebody wants to kill me, this and that, I am not threatened, and this kind of business.

I want to challenge the Finance and Budget Committee that this matter has been with us for far too long. We cannot just reduce it to be a matter of Statement. Please, guide this House by way of legislation, so that we lead county governments in the right direction.

I thank you, Mr. Speaker, Sir.

The Speaker (Sen. Kingi): Sen. Beatrice Akinyi.

Sen. Ogola: I thank you, honorable Speaker, for giving me the opportunity. I rise to support the Statement by the Senator of Kisumu, Sen. (Prof.) Tom Ojienda, on the pollution of Lake Victoria.

Some time back, a research was done by a German organization. From the findings of that research, somebody said that Lake Victoria could be the largest pit that we have around. That is not very healthy for all of us who depend on it for food, livelihoods and all the activities of life.

This Statement addresses the pollution levels in Lake Victoria, and the health risks associated with it. Where I come from, Homa Bay County, which is part of that lake, a number of our people suffer from waterborne diseases largely attributed to pollution of this lake. A number of people even use the lake to dispose of their sewage, and this must be looked into. Sometimes, there have been such allegations that all the waste of the facilities near Lake Victoria go to this lake. It is a real disaster. It is a real environmental problem for the people that live around the lake.

My tribe, the Luo, basically are people who feed on fish. We are beginning to think, and I think rightly so, that the fish that our people are feeding on may not be very healthy. Measures must be put in place to restore the lake, not only for transport, but for food and all the environmental issues. I speak as a concerned inhabitant of the Lake Victoria. I cry for our people.

All that Sen. (Prof.) Ojienda has raised in the Statement must be looked into, not only for the people of Kisumu, Migori, Homa Bay, Siaya and Busia, but all the people who consume products that come from the lake.

I support.

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir, for the opportunity. I rise to support the Statement by Sen. Okenyuri on homeless persons. These are very old problems. There have been attempts to see to it that homeless people, especially in urban centers, are settled, although there has been some resistance. One concern that I have heard from the reading of the Statement by Sen. Okenyuri is that she kept talking about homeless children and vulnerable mothers. Just to say that we should also think about vulnerable fathers because they are also vulnerable.

Mr. Speaker, Sir, the Committee that will handle this matter should also think and make recommendations about vulnerable and homeless fathers. This also brings to question the issue of affordable housing. The Government has entered into a programme of affordable housing. We question how homeless people will benefit from this programme. This is because when complete, these houses will be sold to people. They will not be given for free. What happens? How will we ever see to it that homeless people get homes if we are constructing houses in the name of affordable housing through overtaxing people while selling the same? How will this particular affordable housing programme benefit homeless people?

I am also pleased with the fact that Sen. Okenyuri has raised the issue of cost, because we should also look at that.

Sen. Cherarkey: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order?

Sen. Cherarkey: Mr. Speaker, Sir I rise on Standing Order No.105 on Accuracy of Facts. It is unfair that we are using the Floor of the House for cheap populist politics.

Is it in order for the Senator of Murang'a to state that Kenyans are being overtaxed yet he knows a Finance Bill is passed by Parliament? Where was he when the Finance Bill was being passed? Which proof does he have to show that Kenyans are being overtaxed?

The Speaker (Hon. Kingi): I did not get that bit.

Sen. Nyutu, proceed.

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Sen. Joe Nyutu: Mr. Speaker, Sir, it is a matter of public knowledge that Kenyans are being overtaxed. It is also a matter of public knowledge that before the Kenya Kwanza Government came to power, there was no Housing Levy on the pay slips of Kenyans. It is not far-fetched when I stand here to say that Kenyans are overtaxed. I request Sen. Cherarkey, who is a very progressive Senator, to defend things that are defensible.

He is a Member who has been here for quite some time. I think it is important that even as he speaks for the Government, he does not negate things that everybody knows, including primary school children. There is no one who does not know that there was no housing levy before Kenya Kwanza came to power.

Mr. Speaker, Sir, having responded, allow me to comment on the fact that this Statement by Sen. Okenyuri raised the issue of the causes of these homeless people being in the streets. The Committee that will look into this matter should also address the root cause of homeless people and not only the solutions.

I support and I ask Sen. Cherarkey to have his facts right before he raises some points of order. I have finished.

Sen. Wambua: I thank you, Mr. Speaker, Sir. I am here to comment on the Statement brought to the Floor by Sen. (Prof.) Ojienda on the pollution of Lake Victoria.

It is an open secret that as a nation, we are moving clearly in the wrong direction.

(Loud consultations)

Mr. Speaker, Sir protect me from Sen. Cherarkey.

I am just saying that we are moving in the wrong direction with regards to polluting our water resources. In fact, from a layman's point of view, the level of infections affecting our people, even some cancerous ailments, can very easily be traced back to the levels of lead and other heavy metals that we are dumping in our water resources. This is a very important Statement that the Committee to which it is going to be taken to should prosecute with finality.

I say this because I am reminded that a few years back, there was a base called Lwang'ni Beach, on the same lake, where people used to go and eat fish. However, that was also a place where almost all the vehicles in Kisumu Town would be cleaned. The vehicles would actually be cleaned right inside the lake. We are reminded of a time when we saw a lot of fish floating on the lake arising from pollution.

I want the Committee that will be dealing with this matter to consider other water sources in the country that are equally over-polluted. I am reminded of what is happening in Athi River. We are slowly but surely turning Athi River into a poisonous flow of water. In fact, I am very worried, as a leader from Ukambani region where the river flows, that the Government is putting up a mega-dam, the Thwake Dam, whose main source of water will be Athi River. If the pollution on Athi River is not checked, then we will be collecting very poisonous water in Thwake Dam, which will be used for irrigation to the detriment of the health of our people. So, the Committee that will deal with this matter should take it seriously.

Lastly, I will speak on the matter of the housing project. We have to speak truth to power, to our colleagues and to the country. I was asked a important question yesterday by one of the staff members in my office. He said that they are actually paying for the housing fund, but their contract is only five years. They cannot claim that money until they finish seven years, but their contract does not allow them to go up to seven years. So, what happens to their contribution?

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Sen. Cherarkey: Mr. Speaker, Sir, allow me comment on the Statement by Sen. Okenyuri. It is quite unfortunate that Members are today having a Damascus moment on the housing levy. The Housing Bill was discussed and passed by the two Members who spoke before me. So, let us stop lying to Kenyans. The Senator for Murang'a County, who was the Chairperson of the Committee on Education, shouted the highest on the Floor of this House to pass the Housing Bill. The people of Murang'a County must be told the truth. I dare that we produce the HANSARD to show that he debated, supported and voted for the Housing Bill. So, he cannot come and change simply because he wants to look nice. He cannot catwalk before the nation. This is not a beauty contest. We are dealing with facts.

My second issue is on Wajir Airport. I am disappointed that Wajir Airport has been turned into military installation. Wajir Airport is a civilian commercial airport. I want to appeal to the Ministry of Defence to construct its own gate because civilians cannot access Wajir Airport. There is only one bus that is operated by Kenya Airports Authority (KAA). That hampers the movement within the airport. Remember that Wajir Airport was number three in revenue collection in this country before it was turned into a military installation. It was just below Jomo Kenyatta International Airport, Mombasa and Eldoret respectively.

Sen. Chimera has raised an issue of titles. He is our in-law though I do not know if he cleared paying dowry as per our culture. We might summon him in the next few days to wind up the issues of dowry. I agree that the issue of titles is still a big challenge in the country, including Kilifi County where he comes from and coast in general. It is also a challenge in Nandi County where I come from. We have problems in Koiben, Chepkumia, Kapkangani, Kiptuia, Tinderet, Ngatipkong and Gapchoria.

The same problem is in Nairobi City County and Kisii County because there are no titles. I request the National Assembly to appropriate money for the titling of land. Those of us who are real men, dry Kalenjin men, are perceived to be nobody if you do not have land. Where I come, respect for men comes from ownership of land, having a wife or wives and children for purposes of succession. You will only be respected, as an elder, if you have the above.

You cannot sit in a meeting discussing serious community matters in my community and even in Ukambani if you do not have land and children. I know that the Bishop will disagree with me on the number of wives, but one must have children either before or during marriage. So, titling of land is a serious security issue and it can be used to secure the future of this nation.

With those many remarks, I congratulate all Senators who brought their statements. Let us stick to the truth at all times.

The Senate Minority Leader (Sen. Madzayo): Asante sana, Bw. Spika. Ninaunga mkono taarifa hii iliyoletwa na ndugu yetu, Sen. (Prof.) Tom Ojienda, ambaye ni wakili mkubwa humu Kenya. Yeye pia ni Seneta wa Kaunti ya Kisumu. Taarifa yake inahusu hali ya usafi ama utumiaji wa maji katika Kaunti ya Kisumu.

Ningependa kusema ya kwamba miji mingi nchini Kenya inahitaji usafi wa hali ya juu. Usafi unafaa kuzingatiwa na kaunti. Tumeona ya kwamba kaunti ambazo zinahusika huwa hazizingati vile uchafu unaweza kutupwa ama kutumika ndiposa waweze kuweka mazingira ambayo hayasababishi magonjwa.

Tumekuwa na magonjwa mbali mbali. Hivi sasa kumezuka Influenza ambao ni ugonjwa mbaya. Huo ugonjwa uko kama Covid-19. Kwa hivyo, *Statement* kama hii inapaswa kuzingatiwa zaidi na Kamati ya Afya. Tunawaomba walete mwelekeo ambao kaunti zetu zinaweza kuzingatia hali ya usafi.

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Katika Kaunti ya Kilifi, tuko na soko kubwa Mazeras, Malindi, Mtwapa na Sabaki lakini hakuna choo. Watu hawana pahali pa kujisaidia ilhali kuna watu wengi katika hizo soko. Kuna watu hapo ambao wananunua vidhaa lakini hawana pahali pa kujisaidia. Kaunti zote nchini Kenya zinapaswa kuhakikisha ya kwamba kuna vyoo ambavyo wananchi wanaweza kwenda wakajisaidia. Vyoo hizo pia zinafaa ziwe na maji ya kutosha ili usafi na afya iweze kuzingatiwa kisawa sawa.

Ninaunga mkono taarifa ya Sen. (Prof.) Tom Ojienda.

Sen. Kisang’: Thank you, Mr. Speaker, Sir. I want to comment on the Statement by the Senator for Trans Nzoia County on the operationalization of several funds in the counties.

In the Committee of County Public Investments and Special Funds, we have many audit queries as a result of too many funds that have been opened by the governors. It is important that this House comes up with a law that will regulate the opening up and operationalization of funds within the county. It looks like the governors are using the funds to open accounts in commercial banks. They actually use it as a conduit for corruption. We have to note that each fund will require board of directors who will claim allowances and those boards will need autonomy hence will require employees for those funds. In fact, when we went through the report three weeks ago, we noticed many queries that are unnecessary. Perhaps, it is time to regulate and limit the number of funds to two or three.

Regarding the Statement by the Senator for Wajir County, Sen. Abass, the airport in Wajir Town is entirely controlled by the Kenya Defence Forces (KDF). This control limits access for the people in that region, as it essentially operates as a military airport, similar to the one in Eastleigh, where access is also restricted. It is important that the Kenya Airport Authority (KAA) takes control of the airport to facilitate its commercialization.

My final comment is on the Statement by the Senator for Kisumu County. I was quite surprised when Sen. Beatrice Ogola mentioned that the lake in Kisumu, Migori and Homa Bay counties is very dirty due to waste from the surrounding residents. Earlier this year, in January, I visited Kampala, and I observed that the Ugandan side of the lake is remarkably clean. This highlights a uniquely Kenyan problem that we must address. We also face similar issues with the Nairobi River, as noted by the Senator for Kitui County. It is evident that this is a widespread problem requiring urgent attention. What is truly ailing us, as Kenyans? This is a disease we must eradicate.

In Nairobi City County, I propose that we dedicate one Saturday every month to cleaning the city and restoring its former glory. I recall how clean Nairobi was during the early 1980s and 1990s when I was attending university. Unfortunately, subsequent governors, including Governor Kidero and Governor Sonko, contributed to deforestation, cutting down trees and stripping Nairobi of its identity as the green city in the sun. Today, Nairobi is a dirty city in need of rehabilitation. I urge Governor Sakaja to designate one day each month for cleaning Nairobi City.

Hon. Speaker, I am surprised that some Senators in this House seem to have forgotten that last year, when the Finance Bill, 2024 was passed and later withdrawn, the housing levy was converted into a tax. It is no longer a fund. Maybe you need to advise employees that there is no more seven-year accumulation period since it is now a tax. I advise everyone to read the law carefully and understand this change.

I thank you.

The Speaker (Hon. Kingi): Sen. Oburu, proceed.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for the opportunity to comment on the statements. I would like to comment on the statement sought by Sen. (Prof.) Tom Ojenda of Kisumu County regarding the pollution of Lake Victoria. The lake is over-polluted, and this is due to multiple factors, not just one.

First, the lake is surrounded by factories that should be treating the effluent they discharge into the water. Unfortunately, there seems to be laxity, leading to uncontrolled waste disposal. For example, sugar factories such as Chemelil Sugar, Miwani Sugar and Muhoroni Sugar release effluent into rivers that flow into Lake Victoria.

There is a river called River Kisat, a small river that flows near the golf course where I sometimes play. Unfortunately, there is a sewage pond that releases effluent directly into this river. Passing by, the stench is unbearable, and this polluted water flows straight into the lake. If you observe the lake, as Hon. Kisang, my brother, mentioned, the Jinja Area is remarkably clean. However, on our side of the lake, it is over-polluted.

I cannot understand why we cannot achieve what they have managed to accomplish. If we claim to be more developed, development must come with controls. You cannot justify releasing more effluent as a sign of development. If you are truly developed, you should have systems in place to control effluent and prevent it from killing fish. The effluent not only kills fish, but some individuals also use harmful chemicals for fishing, which further pollutes the lake.

I hope that the Committee will investigate all these---

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

Sen. Chimera: Thank you, Mr. Speaker, Sir, for this opportunity. I will make very brief comments on the Statement sought by Sen. Cherarkey from Nandi County regarding law firms offering legal services to county governments. May the record reflect that just recently we adopted a report from the Joint Committees on Devolution and Intergovernmental Relations and Justice Legal, Affairs and Human Rights. It was a report on the Petition by Laban Omusundi on the need to have law firms being banned from offering legal services to county governments.

First, this is indeed a timely conversation. It seems, all of a sudden, that it is wrong for lawyers to offer legal services to our county governments. However, when addressing the provision of legal services to county governments, the conversation must be holistic. We should also look at consultants offering services to county governments.

Just recently, the Governor of Kiambu County was taken to the Ethics and Anti-Corruption Commission (EACC) on allegations that a consultant was paid Kshs230 million to offer Enterprise Resource Planning (ERP) services to the County Government of Kiambu. I do not know why---

Sen. Orwoba: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. Gloria?

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I rise under Standing Order No.105 on Statement of Fact. The report that we adopted in the Senate, and I recall being the only one who voted 'nay', does not align with what Sen. Chimaera is suggesting. That report says that we should regulate the services.

The Speaker (Hon. Kingi): Are you giving information?

Sen. Orwoba: No, he is misleading both the public and this House by claiming that the report supports that all lawyers should not be allowed, yet the report clearly states that there should be regulation. That is where he is misleading the House.

Sen. Wambua: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Wambua, what is your point of order?

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Sen. Wambua: Thank you, Mr. Speaker, Sir. Sen. Chimera should not mislead the House. He is making reference to lawyers not being allowed---

The Speaker (Hon. Kingi): Hon. Wambua, first state what Standing Order are you rising on.

Sen. Wambua: Mr. Speaker, Sir, I will, but it is very boring. It is Standing Order No.105. That is fine since it is the law. Sen. Chimera should not mislead the House. He is making reference to lawyers not being allowed to offer services in counties. However, even the legal counsel employed by counties are lawyers. If he is making reference to outsourcing, then we can understand that. If he is talking about lawyers giving services to counties, that is gross misleading of the House and the nation.

The Speaker (Hon. Kingi): Sen. Chimera, proceed to conclude your remarks.

Sen. Chimera: Thank you, Mr. Speaker, Sir, for your protection. I did not make any reference to lawyers being banned from offering services. I was drawing the attention of this House to a report that two committees looked into and tabled a report. That report was as a result of a Petition that was brought to this House seeking to ban law firms from offering services. That is in public records.

That said and done, Mr. Speaker, Sir, I want to take this chance to urge our county governors to allow the Office of the County Attorney to be functional. Let us resource county attorneys.

The Speaker (Hon. Kingi): Sen. Chimera, you are making comments touching on which Statement?

Sen. Chimera: The Statement that was sought by Sen. Cherarkey on the issue of Nandi law firms.

The Speaker (Hon. Kingi): Proceed.

Sen. Chimera: Mr. Speaker, Sir, more often than not, you will find a whole county attorney attending fundraisers in the county or representing a governor in a political rally, yet we are here complaining that we are losing so much money by hiring external law firms when we have county attorneys.

I humbly request governors to resource and build offices for county attorneys and make sure they serve as they are supposed to. I have tremendous respect for county attorneys. Some of them are known to me personally. I have been to the same class with them and we have argued matters together in court. Sometimes I am shocked to see them in fundraisers.

I want to appeal to county governors, together with County Public Service Boards (CPSBs), to recruit competent lawyers to work as county attorneys. That is the only way we will have a chance to mitigate Statements such as the one sought by Sen. Cherarkey by allowing the office of the county attorney to flourish and work competently for the people of our counties.

Mr. Speaker, Sir, with those many remarks, I thank you.

The Speaker (Hon. Kingi): Next is Sen. Osotsi.

Sen. Osotsi: Mr. Speaker, Sir, allow me to comment on the Statement by the Senator for Trans Nzoia on the issue of Nawiri Fund. Indeed, there are many Funds which have been established in the counties. My County Public Investments and Special Funds Committee has raised this concern.

If you look at the reports that we have tabled in this House, we have clearly recommended that we need to amend the PFM Act, so that we limit the number of Funds in our counties to perhaps a maximum of three.

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For most of the things that we do, we do not necessarily require to make laws to have them done in the right manner. For example, on the issue of Funds, the Controller of Budget (CoB) has a statutory mandate to regulate formation and administration of Funds in the counties. Why is the CoB allowing proliferation of many Funds in the counties? That is an issue that the CoB should address.

While still on the issue of Funds, we have the debate on Bursary Funds in our counties going on. Governors are complaining that they cannot run Bursary Funds without a kitty. The problem with Bursary Funds in the counties is just inability to follow the law. Issuance of bursaries is a national Government function. However, the Constitution provides that whenever any level of Government wants to perform a function that is not theirs, they need to have an intergovernmental agreement with the other.

Most of the Bursary Funds that are run in our counties are not supported by intergovernmental agreements with the national Government. That is where the problem is. So, they can run Bursary Funds, but only if they have an intergovernmental agreement with the national Government, which they do not have.

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

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

Mr. Temporary Speaker, Sir, we know the reasons they do not want to execute intergovernmental agreements. We noted in the audit report that the easiest money that is eaten are Bursary Funds in our counties. I know, for example, one county where 90 per cent of the money that was put into the Bursary Fund was eaten by county officials. So, even as they---

(Sen. Osotsi's microphone was switched off)

An hon. Senator: Give him one minute.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, we have finished the time for Statements. However, I will allow Sen. Osotsi, since he is a Deputy Party Leader, one minute to finish.

Sen. Osotsi: Thank you, for recognising me.

Mr. Temporary Speaker, Sir, we are not opposed to our people getting bursaries because we know that they need them. However, this Fund is misused. It is now a cash cow for county officials. That is why they are fighting hard to have bursary funds to continue running without an intergovernmental relations agreement.

We encourage governors to take the step of having intergovernmental relations agreement with the national Government on how this Fund should be run and continue giving bursaries. They should not be allowed to run bursary funds without any legal framework like what is happening at the moment.

Mr. Temporary Speaker, Sir, I support the Statement by the Senator for Trans Nzoia.

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

Next is Sen. Kinyua.

Sen. Kinyua: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii. Ningependa kuunga mkono Taarifa iliyoletwa na Sen. Abass, ambaye ni Seneta wa Wajir, kuhusu Uwanja wa Ndege wa Wajir.

Uwanja wa ndege ukisimamiwa na wanajeshi inaleta hali ya sintofahamu kwa sababu wananchi wa kawaida wanapata ugumu wa kusafiri. Kabla ya uwanja huo kuchukuliwa na wanajeshi, kuna watu wetu ambao walikuwa wanautumia. Kwa sasa, ni watu wachache tu ambao wanautumia. Kuna basi moja pekee linalomilikiwa na KAA kusafirisha watu katika uwanja huo.

Pengine wangufuata kilichotendeka Lanet kule Nakuru wakati Mji wa Nakuru ulipandishwa na kuwa Jiji. Waligawanya Uwanja wa Ndege wa Nakuru mara mbili ili kuwe na sehemu wa wanajeshi na sehemu nyingine kutumiwa na wananchi wa kawaida. Hii ni kwa sababu sheria zinazotumiwa na wanajeshi ni ngumu ambazo wananchi wa kawaida hawazielewi. Sheria za wanajeshi si kama za maafisa wa polisi ambao wanajua jinsi ya kuishi na wananchi wa kawaida.

Bw. Spika wa Muda, napendekeza kuwa kamati ambayo itashughulikia Kauli hii izingatie kuwa na migao miwili katika uwanja ule kwa sababu ni mkubwa. Kunafaa kuwe na sehemu ya raia na nyingine ya wanajeshi ili wafanye kazi yao.

Vile vile, Bw. Spika wa Muda, ningependa kuchangia Kauli iliyoletwa na Sen. Okenyuri kuhusu watu kupata makao. Inapaswa Kauli hiyo iangaliwe vizuri na kuwe na mikakati tosha ili mtu asipokuwa na makao, ijulikane anaishi wapi kabla ya kupewa mahali pa kuishi. Makao hayo yanapaswa kupeanwa bure bila mtu kulipa chochote kwa sababu watu hao ni masikini hohe hahe; hawana mbele wala nyuma.

Kazi kuu ya Serikali ni kupatia watu makao na kulinda maisha yao na vile vile kile walichonacho. Kwa hivyo, naunga mkono Kauli iliyoletwa na Sen. Okenyuri. Tunapaswa kuwa na mikakati ambayo itatumiwa ili watu kupewa nyumba.

Kulingana na Kauli iliyoletwa hapa, Serikali itatoa kwa wale ambao hawana vyeti vya kumiliki mashamba. Katika sehemu nyingi za Kenya, watu hawana vyeti vya kumiliki mashamba. Kwa mfano, kule Laikipia, kuna sehemu kama vile Thome, Marmanet na Rumuruti. Watu wanaishi bila vyeti vya kumiliki mashamba. Hati hizo zinaweza kuwasaidia kukopa---

(Sen. Kinyua's microphone was switched off)

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

Sen. Olekina: Thank you, Mr. Temporary Speaker. I rise to support two statements brought to this House today by the Senator from the great county of Kisumu. Having clean sanitation is something which should be a basic necessity for any country. For Government to wait for foreigners to come in and carry research in our own country to publish in international newspaper that 58 percent of all the rural population of Kisumu are defecating in public, it looks really bad. It is imperative that county governments now---

(Loud consultations)

You know, the most important thing that we must do, is to listen to the statements. This is a statement that is very concerning, because when you look at it, people live next to the lake.

The next Statement brought by the good Senator from Kisumu is about pollution of the lake. You know, there is untreated sewage, plastics and others. I mean, if you listen to this, what measures are we taking to prevent further pollution, which includes, areas that are polluted with

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agricultural runoff? No wonder people are dying of cancer in our country. A lot of carcinogenic materials are just being dumped into the lake. Remember, it is a fresh water lake, so people are drinking that water. I think it is about time that we change how we protect our water reservoirs.

In my own county of Narok, at a place called Nairagi Enkare, there is a lot of development next to the main road, but there is a special water reservoir which is there. My hope is that one day, we can remove all these constructions that we have next to the road, move people to other places, and protect these water reservoirs. One Statement is talking about pollution of the lake. One that we really care about, the plastics. We need to go after these companies.

Mr. Temporary Speaker, just add me 30 seconds after my time is over.

We need to go after these companies which are polluting the rivers with plastics.

(Loud consultations)

It is not over yet, but it is going to be over because you are disturbing me now. So, these two committees, the one on land and environment and the one on health, must work together because these two Statements by Sen. (Prof.) Ojienda are intertwined and must be dealt with.

We do not want foreign entities reporting in their countries that people in Kenya defecate in public. It is wrong. So, we must deal with the issue of sanitation and the issue of water reservoir now. If we cannot deal with them now, what about the next generation; future generations? You know, we have to solve the problems now to prepare a way for future generations. It is very important that we deal with this.

I want to invite all of us to be really listening to these statements, which are brought here.

Thank you, Mr. Speaker. I still have time.

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

Sen. Miraj: Asante, Mhe Spika wa Muda, kwa kunipa fursa hii ili nitoe changizo zangu kwenye *statements* tatu zilizoletwa na wajumbe wenzangu, nikianza na *statement* ya dadangu Sen. Esther Okenyuri. Ningependa kumpa heko kwa kufikiria zile jamii zinazoishi katika maisha ya kurandaranda katika miji mikuu katika taifa letu la Kenya.

Sisi kama viongozi kutoka kule Pwani tumeng'ang'ana sana kuona kwamba anga ya kiwanja cha Moi kimeweza kufunguliwa ili utalii ushamiri na tuweze kupata makazi. Lakini kuna jinamizi ambalo limeibuka. Wakati watalii wanakuja katika mji wetu wa Mombasa, hizi familia ambazo hazina makaazi pale Mombasa, zinafanya vituko hadi zile juhudi zote tumeziweka kama wajumbe zinaenda na maji. Watoto hawa wanapigana mbele ya watalii na inakuwa kero kubwa. Kwa hivyo nitakubaliana na dadangu Essy Okenyuri kuwa familia hizi zitafutiwe makaazi.

Pia, familia hizi zinapoendelea kutafutiwa makaazi, kuwe na viwango vya kuweza kujua ni nani ambaye anastahili kupata nyumba hizi, kumekuwa na tabia kule Mombasa, mtu anaenda kuzikwa kule bara na gari ya Matanga inaporudi, inabeba watu, baadae tunaambiwa ni familia za jamii za kurandaranda ilihali nyumbani wana mashamba makubwa,

Ningependa pia kuchangia *statement* iliyoletwa na kakangu, Sen. Chimera, ya kwamba sisi kama serikali tunachangia mahali pakubwa kuona kwamba watu wanavamia mashamba ya wengine kwa sababu tunakawia na kuchelewesha kupeana hati miliki ya mashamba.

Nitazungumzia mashamba matatu ambayo yamegawanywa ili yaweze kupewa jamii kama *scheme*. Lakini tunaona mambo yakichelewa, yanakawia. Waswahili wanasema ngoja ngoja huumiza matumbo. Tunataka tupewe mikakati iliyonyoroka na hii kamati ambayo imetwikwa

majukumu haya. Mpaka lini wakaazi wa Pwani na wakenya kwa jumla, watakuwa wanasubiri vyeti hivi ili wamiliki halali wa mashamba yao?

Asanteni sana.

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

Sen. Onyonka: Asante ndugu Spika wa Muda kwa sababu wale ndugu zangu wamekuwa wakizungumza kwa lugha ya kitaifa, ingekuwa vyema na mimi nijitahidi nihakikishe nimezungumza hivyo.

Ningependa kumpa hongera dadangu, Sen. Essy Okenyuri. Jambo ambalo amelileta ni kuwa nchi yetu ikiulizwa kama kuna mpango wa kiserikali wa kujihusisha na mambo ya wale watu ambao hawana makao, ni maskini ambao wengi wao ni wazee na wale akina mama ambao wanaume wao wamefariki---

Ukiangalia watoto wengi sana kwa miji yetu ya kisasa--- Ukienda kule Kisii, uje Nairobi na kule Mombasa, utapata watoto wachanga ambao wanaishi *roundabout ya Globe*, wengine Uhuru Highway, na wengine wanatembea katika makaazi ya mijini, lakini sisi hatujihusishi. Kuna uwezekano wa Serikali Kuu kuwa na mpango wa *affordable housing* ambao serikali inajenga ili wale masikini kabisa wapewa nafasi ya kuishi?

Jambo la pili, sisi kama Wabunge na wale ambao tuko hapa kama Maseneta, wengi wetu hatujazeeka. Ukienda mashinani, mababu zetu na akina mama wetu na hata wazee hawana mahali pa kuishi, hawana chakula na hawapati matibabu. Vijana na watoto wametoka na wameenda mijini mikuu. Ningependa kuuliza Bunge hili la Seneti, tujikamue tuanze kujua vile tunaweza kuwaokoa, kwa sababu hili jambo haswa kwa serikali gatu ndilo tunatakiwa tujiulize kama tunaweza kutafuta njia ya kuhakikisha makaazi yamepatikana ambayo maskini wataishi.

Wakati nilikuwa natafuta kura na ndugu yangu ambaye alinitoroka anaitwa Simba Arati, katika ile manifesto, tulikuwa tunasema tutajenga nyumba kule mashinani ambako maskini haswa wamama na wazee watakaa, na tuwape chakula. Hawa ni watu ambao hawana njia wala watu wa kuwahudumia, hawana madawa ama maji ya kunywa na mahali pa kuoga,

Kumalizia, ningependa kusema kuwa, ndugu yangu Sen. Chimera ambaye alikuwa anazungumzia kuwa kuna mawakili wamepewa nafasi kuu zaidi ya kujiingiza kwa ufisadi. Nilikuwa katika kamati ya CPAC. Kuna kampuni za mawakili hapa nchini zinazolipwa Shilingi bilioni moja, kuwa na kesi moja ama mbili. Huu ni mpango ambao magavana wanachukua pesa za kaunti.

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

Sen. Wafula: Asante, Mhe. Spika wa Muda, kwa nafasi hii ili niweze kuchangia Kauli hii. Kwanza ni Kauli iliyoletwa na Mhe. Okenyuri ya kutetea wasiokuwa na makaazi. Alitaja watoto na wanawake. Lazima ifahamike wazi kwamba baadhi ya wanaume hawana makao kwa sababu wamefurushwa na wanawake watoro wasiokuwa na nidhamu. Ni lazima tunapochangia Kauli hii tutilie maanani watu wote ambao hawana makaazi.

Jambo la pili ni kutaja kwa kifupi yale ambayo mheshimiwa mwenzangu alikuwa akitaja. Mheshimiwa Seneta mwenzangu alipokuwa anataja mambo ya makazi yanayoweza kugharamiwa, baadhi ya Maseneta hapa hawana makazi ya kisiasa kwa sasa. Hii ni kwa sababu walifurushwa kutoka nyumba zao za kisiasa. Sasa wanazunguka huku na kule wakitafta makazi. Nawatakia kila la heri katika pilka pilka hizo.

Sen. Joe Nyutu: On a point of order, Mr. Temporary Speaker, Sir.

Sen. Wafula: La tatu ni kuhusu vyeti vya umiliki wa ardhi. Kuna changamoto nyingi katika kaunti zetu kuhusu vyeti vya kumiliki mashamba. Kuna baadhi ya watu wachache ambao wakinunua mashamba, vyeti vinapatikana haraka---

The Temporary Speaker (Sen. Abdul Haji): What is your point of order, Sen. Joe Nyutu?

Sen. Joe Nyutu: Mr. Temporary Speaker, Sir, I rise on a point of order because of Sen. Wakoli, on the right of reply--- He has referred to me and said that those of us that have been thrown out of Government have no political homes.

I want to tell Sen. Wafula that in the coming May, we will have a very big political home led by Rigathi Gachagua. So, Sen. Wafula, we are finishing our house. We are not homeless politically.

The Temporary Speaker (Sen. Abdul Haji): Sen. Joe Nyutu, there is no such Standing Order, so we will just ignore it.

Proceed, Senator Wafula.

Sen. Wafula: Yule anayekiri kwa vitendo vyake kwamba ni mshukiwa hubwata na kujitangaza mapema kabla hajafikiwa.

Tunataja mambo ya mito na ubora wa maji. Ni lazima kila kiongozi awajibike na kila taasisi iwajibike. Tumekuwa tukitaja mambo ya Mto Nairobi na watu wakiambiwa waondoke maeneo hayo. Baadhi ya viongozi walikuwa mbele wakiongoza kuzuia wananchi wasiondoke katika maeneo ya kudhibiti ubora wa mito. Hao ndio ambao Mhe. Nyutu anasema watafufua nyumba zao za kisiasa.

Jambo lingine ni Kauli ya Mhe. Tabitha. Metropolitan Sacco tulijadili mambo yao katika awamu iliyopita. Sasa hivi Metropolitan wametoa notisi kwamba wanataka kubadilisha mfumo, jina na jinsi watakavyoendesha hiyo Sacco.

Ni lazima tupambane na hao watu kwa sababu miongoni mwa wasimamizi wa Metropolitan Sacco ni wale walio na madeni ya zaidi ya milioni katika Sacco hiyo. Sasa sisi tuko nanyi kuhakikisha kwamba walimu na wawekezaji katika Metropolitan Sacco wanapata haki yao.

Hoja ya Mhe. Chesang' kwamba kuna baadhi ya magavana ambao kazi yao ni kuzurura na kutoa cheche za matusi na kejeli kwa Serikali. Lazima mikoba ya Serikali na pesa zetu tuzilinde kwa sababu hawa magavana hawana msingi madhubuti wa kutosomea sisi viongozi jinsi tunavyopaswa kufanya kazi.

Hizo pesa ambazo wanatumia kwenda kwa vyombo vya habari---

Sen. Dullo: Thank you, Mr. Temporary Speaker, Sir. I support the Statement by Sen. (Dr.) Lelegwe on the Equalization Fund. I brought a similar Statement about a month ago. Let me alert the Committee on Finance and Budget that our statements are taking too long before the Committee.

Secondly, we made a blunder to have actually allowed the Equalization Fund projects to be implemented by a county government. None of them are advertised. There is no public participation; no priority and nobody knows how the money has been utilized.

Mr. Temporary Speaker, Sir, I think we need to have a serious investigation on Equalization Fund projects. For example, in my county, there are many projects of dispensaries that have stalled and nobody knows about them.

I have a similar case at a place called Akadeli where members of the public have made a lot of noise that the dispensary is just a white elephant project that is not helping anybody. I have even taken the matter to the Ministry of Health and nothing is being done. Equalization Fund projects need investigation and an urgent one.

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The Temporary Speaker (Sen. Abdul Haji): The time for Statements has passed, long passed.

Next Order.

BILL

First Reading

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO.10 OF 2025)

*(Order for First Reading read – Read the First
Time and ordered to be referred to the relevant
Senate Committee)*

Next Order.

BILL

Second Reading

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

(Sen. Orwoba on 15.4.2025)

(Resumption of debate interrupted on 15.4.2025)

The Temporary Speaker (Sen. Abdul Haji): Sen. Gloria Orwoba, you have 27 minutes.

Sen. Orwoba: Mr. Temporary Speaker, Sir, before I reply, I seek your permission, under Standing Order No. 97 (3), where it says-

“The mover of a substantive motion may surrender all or part of his or her right to reply to another Senator or Senators nominated by him or her who has not already spoken to such a Motion.”

Mr. Temporary Speaker, Sir, I have got a request from my colleagues, Sen. Nyutu, Sen. Miraj and Sen. Wakoli, who would like to add their voices to it. I seek your permission if I can donate three minutes each to these three Senators. I believe I will remain with about 16 minutes to reply.

The Temporary Speaker (Sen. Abdul Haji): Very well. Three minutes, Sen. Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Temporary Speaker, Sir. From the onset, I congratulate Sen. Gloria on the very big commitment she has shown towards saying that all girls---

The Temporary Speaker (Sen. Abdul Haji): Yes, Sen. Sifuna. What is your point of order?

Sen. Sifuna: Mr. Temporary Speaker, Sir, my reading to Standing Order No.97(3) is only in reference to replies to Motions. It has no mention of a Bill. What is on the Floor of the House is a reply to a Bill.

Mr. Temporary Speaker, Sir, you should take note that the Mover of this Bill spoke for a whole hour moving the Bill. There was opportunity for Members to contribute, but they were not in this House. Some of us sat here until 6.30p.m because we were on queue also to move our Bills.

Mr. Temporary Speaker, Sir, can you make a ruling on whether Standing Order No.97 applies to Bills because the procedure for Bills is totally different from the procedure for Motions?

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

The Temporary Speaker (Sen. Abdul Haji): There is no one on the Floor of the House.

Sen. Orwoba: On a point of clarity.

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

Sen. Orwoba: Mr. Temporary Speaker, I have 27 minutes, which is why I sought for your permission. I can use the 27 minutes to continue speaking, but I have heard Sen. Sifuna saying that I spoke for an hour. I do not know whether we are arguing on the time or what because 27 minutes will be spent on this matter of provision of sanitary pads.

I seek your permission, because if I donate three minutes to each of these Senators, Mr. Temporary Speaker, I am not eating into anyone's time. This is a matter that I believe the Senators who were not in the House would want to weigh in.

So, I do not know whether Sen. Sifuna is saying that he does not want the public to hear what Sen. Miraj, Sen. Nyutu and Sen. Wakoli would like to contribute on this Bill.

Mr. Temporary Speaker, Sir, I seek your permission again.

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

Sen. Cherarkey: Mr. Temporary Speaker, Sir, just for clarity, I agree with Sen. Sifuna. The interpretation of the words 'Bill' and 'Motion' are two things that are totally different, even how you prosecute and time allocated.

The question should be that the Motion and Bill are two different aspects that are of the same family, but different species as a Biology class would describe. So the reading of this is that Sen. Gloria has a right, but Standing Order No.97(3) qualifies this by saying it is a Motion. Does it mean the Motion and the Bill are the same? If it is the same, then Sen. Orwoba has the right to donate part of her reply. However, if it is not the same, then the right to reply should be in the terms of the Bill.

If so, Sen. Orwoba should reply or request, as per Standing Order No.63 or 66, that the putting of the question be deferred or the division be deferred, if it concerns counties. So, clarity on that will assist some of us. That also includes Sen. Sifuna, who is on the queue to move the Sports (Amendment) Bill of 2024.

I thank you, and I submit.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Hon. Senators. The point of order by Sen. Sifuna is a substantive point of order because it requires a proper ruling.

The question is whether a Motion and a Bill are the same. I am taking it that the two individuals who rose on the points of order, Sen. Sifuna and Sen. Cherarkey, are both learned individuals. I would like to take cue on the fact that they probably understand the law better than I do. We will have to get clarification on that. However, Standing Order No.97(3) refers to right to reply. During the right to reply, a Senator may nominate another Senator who has not spoken to such a Motion.

So, I would believe that the right to reply and the right to donate your time applies to both a Motion and a Bill. As per now, there is no proper clarity on that matter. We also take note that Sen. Orwoba had already started replying to this matter and had not put the request to donate that time when she started her reply. We will, therefore, have to reconsider the permission that we gave her to donate the time to Sen. Joe Nyutu, Sen. Miraj and Sen. Wafula. We will ask her to just go ahead and reply.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir. I will take my 27 minutes and speak on behalf of my colleagues who wanted to weigh in on this matter because it affects the lives of many people that they represent. Yesterday, I got a couple of points as I listened to my colleagues who supported this Bill. One was from Sen. Eddy Oketch, who---

(Loud consultations)

Mr. Temporary Speaker, Sir, I do not know what is happening today. We were doing so well with this Bill, and it seemed like all stars were aligned, but we now have challenges.

Sen. Eddy Oketch said that there is an existing piece of legislation, that is Section 18 of the Basic Education Act. I want to clarify that my Bill comes in to expand on Section 18 of the Basic Education Act just stipulates that Government should provide sanitary towels. It does not give the frequency, quality, authorities or monitoring and evaluation. A lot of things lack in that amendment and those are the grey areas where all the shenanigans have been happening.

So, my Bill comes in to cure that. This Bill will ensure that there is a proper legal framework so that no Government will give an excuse as to why they are not providing free sanitary towels to all schoolgirls. We are also adding tertiary institutions because Section 18 that Sen. Eddy Oketch was relying on only provides for primary schools. We have also added women who are in prison facilities in this country. We want a stand-alone Act because of the substantial matter that is being added. This Act will cover all things in terms of the provision of free sanitary towels.

I heard Sen. Mungatana speak on the powers that this Bill is going to give to an independent committee. According to the definition and his submissions, he said that the committee was going to be equivalent to a parastatal. What is happening is that there is a big fight and that is why this Bill is important.

People want our schoolgirls to get sanitary towels and different institutions actually support the provision of sanitary towels. Our women representatives, Ministry of Public Service, Youth and Gender and the Ministry of Education all support provision of sanitary towels. All these institutions are fighting to be the custodians of the procurement and distribution of sanitary pads. That is why we have never made any headway in terms of the impact on this budgetary allocation. Do you know what my Bill is attempting to do? It is attempting to take away that authority from any of these actors and devolving it down to the counties and the beneficiaries of those sanitary towels.

So, instead of debating on whether these independent committees are going to have powers to the level or to the extent of a parastatal, the argument should be why have we not made headway when it was domiciled at the Ministry of Education? The answer is very simple. This is because procurement and distribution never had a legal framework. Why is it that we did not make headways when we brought it to the Ministry of Public Service, Youth and Gender? The answer

is the same. We did not have legal framework, no monitoring and evaluation and the authority that was involved did not put into place the things that are needed.

All I am saying in this Bill is that money should be taken from the national Government. The money should be taken away from all these actors, who have conflicting interests. That money should then be taken to the people, through those independent county committees which will focus on procurement and distribution of sanitary towels. They will also focus on advocacy on menstrual hygiene and advocacy on ending period stigma and shame. They will basically focus on the beneficiaries of this Government programme.

I understand that Sen. Mungatana is a little bit not okay with the independence of that committee. However, it is important to note that the independence of that committee is what will ensure that all these agencies, women representatives, Senators, and governors will be merely oversighting a Government programme and not being part of the procurement.

So, those powers are necessary and the power belongs to the people. As a legislator, I cannot argue to take away the power from the people. What I am saying is that we should give the power to the people for them to decide the kind of menstrual hygiene products they need. They should decide when they need them, how many times it should be distributed and who is going to be involved in the distribution. This Bill is basically attempting to give the power back to the people.

I, however, understand that it is a very uncomfortable place to be for certain offices, including the Ministry of Public Service, Youth and Gender, our women representatives who are oversighting the NGAAF and Senators who would perhaps have liked to play a role here and there. I am legislating on the fundamental basis on the right thing to do. The right thing to do is to ensure that those who have control of procurement and distribution are the actual beneficiaries of that programme. They should feel the impact that it was intended to have.

I want to highlight on something that was brought about by the sentiments of Sen. Eddy Oketch. The Education Act does not talk about the menstrual hygiene policy that we have. By the way, Kenya is the first country in Africa that put together a Menstrual Hygiene Policy under the Ministry of Health at that time. This is because it was being funded by Bill and Melinda Gates Foundation. This Menstrual Hygiene Policy is an important piece of document that just sits in the Ministry of Health. Nobody is implementing it.

I was surprised to learn, upon joining the Senate, that the Menstrual Hygiene Policy could have been easily implemented by the Cabinet Secretary for Education, Health or Gender, Culture, Arts and Heritage. They could have drafted the necessary regulations and presented them to Parliament for approval. The Menstrual Hygiene Policy is a basic document that focuses on ensuring women and girls menstruate with dignity. What does it look like? This involves providing essential facilities such as toilets, ensuring privacy in these facilities, access to water and sanitation and environmentally friendly disposal of sanitary towels. These are measures we would have expected the Ministry of Gender, Culture, Arts and Heritage to address through regulations. However, that has not happened.

This Bill seeks to ensure that moving forward, regulations are established. For the benefit of the public listening, these regulations represent the delegation of powers by Parliament to the ministries, enabling it to create policies in specific areas.

You would be shocked to learn that some entities in Nairobi's CBD lack toilets. Workers go to these establishments daily, yet basic facilities are unavailable. For instance, there is a popular shoe store with branches across the country that does not have toilets. If we had regulations under the

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Menstrual Hygiene Policy, one requirement should be that any commercial entity with a physical address must provide toilet facilities. These facilities should ensure privacy for women and girls to menstruate with dignity. Furthermore, businesses should address the proper disposal of menstrual hygiene products.

The policy should also address how organizations handle issues of period shaming. Recently, we witnessed a disturbing incident at a cheese factory where women were subjected to humiliation. They were forced to strip so the management could identify who was on their period, all because a used sanitary towel was disposed of in the wrong bin. If we had regulations in place to guide establishments on acceptable practices, clearly defining what is and is not permissible, such shameful and unfortunate events would not occur.

Mr. Temporary Speaker, some of these issues go unreported. If you were to look into my inbox, the number of complaints from workers at the Export Processing Zones (EPZ) is crazy. There are rogue institutions that do not care about women menstruating with dignity.

I was truly shocked to realize that even here in Parliament, as I stand advocating for this Bill, we fail to provide sanitary towels in our toilets. We enjoy abundant luxuries, such as water on the table, gym facilities and other amenities. Yet, how difficult would it be for us to simply provide sanitary towels? As leaders, we should set an example and demonstrate how things ought to be done.

Mr. Temporary Speaker, as I reply, I wish to acknowledge those who contributed yesterday, particularly Sen. Karen Nyamu, who highlighted the importance of shelf life in promoting local manufacturers. During the Generation Z movement, I got the heat for advocating for local manufacturers. I recall shouting at the top of my lungs through my social media platforms, asking the public: should I, as a legislator, fight for those importing sanitary towels or should I champion policies that support local manufacturing industries to create jobs?

Period poverty is deeply rooted in poverty itself. Poverty is the true enemy. Whenever someone reaches out to me, I always emphasize that addressing poverty is the key to solving many of these issues. If we can tackle poverty, most of these challenges will disappear. However, how can we deal with poverty when we are constantly promoting hashtags that support products manufactured in China, products whose quality we cannot even track? Every day, there is a new hashtag promoting this or that.

Throughout this period, I have consistently advocated for supporting local manufacturers. I am proud to say that throughout this journey, I have walked with several local manufacturers who truly understand the challenges of employing Kenyans to produce and manufacture sanitary towels. Among them is SAI Industries, which produces a pad called Fimela. Whenever my fellow legislators request pads for distribution, I reach out to them, fully aware of the weight they have.

The competition between local manufacturers and importers of substandard products, particularly from countries like China, is crazy. For instance, sanitary pads are imported at a cost of Kshs7 per packet, only to be sold on shelves in Kshs80. A local manufacturer spends between Kshs22 and 27 to produce one packet of sanitary towels yet, they are forced to compete with importers who bring in packets at just Kshs8 and sell them at Kshs80 on the shelf. I cannot, under any circumstances, not for votes, nor for public approval, stand anywhere in support of the importation of sanitary towels.

My Bill takes a holistic approach to addressing period poverty. It focuses on advocacy to end stigma and ensure that our girls are sensitized on menstrual hygiene. It also emphasizes the

provision and access to menstrual hygiene products by requiring the Government to ring-fenced budgets for their purchase and distribution.

Additionally, the Bill tackles the root cause, poverty, which is the most sustainable solution. To combat poverty, we aim to promote local manufacturers. We have a local company here, Flora, and every time there is a Government tender for the supply of sanitary pads, whether under the Ministry of Education or Gender, Culture, Arts and Heritage, you will notice that companies like Flora and Fimela and all the local manufacturers employ significantly more people during that period.

Now, consider this, if I, as an individual, cannot access sanitary pads because I lack the money, providing me with a sustainable job in one of these factories solves that problem. In that case, there would be no need for donations because I would be able to afford the pads myself. This is one way of dealing with poverty.

I agree with the concerns raised by many people online regarding the cost of sanitary pads. The only way to address this issue is to kill the unfair competition posed by products imported from unregulated markets. These imports, priced at as low as Kshs6 or Kshs7 per pack, are then sold on shelves at Kshs80 per pack, allowing importers to make significant profits. Meanwhile, we face recurring complaints about the substandard quality of these products, issues such as girls developing infections and the inability to properly dispose of them due to excessive plastic content.

This Bill seeks to put an end to these practices. When people say, 'We are tired of your billboards; do something sustainable,' I want to assure them that this is precisely what I have been working on for the past two years. I am glad for this opportunity to clarify what this Bill targets to achieve. I have immense faith in the legislators who understand the intent of this initiative. The Bill aims to ensure the provision of sanitary towels to vulnerable girls in schools, as well as to girls and women under the care of our prison facilities.

Furthermore, it seeks to tackle period poverty holistically by promoting homegrown solutions, fostering county-level engagement and implementing grassroots interventions. The grassroots level will guide us by highlighting that we are not going to---

Sen. Thangwa'a: On a point of information, Mr. Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Sen. Orwoba, would you like to be informed by Sen. Paul Thangwa?

Sen. Orwoba: I was about to ask who Sen. Paul is. Yes, as long as my time is frozen, I would like to be informed by Sen. Thang'wa.

The Temporary Speaker (Sen. Abdul Haji): Very well. Sen. Thangwa, proceed.

Sen. Thangwa: Thank you very much, Mr. Temporary Speaker. I would like to inform my friend, Sen. Orwoba, that I could have supported the Bill if there had been enough time. I love her campaign to end period poverty. I have seen the billboards stating, 'we are all a product of a missed period,' and I believe that is the right approach. By openly discussing these issues, we can break the stigma surrounding them. I wanted to inform her that for every girl in school to be supplied with the sanitary pads, we should support production of sanitary pads in the country.

At the Kenya Industrial Research and Development Institute (KIRDI), which is a parastatal, there is a whole machine for making sanitary pads that was bought by the Government. Anybody can go there and learn. KIRDI is somewhere in South C.

People are allowed to go there and see how those machines work. They should even tell you where they bought the machine, so that anybody who would want to produce sanitary pads gets a hands-on kind of training from KIRDI, then county governments, through the industrial

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parks programme that they are talking about, provide opportunities for anybody who would want to start that business.

Mr. Temporary Speaker, Sir, I know Sen. Orwoba is well informed, but I wanted to inform her that if national and county governments want to end period poverty, we can do so by supporting grassroots groups. We should think of helping the women, whom we help through National Government Affirmative Action Fund (NGAAF), National Government-Constituencies Development Fund (NG-CDF) or any other alternative.

We should stop going there with hair dryers. We are now giving them bicycles. We should think of coming up with machines that can help alleviate or remove such kind of poverty. As we help our people economically, we should also help them to provide these kind of products, so that governors can even give these groups tenders to supply sanitary pads to schools for free because they are supposed to be provided for free.

No girl should buy a sanitary towel in this country. I wanted to assist. Let me repeat that. No girl should buy a sanitary towel, period.

The Temporary Speaker (Sen. Abdul Haji): Thank you, Senator. In future, hon. Senator, when you stand on a point of order to inform a Senator, it is not an opportunity for you to contribute. However, we have understood you.

Sen. Orwoba, you may proceed.

Sen. Orwoba: Mr. Temporary Speaker, Sir, Sen. Thang'wa has been one of the supportive legislators on this Bill for the longest time. The people of Kiambu should know that they have a champion of women's rights when it comes to provision of free sanitary towels.

Mr. Temporary Speaker, Sir, I want to summarise by painting a picture of what this Bill is all about if it passes and it is implemented. Right now, money is allocated by the National Assembly. After that, it is taken to either the Ministry of Gender, Culture, the Arts and Heritage or the Ministry of Education. In this financial year, it will be taken to the Ministry of Gender, Culture, the Arts and Heritage, which will then send that money to the Women Representatives. The Women Representatives will procure those sanitary pads through their offices and distribute them.

Distribution at that level looks like this. You get a supplier who has gotten a tender. Sometimes they are told to purchase, say, 90,000 sanitary packets of sanitary pads. I do not know whether you know what 90,000 packets looks like. It is very bulky. Once they supply, they dump the whole thing at the Women Representative's offices.

Sometimes the offices are not equipped to handle that kind of storage. Since there is urgency to distribute, the Women Representatives get stuck in *mashinani* to ensure that 90,000 or 100,000 packets are distributed as fast as possible because there is no storage and framework. Therefore, they go to the schools very quickly to distribute. That is the picture of how provision of free sanitary towels looks like now.

If this Bill passes and it is implemented, this is how that picture will look like. Firstly, the national committee will sit down and determine the most vulnerable counties dealing with period poverty and period shaming based on statistics given. So, it will be driven by numbers and facts. After that, they will allocate money depending on the number of wards or schools. So, it will be driven by actual facts.

Once that money is allocated to the county intergovernmental committee--- The county committee will be made up of representatives including all wards. There will be subject matter

experts, menstruation champions and gender experts. They will sit down as a committee. Before the money comes, they will plan for a financial year.

There will be a conversation about how much is going to be spent on advocacy and sensitization of menstrual hygiene. They will determine how much is going to be spent on actual purchase of menstrual hygiene products. They will also deliberate on the type of menstrual hygiene products because in some areas, there is a good uptake of reusable pads while in some areas, they use disposable pads.

I was surprised to find out that in some counties like Kakamega, there is high uptake of menstrual hygiene products. So, depending on the grassroots conversation, they will decide as a committee that is independent from the national committee on what they are going to deal with. After that, they will procure items and go ahead to distribute. That does not end there.

That committee will sit at least four times in a year. They will then come back because there will be monitoring and evaluation of the same. When they come back, they will prepare a report showing areas that they distributed and, for example, retention of girls in school or what was happening in the prisons. They will give a report for monitoring and evaluation. That report will be tabled to the national committee, showing exactly how money was spent.

All these activities will be happening on a dashboard, where anyone can go and check that, for example, as of today, Bungoma County has received this much and they have spent this much on pads and this much on advocacy and this is how it is going on.

There will be checks and balance, accountability and involvement of the grassroots level. There will be buy-ins in terms of products that are going to be used. It will be not just be the Cabinet Secretary for Gender, Culture, the Arts and Heritage sitting in Nairobi and saying that they have received Kshs1 billion and they will procure through a committee in Nairobi then suddenly 90,000 packets of substandard or poor quality pads appear in Kisi County. That is what we are trying to get away from. Once this Bill is implemented, it will ensure that we start tracking the progress of ending period poverty in Kenya.

Mr. Temporary Speaker, Sir, as I conclude, I want to thank all the contributors to this Bill. I am very passionate about this Bill. I do not want it to appear that since I am so passionate about it, it must pass. I just want to tell my colleagues, both in the National Assembly and here in the Senate, that we must pass this Bill, not because it is Sen. Orwoba's Bill and not because it is the Women Representatives who are going to perform certain tasks but because it is the right thing to do.

I can see Sen. Sifuna making some comments on the side. As I address you, probably I sound crazy. Like it has been attested, it is the craziness that gets people to stop and think and listen. As you pass by my billboard every day, including the ones that Sen. Thang'wa has talked about, just know that we are all products of missed periods, and that is a fact. We are trying to end the shaming. We are trying to make sure that conversation is normalized. I urge my colleagues to pass this Bill, not because they have daughters, not because they have wives, not because they sit in the Senate, not because they like or hate me, but because it is the right thing to do.

In 2025, this is an era where no woman or girl should be trading her body or begging for assistance to buy sanitary pads or any menstrual hygiene products, so that they can go about their business in their workplace, in school, or at home.

Mr. Temporary Speaker, pursuant to Standing Order No.66(3), I request that putting of the question be deferred to a later day.

Thank you.

The Temporary Speaker (Sen. Abdul Haji): Very well. The putting of the question is deferred.

(Putting of the Question on the Bill deferred)

Hon. Senators, at this point, we will rearrange the Order Paper and move to Order No.13. Next Order.

BILL

Second Reading

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

Sen. Sifuna: Thank you, Mr. Temporary Speaker. I beg to move that the Sports (Amendment) Bill (Senate Bill No.33 of 2024) be now read a Second Time.

As a Senator of Nairobi City County, I receive a lot of guests in my office. There is a gentleman called Ronald Khainga who is the Secretary of the Nairobi County Boxing Association. The first time he came to my office, he had been invited for a tournament in Vihiga. I think this was sometime in late 2023. A few months later, he came back to my office.

The reason he came for the first time was to request for assistance for the association to be able to meet the expenses of travelling to Vihiga for the entire team, accommodation and upkeep of the boxing association whilst in Vihiga. I gave him what I thought was sufficient and what I had to sustain the team.

He came back a second time. This time round, he wrote me a letter in July, 2024. They were going for the National Boxing League, which was to take place in Mombasa from the 13th to 17th August, 2024. He once again came to my office to request for financial support for the team to be able to attend that National Boxing League. I am holding the letter that he sent me.

He had given a proposed budget year for the Nairobi County Boxing Team, including things like transport, accommodation for four nights and meals. The total was about Kshs117,000. This time round, I told him that I was not going to support the team because I could not fathom the spectre of county-registered associations who go to represent our counties in regular leagues, having no support whatsoever from the county government.

In fact, because ODM is a majority in the County Assembly of Nairobi, I called the Majority Leader, I called the Chairman of the Budget Committee, Hon. Odalo, I called the Majority Whip and I also called the Speaker, Hon. Ken Ngondi. I asked them if it was true that if they looked at the budget for Nairobi County, there is not a single line of funding that goes to registered sporting associations in the county. So, I could not believe it. Following those discussions, we agreed that something needed to be done. We agreed that because sports is important because a lot of talent is nurtured through this registered sporting association, we needed to do something.

This amendment is a very simple one. I am hoping that we will take the shortest possible time because, as Senators in this House, all of us understand exactly what this problem is. If you speak to colleagues from other counties, you will be surprised.

I have not met Senators who confirmed to me that their county governments actually allocate money to support registered sports associations in their counties. So, what we did then, we agreed that we were going to bring an amendment to the Sports Act to make sure or to mandate counties to set aside a minimum amount of money every single financial year to support registered county sporting associations. That is exactly what this Bill seeks to do.

You will remember, just by way of background, we had a sports fund that had been set up. We had a sports fund under the Public Finance Management Act called the Sports, Arts and Social Development Fund. In fact, the aim of that Fund was to support development of grassroots sporting infrastructure and setting up of sporting academies in all our constituencies.

Unfortunately, immediately the powers that be started seeing how much money was coming to that Fund, amendments were made to the Sports Fund to now include utilisation of the money in the process of the Fund, 60 per cent of the Fund went to what they called social development, including universal health care. I believe that is where the rain started beating us because immediately, you divert funds meant for the arts and sports, we end up messing sports in this county. We all know 60 per cent means that we have a very insufficient funding for sporting activities.

Now, what we want to achieve with this Bill is to fund the basic activities of these sporting associations. It is very simple; the Nairobi County Boxing Association cannot be walking with a begging bowl to the offices of Senators, Members of Parliament and MCAs to ask for Kshs117,000 every time they have a tournament to attend.

Due to the importance of sports, we have proposed in this particular Bill to start with a very low figure. If you look at Clause 55(4)(c), you will see that the object of the Fund is to provide funds to support registered county sporting associations. Clause 54(b) says-

“There shall be paid into the county sports associations fund one per cent of all monies paid into the county revenue fund.”

That means one per cent. I will give you the example of Nairobi. This House sends Kshs20 billion to Nairobi as equitable share. We want one per cent of that amount to be set aside for this special fund to support sporting activities. It is not a lot of money, but it is also not nothing. Money that is received as own source revenue is also supposed to be swept into the county revenue fund.

We have also provided for loans, grants or donations from the national Government or international agencies for purposes of supporting county sports associations. I can assure you that for as long as there is a legal framework and a fund which is ring-fenced to supporting the activities of registered sporting associations in the counties, we will have a lot of support, even from international organizations.

We have seen in the additional allocations Bill, various international agencies that are interested in specific areas, be it health or slum upgrading, will come through for these counties to support those specific ones. We had the occasion to undertake public participation on this particular Bill in Nairobi. I was very impressed by the turnout before the Committee of Labour and Social Welfare. At that particular time, it was chaired by the Hon. Julius Murgor. We received a number of delegations, some of whom we did not even know existed.

Mr. Temporary Speaker, Sir, there was the athletic stakeholders who came before that Committee. We have the football stakeholders. Of course, the boxing stakeholders came. They were the original reason we brought this amendment. There were also stakeholders from Nairobi Skating Association, Judo, Volleyball, Parasports, a sport called Tchouk ball, which we did not

even know, until that particular day. We even had somebody representing American Football. So, it was quite an eye-opener.

I want to assure everyone who appeared before the Committee that we took note of the contributions that they had presented before us. We will be presenting certain amendments during the Committee of the Whole of this Bill, so that we capture the intent and the spirit of this Bill.

Mr. Temporary Speaker, Sir, when you look at the clauses on the object of the fund, during publication, we had included financing the development of sports facilities including stadia, gymnasiums, buildings and tracks at Clause 54(c) and (d).

At the Third Reading, we will be striking out any reference to infrastructural development. This is because as I have said, one per cent of what goes to counties is not sufficient to do any serious sporting infrastructure like stadia. We want this to be clear that it is only financing the operations of registered sporting associations.

Mr. Temporary Speaker, Sir, we have provided for an administrator of the Fund who we have designated as the CEC, responsible for sports in all the counties. They are the ones who are supposed to supervise and control administration of the fund. We have also provided for eligibility criteria. It is not for everyone. There was a worry, especially from the county governments, that if you set aside money, you will have all sorts of people claiming to be representatives of various sports coming up and saying, oh, we are the ones who are supposed to secure funding.

Clause 54(e) says that for you to be eligible to apply for funding, you have to be first registered as a county sports association under the Sports Act. There was a very interesting conversation during public participation hearings on this Bill. If you look at the Sports Act, it provides for registration of national and county sporting associations. However, there is only one sports registrar and it is a national office.

One of the proposals we will be making is that we also need to devolve. Looking at the Fourth Schedule of the Constitution of Kenya, 2010, sports is a county function. It is a devolved function. There is no reason for having a sports registrar at the national level to deal with a devolved function. We will be proposing that each county must have its own sports registrar so that they register the county sporting associations there. Those are the only people who will be eligible for funding under the Act.

Mr. Temporary Speaker, Sir, one will be required as a registered sporting association in the county to have an annual work plan aligned to the strategic plan of the association. We will have other criteria as will be set by the CECM and the Board. It provides that every 30th of August of each year, the fund administrator, who is the CECM, will issue a budget circular for the Fund to the eligible persons, indicating the ceilings for funding under sports and sports development, priority programmes, projects and activities to be funded in the financial year.

When one makes an application, we have provided that they have to submit certain documents. Number one, you have to show us a certificate of registration issued under the Sports Act. Third, in addition, an annual work plan aligned to the strategic plan of the association. A statutory declaration of the programmes to be funded through other sources. Also to be submitted are details of the bank account and signatories and so on and so forth.

Every recipient of funding under this programme or under this Fund, shall submit quarterly and annual progress reports of the programmes, projects, activities funded by the Fund and also allow monitoring and evaluation of the programmes, projects and activities of the fund. If you do not utilize any amount of money that has been given to you in a particular financial year, you will be required to return the unutilized funds. We believe and we were told during public participation

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that we need to strengthen some of the monitoring and evaluation criteria that we have provided for under the Act.

Mr. Temporary Speaker, Sir, I do not want to go further than that. As I said, it is a straightforward amendment. We are hoping that we can convince Members, because I know many here are very passionate about sports. I know they recognize the potential for sports, not only as an income earner for our young people in the estates and villages, but also as an important pastime to be able to engage young people and dissuade them from engaging in what would otherwise be bad behaviour.

I have attended tournaments here. I have attended a football tournament in Kamukunji. I saw the talent. However, the state of the pitch there is pathetic. If these youths were provided with sufficient facilities, I think they would go far.

Many of us have seen the sort of opportunities that are there for people who have talent in the arts or even in sports to lift their families and communities out of poverty. I think you remember the excitement of the first person to ever play in the Premier League. When Wanyama went to Tottenham, we were all very excited.

If one looks at the sort of money that is in play in those circumstances, it is an opportunity that we are sitting on as a country. I had the occasion also to attend a boxing match one time here. There was a Tanzanian who used to be very loudmouthed and he was fighting one of our local boys here. It was a proper spectacle. If you went to KICC on that night you found the whole place totally full of boxing fans.

People might not see the potential for these things. I believe that we can do something, so that this talent *mashinani* does not go to waste. We must give them some dignity. They cannot all the time be moving around with begging bowls, yet we have a responsibility to support them. Most importantly, they are also taxpayers. You cannot decide where you will spend our taxes to the exclusion of other people.

Counties have a responsibility to build or develop sporting facilities and many of them are struggling to do it. Here in Nairobi, we are struggling with the City Stadium, Joseph Kang'ethe Grounds and Kihumbu-ini. It is a mess, but we are hoping that at least for the associations.

These people would not mind. If you go to Woodley, they told me that they do not care the nature of the surface they are playing on. They just want the county government to open this facility, so that they can use it. They need support just to buy basic facilities, pay referees and do the basic things that they are required to do in order to compete.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to move, and request that Senator Osotsi, the Senator for Vihiga to second.

Sen. Osotsi: Mr. Temporary Speaker, Sir, I will start by thanking Sen. Sifuna, the Senator for Nairobi City County, for coming up with this very progressive piece of legislation; the Sports (Amendment) Bill.

Hon. Sifuna is seeking to amend the Sports Act so that we can have a County Sports Association Fund where one per cent of the county revenue fund will be put. The fund will also receive loans, grants and donations from other people.

This is a very progressive piece of legislation which we should all support because sports is a very important industry globally and now is one of the highest-paying industries in the world. You have seen how much money the sports people earn. For example, in football, you have heard people talking about billions of Dollars to move a player from one club to another. If that happens

on a large scale, affecting many of our youth, it would be one of the ways of raising money for this country. We know countries which have developed largely because of investment in sports.

This is a very welcome amendment. As he rightly said, many counties do not have a sports fund. I think it is only my county, Vihiga, that has a sports fund, but which is largely underfunded. They give them less than Kshs10 million a year. That can do very little work.

So, if we will ensure that counties take at least one per cent of their revenue to this Fund, I think we will begin to see improvement. I suggest to my good friend, Sen. Sifuna, to maybe consider amending this Bill, or this clause that deal with how the Fund will be funded, to include monies from the national Government through sharable revenue.

In my communication, I will demonstrate why this is possible. I did a lot of research around sports funds. When I was in the National Assembly, I came up with the idea of having sports academies in all the 290 constituencies in Kenya. I came up with a Motion that was passed by the House. During my research, I came across a lot of information that I will share with the Members today. If you go back to history, you will note that sports fund was one of the proposals that emanated during the Grand Coalition Government, which remains to be the only Government that many Kenyans feel worked for them in the history of this country. The Grand Coalition Government had Vision 2030, which had several pillars. One of the pillars was the social pillar where they talked about youth and sports.

The Kibaki Regime came up with the Sports Act. In the Sports Act, they came up with a raft of issues. One of them was to have a national academy of sports and sports academies in all counties. They went ahead and came up with a funding mechanism. One of the funding mechanisms was to have a national sports fund, which was to receive its funding from lotteries, betting, and other sources.

The Sports Act, 2013, was passed in February, 2013, just a few months before President Kibaki left power. The betting companies were being deducted money, which went into this fund. When President Uhuru Kenyatta came to power, they found idle money which was around Kshs10 billion. They started salivating for it. Instead of investing that money in sports, his Government decided to repeal the Sports Act by removing the entire chapter on the national sports fund and created something called the Sports Act and Social Development Fund through public finance regulation.

You will be shocked to hear how Uhuru Kenyatta's Government proposed to allocate this money. In the regulations, that is the Sports Act and Social Development Fund Regulations, they proposed that 60 per cent of it go to Universal Health Care (UHC). Remember that money was meant for sports. They further proposed that 20 per cent go to promotion and development of arts and five per cent for strategic intervention, whose expenditure will be subject to approval by the Cabinet and not Parliament. Strangely and annoyingly, they proposed that only 5 per cent of that money go to promotion and development of sports.

If there is a fund that this House must investigate then it is this fund. When they moved to the Sports Arts and Social Development Fund, the National Sports Fund was left hanging. They operated it for a few months. So, we had two funds: the Sports Arts and Social Development Fund and the National Sports Fund. The initial idea by the Kibaki Government of this Fund was to promote sports. It was to promote our young people, but when President Uhuru saw free money, he decided that this money should go to UHC. We now have the Social Health Insurance Fund (SHIF) and the Social Health Authority (SHA). Why do we need to continue taking 60 per cent of this money to UHC?

This money should be taken back to sports. If this money was put in sports, we would now be having at least 10 international stadiums in this country because of the huge amount of money that has come in here. If that was the case, we would have academies across the country.

I earlier said that I am the one who originated the sports academy Motion in the National Assembly. I am happy the national Government has picked it up. However, they have been talking about this for the last seven years. In my county, they went to a place called Gisambai. They launched the Joe Kadenge Sports Academy with a lot of pomp. Unfortunately, two years after that launch, nothing is happening there yet this Fund has money.

We have serious clubs in this country such as Gor Mahia, AFC Leopards and the other clubs in the Premier League yet they are struggling. Those clubs are struggling and we have the money that comes in, but goes to some strange things like promotion of arts, which we never see. Some of it even goes to UHC.

I propose to Hon. Sifuna that the money that goes to this Fund be shared with counties. This is because sports is a shared function between the national Government and the county governments. The county government deals with sports activities and facilities while the national Government deals with the promotion of sports. If that is the case and they are receiving money through taxation in this Fund, then that money should also go to support our counties in terms of sports rather than supporting UHC yet our people are also being taxed on SHIF.

This Bill is timely and we should all support it for us to grow sports in our counties. If we do so, we will keep our youths very busy and make sports an important economic activity for this country. Countries that have progressed in sports have this Fund. They use that money to develop sports, sports academies and sports stadia. In Kenya, when we saw good money in this Fund, we decided to divert it to other things that are not relevant to sports.

I encourage the Members to fully support this Bill. I also encourage the Committee that deals with sports to move in with speed and do an inquiry around this Fund. It should find out what it does, how many associations have benefited, how many sportsmen have benefited and how many groups have benefited from this kind of thing.

If we do so, we will save this country and will promote the legacy of the late President Mwai Kibaki, who remains as the only President who worked for this country. He is the only President who had a vision for this country. He came up with a Fund like this, which successive leadership has mutilated the good vision that he had to promote sports in this country. He came up with this kind of legislation to ensure that sports remains a key social pillar under the Vision 2030.

Mr. Temporary Speaker, Sir, with those remarks, I support and encourage other Members to also back this progressive proposal to amend the Sports Act. Additionally, I suggest that we consider reinstating the provisions for this Fund within the Sports Act itself, rather than relying on regulations that are frequently altered. Even these regulations require scrutiny by the Committee of Delegated Legislation, as it is inappropriate to have a regulation on sports that is domiciled in the National Treasury instead of the Ministry of Sports.

The administrator of the Fund is the Principal Secretary of the National Treasury. What role then does the Principal Secretary for Sports play? The individual responsible for managing sports cannot effectively do so when the funds meant for sports are held elsewhere in the National Treasury.

There are significant gaps in these regulations. I believe the Committee of Delegated Legislation would do us a favour by conducting an inquiry into this matter. Similarly, the Sports

Committee should investigate how this Fund is managed and administered, and how its beneficiaries have been supported, including the amounts involved.

Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Abdul Haji): At this point, we will allow Senators to make contributions starting with Sen. Karen Nyamu.

Sen. Nyamu: Thank you, Mr. Temporary Speaker. This is an incredibly responsive piece of legislation. While Sen. Sifuna referred to it as a simple amendment, its impact on the sports fraternity in this country will be immense.

Since joining this House, I do not think I have loved a legislative proposal more than this. As Sen. Sifuna tabled the proposal, I found myself nodding all the time, not just in agreement, but also because I can deeply relate.

If you look at my phone, you will find numerous WhatsApp groups from grassroots football in Nairobi from Kabiria FC in Dagoretti, Bokongo in Kayole, Kibra United, also known as Harr Harr Nation from Kibra to Kibagare Slums and many more. In these groups, we frequently raise funds to support the players. I even know the expenditure off head, such as referees costing Kshs5,000 and security fees amounting to Kshs3,000. We have been engaging in this for quite some time since I came into contact with the residents of Nairobi.

Mr. Temporary Speaker, Sir, I believe this proposal will face no opposition. We must all support it because we understand the profound impact that football and other sports have on our young people. As Sen. Osoti mentioned, sports are not just a source of livelihood, but a pathway to creating wealth.

Sen. Sifuna, I noticed you have not addressed the issue of accountability and how these funds will be managed to prevent them from falling into the wrong hands. History has shown us how funds in this country often end up benefiting the wrong people. This is a fantastic piece of legislation. We cannot allow others to profit at the expense of our grassroots teams. Speaking of football, we must bring better management to our national team. The other day, Sen. Sifuna and I were watching a regional match between Kenya and Burkina Faso at Nyayo Stadium---

(Laughter)

It was Gabon.

I recall that among the key observations made by *mamas* in the crowd was the concern that the boys representing us in the national team are not necessarily the best players our country has to offer. With this kind of funding in place, more talented stars will have the opportunity to emerge. We will be able to form an even stronger and better football team; our Harambee Stars.

With those remarks, I support this Bill. If it were possible to support it again, I would gladly do so. Thank you.

(Applause)

The Temporary Speaker (Sen. Abdul Haji): Sen. Eddy Oketch, proceed.

Sen. Oketch Gicheru: Mr. Temporary Speaker, I continue to be a proud member of the ODM party. Our Secretary General, Sen. Sifuna, has consistently demonstrated remarkable acumen through his substantial contributions to this House. His vision is evident not only in his support for ideas brought forward by others, but also in his leadership on impactful legislation that have an impact in our society today.

Matters related to sports are often trivialized in this country largely due to the lack of proper infrastructure and governance in the sector. While there are a few organizations focusing on popular sports, the broader case for funding and even the business potential of sporting activities remains elusive.

This has hindered progress to the extent that it is challenging to even consider equitable access by gender. In this country, women have struggled to find their footing in certain sports yet, on the global stage, women are thriving in these same sports, turning them into viable business ventures.

Sports in this country have largely been left to community programmes, often organized under what we popularly refer to as clubs. For example, in my community in Migori County, you will find clubs in Ombo K'owiti, where about 21 or 22 volunteers gather to chase a ball they call football. They organize themselves into competitions and their neighbors in Nyatike do the same.

If you go to Kuria West, Rongo or Suna East and Suna West, you will observe similar grassroots efforts, with people forming clubs and independently organizing football matches. This locally-driven movement in sports is what ultimately shapes and contributes to the broader national vision for sports in this country. By and large, it is evident that even when Harambee Stars plays football abroad, the young men and women representing us, whether in the starlet teams or the male Harambee Stars team, are individuals who have struggled in the locally organized sports programmes to find their footing.

This is the first time that Sen. Sifuna is making an attempt to ensure that unlike the anecdotal investments we often see highlighted in the Ministry of Sports such as Talanta Hela, Sports Academy or initiatives to empower organizations like FKF, we are having a Bill that recognises the acumen of our society and the DNA of our organisation in sports.

It appreciates that sports are organised in local communities; from the communities, sometimes to our local schools and at the university level. Therefore, we need to invest in promotion of sports in this country. Sen. Sifuna proposed that for the money we are sending to the counties, we should save just one per cent as a good start to make sure that we invest in making proper infrastructure for sports in our country. This is something that I strongly support. I hope it will help us to build conversations.

I believe Rt. Hon Raila Amolo Odinga is the leader of the largest party south of Sahara and north of Limpopo. That is the ODM Party. Sen. Sifuna will tell you that Hon. Raila Odinga has been campaigning about how we can rethink the issue of devolution. Yesterday we talked about period poverty in this country. The manifest of that problem happens in our schools. When you look at where sports are being nurtured at an early age and where you can arrest talent, you will find that they manifest in our schools.

Hon. Raila Amolo Odinga has argued a case that, had the fathers of devolution seen it fit, they would have allowed education to be devolved because that is the place we can invest more in sporting. That is where we can arrest more talent and bring them to the national theatre of sporting. I do not want to bring that conversation now.

Mr. Temporary Speaker, Sir, my comment today will be one.

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QUORUM

Sen. Chimera: On a point of order, Mr. Temporary Speaker, Sir. I rise under Standing Order No.41 on quorum during the proceedings of the Senate. I have noticed that we are just a few Senators here.

(Loud consultations)

Mr. Temporary Speaker, Sir, please protect me.

The Temporary Speaker (Sen. Abdul Haji): You are in order, Sen. Chimera. Clerk, please confirm if we have quorum.

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

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

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, having failed to attain quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order 41(2)(a), until tomorrow, Thursday, 17th April, 2025 at 2.30 p.m.

The Senate rose at 5.52 p.m.