

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 15th May, 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 Speaker (Hon. Kingi): Clerk, do we have quorum?

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

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

(The Quorum Bell was rung)

Order, hon. Senators, let us take our seats. We have quorum now, so we will proceed with the afternoon's business.

Clerk, proceed to call the first Order, please.

The Chairperson, Finance and Budget Committee, proceed.

PAPERS LAID

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

Sen (Dr.) Khalwale: Mr. Speaker, Sir, on behalf of the Chairman of the Budget and Finance Committee of the Senate, I beg to lay the following Paper on the Table of this Senate today, 15th May, 2025.

The report of the Standing Committee on Finance and Budget on the Division of Revenue Bill, 2025 (National Assembly Bill No.10 of 2025).

I thank you.

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

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The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC), proceed.

NOTICE OF MOTION

ADOPTION OF REPORT ON CONSIDERATION OF SESSIONAL PAPER NO.3 OF 2023 ON THE KENYA POLICY ON PUBLIC PARTICIPATION

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I would like to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Sessional Paper No.3 of 2023 on the Kenya policy on public participation laid on the Table of the Senate on Wednesday, 14th May, 2025, and approves Sessional Paper No.3 of 2023 on the Kenya policy on public participation.

Thank you.

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

QUESTIONS AND STATEMENTS

STATEMENTS

Before I call upon Hon. Senators to make the request for statements, allow me to rearrange the Order Paper pursuant to Standing Order No.45(2). We will move to Order No.8, and thereafter, resume the normal flow as contained in the Order Paper.

(Interruption of Statements)

Clerk, proceed to call that Order, please.

MOTION

ADOPTION OF REPORT ON OPERATIONAL AND LEADERSHIP CRISIS IN NYAMIRA COUNTY ASSEMBLY

THAT, the Senate adopts the progress report of the Standing Committee on Devolution and Intergovernmental Relations on the Operational and Leadership Crisis Affecting the County Assembly of Nyamira laid on the Table of the Senate on Thursday, 17th April, 2025, subject to the insertion of the following recommendations after recommendation No.2 in the Report of the Committee;

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(3) THAT, the decision or resolutions made by the impeached Speaker and Members of the County Assembly that convened outside the gazetted precincts of the County Assembly are null and void;

(4) THAT, the Ethics and Anti-Corruption Commission (EACC) investigates appropriation and spending of public resources by the impeached Speaker and a group of Members of the County Assembly that held meetings outside the gazetted precincts of the County Assembly; and,

(5) THAT, the Clerk of the County Assembly surcharges and recovers all allowances and fines paid to the impeached Speaker and a group of the Members of the County Assembly who conducted business outside the gazetted precincts of the County Assembly.

Hon. Senators, debate on this Motion had concluded pending the putting of the question. I will, therefore, proceed to put the question and voting shall be by voice.

(Sen. Abass on 14.5.2025 – Afternoon Sitting)

(Resumption of debate interrupted on 14.5.2025 – Afternoon Sitting)

(Question put and agreed to)

Hon. Senators, before we resume the Order on Questions and Statements, allow me to make this Communication.

Sen. Fatuma Dullo, please, take your seat.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE NATIONAL YOUTH SERVICE ENGINEERING INSTITUTE

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting delegation from the National Youth Service (NYS) Engineering Institute.

The Delegation comprises one-unit commander, three teaching staff, and 50 student leaders 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. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I will ask the Senate Majority Whip to extend a warm welcome in under one minute.

Senator for Kakamega, you may proceed.

Sen (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. It is so nice to see these young people in the Senate this afternoon, especially coming under the umbrella of the NYS of Kenya, which to some people, means children who are undergoing training in specialities that are not very competitive amongst children who do very well in school. That they are here for engineering is something we must applaud.

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I welcome, encourage and wish them well.

Thank you.

The Speaker (Hon. Kingi): Thank you, Senate Majority Whip. I will now call upon the Senator for Nandi to proceed to substantiate the claims he made pursuant to a Communication I made on Tuesday.

Hon. Senator, proceed.

SUBSTANTIATION OF ALLEGATIONS MADE IN THE HOUSE

Sen. Cherarkey: Mr. Speaker, Sir, thank you for your indulgence. I wish to withdraw and apologise since I can further use the Standing Committee on Education way.

I thank you.

The Speaker (Hon. Kingi): Okay, Hon. Senator. We now proceed to the Statements and Questions; the Hon. Senator for Kisii County, Sen. Richard Onyonka, proceed.

(Resumption of Statements)

QUESTIONS AND STATEMENTS

STATEMENTS

RIISING WAVE OF KILLINGS STEMMING FROM LAND DISPUTES

Sen. Onyonka: Mr. Speaker, Sir, could you, please, protect me from Sen. Cherarkey. He was my wonderful friend.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of National Security, Defence, and Foreign Relations on a matter of national concern regarding the rising wave of killings across the country stemming from land disputes.

On the 13th April, 2025, five members of a family were brutally murdered in a place called Metembe Village, Masaba Sub-County, Kisii County. Their homes were torched in a retaliatory mob attack rooted in a long-standing land conflict between the two. Two other family members narrowly escaped death.

Another family in Kisii County is also under threat. According to Occurrence Book (OB) No.05132025 at Nyamasibi Police Station, a Mr. Evans Obiero, his wife Kerubo, and three children have fled their home after receiving death threats from armed gangs over polygamy-related land disputes.

In Siaya, nine family members were burned to death on an arson attack in Sigomere, Ugunja Sub-County on the 22nd April, 2025, over a land dispute.

These incidents highlight a growing national crisis of land-related killings.

Mr. Speaker, Sir, in the Statement, the Committee should address the following-

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(1) The immediate and long-term security measures contemplated by the Government to protect families under threat from land disputes across the country.

(2) State the progress made in investigating and the prosecution of perpetrators involved in the recent killings in Kisii and Siaya counties and the reasons for the slow or inadequate response by local law enforcement in the affected areas despite these formal reports having been launched.

(3) Whether the Government could consider forming a national task force or commission to address the root causes of these recurring events and now deadly land-related conflicts.

(4) What policy interventions will be put in place by the Government to facilitate more mediation and more conflict resolution, particularly on such events that are polygamy-related and linked because of inheritance disputes, particularly in the rural and densely populated counties of our country.

I thank you.

ACQUISITION AND UTILISATION OF LAND FOR CONSTRUCTION OF LAMU PORT AND ACCESS ROADS

Sen. Shakila Abdalla: Mr. Speaker, Sir, I rise pursuant to the Standing Order No.53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources on a matter of county-wide regarding the acquisition and utilization of land for the construction of Lamu Port and its associated access roads.

While the Lamu Port Southern Sudan Ethiopian Transport (LAPSSET) Corridor Developed Authority (CDA) initiated acquisition, initially acquired 390 acres 1.3 kilometers square for the construction of the Lamu Port and compensated the project affected persons for this parcel; LAPSSET now controls an expanded area of 2840 hectares, a portion of which land is being used by the Kenyan Navy where the residents are facing eviction despite unclear acquisition processes.

In the Statement, the Committee should address the following-

(1) The procedure used by LAPSSET to acquire 28,140 hectares of land which exceeded by far, the originally approved 390 acres, including details on public participation, approvals and compliance with land laws and constitutional provision on public and community land.

(2) Whether the residents who occupied the 28,140 hectares have been compensated, including the respective amount paid and if not, the timeline for such compensation considering that most of the victims are farmers whose livelihoods were disrupted.

(3) The circumstances under which the Kenyan Navy acquired land for the construction of a runway within the disputed area.

(4) The measures put in place to stop unlawful evictions and the arrest of residents from the land which rightfully belongs to them.

I thank you.

SUSPENSION OF PLENARY AND COMMITTEE
OPERATIONS IN MACHAKOS COUNTY ASSEMBLY

Sen. Kavindu Muthama: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee of Devolution and Intergovernmental Relations regarding the indefinite suspension of plenary and committee operations of the County Assembly of Machakos.

Mr. Speaker, Sir, pursuant to Standing Orders No.24 and 25 of the County Assembly of Machakos Standing Orders, the Assembly, by a resolution dated 25th February, 2025, approved its official calendar.

The calendar stipulated that plenary sittings were scheduled to take place from Tuesday, 8th April, 2025 to Wednesday, 14th May, 2025. However, on 8th April, 2025, the Speaker of the County Assembly of Machakos issued a letter addressed to all hon. Members and the general public, informing them of the suspension of House and all committee sittings.

The reason cited by the Speaker was serious threats of our personal security, that of the members of the County Assembly and the staff following disruptions of the sittings on 8th April, 2025. The letter further indicated that sittings will not resume until such a time when the safety of the Speaker and members of staff is assured.

In the Statement, the Committee should address the following-

(1) Under what legal and procedural framework did the Speaker unilaterally suspend Assembly sittings and whether due process was followed in so doing?

(2) The import of this indefinite suspension of legislative business, including budgetary oversight and service delivery to the people of Machakos County.

(3) Measures in place to ensure the suspension of the normal Assembly operations while safeguarding the safety of the Speaker, Members and staff.

(4) Whether the Speaker, Members and the staff of the County Assembly will be paid their salaries for the period the House and committee sittings will be under suspension.

(5) The alternative dispute resolution mechanism available to county governments and in particular, the management of the county assemblies in Kenya.

(6) The actions taken by the County Executive to resolve the issues of the County Assembly and if not, the plan in place to ensure the County Assembly is operational.

I thank you.

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.56(1)(b). The Chairperson, Standing Committee on Roads, Transportation and Housing.

ACTIVITIES OF THE COMMITTEE ON ROADS,
TRANSPORTATION AND HOUSING

Sen. (Dr.) Lelegwe Ltumbesi: Thank you, Mr. Speaker, Sir. On behalf of the Chairperson of the Standing Committee on Roads, Transportation and Housing, Sen. Oketch Gicheru, I rise pursuant to Standing Order No.56(1)(b) to make a statement on the

activities of the Standing Committee on Roads, Transportation and Housing for the period commencing 1st January, 2025 to 30th April, 2025.

During the period under review, the Committee held 13 sittings, considered 75 Statements, one legislative proposal, one petition and one inquiry. During the period, a total of 75 Statements that were before the Committee were considered and concluded.

The Committee is currently considering 26 Statements and will share responses with the respective Senators who had sought them once they are received from the Government agencies and the county governments.

In undertaking its mandate and to comprehensively address the work before it, the Committee met with several governors, including the Governor of Bungoma County, to seek clarifications on a Statement sought by Sen. David Wakoli, MP, regarding construction of a bypass from the junction of San'galo to Kanduyi in Bungoma and the Governor of Nairobi City County to deliberate on the inquiry on the urban regeneration and renewal programmes of the County Government of Nairobi.

The Committee further engaged the representatives of the various states earmarked for urban regeneration and will table the report upon conclusion of the inquiry.

The Committee also held a meeting with the Governor of Mombasa County as a follow-up on the status of implementation of the Senate resolutions regarding the allocation of houses to former tenants of Buxton Estate. It is scheduled to undertake a factfinding visit to Buxton Estate to ascertain the presentations made by the Governor regarding how the developed houses have been allocated to the former tenants.

Mr. Speaker, Sir, the Committee considered the Budget Policy Statement 2025 and held consultative meetings with the Ministries, Departments and Agencies (MDAs) under its mandate and made the various recommendations.

This included, among other things, sharing of expected proceeds of the Road Levy Fund for the Financial Year 2025/2026 to take into account transfer for county towards maintenance and rehabilitation of county roads to a total of Kshs13.9 billion as conditional allocations.

The Committee is currently considering a Petition regarding the compensation for sugarcane crop damaged by the Department of Public Works, Roads, Energy and Transportation in Pap-Oriang, Siaya County, and will table a report on the matter.

In this period, as part of the parliamentary diplomacy, the Committee undertook a visit to the East African Community (EAC) in Arusha, Tanzania on a familiarization visit of the infrastructure projects and programmes currently under implementation in Tanzania by the EAC.

Mr. Speaker, Sir, the Committee faced the following challenges which delayed the conclusion of legislative business before it: Delayed response to Statements, Petitions and inquiries from the Government agencies and rescheduling and postponement of Committee meetings from external stakeholders invited by the Committee to respond to various issues raised by the Committee, especially the Cabinet Secretaries.

The Committee is scheduled to undertake the following activities in the next quarter: To invite governors for meetings to apprise the Committee on the status of roads developed in the counties and to undertake visits to the various affordable housing projects in the country.

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I thank you.

The Speaker (Hon. Kingi): The Chairperson, County Public Investments and Special Funds Committee.

ACTIVITIES OF THE COMMITTEE ON COUNTY
PUBLIC INVESTMENTS AND SPECIAL FUNDS

Sen. Osotsi: Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b) to make a Statement on the activities of the County Public Investments and Special Funds Committee for the period commencing 1st January, 2025 to 30th April, 2025.

During the period under review, the Committee faced a challenge regarding the court ruling on the timelines under Article 229. However, the Committee in the circumstances held a total of 26 sittings within and outside the precincts of Parliament to consider the matters within its mandate. The meetings included regular meetings to consider Auditor General's Report on municipalities, hospitals and water companies for the Financial Year 2023/2024 within counties.

Mr. Speaker, Sir, during the period under review, the Committee has examined audit reports for the following county entities-

Kilifi County: the entities are Kilifi Water and Sanitation Company Limited, Malindi Water and Sanitation Company Limited, Kilifi Municipality and Malindi Municipality;

Taita-Taveta County: the entities are Tavevo Water and Sanitation Company Limited, Mwatate Municipality and Voi Municipality; Nandi County, the entities are: Nandi Water and Sanitation Company Limited, Kapsabet County Referral Hospital and Kapsabet Municipality; Wajir County: Wajir Water and Sanitation Company Limited, Wajir County Referral Hospital and Wajir Municipality;

Murang'a County: Murang'a Water and Sanitation Company Limited, Murang'a South Water and Sanitation Company Limited, Kahuti Water and Sanitation Company Limited, Gatamathi Water and Sanitation Company Limited, Gatanga Community Water Scheme and Murang'a Municipality;

Makueni: Makindu Water and Sanitation Company Limited, Mbooni Water and Sanitation Company Limited, Wote Water and Sanitation Company Limited and Wote Municipality.

Mr. Speaker, Sir, the list is long, but the additional counties are Lamu, Nyamira, Elgeyo-Marakwet, Kwale, Kisii, Samburu, Busia, Tana River, Uasin Gishu, Kakamega, Trans Nzoia, Laikipia, Bomet, Homa Bay and Vihiga County.

During the interaction with the executives of the aforementioned counties, the Committee observed numerous cross-cutting issues impacting on the operations of various entities. The findings are comprehensively detailed in the reports that have been tabled and adopted by the House on 27th March, 2025.

The Committee tabled reports on 17 municipalities, 5 hospitals and 16 water companies, which were adopted by the House on 27th March, 2025. This Report outlined various recommendations that the Committee has made aimed at addressing the identified challenges.

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The Committee has further conducted inspection visits to Kilifi, Mombasa and Kwale Counties between 22nd April to 24th April, 2025. Moving forward, we plan to undertake similar visits to all the other remaining counties with a focus on high-risk fiduciary investments facing hospitals, water companies and municipalities with significant financial vulnerabilities.

The Committee further held a stakeholders' engagement retreat on 25th and 26th April in Mombasa, bringing together the Office of the Auditor General, Controller of Budget (CoB), Ethics and Anti-Corruption Commission (EACC).

The retreat was aimed at familiarizing the new Members with the working relationship between the Committee and these independent offices in executing its mandate.

The Committee has already sent out invitations to the various governors to appear before it, appointed to respond to audit reports raised by the Auditor General on the financial statements of the various investments within the respective counties.

Finally, Mr. Speaker, Sir, I want to thank you for making a firm directive that the County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds Committee should continue with their work despite the ruling that was issued by the court that appears to derail that process. We are continuing well and witnesses are appearing before us. Governors are keen to have political accountability and that is a good thing.

Mr. Speaker, Sir, I submit the Report.

The Speaker (Hon. Kingi): Let us now proceed to the Statement pursuant to Standing Order No.57(1) by the Senate Majority Leader.

Sorry. Before we have the Senate Majority Leader, let us have the Chairperson of the Committee on Delegated Legislation.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): You could have raised it when Sen. Osotsi was contributing. Certainly, it cannot be a point of order. I got busier after the Statement was concluded.

Sen. (Dr.) Khalwale: In fact, the point of order is just on clarification.

The Speaker (Hon. Kingi): You may proceed if it is a clarification.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the clarification I would like to seek from the Chair is that I have heard him congratulate you for allowing the two committees to function. He said it is based on the fact that there was a court ruling directed to the Senate in the way we handled accounts.

I would like him to clarify. Does he mean that we are defying a court order or what exactly does he mean? The Senate should not be seen to be defying court orders.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, there is absolutely no court order that is being defied. The directive that was given is in line with the provisions of the Constitution and our Standing Orders. So, it is not in breach or contradict any court order.

Let us have the Chairperson of the Committee on Delegated Legislation.

ACTIVITIES OF THE COMMITTEE ON DELEGATED LEGISLATION

Sen. Gataya Mo Fire: Mr. Speaker, Sir, I am here to read a Statement relating to the activities of the Committee on Delegated Legislation for the period between 1st January, 2025, to 30th April, 2025, pursuant to Standing Order No.56(1)(b).

Mr. Speaker, Sir, during the period under review, the Committee on Delegated Legislation held a total of 13 sittings, conducted post-publication scrutiny of 21 statutory instruments, and pre-publication scrutiny of 3 draft statutory instruments. The Committee also visited four counties and held one parliamentary diplomacy engagement.

On post-publication scrutiny of statutory instruments, during the period under review, the Committee considered a total of 21 statutory instruments and acceded to a total of 14 statutory instruments as listed below-

(1) The Pest Control Products (Importation and Exportation) Regulation, Legal Notice No.190 of 2024).

(2) The Pest Control Products (Disposal) Regulations, Legal Notice No.191 of 2024.

(3) The Pest Control Products (Fees and Other Charges) Regulations, Legal Notice No.192 of 2024.

(4) The Pest Control Products (Inspection and Certification) Regulations, Legal Notice 193 of 2024.

(5) The Pest Control Products (Labelling, Advertisement and Packaging) Regulations, Legal Notice No.194 of 2024.

(6) The Digital Health (Health Information Management Procedures) Regulations No.76 of 2025.

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

(8) Corrigendum on the Environmental Management and Coordination (Air Quality) (Amendment) Regulations, Legal Notice No.66 of 2025.

(9) Corrigendum on the Environmental Management and Coordination (Sand Harvesting) (Amendment) Regulations, Legal Notice No.65 of 2025.

(10) Corrigendum on the Environmental Management and Coordination (Water Quality) (Amendment) Regulations, Legal Notice No.63 of 2025.

(11) Corrigendum on the Environmental Management and Coordination (Waste Management) (Amendment) Regulations, Legal Notice No.64 of 2025.

(12) The Water (Services) Regulations, Legal Notice No.54 of 2025.

(13) The Water (Harvesting and Storage) Regulations, Legal Notice No.57 of 2025.

(14) The Water (Resources) Regulations, Legal Notice No.58 of 2025.

The Committee is in the process of completing its consideration of seven statutory instruments including the following-

(1) The Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, Legal Notice No.5 of 2024.

(2) The Social Health Insurance (Amendment) Regulations, Legal Notice No.147 of 2024.

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(3) The Social Health Insurance Act, Tariffs for Healthcare Services, Legal Notice No.146 of 2024.

(4) The Environmental Management and Coordination (Controlled Substances) Regulations, Legal Notice No.53 of 2025.

(5) The Environmental Management and Coordination (Access to Biological Resources and Benefit Sharing) Regulations, Legal Notice No.68 of 2025.

(6) The Environmental Management and Coordination (Deposit Bonds) Regulations, Legal Notice No.67 of 2025.

(7) The Environmental Management and Coordination (Strategic and Integrated Environmental Assessments and Environmental Audits) (No.2) Regulations, Legal Notice No.71 of 2025.

With respect to pre-publication scrutiny of statutory instruments, the Committee considered a total of three (3) draft statutory instruments including-

(1) The National Construction Authority (Amendment) Regulations, 2024.

(2) The Digital Health (Health Information Management Procedures) Regulations, 2025.

(3) The Digital Health (Data Exchange Component) Regulations, 2025.

The Committee recommended the publication of the two Digital Health Regulations by the Ministry of Health.

With regard to the National Construction Authority (Amendment) Regulations, 2024, the Committee resolved that the Ministry of Lands, Public Works, Housing and Urban Development revokes the National Construction Authority Regulations, 2014 and develops new Regulations as opposed to amendments to the 2014 Regulations, which by operation of the provisions of the Statutory Instruments Act, Cap.2A, were automatically revoked on 13th June, 2024.

The Committee conducted County Oversight Networking and Engagement Visits in Kwale, Mombasa, Kilifi and Tana River counties between 27th April, 2025 and 3rd May, 2025. The Committee met with the Governors to establish the subsidiary legislations developed and transmitted to the county assemblies, as well as publication and public participation processes in the development of statutory instruments. The Committee also met with the counterpart committees of the county assemblies to share experiences in the execution of their respective mandates.

With respect to parliamentary diplomacy, the Committee undertook a learning visit to the East African Legislative Assembly (EALA) and Eastern and Southern Africa Management Institute (ESAMI) in Arusha, Tanzania, in March, 2025. These visits were undertaken in an effort to enhance regional integration of the East African Community (EAC).

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Let us now go to the Statement by the Senate Majority Leader.

BUSINESS OF THE SENATE FOR THE WEEK
COMMENCING TUESDAY, 20TH MAY, 2025

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, this is a Statement by the Senate Majority Leader, which I want to read on his behalf.

The status of the business pending before the Senate includes 54 Bills, of which 42 are at Second Reading and 12 at Committee of the Whole; 23 Motions pending conclusion; and 28 Petitions pending conclusion, out of which 19 are due for reporting by the respective standing committees. We also have 474 Statements pursuant to Standing Order No.53(1) that are under consideration by the respective standing committees.

Mr. Speaker, Sir, on Tuesday, 20th May, 2025, the Senate Business Committee (SBC) will meet to consider the business for the week. The tentative business for that day will include business not concluded from today's Order Paper as well as business indicated on the Notice Paper. Of note is consideration of the Division of Revenue Bill (National Assembly Bills No.10 of 2025) at the Second Reading Stage.

The tentative business for the Morning Sitting on Wednesday, 21st May, 2025, will include the scheduled Questions to Cabinet Secretaries as approved by the SBC as well as Motions.

The Questions scheduled include-

- (i) Question No. 034 to the Cabinet Secretary, National Treasury and Economic Planning by Sen. Enoch Wambua, CBS, MP;
- (ii) Question No. 035 to the Cabinet Secretary, National Treasury and Economic Planning by Sen. James Murango, MP;
- (iii) Question No. 048 to the Cabinet Secretary, National Treasury and Economic Planning by Sen. (Prof.) Tom Ojienda, SC, MP;
- (iv) Question No. 079 to the Cabinet Secretary, National Treasury and Economic Planning by Sen. Karen Nyamu, MP;
- (v) Question No. 050 to the Cabinet Secretary, Ministry of Gender, Culture, the Arts and Heritage by Sen. Catherine Mumma, MP;
- (vi) Question No. 076 to the Cabinet Secretary, Ministry of Gender, Culture, the Arts and Heritage by Sen. (Prof.) Tom Ojienda, SC, MP;
- (vii) Question No. 066 to the Cabinet Secretary, Ministry of Tourism and Wildlife by Sen. Joyce Korir, CBS, MP.

The tentative business for the Afternoon Sitting on Wednesday, 21st May, 2025, will include Business not concluded from Tuesday's Order Paper and the following-

a. Bills at the Second Reading Stage:

- (i) The County Governments (State Officers Removal from Office) Procedure Bill (Senate Bills No. 34 of 2024);
- (ii) The County Governments (Amendment) Bill (Senate Bills No. 39 of 2024);
- (iii) The Labour Migration and Management (No. 2) Bill (Senate Bills No. 42 of 2024);
- (iv) The Street Naming and Property Addressing System Bill (Senate Bills No. 43 of 2024).

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- b. Bills at Committee of the Whole –
 - 1. The Co-Operative Societies (Amendment) Bill (Senate Bills No. 53 of 2023).
 - 2. The Public Fundraising Appeals Bill (Senate Bills No. 36 of 2024).
 - 3. The Heritage and Museums Bill (Senate Bills No. 8 of 2023).
 - 4. The Environment Laws (Amendment) Bill (Senate Bills No.23 of 2024).
 - 5. The County Library Services Bill (Senate Bills No. 40 of 2024).
 - 6. The Statutory Instruments (Amendment) Bill (Senate Bills No. 10 of 2024).
- c. Motions

- (i) Report of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from a statement sought by Sen. Godfrey Osotsi, MP and Sen. David Wakoli, MP; and

- (ii) Progress Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration into an inquiry on the diversity and inclusivity in the staff composition of state agencies in Kenya.

The projected business for Thursday, 22nd May, 2025, will include business not concluded from Wednesday's Order Paper, debate on the Motion on the Fourth Basis for allocating the share of national revenue among counties and any other business scheduled by the Senate Business Committee.

Mr. Speaker Sir, I thank you and hereby lay the Statement on the Table of the Senate.

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

The Speaker (Hon. Kingi): Sen. Hamida Kibwana.

UNWANTED PREGNANCIES DUE TO INEFFECTIVE CONTRACEPTIVE METHODS

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 52(1) to make a Statement on a matter of national concern regarding the rising incident of unintended pregnancies and abortion-related complications, largely attributed to ineffective contraceptive methods and gaps in reproductive health care services.

A recent study titled, Incidents of Induced Abortion and Related Complications in Kenya, conducted by the African Population and Health Research Center (APHRC), in collaboration with the Ministry of Health and International Partners, reveals that Kenya recorded over 1.4 million unintended pregnancies in 2023. Alarming 35 per cent of women who used emergency contraceptive pills still conceived, raising serious concerns about the efficiency, availability, and appropriate use of contraceptive options within our health system.

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Mr. Speaker, Sir, the study, which covered Nairobi, Kisumu, Mombasa, and Nakuru counties, paints a grim picture of unmet needs and stigma in reproductive health. It recorded 793,664 abortions in 2023, representing a rate of 57.3 per 1,000 women aged 15 to 49 years. The highest abortion rates were reported in Nairobi and Central Kenya at 78.3 per 1,000 women, followed by Nyanza at 69.4 per 1,000 women, and Western at 55.6 per 1,000 women, while Coast and North-Eastern regions reported the lowest rates at 38.7 per 1,000 women.

Mr. Speaker, Sir, social stigma continues to surround contraception, especially for young women who are often branded immoral despite being sexually active and in need of protection. The study found that 58 per cent of the women interviewed were married, and among these, 32 per cent had two or more children. This disproves the myth that contraception is only sought by unmarried or promiscuous individuals. In reality, it is a fundamental health and family planning necessity.

The study also exposed serious gaps in post-abortion care. Only 24 per cent of referral facilities and 21 per cent of lower-level facilities were equipped to provide even basic post-abortion services, leaving thousands of women vulnerable to complications and long-term health risks.

Mr. Speaker, Sir, in the light of these findings, I urge the Standing Committee on Health, in collaboration with the Ministry of Health, to consider initiating an inquiry with a view of addressing the following-

(1) The distribution, quality and effectiveness of contraceptive methods available in public health facilities across the country.

(2) Access to reliable and long-acting contraceptive options, particularly in underserved and high-risk regions.

(3) Public education programmes to combat stigma and promote informed reproductive health choices among youth and families.

(4) The availability of comprehensive post-abortion care in public health facilities, including staff training and improved supply chains for critical services.

Protecting the reproductive rights and health of women and girls is not optional; it is a national imperative. We must act urgently to address this crisis and strengthen our reproductive health care systems.

I thank you.

The Speaker (Hon. Kingi): Before we move to comments on these Statements, I would like to call upon the Chairperson of the Committee on Agriculture, Livestock and Fisheries to lay a Paper on the Table.

(Interruption of debate on Statements)

PAPER LAID

REPORT ON CONSIDERATION OF NATIONAL ASSEMBLY
AMENDMENTS TO THE COFFEE BILL 2023
(SENATE BILLS NO.10 OF 2023)

Sen. Munyi Mundigi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, 15th May, 2025-

Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Consideration of National Assembly Amendment of the Coffee Bill 2023 (Senate Bills No.10 of 2023).

(Sen Mundigi laid the document of the Table)

The Speaker (Hon. Kingi): We shall now move to comments.
Sen. Essy Okenyuri, please proceed.

(Resumption of Statements)

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. I wish to support the Statement by Sen. Richard Onyonka on land issues in Kisii County.

Mr. Speaker, Sir, land issues in Kisii and Nyamira counties are not a new phenomenon. Most of these issues emanate from cultural issues. Even when such cases drag to court, some have taken 10 to 15 years.

This is because, most members of the society have strong attachment to land that has been acquired from their grandparents and great-grandparents. As a result, most of them are not willing to participate in the succession of land.

So, I feel the Ministry needs to work closely with the land registrars, to conduct civic education on why succession needs to be done earlier, so that we do not have cases dragging in court.

In some instances, we see people who are putting injunctions in court to even bar dead bodies from being buried. Largely, this is affecting women because they are the ones married in those families. Some are not able to accept that they are already part of those families.

This Statement by Sen. Onyonka is very timely, and it calls for the Ministry of Lands, Housing and Urban Development to take this issue seriously, so that we sensitize our people on succession processes and why they need to begin earlier, and why they need to report some of these challenges before they get out of hand.

I support that Statement.

The Speaker (Hon. Kingi): Sen, Beatrice Akinyi Ogola, you may proceed.

Sen. Ogola: Thank you, Mr. Speaker, Sir. I want to support the Statement by Sen. Shakila Abdalla. This is a Statement on the acquisition and utilisation of land for the construction of the Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET) Project.

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The issue of compensation has been a nagging problem, especially with Government agencies. The question we keep asking ourselves is why the Government put in a request or a need for land, and failed to put a budget for compensation of land.

This is a process that really disadvantages the land owners because they are given notices to leave, the projects are initiated, and are sometimes completed before members of the public are compensated.

The most outstanding issue in this case is that, an initial acquisition was made of 390 acres, but they ended up using 28,000 hectares of land. So, how do we make use of land that has not even been paid for?

It is on this same Floor that in the past, I indicated that there are even a number of markets in this country, one of them is in my county called Kodumba Market. That is a market still on freehold, the owners of this land were never compensated, but the county government even collects cess from that land.

To me, this is an injustice to the people of Kenya and particularly this LAPSET Project. There has been use of so much money. Why do they use people's land yet they were never compensated them? It is unfair?

So, I support that the land owners must be compensated, not only for the land, but for even the property that was on that land. I support.

The Speaker (Hon. Kingi): Sen. Joe Nyutu, you may proceed.

Sen. Joe Nyutu: Thank you, Mr Speaker, Sir. I rise to comment on the Statement raised by Sen. Agnes Kavindu Muthama about suspension of the sittings of the County Assembly of Machakos.

This concerns me because yesterday, we were dealing with the case of Nyamira County Assembly where we have two parallel assembly sittings. We must rein in these county assemblies and the county governments that are not observing the rules as per the Constitution. There was a Statement yesterday that was raised by Sen. Okiya Omtatah, the Senator for Busia County, relating an unprocedural withdrawal of about Kshs19 billion from the Consolidated Fund.

I feel that we need to comment about this because the procedures and Sen. Okiya Omtatah---

The Speaker (Hon. Kingi): Sen. Joe Nyutu, that is not one of the Statements in the Order Paper today.

Sen. Joe Nyutu: Mr. Speaker, Sir, I beg your indulgence because---

The Speaker (Hon. Kingi): If you have nothing to say on the Statement, kindly yield.

Sen. Joe Nyutu: So, Mr. Speaker, Sir, do I have your permission to continue with that Statement by Sen. Omtatah?

The Speaker (Hon. Kingi): Not on the Statements that are not in today's Order Paper.

Sen. Joe Nyutu: Okay. So, then, Mr Speaker, Sir, I beg to sit down. However, remember I had requested that we needed to talk about this because Kshs19 billion is not pocket change.

The Speaker (Hon. Kingi): Hon. Sen. Joe Nyutu, you may proceed to comment on the Statements that have been read today.

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Sen. Joe Nyutu: Okay, Mr Speaker, Sir, *nimesilikiza* ground. I thank you.

(Laughter)

The Speaker (Hon. Kingi): Senator for Nandi County, you may proceed.

Sen. Cherarkey: Mr Speaker, Sir, thank you. From the onset, I want to support the Statement by the Senator for Kisii County, Sen. Onyonka.

We need to open inquiry into this issue of land disputes. You remember almost six people were killed in Angata Barikoi, Narok County. Up to now, it is sad that those people have been buried and forgotten. No one has been arrested. Even the police officers that turned rogue have never been arrested.

I request through the Joint Committee and with your indulgence, under Standing Order No.1, direct the Standing Committee of Lands and National Security to handle this issue of dispute of land and killings.

We have so many people who are crying in Angata Barikoi. They have been evicted. Apart from infrastructural evictees, this issue of people being killed, whether it is cultural or it is criminal, to me, are criminal elements.

Even as the souls of the six Kenyans who died in Angata Barikoi, and many victims were injured, it is sad that today, there is no progress report on the investigations of the Kenyans who were killed in Angata Barikoi over land dispute in this House. I hope this matter will be handled.

I want to challenge the National Land Commission (NLC) because I know the region where he comes from, the coast. We were discussing even about the absentee landlords. This has led to many disputes in the former coast province where you hail from.

I think it is of even interest to yourself and other leaders from this region and Rift Valley, that we form a joint committee of the National Land Commission and National Security, Defence and Foreign Relations.

Secondly and finally, I have read the Statement by the Committee, you need to give direction. There was a petition on compensation of residents affected by the construction of Kamosori-Nyaru Road. It was tabled on 17th July, 2024. It has violated the 60-days rule. You need to be firm and direct that they must prosecute these matters as per the Standing Orders. If we cannot follow our own rules, what will become of us?

My Statement on this issue of the Nairobi Expressway has been there from April 2024. We have been told that the Nairobi Expressway is being closed for the next three days. No one knows what the Moja Expressway is collecting from the Nairobi Expressway.

Whenever it rains in this City, the Nairobi Expressway normally floods, yet the Committee on Roads and Transportation has not even found it wise--- I do not know whether they need money from the office or approval. We can just walk to the Nairobi Expressway across here and assess it.

No one knows how much we are collecting as a country from that expressway, who runs it, and why, when it rains, it is only the Expressway that floods. Of course,

apart from Jogoo Road and many other areas because Nairobi City County is being run like Iraq---

Finally, on the status of roads in Nandi County, I did raise this matter on 15th May, 2024. No one, and you know Nandi County is one of the agricultural counties that we have in this country--- It is sad that we have tea, coffee, milk, vegetables and fruits, yet we cannot access our markets. Our milk is getting spoiled because of the pathetic roads. You need to call this Committee to order.

Mr. Speaker, Sir, I can see the Chairperson of the Senate Committee on Roads and Transportation, Sen. Oketch Gicheru, is smiling at who threw him out yesterday, yet I am raising valid questions that he should be listening to, so that you do not need to give directions.

We are complaining that the Committee on Roads and Transportation is holding our statements and petitions at ransom without responding in time. Mr. Speaker, you need to go hard, hot and big against committees that do not respond to statements in time. I invite you under Standing Order No.1 with tremendous respect to your office.

The Speaker (Hon. Kingi): That matter will be discussed comprehensively at the Senate Business Committee.

Sen. Tabitha Mutinda: Mr. Speaker, Sir, allow me to briefly comment on the Statement by Sen. Hamida Kibwana on the issues of contraceptive methods. She has requested for an adequate quality supply across all the public facilities in the country because of the increased rates of induced post-abortion effects that are in this country.

She has provided the data clearly. Nairobi City is leading with close to almost 70 per cent of these abortions. I believe this Statement will come to our Committee. We will deal with it, Sen. Hamida, to ensure that the right measures and procedures are put in place.

Mr. Speaker, Sir, allow me to also make my contribution on the indefinite suspension of the County Assembly of Machakos, a statement by Sen. Kavindu. It is a shame and very sad today that county assemblies can close.

After the 2022 elections, we were so proud to have female governors whom we call “Machakos and Nakuru girls,” but because the matter is for “Machakos girls,” let me narrow it to that.

We were so proud to have a woman governor, a woman Senator, of course a Woman Representative, and a woman Speaker. That beautiful leadership, the way it has been, has now turned into difficult political issues.

It has come to a point that the Speaker has to direct that the County Assembly adjourns indefinitely, citing threats to her life and to the life of the other Members of the County Assembly, definitely the ones who are opposing her impeachment. This is a shame to women leadership. It is a high time that they to sat down, resolve their political differences and offer the services to the people of Machakos.

Mr. Speaker, Sir, where I sit as the Vice-Chairperson of the Committee on Finance and Budget, as we speak, we have suggested Kshs465 billion through the Budget Policy Statement (BPS). Machakos County, I guess is asking about Kshs9.5 billion. So, definitely, they would be getting more money.

If the County Assembly of Machakos County cannot pass their budgets, how are they going to offer services to the people of the county who elected them and ensured in those offices? They are still earning salaries, yet they have adjourned their sessions. They had a calendar which was well stipulated that was to go up to the 14th May, 2025. It is wrong. It is wrong in the sense that the mwananchi suffers because of political issues.

Those women leaders, that is the Governor, Women Representative, Senator and the Speaker of that County Assembly, should show leadership, come together, and resolve the political issues. I do not see why she should be impeached because it is taking the issues where they now are.

I submit.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for the chance. I would like to reflect on the Statement by Sen. Hamida on the use of contraceptives and how it is related to unintended pregnancies and abortions.

This is a very important matter because it is right at the heart of the productive age of our women. Without reproductive women, there can be no country called Kenya 10 to 20 years from now.

I, therefore, appeal to the Senator to consider using her resources and office, so that access to contraceptives is not misused, abused and misunderstood. Contraception by way of the modern methods is something which is foreign to us. The owners of those methods had an original intention of controlling the populations of the black Africa. As we allow women access to these contraceptives, we must accompany it with adequate education.

I firmly believe that a woman who should take contraception should have a minimum of three children to start with. Secondly, that the traditional methods running from cultural rights to family care should be able to help girls not get the so-called unintended pregnancies.

Lastly is post-abortion care. Eighteen counties, as we speak this afternoon, among them Kakamega and Machakos doctors, are on strike. These young people get this abortion every day. Post-abortion care is always a life-threatening, emergency and can only be handled surgically by a competent doctor. So, the fact that there are no doctors, means that young women are dying in Machakos and Kakamega and the other hospitals of those 18 counties. The Senate must move with speed to ensure that these doctors are back into the hospitals by putting pressure on governors who prefer to spend money on living large.

Mr. Speaker, Sir, can you imagine the Governor of Kakamega does not want to pay doctors, and the other day, he bought for himself an armored car – Lexus – for Kshs54 million. Not that we cannot drive that kind of vehicle, but who would want to kill him? I assure the Governor of Kakamega that his life is not under threat. He is wasting our money. Let him use those millions of shillings to pay our doctors. We are waiting for him. He is being very unkind. We cannot allow governors to spend money on luxury instead of paying our doctors.

I was looking at the proposed budget estimates, and the Government wants to ask us to allow only a paltry Kshs1.7 billion for the doctors who keep on walking around the streets here. That money is not enough to get those doctors back, to address their salaries

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in arrears and to address their needs for promotion. We require Kshs4 billion, which is not too much that we can allow our patients to be dying like animals.

Mr. Speaker, that is why the Senate was created. We insist that governors must be called to order.

Sen. Lemaletian: Thank you, Mr. Speaker, Sir, I rise to contribute to the Statement by Sen. Shakila on the LAPSSET issue in Lamu County.

It is very important to note that taking land away from our citizens without any form of compensation or relocation directly disenfranchises the citizens and, therefore, denying them their dignity.

We have a similar issue of the Yamo Dam, which is in the village I come from and which I have spoken about on several occasions in this House. After the construction of the dam, the compensation has been a headache up until now.

Even worse, the piping of this water went through several farms, including for my neighbours. After telling them there was no compensation, there were huge piping holes that were in these farms that caused soil degradation and which affected the environment because most were farming areas. During this rainy season, our neighbours ended up not planting any crops because of the effect of the holes that were dug in their farms. It is sad that the Government does not understand that where their freedom ends, the rights of the citizens begin.

Mr. Speaker, Sir, our mandate as legislators is to protect and represent the citizens who elected us to these Houses. When it comes to rural electrification, the LAPSSET, the construction of roads, dams and other social amenities, we have the Committee on Lands, Environment and Natural Resources that sits in Nairobi in a committee room discussing these issues yet, we have a lot of issues that revolve around land belonging to citizens being taken away under the guise that whatever is happening on that land will benefit citizens.

We know that but we also know that when you take away land belonging to someone, that directly lowers their dignity and makes them squatters. We are living at such times when there is barely any idle piece of land. I, therefore, urge the Committee on Lands, Environment and Natural Resources should be on their toes, moving from county to county, addressing these issues including the Oljorai matter, which I have been talking about in this House. We had the Committee sit on the same issue today.

We need this Committee to go to the grassroots in order to get the views and know where the shoe is pinching. They will then come back and tell people that, indeed, this is how a certain matter should be approached.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Seki?

Sen. Seki: Thank you, Mr. Speaker, Sir. I take this opportunity to thank and agree on the Statement sought by Sen. Agnes Kavindu from Machakos County. I agree on the issues raised in this Statement, that we need to think about what is happening in our counties, especially in the county assemblies during this time where we have county assemblies approving budgets for the county executives and the counties.

This is a big threat to the county governments and this Statement has come at the right time when we want to seek the indulgence of the Committee on Devolution and

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Intergovernmental Relations for them to look at these issues critically. Maybe, there are legislative gaps and these are the things bringing wrangles between the county governments and the county assemblies.

Mr. Speaker, Sir, we had the same problem yesterday when we had the Motion on Nyamira County with the same issues that are coming up in our county assemblies. These are issues we are not understanding because there are laws, systems and agencies of the Government that need to protect devolution.

This Statement again has come at the right time when we have issues that are threatening devolution in our county assemblies and in the Senate as well. Remember, the functions of the county governments are being threatened, but this is devolution being threatened. We need to look at it further than how we are looking at it today and how the Senate is also handling it.

Mr. Speaker, Sir, we have many issues that need to be looked at because devolution is also being threatened by even the national Government on roads, health and education. There are many problems that are coming up whose functions have been devolved. This House needs to look at these issues critically, especially the ones that affect devolution. The same issues are the ones arising from the county assemblies, county governments and this House as well. This is a matter of concern and we should look at it.

The Speaker (Hon. Kingi): Sen. Mumma?

Sen. Mumma: Thank you, Mr. Speaker, Sir, for the opportunity to speak to the Statement by Sen. Hamida on the matter of unwanted pregnancies due to ineffective contraception. I have previously spoken on the issue of adolescent health in this country. I have indicated that as a country, the greatest problem we have is the neglect of adolescent boys and girls.

The 1.4 million unintended pregnancies are as a result of negligence that we have. I have previously given statistics around teen pregnancies in this country. As at now, between 2016 and now, we have had nearly 1.6 million teen pregnancies in these countries. Those are young girls who are defiled and who engaged in sexual activity and got pregnant, but this is a record of those who got pregnant and attempted to get rid of those pregnancies.

I wish we could look at this issue not in a silo manner, but as a matter of killing our future. Even as we look at the issue of abortion, the solution here is not providing family planning. The issue here is what programmes we are putting in place to safeguard the livelihoods of our children.

I would like to tell you, Mr. Speaker, Sir, that out of those who are pregnant, we have 150 who are aged 10 and 14 years. Those are going to be mothers and yet, in the Ministry of Education, we have no programme on sex education. This information and more information that keeps coming around pregnancies and abortions is a call upon to us to stop continuing with the policy of no-sex education in schools.

We need sex education in schools. We need our girls and boys to be told the consequences of casual sex. We need our girls and boys to be told that we have offences like defilement and that someone having sex under the age of 18 is criminal in this country.

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Mr. Speaker, Sir, I have taken an interest in the justice sector to find out whether we have one million prosecutions of the girls who have been defiled because those are the pregnancies we have. We do not even have a hundred. What does that show? It shows that we are not interested in implementing our own law of protecting our children. For this girl who is 14 and is pregnant, she has just been told, “give birth and go back to school or go back to school with your child.”

Mr. Speaker, Sir, this is the biggest problem that we have. If you look at the Human Immunodeficiency Virus (HIV) statistics, the highest transmission rates are amongst the 14 and 19 years old; the same cohort. However, we are moving on thinking the biggest problem here is anything else.

In my view, the biggest problem in Kenya is the neglect of the adolescent boys and girls. This is only showing what is happening. How did we end up with 1.4 million abortions? It is because our health system is not designed to receive adolescents on their own and take care of them. So, what happens? We have, especially in Nairobi, a parallel illegal health system on the streets; where girls are getting fake family planning and fake P2 pills.

Many of them will be hurt and they will have infertility problems. Who is peddling this?

We have enough fake doctors within our systems purporting to manage adolescence. This happens because our health systems are not friendly to adolescent services and we have not agreed to have counselors and people who can speak to children about sex education within our schools. We think that speaking to girls in our churches is training them to do the wrong thing. No. What we are doing is that we are killing our future.

This is not just about the girls. The boys do not get pregnant, but many of them are being defiled. They do not speak because our culture has tabooed us from discussing sex. I want us to go and find out what is happening from your nephews. You can even do it for fun. You will find out that what is happening out there is bad.

The biggest crisis as far as I am concerned is that Kenya has dropped the ball when it comes to the care of its adolescents. These results will keep coming here one by one. We talk about how many pregnancies, how many have not gone back to school, how many have procured abortions yet we are not being told of the number of girls who died while procuring abortion. This is a serious issue. I hope that this Senate, which I call a courageous Senate, can have the courage to face religious leaders and top Government officials one of these days and tell them that adolescents are the future of this nation. This Senate should tell them that we must put in place the policies that take care of them.

Gender Based Violence (GBV) for both boys and girls is all over, yet it is not a big deal for us hence the reason we are not discussing it. I am calling all of us to order. We should start looking at our own statistics. I want Sen. Faki, Sen. (Dr.) Khalwale, Sen. Cheruiyot to come back next time and tell us how the number of girls, under 18, in Kakamega County, got pregnant last year. Can each of them come and give us those statistics?

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

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

The Senate Majority Leader, next time, you should tell us the number of teen pregnancies that we had in Kericho County. You should also tell us the number of abortions that happened in Kericho County. I want us to start personalizing it. When we do that, we will see how serious it is. I also want you to ask the Cabinet Secretary for Education, the number of children who got pregnant and are back in school.

Sen. Wafula is not here and I wanted him to hear this. Last year, I went to Bungoma County where we had 5,000 teen pregnancies in 2023. How many schools can accommodate that number if a school is to accommodate 1,200 learners? That translates to four schools full of pregnant people.

I thank Sen. Kibwana for bringing up this issue. It is a big issue and we need to look at it holistically. We should ask the Committee on Health and Committee on Education to look at it from the lens of adolescence boys and girls. They should look at it beyond pregnancies and abortions, but instead look at it as an issue of violence against adolescence. If we do so, we will realize that we need to do something about it.

I am glad the Nancy Baraza Task Force is headed by the Ministry of Interior and National Administration. I will go to that task force. Hon. Murkomen is in charge of the Ministry of Interior and National Administration. We want the safety of girls and boys in this country to be treated as an issue of internal security. There should be a budget line and a policy in place to ensure that there is safety and security of our girls and boys.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. I rise to make comments on the statement by Sen. Kibwana on the issue of unwanted pregnancies in school.

I think that we are all missing the point. We can stand here, lament, make beautiful statements and condemn certain individuals yet we are not going to the root cause of the problem. The Statement presented by Sen. Kibwana has given statistics and she has stated that Nairobi City County is leading in unwanted pregnancy by 78 per cent. She has stated that Nyanza province is at 69.4 per cent. Central Province is at 78.3 per cent.

What we need to ask ourselves is; what is similar in all these counties? The rate of poverty in these counties is very high. We should ask ourselves; who are these young girls who are getting pregnant in Nairobi? You will realise that these girls are from the informal sector and public schools. The rate of pregnancy in private schools is quite low. Those are the schools where the rich take their children. Those children are educated and given activities to do.

The problem is that we incubate this problem and ensure that it gives birth. Later, we do not give a proper solution, we instead come and lament here. Yesterday, I was watching the news and saw that the Committee on Education of the National Assembly had been invited to the Ministry of Education. I noted that the Ministry of Education had forgotten one basic thing, which is to budget for the exams that the children take.

If we are not budgeting for the exam for these children, then we are not supporting these children. We are not coming up with policies that guarantee free primary and secondary education. The question then is, how are we going to solve this issue of

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pregnancy? People sometimes get to a point where they feel that life is too hard and all they want is to get a meal for the day.

Vulnerable children never find their parents when they go home because those parents are out there working to feed them. When those kids do not have activities to do, they end up being lured by guys who ride *boda bodas* because they have some little money. They are also lured by politicians like us and rich people from the cities. Those kids get mesmerized and before they know it, they are pregnant. It is at that point that they realise what they have just done.

We need to ask ourselves the steps we need to take to solve this problem. I know Sen. Mungatana, Sen. (Dr.) Khalwale, my good friend from Kwale County and I are fathers of girls. This is, therefore, our problem. This is something that we need to take note of. I know the Temporary Speaker is also a father of girls. Most of us here, including the Senate Majority Leader, are fathers of girls.

So, what should we do? We should not lament, but rather look at how these girls can remain in school. We, the politicians, always make the statement that no child should be left behind, but the question is; are we investing money in those schools? Are we creating jobs for those kids? This is a time when all of us should be asking ourselves whether we are creating internships opportunities within our own environment.

In America where I grew up, you would see a high school child working during school holidays, perhaps at KFC, to raise money. I raised money too; I did two or three jobs to afford school fees. However, that is a problem here. We are not creating jobs. Instead, we are busy fighting between the Senate and the National Assembly on who is superior, yet independent institutions conduct surveys on our children. One such survey examined incidents of induced abortion and related complications.

When discussing abortion in this country, one of the biggest concerns raised is the issue of Plan B. A child engages in unprotected sex and is later educated that they can take a pill - Plan B - the following day, and move on. However, who should be the first to educate these children about the dangers of induced abortions? Should it be the Pharmacy and Poisons Board, us or the parents? That is a conversation we need to have.

Nowadays, as we focus on lining our pockets, driving big cars and enjoying life, we neglect traditional cultural ceremonies. In the past, the Luhyas would gather for ceremonies. The Kalenjins and Maasais had similar traditions that emphasized the importance of respecting young girls.

In the Maasai culture, before a boy is circumcised, he is asked the night before whether he has slept with a woman. If he has, nobody would hold his back. He is called a “*Kithengenyi*”. When we abandoned these traditions, we also stopped truly focusing on their values.

Some argue there are health concerns - health concerns, my foot! We need to ask ourselves whether we can return to our traditional cultures. Can we revive the most important tenets that hold this community together? Otherwise, Sen. Mumma will continue lamenting, asking for statistics. She would keep on asking for the statistics for Narok County. Are we going to eat statistics? No.

I truly feel the pain my good friend, Sen. Mumma, carries and the passion she has for this issue. However, are we solving the problem? There is only one problem. All of us

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must take a stand and demand free education for our children in this country. We must support our public schools. Yesterday, I heard that many teachers are interns, but cannot be absorbed due to a lack of funds. What do we need to do?

Senate Majority Leader, it is time we start realigning our existing resources. We must explore ways to absorb these children and create cultural initiatives. In fact, the only thing politicians seem to do now is sponsor soccer tournaments because they are eyeing 2027. They want to bring people together, play soccer, hand out T-shirts and balls. Later, they will proudly recall that they sponsored a tournament in Narok County instead of investing in mentoring activities.

Professional women here, we should be hearing that there is a problem, and to solve it, we must address its root causes. These children are idle and poor. Their families do not even have food, leaving them vulnerable. We must ask ourselves: what can we do? What meaningful activities can we provide for children during school holidays? However, if we simply stand here and say, 'Sen. Ledama, bring us statistics on pregnant girls in Narok County,' what purpose will those statistics serve? Nothing. Of course, statistics can inform decision-making. However, if we cannot solve the basic problem of keeping children engaged, talking to them about their future, then the numbers alone are meaningless.

When we were growing up, the primary goal was to finish school and secure a white-collar job. Nowadays, we no longer need white-collar jobs to succeed. We can be creative. In Maasai culture, we can use our tools to create beadwork, empowering the women in our community.

I am told that some girls from Sekenani School are here, and I hope they are still around. The National Government has invested about Kshs120 million to build a beading center. I hope this center will mentor these girls, so that even if they do not find formal jobs, they can still earn a living in the future.

Mr. Temporary Speaker, Sir, I support this Statement. However, beyond presenting statistics, it is now our collective responsibility to ask, what are we going to do to promote free primary and secondary education? How can we introduce mentoring programmes to help children understand their sexual health?

I thank you.

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

Sen. Mungatana, MGH: Bw. Spika wa Muda, ningependa kusema machache kuhusu mimba za mapema za watoto wetu. Mahali ninapotoka, Tana River, shida hii bado ipo na inazidishwa na tabia ya kuoia mapema. Nachukua nafasi hii kwanza kushukuru korti zetu za upande wa Tana River ambazo zimewafunga watu waliopatikana na hatia hii. Watoto wanaojihusisha na kitendo hiki wameanza kufuatiliwa, lakini mambo haya yameendelea kwa muda mrefu.

Kwanza nawashukuru machifu na makamishna wasaidizi wa kaunti. Licha ya kufungwa kwa watu wanaohusika na kitendo hiki, machifu na makamishna wasaidizi wa kaunti wamesaidia kuelimisha wananchi kila sehemu. Tunashukuru sana kwa kazi wanayoiendeleza.

Napendekeza katika Seneti hii kwamba wazazi na viongozi wa jamii waache tabia ya kutafuta maslahi ilhali watoto wadogo wanaolewa mapema na kuharibiwa. Tunataka

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watoto wetu wasome. Wale wazee wanaojaribu kuwaoza watoto walio chini ya miaka 18 korti na machifu wetu wafanye bidii ili hawa watu waadhibiwe.

Jambo la pili na la mwisho kuhusu hizi mimba za mapema, naomba wazazi wawe na muda wa kukaa na watoto wetu. Wakati wanapotoka asubuhi kuenda shambani, kuuza sokoni, kuenda shuleni au kuchunga mbuzi na ng'ombe, wanaporudi jioni, tuchukue nafasi kukaa na watoto wetu.

Dunia imechafuka sehemu nyingi ikiwemo kwa mitandao, mazungumzo na hata sehemu ambazo watu wanakunywa pombe. Kwa hivyo, kama wazazi, tuchukue jukumu la kuongea na watoto wetu. Kwa kiingereza tunasema, "*push back*".

Kama ilivyosemekana hapa, mimi ni mzazi wa wasichana. Nilidhani kwamba ili watu wafahamiane wanaenda kuongea huku wakinywa chai, kisha baadaye wanaenda kwa mkahawa ama kwa mbuga ya wanyama ama kununua njugu na kukaa chini ya miti. Nilikuwa sijui kwamba siku hizi mambo ni tofauti.

Wasichana wangu wamenieleza yale mambo yanayoendelea duniani. Nimeshtuka kujua kwamba siku hizi kila kitu kinafanywa kwa mtandao na sio kama zamani. Wasichana wangu wananieleza ya kwamba hawawezi kuenda kufahamiana na mtu huku wakila njugu.

Mambo yamebadilika na sio kama zamani tena. Kwa hivyo, ni lazima tukae na tuwaongeleshe hawa watoto wetu. Hii ni kama vita kwa sababu usipowaongelesha, ukweli wa watoto wako utakuwa ni ukweli wa wale watoto ambao wako na tabia mbaya. Ukweli wa watoto wako itakuwa zile video chafu ambazo wanaangalia katika internet na zile stori wanaambiwa na watu wengine. Lazima tuchukue nafasi ya kupinga kabisa haya mambo na kuwafundisha maadili na dini.

Isikuwe kwamba tunawangojea watu wa kanisa ama watu wa madrasa wawafunze dini. Sisi wenyewe kule nyumbani, lazima tukae na kuomba na watoto wetu; tuingee nao na tuwafunze ili mambo haya ya mimba zisizo takikana yapungue.

Bw. Spika wa Muda, kati ya mambo mengi ambayo lazima tufanye sisi kama Wakenya, lazima tuchukue majukumu yetu kama wazazi ili kupigana na hizi mimba za mapema.

Asante, Bw. Spika wa Muda.

Sen. Murgor: Bw. Spika wa Muda, asante kwa kunipa nafasi hii. Mimba za mapema ni kitu ambacho kimeshika mwendo sana siku hizi. Ninaunga mkono yale wenzangu wamesema kwamba umaskini umezidi na ndipo watoto wanajipata tu wanaongozwa kufanya haya maneno kupitia njia ambazo ni rahisi kama kununuliwa switi na biskuti. Vitu kama hivi vinafanya watoto wachukuliwe na watu walio na nia mbaya.

Njia ambayo imekuwa rahisi sana ni watu wa pikipiki hasa ambao wanabeba watoto wetu na kuwapeleka shuleni, sokoni ama kuenda pahali ambapo wanataka kuenda. Kuna watu fulani ambao huwa wanajifanya wanawasaidia na hata saa zingine wanawabeba bure bila malipo. Kwa njia hii, wanaweza kulala nao na kuwapachika mimba.

Utapata ya kwamba kule nyumbani baba na mama siku hizi hawajali kuketi na watoto wao na kuwaongelesha. Zamani wamama walikuwa wanaongelesha hasa wasichana wale ambao wameanza kupata hedhi. Wamama walikuwa wanajua ya kwamba bila shaka wataweza kupata mimba wakati wowote. Kwa hivyo, walikuwa

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wanawakaribia kabisa, kuongea nao na kuweka maneno wazi, ili msichana ajue ya kwamba akilala na mwanaume, mimba inaweza kupatikana wakati wowote.

Siku hizi wamama wameachia walimu wawe ndio wanakaribia watoto na labda wanawaachia watu wa kanisa ama madrasa waongeshe watoto. Hata hivyo, hao pia saa zingine wengine huko wanakuwa nyangau ama wale ambao wataweza kutumia hao watoto vibaya. Kwa hivyo, kila pahali sasa ni hatari kwa mtoto msichana na mvulana pia. Hii ni kwa sababu watoto wavulana pia wameingia katika hali hiyo ya kutumiwa vibaya na watu walio na nia mbaya.

Ili tuweze kukabiliana na hali ambayo tukonayo sasa ni kuongea na watoto kwa njia ambayo ni wazi. Haswa, baba na mama wenyewe wanastahili waongee kwanza na wajadili juu ya watoto wao na mienendo ya kila mtoto vile anaendelea, ili waweze kuwasaidia wasiweze kutumiwa vibaya na wajikute wako mimba.

Mtoto msichana akisha pata mimba ni kama mwisho wa barabara ya maisha yake ya kesho. Hata ingawa tunapiga piga kiraka kidogo, tunasema aache mtoto pahali na arejee shuleni, lakini huyo ni mtu ambaye tayari ameumia na hali yake vile alikuwa huru na aliota ndoto zake za baadaye yanaanza kudimimia na kuwa mtu ambaye amenusirika hali ambayo haiwezi kumuendeleza katika maisha yake.

Pia, hii tabia ya wazazi haswa wazee kuingia sana katika mvinyo, inawaweka katika hali ya kutojali. Wao sasa hawaoni watoto wao wanaelekea aje kwa sababu wanaingia nyumbani wakati ambao watoto wamelala. Kwa hivyo, inafaa wazazi wajirekebishe kabisa ili waweze kustahimili yale ambayo yanawakumba watoto wao kwa wakati wa sasa.

Asante.

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, the time for Statements and contributions to Statements has now lapsed. We will have to proceed to the next Order. At this juncture, I will rearrange the Order Paper, so that we defer Orders No.9 to 14 and proceed to Order No.15. Clerk, next Order.

BILL

Second Reading

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

(Bill deferred)

BILL

Second Reading

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

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(Bill deferred)

BILL

Second Reading

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

(Bill deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

BILL

Second Reading

THE CREATIVE ECONOMY SUPPORT BILL
(SENATE BILLS NO.30 OF 2024)

(Sen. Oketch Gicheru on 7.5.2025)

(Resumption of debate interrupted on 14.5.2025)

The Temporary Speaker (Sen. Abdul Haji): Sen. Wakili Sigei, you were on the Floor when this debate was interrupted and had a remainder of four minutes.

Please, Proceed.

Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir. I will start from where I left off yesterday. I wish the sponsor of this Bill, Sen. Eddy Oketch, was in the House because this is a proposal that I would like to make as regards the provision---

(Technical hitch)

I would like to make a proposal to Sen. Eddy to amend Clause 13 of this Bill. Clause 13 provides for the Cabinet Secretary for the relevant ministry to designate an administrative unit. I would like to propose that this be devolved to the county government, so that the relevant County Executive Committee Member (CECM) in the county government, be permitted by law to designate relevant administrative unit within the respective department in the county government to serve as a secretariat---

(Technical hitch)

*(The Clerk-at-the Table consulted with the
Temporary Speaker (Sen. Abdul Haji))*

The Temporary Speaker (Sen. Abdul Haji): Sen. Wakili Sigei, use the Dispatch Box. There seems to be a problem with your microphone.

(Sen. Wakili Sigei moved to the Dispatch Box)

Sen. Wakili Sigei: Thank you, Mr. Temporary Speaker, Sir. I made my contributions yesterday on the Creative Economy Support Bill (Senate Bills No.30 of 2024) and I would like to proceed from where I left.

This is a proposal to the amendment to Clause 13 that provides for designation by the Cabinet Secretary of an administrative unit within the respective Ministry to serve as secretariat. In order to make sure that this Bill performs the objectives as listed, the relevant County Executive Committee Member (CECM) should also be given an opportunity in law to designate within the relevant department a unit which will be required to run as a secretariat to the board.

Even as Sen. Oketch runs through the proposals that were made previously by other Members, this should be one of those that are important and relevant in order to ensure that the management, administration and also the aspect of registration and maintenance of the creative economy players in the sector are done not only at the national level, but also at the county level.

Clause 16(1) states that a person who wishes to be a member of the Guild shall submit an application in the prescribed form to the Guild. I propose that be amended to be council. I further propose that this Clause be amended in order to make sure that it is not only an individual who can apply to be registered.

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We are aware that creative arts groups have got aspects where one individual cannot perform. For example, we have acrobats who show their skills along our streets. They should be allowed to register with the council as a group and benefit from this. I propose that corporate membership be included in Clause 16, so that dancers, players, acrobats or actors who register as a group can be allowed in order to benefit from the administration and management by the council.

Lastly, because of time, I propose that under Clause 26, the incentives to members who have been registered by the council should trickle down to county governments. I propose that a Clause be introduced that will permit county governments to be involved in the day-to-day management and administration of relevant creative economy sectors. This is the only way we can ensure that besides giving the responsibility to county governments to set up departments and facilitate by giving them a budget, they also have a secretariat that will run.

As it is, this Bill does not provide for the roles and how county governments are going to be involved in the implementation of the proposals made. Doing that, we will ensure that whatever is done by the national Government, if it is devolved, there will be a unit in the county government that will also be involved in managing.

Mr. Temporary Speaker, Sir, as I conclude, once again, I want to congratulate Sen. Eddy for coming up with this timely Bill. I urge Members to support it in order to make sure that we also look at how we can monetise and create job opportunities that we desire. We need to formalize this sector, so that people do not see it as part time or another sector, but as one of the main sources of employment for our current and future youth.

I thank you and support.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM SEKENANI
GIRLS SECONDARY SCHOOL

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, I would like to acknowledge the presence, in this Public Gallery this afternoon, of visiting teachers and students Sekenani Girls Secondary School in Narok County. The delegation comprises seven teachers and 140 students who are in the Senate for a one-day academic exposure.

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

I thank you.

(Applause)

Sen. Olekina, you can welcome the students.

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Sen. Olekina: Mr. Temporary Speaker, Sir, let me take this opportunity to welcome the students and teachers from Sekenani Girls Secondary School to the Senate of the Republic of Kenya. Earlier on we had students and teachers from Olderkesi and Olchorro. A few who came in late are the ones I will have an opportunity to welcome to the Senate.

This is the Senate of the Republic of Kenya. We are here today, but tomorrow it will be you who will be sitting here to make decisions for the other generation.

As I welcome you, I want you to take time to understand how we argue. In the Senate of the Republic of Kenya, we have two sides. As you can see, on this side, we are only two of us. Normally we are a full House. On the other side, we seem to have a few more Senators.

It is imperative for you to understand the kind of work that we do. We are established under Article 96 of the Constitution and our job is to defend the interest of the counties.

I am very happy to see you here today. I promise that I will come to your school to talk to you about leadership. Earlier on we talked about teenage pregnancies. I want to encourage you, as young girls or my daughter, to look forward to coming to this House to serve our people. Boys might be sweet, but they are not as sweet as your future. If you waste your time now dancing around with boys, you will not have a bright future.

Most of us are here because we sacrificed. I urge you to sacrifice. I know the challenges of where you come from. I also know that your parents are struggling to have you in school. Your school is in a good environment.

Mr. Temporary Speaker, Sir, Sekenani Girls Secondary School is located at the gate of Maasai Mara Game Reserve. In fact, when most of these girls go to school, they meet wild animals along the way. Perhaps they shake hands or wave to appreciate each other. I am happy to see you here today. I promise that I will come there in the next few weeks to meet most of you, so that we talk about the future. We are also creating economic activities.

Mr. Temporary Speaker, Sir, the Ministry Youth Affairs, Creative Economy and Sports has established a beading centre at Sekenani Girls Secondary School gate. The national Government has invested about Kshs120 million. We were there last week with the President where we officiated the groundbreaking of that facility. I encourage you to be going there during school holidays to nurture your talent. The Bill we are debating on is about the creative industry.

It is time for you to think about yourselves as future leaders. Future leaders are designed either for you to come here or build your own economy. You become a leader in everything that you do. By the time you people are our age, things will be very different.

Welcome to the Senate. I hope we will continue engaging.

Mr. Temporary Speaker, Sir, I thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Olekina, you can now contribute to the Bill.

(Resumption of debate on the Bill)

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Sen. Olekina: Mr. Temporary Speaker, Sir, I rise to support the Creative Economy Support Bill because it is timely. In this country, due to high rate of unemployment, many youth have become creative to a point where they pay for their school fees. Most of our youth have become content creators.

For those of us who wake up very early in the morning at around 3.00 a.m. because we have no sleep, sometimes we try to figure out what is new in the creative industry on *TikTok*. The biggest problem I see in this industry is that we have overregulated it. I support this Bill that is proposed by Sen. Eddy, but I think we need to allow the creative industry to self-regulate. When we allow them to self-regulate, they can make sense of what they do.

Mr. Temporary Speaker, Sir, I have travelled around the world. Recently, I was in a country where very few people will dare go because there are very few flights that fly to that country. In fact, from Dubai, there are only two aircrafts that fly to Belarus. The most interesting thing is that the people of Belarus believe in different political ideologies such that they are treated differently from those who believe in the ideologies of the NATO-friendly countries. That is a Russian-friendly country.

One thing that moved me is the creative industry in that country. I was shocked that in the eve of a presidential election, the electoral commission organizes activities which are sponsored by the creative industry in Minsk, the Capital city of Belarus. They organize dances, and people go there to dance. They are reminded of their history and the challenges of where they have come from. In most parts of that country, the economy was decimated during the Second World War. Everything was brought down. There was nothing in that country and they had to rebuild everything.

So, when you invest in the creative sector, you encourage people not to be idle, but rather to come up with activities. Yesterday, I got a text message from a young Maasai young girl, who calls herself DJ Queen, saying, “please, Senator, can you please help me to perform at the upcoming Madaraka Day celebration?” I know it is will be held in Homa Bay County, and I will reach out to the Presidential Units to ask whether they can allow this young girl to showcase her talent. She makes her living by singing. I know so many young girls who are looking for jobs, but they cannot get. However, when these young girls look for jobs and cannot get them, they get into the creative sector.

I have a young girl called Fabi Lekanaiya, who also does the same thing. What is the best way for us to support these young girls for them to have money? Some of these young ones come from very poor economies. Is it over-regulating? Is it by setting up an advisory board or a corporate to manage them?

My view is that would be the wrong way to go. I am going to have a conversation with my good friend, Sen. Eddy. That, we should not over-regulate or set up a board, whose most members are not even from the creative sector, to govern the creative industry economy. We should allow this creative industry around all the 47 counties to self-regulate. We should allow county governments to play a critical role.

I long for the days when we used to have a national choir. When we were growing up and in primary school, when President Moi would come on Madaraka or Jamhuri Day, there used to be a national choir, which would come to our schools. All of us will sing

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and participate. I long for the time when county governments will invest in their own creative industries.

Mr. Temporary Speaker, Sir, I lived in a small town called Concord in Massachusetts. Every Christmas holiday, you would find all the fine artists coming to perform. The little town of Concord and the businesses would sponsor the young people to be able to do their performance. This is where we want to go. Towns have bands. People are paid to be able to be in that band.

If we over-regulate and set up a board that sits in Nairobi to regulate the creative industry, we are killing this industry. In my opinion, since we are a country that is struggling to create jobs and look for jobs for these people, let us allow them to use the internet for free. Let us not tax the internet whatsoever. Let us allow them to build their content, so that they can use *TikTok*, *Facebook*, *Twitter* and *Instagram*.

I come from a school of thought that believes that we should never tax something which is free. The internet connects us. I tell my staff that, your network is your net worth. So, this creative industry should be looking at the networks that they have out there. Which networks are these? They have people who will sit down and go through Facebook. Let us find a way that these companies, which are formed in foreign countries, can support children here pay for their school fees.

I have almost two million followers on X, and from time to time, I get a small amount of money from X. It is small, yet it is taxed. I wish it was not taxed, because I could probably donate to someone else to support them. So, the most important thing is that we need to think about this Bill. I want to have a sit down with Sen. Eddy, so that during the Committee of the Whole, we can try and see how we can develop a piece of legislation that will not make it difficult for content creators to make money. It will make it easier for them to benefit. I wish we could have one thing in this country which is free. You cannot create jobs for everybody. Allow them to go make money. Let them use their knowledge and make money.

Secondly, I do not fully support the Bill. I partially support it. Let me correct myself, because Sen. Eddy is one of the most intelligent young Senators that you will find here.

I would like to talk about establishment of this Creative Industry Guild. Why should that Guild be advising the Cabinet Secretary? What is the role of a Cabinet Secretary in my creativity? There is absolutely no role. This Guild should be looking at how to engage the private sector, for the private sector to invest in the young content creators and in the sector. For instance, if it is for me advertising the milk that I produce, I look for a young Maasai, Giriama or Somali content creator to advertise that milk. The Guild should be talking to the private sector, not the Cabinet Secretary.

These authorities are created every time and you are giving these Cabinet Secretaries so much power, yet when you invite these Cabinet Secretaries to your committees, they come unprepared, looking clueless. For instance, today, I was perplexed. We had the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, coming to the Senate Standing Committee on Land and Natural Resources to respond to approximately 20 Statements and Petitions, which were requested and piling in our office. However, when she came, she was not ready. We sit there and waste

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our time for no reason. Why are we giving them so much time? They will not even have time to sit down with this Guild. So, Sen. Eddy, do away with this role. We do not need the Cabinet Secretary to be involved in everybody's business. That is why I keep on saying, we are over-regulating for no reason.

Mr. Temporary Speaker, Sir, in reference to the Guild, when you say in No.7(b)-
“Conduct labour market surveys and mapping exercise of person involved in the creative industry, and put in place the most appropriate strategic strategies that facilitate the development of the creative industry.”

This is why I keep on saying, we are over-regulating and over-legislating. Allow this industry to self-regulate.

Mr. Temporary Speaker, Sir, if today you ask me to give you a list of all Maasai secular and gospel artists, I will give it to you because I have an interest in them. I have two interests in them. Every time I have an event, I know who to invite, so that I can support them. The private sector can play a critical role here.

Every so often, you see *Citizen Television*, *Radio Citizen* and other radio stations doing roadshows. They hire the services of these artists to market their stations. So, let them self-regulate.

The only thing that I could probably support is that every county government should have a record of the artists, but not set up a Guild that goes out to map. You are mapping, yet they are coming up every day. They are doing collaborations with artists in South Africa, Tanzania and Uganda. This is not necessary. Instead, this Guild should engage the private sector, so that in Narok County, we have a performance center, where on a daily basis, you have five or six artists who are going there, sell tickets and let them go.

New York, around the world, is the place where in one street, you will find so many artists performing. There are orchestras. The private sector is playing a key role. We forget the power of the private sector. Let us fight to have a small government and allow the private sector to build this economy.

Mr. Temporary Speaker, Sir, what I like a bit about the role of this Guild is on (d). It says-

“To collaborate with relevant institutions to facilitate the protections of the intellectual property rights of creative artists through sensitization and awareness programmes and facilitate the registration of works produced by creative artists.”

If you ask me, that makes sense absolutely, because of copyright issues. However, today, you will find the Copyright Society of Kenya (CSK) sitting down to have coffee with the Communications Authority of Kenya (CAK). Before you realize, everybody is asked to pay money and when you follow through, you will find that that CSK, which is legislated by this House, has a bunch of few people who make all that money. The Guild can now say, artists have a choice, they can have their own channel, play their music and when they do, they should find a way for people to pay them.

Secondly, I like the fact that we protect the intellectual property rights. I wish we were thinking like this when we, the Maasai, for instance, were talking about our *rungus*,

shukas and beadwork. Sometimes people come to Kenya, not not to see Kenya, but to see the Maasais. If we can protect that, it will make sense.

So, this Guild should not be advising the Cabinet Secretary. It should be finding a way of having meetings with these artists, and if there is any upcoming artist, send their name and content for them to protect the artists. I fully support that. Collaborating with intellectual property rights is a very good provision. Collaborate with relevant entities to ensure transparent distribution of royalties collected.

In fact, on this particular one of royalties collection, in the current age where there are many online companies that are giving these content creators a platform to showcase their talent, we should not be having one individual who is collecting this money to distribute to them.

The artists should sign contracts directly with radio stations and TV stations and find a way for give and take. When radio or TV plays their music, they should not charge them, they should just give them an opportunity to market their kind of music. Those are the things that we need to look at.

As I sit down, let me reiterate on the importance of this Bill. I want to repeat this again, I will be sitting down with Sen. Eddy to do away with over-regulation and the need to set up a body that now governs the creative industry. We do not need it. Let it self-regulate, let people make money and enjoy.

Finally, and most importantly, let us make sure it is tax-free because it is their creativity. Do not charge or overburden them with taxes for their creativity.

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

Sen. Mumma: Thank you, Mr. Temporary Speaker, for the opportunity to contribute to this Bill by Hon. Sen. Eddy Oketch. I would like to congratulate the Senator because I think the creative industry in Kenya is largely emerging and growing. You will agree with me that, as a country, we have not invested heavily in recognising the broad and different aspects of the creative industry and investing in it enough to grow the industry.

The enactment of a law on the creative industry provides an opportunity for us to have a policy direction in dealing with issues that relate to creatives. Following up on what Sen. Olekina has said, I would urge that this policy direction should be more facilitative than it should about regulation. I support the passing of this Bill, but would urge that we look carefully at instances that might claw back what we want to do by overregulating.

I am glad that Sen. Eddy has come up with it. The greatest thing we need to do here is to provide opportunity to the different sectors and ensure that we increase opportunities and equitable access to these opportunities. This will ensure that our young people, the older people and our cultural people, participate in the creative industry in a manner that can actually benefit them the country.

Looking at the provisions of the Bill, I will make time to actually provide my written comments. I have looked through the Bill, and I would want to caution a little bit on close-ended drafting.

If you look at Clause 2 on definitions, you can see that the definition of the word “Creative Industry” is-

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“All activities or trade by persons that produce artistic, cultural, or innovative goods and services, including fashion, publishing, advertising, crafts, music, audio, visual, performing arts, video film, imaging photography, gaming, animation, graphic design, web design, and so on.”

In all this naming, I am sure you can think of others who have been left out. One that I can think of is just artworks - the clear art, the drawings that people make and sell or paintings that people make and sell. That is art. We have many others, even plaiting of hair. That is an art. I urge Sen. Eddy, that we must in our definitions, ensure that the definitions are open-ended enough to be more inclusive rather than exclusive.

The same comment goes on the clause that actually provides for the membership of the Guild. The clause that is providing for the membership of the Guild has actually named various people who should form the membership of this Guild. You have a principal secretary relating to trade industrialisation. I do not know why it must be trade and not culture. You have somebody nominated by an association representing the largest number of persons in the film industry. How do you define that?

There is one person nominated by the association representing the largest number of persons in the music industry. What parameters do you use to determine that? You have one person nominated by the association representing the largest number in the fashion industry.

Now, the association has picked what it has named there, and I am wondering whether that style is clear enough to deliver the people we want. I am glad that he is actually naming different bits. Do we want those in the film industry and their associations to elect one among them to represent or how do we determine what is largest? What does largest mean? We need to be careful about that.

Clause 8(i), talks of an advocate of the High Court of Kenya nominated by the Law Society of Kenya (LSK). I do not know why it is open-ended like that. If we must have a lawyer, we might have wanted a lawyer who has competence in intellectual property rights. Maybe that is now bringing on board the lawyer who will provide guidance to that team.

We have a clause later that says “to ensure not more than two-thirds gender”. This is the space where I think one of the memberships should have gone directly to Persons with Disabilities (PwDs). I say this because PwDs are ordinarily excluded from the job market.

The school process actually is very limited. You will find that we have very few schools run by missionaries for PwDs with hearing disability. We have never provided for them in the public realm. If we had a Member who had a hearing disability in the Senate, how would we facilitate their participation?

If you go to Ministry of Education or the Attorney General's office, is it designed so that when management meetings are there, they can provide for a person with hearing disability? Most of these people have had to actually look to their own inward resources to make to earn a living.

We have a number of people with disabilities who have ended up in the creative industry because largely they were excluded by society. I would have wanted to see a specific seat on this advisory board for PwDs. In fact, maybe two seats that would

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represent two different types of disability. This is because PwDs have had to fall back to this industry to earn a living.

Mr. Temporary Speaker, Sir, when discussing the mandates of the national Government and each county at Clause 3, the Bill talks of creating an enabling environment through support, direct and indirect. It talks of formulating and implementing policies and strategies for development and promotion of sustainable, diverse creatives, which is a good one. Just a typo on that Clause at (b). I would say national and county levels, add an “s” there to read levels not level of Government.

Clause 3(c) talks of promoting the development of entrepreneurship skills for persons in the creative industry economy through programmes offered in institutions of higher learning. If you say institutions of higher learning, you then limit it to only some cadre of the institutions. I urge Sen. Eddy to simply make it to be in education and other learning institutions, so that we can start thinking of introducing creatives even in early childhood learning. We can have spaces that will have children participating in drama, theater, singing and things like those. So we should not make it an issue just of higher learning because this is about nurturing talent.

Clause 3 (e) says “review existing international and domestic trade policies, and practices that hinder--- I am sure that whoever is drafting this, you can see there are some wording missing there. You should say to eliminate practices that hinder the growth of the creative industry while incorporating provisions that will mitigate against such negative provisions. I am speaking particularly to the staff that are assisting Sen. Eddy to draft this. Please, read through to ensure that there is grammatical flow of developing this Bill.

Clause 4 says-

“The cabinet secretary shall establish and maintain an online platform where persons in the creative industry may publish events and current affairs in the creative industry.”

I wonder whether in our experience, our Government ministry will be the best place to actually create and maintain a website that is marketing the creatives. I think what we want is for the Government to provide just enough environment.

The Ministry of ICT is supposed to be putting up ICT hubs in every constituency. Hopefully, they can move to every ward. That space should just have enable safe internet access to ensure that the young creatives can actually market themselves as they are able to provide.

Clause 5 says-

“The Cabinet Secretary responsible for matters relating to education shall ensure that the curriculum developed under Section 4(d) of the Kenya Institute of Curriculum Development includes subjects relating to the creative industry.”

I suggest that another clause be added, so that it is not just the school curriculum that has it, but also the teacher training curriculum. We cannot put this in the school curriculum and yet, we have not provided it in the teacher training curriculum.

Mr. Temporary Speaker, Sir, this is important because we take some things for granted. We just this afternoon spoke about this Motion on adolescence health and you

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heard my passionate plea to us to give attention to this. When I was writing up a training manual on HIV rights for young people, I spoke to adolescents, parents and teachers about how to go about educating our young people on matters relating to sex and life skills. The teachers told me that parents and everybody expects that in the schools, they would teach these children what they need to know. However, teacher training curriculum had never provided anything on life skills for children. We are taught the subjects that we have and then there is something called guiding and counseling, but that guiding and counseling does not provide adequate information for us to say we can provide sex education.

So, in the same manner, I suggest that if we intend to grow and support the creative industry within learning institutions, we should begin by giving the teachers who will be teaching these learners the skills to be able to do this adequately.

Mr. Temporary Speaker, Sir, I can see the yellow light and I still have much more to contribute. I will be writing down my comments and providing to Sen. Eddy. I suggest that the language that “the guild shall formulate and implement strategies is not a very good drafting language. They should just develop key policies that should guide implementation. A strategy is a down the line implementation tool. We should not put a strategy within the Bill. I am suggesting---

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

Sen. Methu: Thank you, Mr. Temporary Speaker, Sir. I would like to draw your attention to Standing Order No.101(6). I did not want to interrupt Sen. Catherine Muma, but she keeps referring to some person as Eddy, and I can see our Standing Orders provide that a Senator shall refer to another Senator by the name ‘Senator,’ then the name of the Senator.

It would be proper that she refers to the owner of the Bill as ‘Sen. Eddy’ rather than just refer to him as Eddy. I know he is a fairly young man and probably qualifies to be a son, but since he is a Senator, it is fair that we just refer to him as ‘Sen. Eddy.’

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir. That is very well noted. I wish to tell you that I have the highest regard for you, young people here. When I say ‘Eddy,’ it is just to show that it is a colleague, but I have no offence meant in that. It is Sen. Eddy that I am referring to.

I will give the last one and then the rest, I think I will also give. I am proposing that we delete Clause 7(e), which suggests that the guild will collaborate with intellectual property rights enforcement agencies to ensure the enforcement of intellectual property rights of creative artists.

What is this saying? We already have enforcement agencies, but through this Clause, we are giving another enforcement mandate to this guild. What are you going to do? You are going to cause confusion because the guild will start saying it is the one that is supposed to enforce matters relating to intellectual property. So, whoever drafted this, please look at that.

Clause 7(f) says-

“Collaborate with the relevant authorities to ensure the transparent distribution of royalties.”

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Matters royalties needs to be thought through properly. We should provide a clause where we are ensuring a process that is transparent, just and fair for the collection of royalties that relate to the artworks and the works of the creatives.

Mr. Temporary Speaker, Sir, I have many more detailed bits, which I hope to sit down, write and hand over to Sen. Eddy. However, I commend him for this and also say that, where we are with a bloated public service, with ghost workers, with issues of lack of integrity in employment, we must provide a facilitative role for our young boys and girls to earn a living out of the creative industry.

I support and thank you.

The Temporary Speaker (Sen. Abdul Haji): Sen. Karen Nyamu.

Sen. Nyamu: Thank you, Mr. Temporary Speaker, Sir. I will begin by saying that anything that supports our young people, and helps them commercialize or put into money their creativity, this House should support. I would like to say that we need to expand the definition of the creative industry. There are new upcoming spheres in that space that are not captured in this Bill.

These days we have influencers; very young people in our country, who are earning money by influencing others to purchase a certain product. We have creatives who may not yet have had a contract to influence, but they have *TikTok* accounts where they express their creativity, have viewership and they have potential to monetize that.

We also have a very popular concept these days called tea vendors in the social media and in the internet who are also monetizing this tea. Tea is another name for gossip or just talking about what is happening in the society. Sometimes they cross the line and talk about people's personal lives and Kenyans have proven to be very interested in what is happening in celebrities' lives and their families. We have Githaiga wa Chai, a young man who has risen very fast in popularity. Sen. Methu must know him. He is a representative of young people who come up and be themselves.

The Temporary Speaker (Sen. Abdul Haji): Sen. Karen Nyamu, would you like to be informed by Sen. Methu?

Sen. Nyamu: Yes, Sen. Methu can inform me.

Sen. Methu: Mr. Temporary Speaker, Sir, just to inform Sen. Karen because she has mentioned Githaiga wa Chai and has said that I must be knowing him. For sure I know him and I met him today at a place where we were launching a party. He is a member of our party and he is running for a political position. He is making the best out of the name that he has created in that arena of *chai*.

The Temporary Speaker (Sen. Abdul Haji): I hope you are informed, Sen. Karen.

Sen. Nyamu: Thank you, Sen. Methu. I already knew everything that Sen. Methu has told me. I know the young man is running for a seat in Zimmerman.

(Sen. Methu spoke off record)

We are not sure if he is a member. He could be shopping for a party. That might not be final.

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Mr. Temporary Speaker, Sir, that is not part of what I was saying about this Bill. My point is, let us expand the definition of what entails the creative industry in this country in order to make sure that we do not exclude some of these creatives that are traditionally not considered creatives. Also, we have to create an enabling environment for our creatives. Let us develop good infrastructure, the digital superhighway and others that are going to accelerate the creatives.

We also have to abolish bad policies that end up taking advantage of our creatives. We know that our music artists have been earning deplorable amounts of royalties in their Kshs500. A gentleman like Khaligraph Jones, very talented and his shows are filled to capacity. He can fill stadiums. You do not want to imagine the kind of royalties he earns, Kshs1,000 or such amounts. We have to do away with this body that regulates music. We have to do away with bodies that are taking advantage of our creatives just because we do not have a framework. We also need to give market access to our artists. We need to facilitate them, so that they can have market access outside the country and everywhere in this country.

We have to support the creative economy. In the country, it is still a baby. I know we say it has grown, but to me, we have barely scratched the surface. We have a huge potential. In Kenya, we are experiencing a youth bulge, which means that a certain demographic, the youth, are the biggest or the highest percentage of population in the country.

We have to take advantage of this youth bulge. A youth bulge can be a resource or it can be a danger; depending on how ready a country is for that kind of a demographic. These are some of the policies and laws that can create an enabling environment to have youth absorbed, have them busy and build the economy.

Mr. Temporary Speaker, Sir, I support this Bill and congratulate Sen. Eddy for being progressive and thinking about our youth and our creatives.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Bill by Sen. Oketch Gicheru, The Creative Economy Support Bill (Senate Bills No. 30 of 2024).

The creative industry in Kenya has made the difference between starvation and having food on the table for many young Kenyans. In this industry, your socio-economic background does not matter and it does not hold you back. This is because you can monetize and make a living out of your talent once it has been recognized by the audience. People like Elsa Majimbo have reached global audience and have changed their lives for the better through the power of the creative industry and the audience on their phones.

The country can benefit from the growth of the creative industry if we create a conducive environment for the creatives to thrive. We need to invest more in the arts because they matter just as Science, Technology, Engineering and Mathematics (STEM). We are always talking about STEM, but there are those people who can make a living, make it big and be known out of the creative industry.

Our country can benefit if we reduce the cost of filming licenses. This is because we will have more international films being shot here because Kenya is a scenic country.

We have beautiful spots on our beaches, Maasai Mara and even our mountains. We can take advantage of what we have.

Mr. Temporary Speaker, Sir, I am sure you have been to Dubai and seen people change the desert to gold. Those people are making money from the desert safari. We can also make use of this beautiful country through the creative industry and people can make a living. It will also bring in foreign exchange that is really needed in this country.

The filming and creative industries are a selling point for Kenya. When they depict Kenya in their films, many people will want to visit Kenya. I remember a film that was shot somewhere in the arid parts of Kajiado called Saikeri. That film sold, and it is still selling. This is what we are talking about. The creatives are our country's brand ambassadors to the world. That is the truth of the matter and it does not matter whether we acknowledge them or not.

We can harness a good name for this country using the creative industry, just as we have done with athletics. These creatives---

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

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

QUORUM

Sen. Chute: Thank you, Mr. Temporary Speaker, Sir. I rise, pursuant to Standing Order No.41. We do not have a quorum, and these proceedings should not continue.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Abdul Haji): Clerk, do we have quorum?
Serjeant-At-Arms, ring the bell for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Sen. Abdul Haji): Hon. Senators, it seems we do not have quorum. Sen. Peris Tobiko, you will have a balance of 15 minutes when debate on this Bill resumes.

ADJOURNMENT

Hon. Senators, having failed to attain quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order No.41(2)(a) until Tuesday, 20th May, 2025, at 2.30 p.m.

The Senate rose at 5.45 p.m.