

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 9th July, 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. We now have quorum. We will proceed with the day's business.

Clerk, kindly, proceed to call the first Order.

PETITIONS

FORCED DISAPPEARANCES OF YOUNG FISHERMEN AT LAKE NAKURU NATIONAL PARK

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.232(1)(b), I hereby present a Petition that has been submitted through the Clerk by Mr. Tom Mboya Ochieng' concerning forced disappearances of young fishermen.

As you are aware, under Article 119(1) of the Constitution-

“(1) Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the said Petition are as follows-

(1) THAT the Petitioner is the Chief Executive Officer (CEO) of Gaplink International (GLI), a non-profit-making organization registered in Kenya in 2008. The organization helps marginalized communities overcome their socio-economic challenges through enhancing their capacities to demand and advocate for democratic governance, accountable and transparent leadership, prudence and equity in resource management, appropriate response to needs of special population and peaceful coexistence, security and humanity;

THAT, Lake Nakuru, renowned for its breathtaking beauty and rich biodiversity has also become a crucial resource for the local communities, particularly young men engaged in fishing activities. There are alarming reports of forced disappearances and torture indicating disturbing patterns of disappearances among fishermen;

THAT, as documented by local sources, including media and human rights organizations, there is an overwhelming number of cases of forced disappearances around Lake Nakuru. Notably, among them is the case of Brian Odhiambo, a young fisherman who vanished under mysterious circumstances after reportedly encountering Kenya Wildlife Services (KWS) officers;

THAT, this situation has ignited fear and anger within the community, as many community members believe his case is not an isolated incident. Numerous similar accounts have occurred, revealing a troubling pattern of intimidation and violence against individuals who depend on fishing for their livelihoods. These acts include threats, physical abuse and in some instances, sexual violence, all of which have created an atmosphere of fear and insecurity within the community;

THAT, the Petitioner has made efforts to have the matter addressed by the Directorate of Criminal Investigations (DCI), the Independent Policing Oversight Authority (IPOA), the Office of the Director of Public Prosecutions (DPP) and the Ministry of Wildlife and Tourism but the response has been unsatisfactory;

THAT, none of these issues raised in the Petition are pending before any court of law, legal or constitutional body. Consequently, the petitioner prays that the Senate intervenes and investigates the matter with a view to making recommendations on-

(1) Forced disappearances with particular attention to involvement of KWS officers in these incidents.

(2) The promotion of community engagement by fostering dialogue among KWS, local fishermen and other stakeholders to resolve disputes related to fishing rights and practices, while prioritizing the protection of human rights.

(3) The review of KWS policies and operational protocols to prevent abuse of power and promote accountability.

Hon. Senators, pursuant to Standing Order No.238(1), I commit the Petition to the Standing Committee on National Security, Defence and Foreign Relations for its consideration. In terms of Standing Order No.238(2), the Committee is required in not more than 60 calendar days from the time of reading the prayer, to table its report in the Senate for consideration. The Senate shall thereafter consider and adopt the report of the Committee.

I thank you.

(The Petition was committed to the Committee on National Security, Defence and Foreign Relations)

I have another Petition to present.

PURPORTED DISMISSAL BY AFRICA INLAND CHURCH OF
KENYA AND NON-PAYMENT OF ARREARS

I hereby report to the Senate that a petition has been submitted through the Clerk by Mr. Titus Thuku Njoroge concerning the alleged dismissal by the African Inland Church (AIC) of Kenya and non-payment of arrears.

As you are aware, under Article 191 of the Constitution-

“(1) Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

Hon. Senators, the salient issues raised in the Petition are as follows-

THAT, Mr. Titus Thuku Njoroge was employed by AIC Kenya through a signed contract between himself and the Central Church Council Bishop who endorsed and confirmed his position as permanent and pensionable;

THAT, although his permanent employment status entitled him to a house and travelling allowances, Mr. Njoroge did not receive those benefits throughout his service;

THAT, from October, 2024 to April, 2025, Mr. Titus Thuku Njoroge did not receive his salary and allowances despite undertaking his duties. Upon raising the issue with his employer, he was informed that he had been employed on contract terms for a period of two years and that he had been replaced by another employee without prior notification or due process.

THAT the petitioner made several attempts to resolve the concerns presented in this Petition with his employer, the Ministry of Labour and Social Protection, State Department for Labour and Skills Development, all of which have been unsuccessful;

THAT none of the issues raised in the Petition are pending before any court of law, constitutional or legal body.

Consequently, the petitioner prays that the Senate intervenes in the matter with a view to do the following-

- (i) making recommendations on compensations to Mr. Njoroge; and,
- (ii) making any other recommendation necessary in the circumstances.

Hon. Senators, pursuant to Standing Order No.238(1), the Petition is hereby committed to the Standing Committee on Labour and Social Welfare for consideration. In terms of Standing Order No.238(2), the Committee is required in not more than 60 calendar days from the time of reading this prayer, to table its report to the Senate for consideration.

Thank you.

(The Petition was committed to the Standing Committee on

Labour and Social Welfare)

Let us move on the next Order.

The Senate Majority Leader, please, proceed to lay.

PAPERS LAID

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 9th July, 2025-

THE ANNUAL REPORT OF THE PARLIAMENTARY SERVICE COMMISSION (PSC) FOR FY2023/2024

The Annual report of the Parliamentary Service Commission for Financial Year 2023/2024.

THE GRAPHIC HEALTH WARNINGS FOR TOBACCO PRODUCTS, LEGAL NOTICE NO.107 OF 2025

The graphic health warnings for tobacco products, Legal Notice No.107 of 2025.

THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW REPORT FOR THE FIRST SIX MONTHS FOR FY2024/2025

The county governments' budget implementation review report for the first six months for Financial Year 2024/2025.

BI-ANNUAL REPORT OF THE COMMISSION ON ADMINISTRATIVE JUSTICE FOR JULY-DECEMBER, 2024

Bi-annual Report of the Commission on Administrative Justice for period July to December 2024.

THE COUNTY LICENSING (UNIFORM PROCEDURES) REGULATIONS, LEGAL NOTICE NO.91 OF 2024

The County Licencing (Uniform Procedures) Regulations, Legal Notice No.91 of 2024.

I beg to lay.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Health, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Let me do it on behalf of the Chairperson of the Standing Committee on Health.

REPORT ON CONSIDERATION OF THE COMMUNITY HEALTH
PROMOTERS BILL (NATIONAL ASSEMBLY BILLS NO.53 OF 2022)

Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 9th July, 2025-

Report of the Standing Committee on Health on its consideration of Community Health Promoters Bill (National Assembly Bill No. 53 of 2022).

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Trade, Industrialisation and Tourism, proceed.

REPORT ON CONSIDERATION OF THE STARTUP BILL
(SENATE BILLS NO.14 OF 2022)

Sen. Okenyuri: Mr. Speaker, Sir, on behalf of the Chairperson of the Standing Committee on Trade, Industrialisation and Tourism, I beg to lay the following Paper on the Table of the Senate, today, 9th July, 2025-

Report of the Standing Committee on Trade, Industrialisation and Tourism on its consideration of the Startup Bill (Senate Bills No.14 of 2022).

Thank you.

(Sen. Okenyuri laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Labour and Social Welfare, proceed.

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

Sen. Murgor: The Report on the Petition concerning the failure by Kenya Breweries Limited (KBL), Kaplan and Stratton Advocates and Harrison Kinyanjui---

The Speaker (Hon. Kingi): Sen. Murgor, when you are laying a Paper on the Table, you need to be at the Dispatch Box.

(Sen. Murgor walked to the Dispatch Box)

Sen. Murgor: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, 9th July, 2025-

I beg to lay.

The Speaker (Hon. Kingi): What exactly are you laying, Sen. Murgor?

Sen. Murgor: The Report of the Standing Committee on Labour and Social Welfare on its consideration of the Sports (Amendment) (No.2) Bill (Senate Bills No.45 of 2024).

REPORT ON PETITION: FAILURE BY KBL, KAPLAN & STRATTON
ADVOCATES AND HARRISON KINYANJUI ADVOCATES TO
PAY COMPENSATION AWARDED TO PETITIONERS

Report of the Standing Committee on Labour and Social Welfare on Petition to the Senate by Mr. Lawrence Ndotu on behalf of 125 other former employees of KBL concerning failure by the KBL, Kaplan and Stratton Advocates and Harrison Kinyanjui Advocates to pay compensation awarded to the petitioners.

I beg to lay.

(Sen. Murgor laid the documents on the Table)

The Speaker (Hon. Kingi): Sen. Catherine Mumma, proceed.
That is dropped.

REPORT ON THE 2025 IPU HEARING HELD IN NEW YORK

(Laying of Paper dropped)

Sen. Jackson Mandago, proceed.
That also is dropped.

REPORT ON THE 67TH CPA CONFERENCE HELD IN SYDNEY

(Laying of Paper dropped)

Let us move on to the next Order.
The Chairperson Standing Committee on Labour and Social Welfare, proceed.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON PETITION ON FAILURE BY KBL, KAPLAN &
STRATTON ADVOCATES AND HARRISON KINYANJUI ADVOCATES TO
PAY COMPENSATION AWARDED TO PETITIONERS

Sen. Murgor: Mr. Speaker, Sir, I beg to give notice of the following Motion-
THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by Mr. Lawrence Ndotu on behalf of 125 other former employees of Kenya Breweries Limited concerning failure by the Kenya Breweries Limited, Kaplan & Stratton Advocates and Harrison Kinyanjui Advocates to pay compensation awarded to the Petitioners, laid on the Table of the Senate on Wednesday, 9th July, 2025.

The Speaker (Hon. Kingi): Sen. Richard Onyonka, proceed.
This business is dropped.

ESTABLISHMENT OF ADDITIONAL DIASPORA VOTER
REGISTRATION AND POLLING CENTRES

THAT AWARE THAT Articles 38 (3) and 83 of the Constitution of Kenya guarantees every eligible citizen the right to be registered as a voter and to vote in any election or referendum;

COGNIZANT THAT the Ministry of Foreign and Diaspora Affairs estimates that over 3 million Kenyans reside in the diaspora, accounting for approximately six per cent of the national population;

NOTING THAT the Kenyan diaspora continues to support the country economically through foreign direct and property investment and diaspora remittances and therefore deserve to participate in the Kenyan electoral process;

CONCERNED THAT in the 2022 Kenyan General Election, the Independent Electoral and Boundaries Commission (IEBC) established only 27 diaspora polling centers across 12 countries located in major cities where Kenyan embassies, high commissions and consulates are situated severely limiting the chances of potential voters from exercising their right to vote as provided by Article 38 (3) (b) of the Constitution in addition to exposing them to challenges that include high travel costs, visa restrictions, time away from work and other general logistical challenges;

COGNIZANT of the need to increase registration and polling centres in diaspora to grant an opportunity for Kenyans in diaspora to vote;

NOW THEREFORE, the Senate resolves that:

1) The Independent Electoral and Boundaries (IEBC) Commission, in collaboration with the Ministry of Foreign and Diaspora Affairs to establish at least 100 voter registration and polling stations globally, prioritising high-density diaspora zones across North America, Europe, Middle East, Africa, Asia, and Oceania

countries and progressively decentralize voter registration and polling services from embassies to community-accessible venues to facilitate wider participation;

2) IEBC rolls out civic education and voter sensitization campaigns within diaspora communities through digital and local engagement platforms;

3) IEBC to operationalise the additional polling stations in time before the next general election cycle and monitor them for transparency, efficiency and effectiveness;

4) The National Treasury allocates sufficient resources to establish the additional polling stations globally;

5) IEBC formulates regulations to facilitate the implementation of the diaspora voting plan efficiently and securely; and

6) IEBC explores technologically secure and verifiable mechanisms that may be employed in promoting continuous diaspora voter registration and education.

(Notice of Motion dropped)

Sen. Karen Nyamu, proceed. That business is dropped.

INSTALLATION OF CCCTV CAMERAS IN ALL POLICE
STATIONS, CELLS AND POLICE REPORTING DESKS

AWARE THAT Article 51 provides that a person who is detained, held in custody or imprisoned under the law, retains all the rights and fundamental freedoms in the Bill of Rights, except to the extent that any particular right or a fundamental freedom is clearly incompatible with the fact that the person is detained, held in custody or imprisoned;

FURTHER AWARE THAT the National taskforce on improvement of the terms and conditions of service and other reforms for members of the National Police Service and Kenya Prison Service recommended adequate Government funding for the National Police Service to modernise its facilities, equipment and gear and enhance its logistical and technological capabilities for National Police Service officers in order to enable the service discharge its mandate efficiently and effectively;

COGNIZANT THAT the Bill of Rights provides for protection of human rights, prevention of abuse and upholding of the rule of law within detention facilities and police stations;

CONCERNED THAT there has been increasing reports of human rights violations, abuse, unexplained injuries and deaths in custody, as well as security breaches and escapes from police cells across the country;

FURTHER CONCERNED THAT despite the recommendations by the Justice Maraga task force, little or no efforts have been made to ensure modernisation of police cells by installation of Closed-Circuit Television (CCTV) cameras and

police reporting desks thereby affecting public trust and accountability on what happens to persons in police custody;

NOW THEREFORE, the Senate resolves that the National Government, through the Ministry of Interior and National Administration:

1. installs functional and tamper-proof CCTV cameras in all police stations, cells and police reporting desks across the country;
2. ensures that all CCTV systems are monitored in real-time and that footage is securely stored and made accessible during investigations, judicial processes; and,
3. provides the necessary resources, technical support and training to law enforcement officers for the effective operation and maintenance of CCTV systems and continuous digitization of Occurrence Book platforms.

(Notice of Motion dropped)

Sen. Catherine Mumma, proceed. That business is dropped.

NOTING OF REPORT ON the 2025 IPU
HEARING HELD IN NEW YORK

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 2025 Hearing of the Inter-Parliamentary Union (IPU) held at the United Nations (UN) in New York, United States of America (USA) on 13th – 14th February, 2025, laid on the Table of the Senate on Wednesday, 9th July, 2025.

(Notice of Motion dropped)

Sen. Jackson Mandago, proceed. That business is dropped.

NOTING OF REPORT ON the 67th CPA
CONFERENCE HELD IN SYDNEY

THAT, the Senate notes the Report of the 67th Commonwealth Parliamentary Association (CPA) Conference held in Sydney, Australia on 3rd to 8th November, 2024, laid on the Table of the Senate on Wednesday, 9th July, 2025.

(Notice of Motion dropped)

Let us move to the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order No.53(1), Senator for Kitui County, the Hon. Enoch Wambua, proceed.

WELFARE OF TEACHERS SERVING IN ASAL AND
OTHER HARD-TO-SERVE AREAS IN KITUI COUNTY

Sen. Wambua: I thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of county-wide concern regarding the welfare of teachers serving in Arid and Semi-Arid Lands (ASALs) and other hard-to-serve areas in Kitui County.

Kitui County is predominantly an arid region. However, a significant number of teachers in the county do not benefit from the special allowances and considerations provided by the Teacher Service Commission (TSC) for those serving in the ASAL and other hard-to-serve areas.

In the Statement, the Committee should address the following-

(1) Which wards in Kitui County are designated by the Government as ASAL and hard-to-serve areas.

(2) The criteria used by the Government to designate areas as ASAL and hard-to-serve areas.

(3) The number of teachers in Kitui County currently benefiting from the ASAL and hard-to-serve areas allowance scheme and the number of those who do not benefit from this scheme.

(4) The plans in place by the TSC to ensure that all deserving teachers in Kitui County benefit from the ASAL and hard-to-serve allowance scheme.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Samburu County, the Hon. (Dr.) Lelegwe, proceed.

The Statement is dropped.

PERSISTENT SHORTAGE OF ESSENTIAL MEDICINES AND
NON-PHARMACEUTICALS IN SAMBURU COUNTY

(Statement dropped)

The Senator from Busia County, the Hon. Omtatah, proceed.

RICE IMPORTATION QUOTA GRANTED TO BUSINESS
BAY SQUARE (BBS) MALL IN EASTLEIGH

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

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Tourism, Trade and Industrialisation on a matter of national concern regarding the move by the Government to grant the Business Bay Square Mall in Eastleigh approval to import 500,000 metric tonnes of rice into the country.

This development has raised concern about the impact of this decision on local rice farmers, the transparency of the quota allocation process and the apparent bypassing of established regulatory institutions such as the Agriculture and Food Authority (AFA), which under the Crops Act, is mandated to oversee decisions related to food crop imports.

In the Statement, the Committee should address the following-

(1) The criteria and policy justification used by the Government to allocate the rice importation quota to Business Bay Square Mall, including whether the process was competitive and aligned with legal and regulatory frameworks such as the Crops Act and the Food Crops Regulations of 2019;

(2) The role played by the Ministry of Trade and Industry in this importation and why the Ministry of Agriculture and the AFA were not consulted in a matter that falls under their regulatory mandate;

(3) Assessment by AFA on the current domestic production and consumption levels of rice and whether a deficit existed to warrant this large-scale importation, especially in light of reports indicating that more than 5,000 metric tonnes of rice remain uncollected at the Mwea Rice Growers Multipurpose Cooperative Society;

(4) The measures in place to cushion local rice farmers from the adverse effects of such imports, including the budgetary provisions referred to by the Director General of AFA to procure excess rice from local cooperatives and how this aligns with Kenya's agricultural policy priorities under the Bottom-Up Economic Transformation Agenda (BETA); and,

(5) Impact of rice imports on local market prices and outline strategies being implemented to balance food affordability for consumers, while safeguarding the competitiveness and sustainability of local rice production.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Kisumu County, the Hon. (Prof) Tom Ojienda.

DEMOLITIONS IN KORANDO-TIENGRE AND OTHER
PARTS OF KISUMU COUNTY

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

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of countywide concern

regarding the demolitions that are being carried out in Korando-Tiengre and other parts of Kisumu County allegedly to pave way for road expansion.

In the Statement, the Committee should address the following-

(1) The legal authority under which the ongoing demolitions in Korando-Tiengre and other areas of Kisumu County are being conducted.

(2) Whether the affected residents were issued any formal notice before the demolitions and whether there was any public participation or stakeholder engagement in accordance with the constitutional and relevant legal frameworks.

(3) The status of land on which the demolitions are taking place, specifically whether the affected properties are situated in public, private or community land.

(4) The existence of any compensation or resettlement plans for residents whose homes or properties have been demolished.

(5) The entities or agencies involved in executing the demolitions and whether they are acting under formal directive or legal mandate.

STATE OF HEALTH FACILITIES IN KISUMU COUNTY

Mr. Speaker, Sir, my second Statement is on the state of health facilities in Kisumu County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the state of health facilities in Kisumu County.

In the Statement, the Committee should-

(1) Address the state of all public health facilities in Kisumu County, including their level of functionality, staffing and service availability.

(2) Whether there are any stalled projects, including those under construction or renovation, stating the reasons for the delays and plans in place to equip these facilities.

(3) The efforts by the County Government of Kisumu to improve healthcare infrastructure and staffing, and to ensure the availability of essential medicine, laboratory services and emergency care in major county hospitals and health centres.

(4) Whether the County Government has entered into any partnerships with any development partners to strengthen the county's health system.

ROLE OF COUNTY GOVERNMENTS IN THE FORMULATION AND IMPLEMENTATION OF NATIONAL ECONOMIC PLANNING FRAMEWORKS

Mr. Speaker, Sir, my third Statement is on the role of county governments in national economic planning.

This is a Statement requested under Standing Order No.53(1) from the Standing Committee on Finance and Budget on a matter of national concern regarding the role of county governments in the formulation and implementation of national economic planning framework.

In the Statement, the Committee should address the following-

(1) The framework currently in place to ensure that the County Integrated Development Plans (CIDPs) inform and/or align with the national Government's Medium-Term Plan (MTP) and overall development priorities outlined in the BETA and Vision 2030 in general.

(2) How the Intergovernmental Budget and Economic Council (IBEC) and the National Treasury and Economic Planning ensure that the national Government's fiscal and economic policies reflect the needs of counties.

(3) Whether there are plans to strengthen the existing intergovernmental frameworks to institutionalise participation of county governments in national economic policy formulation consistent with the provision of Article 174 of the Constitution, and if so, obtain information on such plans.

ACCESS TO QUALITY EDUCATION UNDER THE COMPETENCY-BASED CURRICULUM IN MARGINALIZED COUNTIES

Mr. Speaker, Sir, my last Statement is on access to and quality of education in marginalised counties under the Competency-Based Curriculum (CBC).

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on a matter of national concern, namely, the implementation access to and quality of education under the CBC, in marginalised counties.

In the Statement, the Committee should address the following-

(1) The progress made in rolling out the curriculum-based programme, CBC, in marginalised regions, including adequacy of infrastructure and the availability of learning materials tailored to CBC requirements.

(2) The challenges faced by schools in marginalised counties in effectively implementing the CBC, including issues relating to teacher preparedness and community awareness.

(3) The interventions by the national Government and county administration to train and support teachers in delivering CBC in marginalised areas.

(4) Measures put in place by the State Department for Basic Education to ensure equitable access to CBC for all learners with specific focus on girls, children with disabilities and other vulnerable groups;

(5) The strategies established to monitor and evaluate the quality and impact of CBC in marginalized counties to inform policy and guide resource allocation.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Senator Eddy, for and on behalf of Sen. Sifuna.

CONTINUED LACK OF ELECTRICITY IN
PARTS OF NAIROBI CITY COUNTY

Sen. Oketch Gicheru: Mr. Speaker, Sir, I thank you.

I rise to request for a Statement on behalf of the Senator for Nairobi, Sen. Edwin Sifuna, which is a request for statement, on lack of electricity access in parts of Nairobi City County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy on a matter of countywide concern regarding the continued lack of access to electricity in various neighborhoods across the Nairobi City County.

Several areas across Nairobi continue to suffer from power deprivation, either due to prolonged disconnection, non-existent infrastructure or unexpected neglect. This situation has led to increased insecurity, stifled economic activity and deepened inequality in places that include-

(1) Hospital Ward in Mathare Constituency, which has been without electricity for over four years;

(2) Majengo Gorofani in Kamukunji Constituency, which has been in darkness for two-and-a-half years and yet residents still receive Kenya Power bills.

(3) Korogocho Ward in Ruaraka Constituency where entire villages such as Ngomongo, Ngunyumu, Gitathuru, High Ridge, Grogon A, Grogon B, Korogocho A, Korogcho B and Nyayo remain unconnected;

(4) Reri Gateway, Simba Cool Zone and Bantu Zone in Kwa Reuben Ward of Embakasi South, where residents continue to live without any access to electricity.

Therefore, in this Statement, the Committee should address the following-

(1) The plans in place by Kenya Power to reconnect electricity to Hospital Ward in Mathare Constituency, which has been without power for four years;

(2) The current status and timeline for reconnecting Majengo Gorofani in Kamukunji Constituency where residents have lived in darkness for two-and-a-half years and yet they continue to be billed;

(3) Whether there are concrete plans by Kenya Power to connect the unserved villages in Korogocho Ward, Ngomongo, Ngunyumu, Gitathuru, High Ridge, Grogon A and Grogon B, Korogocho A and Korogocho B and Nyayo; and the areas of Reri Gateway, Simba Cool Zone and Bantu Zone in Kwa Reuben Ward, Embakasi.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Haji, you have the Floor.

OUTSTANDING PERFORMANCE BY FAITH KIPYEGON
AND BEATRICE CHEBET IN OREGON, USA

Sen. Haji: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a statement on a matter of general topical concern namely, the outstanding performance by Faith Kipyegon and Beatrice Chebet at the Eugene Diamond League, 2025

Prefontaine Classic held on 5th July, 2025 in Eugene, Oregon, United States of America (USA).

(Loud consultations)

Mr. Speaker, Sir can I be protected?

The Speaker (Hon. Kingi): Order, hon. Senators. May Sen. Haji be heard in silence?

Proceed, Sen. Haji.

Sen. Haji: Thank you, Mr. Speaker, Sir. Faith Kipyegon's victory in athletics is rooted in humility and determination. Born on 10th January, 1994 as the eighth of nine children to a modest family in Bomet County, she ran barefoot to school and began athletics at the age of 14, after excelling in a Physical Education (PE) race, even before owning her first spikes.

Her early triumphs include; edging out older rivals to claim gold at both the 2011 and 2013, World Cross Country Juniors and clinching the 1,500 metres titles at the 2011 World Youth and 2012, World Junior championships.

Mr. Speaker, Sir, as a senior, her track record over the years speaks volumes. Three-time Olympic champion in the 1,500 metres, Rio 2016, Tokyo, 2020 and Paris, 2024. Three-time world champion London, 2017, Eugene, 2022 and Budapest, 2023. Diamond League champion on multiple occasions, including memorable wins in Monaco, Brussels and Paris; and 2023 world record treble, breaking world records in 1,500 metres, 5,000 metres, and the mile within just two months.

Reflecting on her record-breaking run at the Florence Diamond League, Kipyegon spoke warmly of the role competition played, noting how her rivals stayed with her in the chase. I will quote-

(Sen. Cherarkey consulted loudly)

Mr. Speaker, Sir, Sen. Cherarkey is making too much noise.

Reflecting on her record-breaking run at the Florence Diamond League, Kipyegon spoke warmly of the role competition played, noting how her rivals stayed with her in the chase. I quote-

“To be honest, the ladies were pushing me in the race, and that is what I wanted, to motivate the younger generation to come and do even do better.”

She said, moved by the sight of competitors gathering to cheer her on, as she came around for her lap of honour.

During the Eugene Diamond League, 2025, in the women's 1,500 metres, Faith Kipyegon delivered a phenomenal performance by clocking an astonishing time of three minutes 48:68 seconds thereby breaking her previous record of three minutes 49.04 seconds set during the Paris Diamond League, July, 2023.

This breathtaking feat reaffirms her dominance and relentless pursuit of excellence in middle distance running. What makes this achievement even more remarkable is that it comes just nine days after she narrowly missed becoming the first woman in history to run a mile in under four minutes, a feat she has long pursued and which remains within her grasps, but she still managed to achieve to run the fastest mile in history by any woman.

Mr. Speaker, Sir, on the same evening, Beatrice Chebet demonstrated sheer brilliance and tactical mastery to claim victory in the women's 5,000 metres. This was not just a win, but a historic achievement as she broke the world record, clocking an impressive 13 minutes 58.06 seconds; shaving more than two seconds off the previous record set by Ethiopia's Gudaf Tsegay in Eugene, Oregon in 2022.

This made her the first woman in history to run the 5,000 metres in under 14 minutes. Chebet's performance was described as a display of sheer brilliance and tactical mastery as she led from start to finish, maintaining a blistering pace throughout the race.

Mr. Speaker, Sir, Faith Kipyegon and Beatrice Chebet; two friends who embody the very best of Kenyan talent, combining discipline, resilience and unmatched skill. Their success in Eugene, Oregon, reminds us all of the immense potential that lies within our nation when talent is nurtured and supported. These two remarkable athletes have once again lifted the Kenyan flag high on the global stage. Their achievements are a testament to Kenya's enduring legacy in athletics and serve as a powerful source of inspiration for the youth across the country.

Mr. Speaker, Sir, on my behalf, on behalf of the Senate and the people of Kenya, I extend heartfelt congratulations to Faith Kipyegon and Beatrice Chebet for their incredible victories. We celebrate them not only as champions of the track, but as role models for the entire nation. May they continue to shine and inspire future generations as they prepare for more global competitions.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, we will comeback to this Order for purposes of getting comments from Hon. Senators.

For now, pursuant to Standing Order No.45(2), allow me, for the convenience of the House, to rearrange today's Order Paper. We will now move to Order Nos. 8, 9 and 10, then we come back for comments.

Clerk, you may proceed to call those Orders.

BILL

First Reading

THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (SENATE BILLS NO.4 OF 2025)

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

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

BILL

Second Reading

THE SOCIAL PROTECTION BILL (NATIONAL
ASSEMBLY BILLS NO.12 OF 2025)

(Division)

Serjeant-at-Arms, kindly, ring the Division Bell for one minute.

(The Division Bell was rung)

Serjeant-at-Arms, kindly ring the Division Bell for a further three minutes.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we will move to Order No.10 and thereafter go back to Order No.9.

Clerk, proceed to call that Order. Hon. Senators, it is good to be attentive. Sen. Shakila, please.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE CONFLICT OF INTEREST BILL (NATIONAL
ASSEMBLY BILLS NO.12 OF 2023)

*(Consideration of His Excellency the
President's Recommendations)*

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, we are in the Committee of the Whole to consider the President's Recommendations on the Conflict of Interest Bill (National Assembly Bills No.12 of 2023).

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Clause 2

Sen. Wakili Sigei: Mr. Temporary Chairman, Sir, I beg to move—
THAT, Clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical sequence—

“family” means—

- (a) the spouse, dependent child or parent of a public officer;
- (b) a dependent child of the spouse of a public officer; or
- (c) a parent of the spouse of a public officer; “relative” means a person who is related to a public officer by birth, marriage, adoption or affinity; “undeclared asset” means any asset that is not disclosed in the prescribed manner in any declaration year.

Generally, Mr. Temporary Chairman, Sir, this is in regard to what we refer to as “undeclared asset” which has ably been explained in the Order Paper.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, I have already proposed the question. Please, raise your sentiments when I propose the question for the next clause.

Clause 5

Sen. Wakili Sigei: Mr. Temporary Chairman, Sir, I beg to move—
THAT, Clause 5 of the Bill be amended by deleting the words “a reporting authority and” appearing immediately before the words “the Ethics”.

Mr. Temporary Chairman, Sir, this is a definition regarding the reporting authority. The Committee approved that the words “a reporting authority and” be deleted so that we retain only one that the law provides. That is the Ethics and Anti-Corruption Commission (EACC).

The Temporary Chairperson (Sen. Abdul Haji): Proceed, Sen. Cherarkey.

(Sen. Wakili Sigei stood in his place)

Sen. Cherarkey: Mr. Temporary Chairman, Sir, could the Mover sit because I am speaking? He is violating Standing Orders because you cannot see me.

(Sen. Wakili Sigei sat at his place)

Mr. Temporary Chairman, Sir, mine is a comment on the word “affinity”. They are saying that “relative” means a person who is related to a public officer by birth, marriage, adoption or affinity. I think we should drop the word “affinity” because its definition, according to the Oxford Dictionary, means the liking of a person. Does it mean that if I have been your friend for some time and I have a close affinity, then we are related? It should have been consanguinity affinity. That means being related by blood as my learned colleagues would define.

Based on this Memorandum, it should stop at “adoption” because the moment you add the word “affinity”, it changes the meaning. It means somebody you have affinity to as a friend, be it male or female or somebody you banter or work with.

So, on the issue of ethics report, that definition should be ethics and anti-corruption. If the definition only comes out as ethics, then we can equate it to the Ethics Commission, but it should be Ethics and Anti-Corruption Commission.

I wanted to say something on the manner in which undeclared assets has been proposed, but I will reserve those to Clause 6. I will make that comment at that point.

We must drop the issue of affinity because it is unfair. It will undermine freedom of association as provided by the Constitution. Affinity allows friendships and acquaintances. What this means is that if a public officer is found to have committed an economic crime, people close to him or his associates, which is not properly defined by law, can run into problems. This is, therefore, undermining the principle and the freedom of association as enshrined by the Constitution. So, it is a nullity. I hope the Chairperson of the Committee on Justice, Legal Affairs and Human Rights is listening keenly.

It is dangerous to have this clause in the Bill because if one is to go for Sen. Abdul Haji over an economic crime, then his friends like Sen. Cherarkey will be in trouble. We must drop it in order for us not to undermine freedom of association within the setup. We all know that in an African setup, families are huge. In fact, I have cousins that I have not seen in the last many years. That is my worry on this.

On the issue of undeclared assets, I will come back to it when we will be looking at Clause 6. Thank you, Mr. Temporary Chairman, for the indulgence.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Chairman. I am alive to the fact that overriding our presidential memorandum is an uphill task as per the Constitution. However, we must go on record, so that if matters go to court, the intention of the legislature can be interpreted from the record by the lawyers who will be there. The worry here about the affinity definition is because it is so wide, so that a person who wants to enforce will have a challenge. In this case, I am looking at the Ethics and Anti-Corruption Commission (EACC) that is the enforcing authority. Will they define relative to mean a person who is related to the public officer by birth, marriage, adoption, or affinity?

When you look at the first three, there is no discussion about it. However, when you come to the fourth one, “affinity”, it is so loose that somebody can actually use that to harm people or to destroy somebody. This means that when they are enforcing anything against a public officer, they can go for any person whom they think has some form of affinity or association with the person of interest.

This means every friend that you stay with, every person you play basketball with, go to church with or even members of your social welfare group. There is a problem here with this word and the intention cannot be to expose people to this extent. It is obviously in conflict with the freedom of association Article in the Constitution. This means that even if it passes here, somebody can pick it and remove this word through the courts because this is wrong. I do not know what the thinking was here.

I submit.

Sen. Osotsi: Mr. Temporary Chairman, just like Sen. Mungatana has said, overriding a presidential referral is an uphill task because it requires two-thirds Members of this House to change that. However, it should go on record that there is an ambiguity in the definition of a relative, particularly the word affinity. What is affinity? It is ambiguous.

One can have an affinity to many people, including people in this House. You and I have some affinity because we are Senators. So, if I commit a crime, you will be arrested because of me. This word will be used for political persecution. We are in political parties and we get ourselves in those political parties because of some affinity. So, if my party leader, deputy party leader or my secretary general commits a crime, then they will come for me.

So, we must clearly indicate that as legislators, we have a problem with this word “affinity”. I know we cannot do much about it at this point because we need two-thirds of Members of this House to override that. However, it must go on record that this House was uncomfortable with the definition of the word “relative”.

Foreign legislations, which are forced on us are the ones creating problems in this country. We are now talking about Gen Zs and too much freedom. It is because we adopted a Constitution that this country was not ready for. That is why we have problems. This piece of legislation is going to cause problems in this country. It will be used for political persecution and intimidation of people. I will be in Government today, and I will not be there tomorrow. What will happen is that they will come for me.

So, I register my disapproval of the definition of the word “relative”. It should go on record that on this particular day that the Members of this House were in agreement that this definition is vague and something has to be done. If the Bill is passed, we must amend it to remove that ambiguity.

I do not support that definition.

Sen. Okenyuri: Thank you, Mr. Temporary Chairman, Sir. I also wish to join my colleagues to express displeasure in the lack of clear definitions for the words “family”, “relative” and “affinity”. In as much as we want to curb loopholes in the public sector, if we do not clearly state whom we are targeting, then we might end up exposing people who are very innocent, just because they associate with certain individuals.

As a Senate, we need to keenly look at this. We should provide an alternative way of defining who is family, relative and affinity, who are the people close to an individual that we want to target. If we do not define those three clearly, then we might expose innocent people to issues that we are trying to curb.

Thank you.

Sen. Mandago: Thank you, Mr. Temporary Chairman, Sir. I join my colleagues on this matter of definition of “affinity” and the general definition of “relative” and “family”. The definition of family here is the spouse, dependent child or parent of a public officer, a dependent child of the spouse of a public officer or a parent of the spouse of a public officer. Relative means a person is related to a public officer by birth, marriage, adoption or affinity.

Mr. Deputy Chairperson Sir, even relationship by birth should be made very clear because in the African context of relationship by birth, my cousin brother, whose father is brother to my father is defined as being people related on one bloodline.

I do not understand what this Bill wants to address. Just as Sen. Cherarkey said, we have so many relatives who we are even related to by blood, but we do not know what they do for their everyday living.

Is this Bill telling us then that we, as public officers, should declare all our relatives and the Government should meet their daily subsistence needs? This is because as soon as this Bill passes, it means those people might stop what they have been doing for their daily livelihood and they will be then dependent on the public officer. Is the Government ready to provide subsistence?

This word “affinity” should be deleted and we should even give a new definition. It should stop at where we have adoption. This affinity is so wide that it will be open to abuse. Since we cannot say some of these institutions are immune to being politically weaponized, we should make our definitions very clear.

I have a problem also on the clause what undeclared assets mean and any asset that is not disclosed in their prescribed manner. If I have declared an asset and probably in the sentences, I have missed one or two letters or missed this, if you go down in that Bill, it means that this asset should be forfeited to the State. I think the law should be providing an opportunity for further details and inquiry. For you to just say that because you are declaring your land and said Block 13/1671 instead of Stroke 13/1617, then you forfeit that asset because you have not declared it in a prescribed manner, that will be a problem.

We cannot and we should not allow this House to be used by financial institutions that want to make it difficult for Kenyans to do business, that want to make it difficult for the economy of this country to grow, so that we continue borrowing from them by passing legislations and amendments such as this.

I wanted to go on record that we need, as a House, to look at that definition and leave the word “affinity” and even that undeclared assets mean any asset that is not disclosed. That should be dropped completely.

The Chairperson (Sen. Abdul Haji): I see that there is a lot of interest in making comments on this clause. After five Senators have spoken, it will just be repetition. Can we go to the next clause and then we give you an opportunity?

Sen. (Prof.) Ojienda, are you going to repeat anything that has already been said?

Sen. (Prof.) Tom Odhiambo Ojienda SC.: Mr. Chairperson, Sir, I know and yes, I know that some of these amendments are extraneously driven and the intention as expressed by Sen. Mandago that the result will be stifling business and development. I want Senators to open their eyes.

The public officers in question are not Senators or Members of Parliament. Contemplate a public officer as a chief or a primary school teacher with many relatives in the village and that public officer is supplying maize to a school or to a Government office in the village. Most Africans do not even know who their relatives are because we have extended relatives. So that definition is problematic because at times, we cannot even define who our relatives are.

Lastly, with a perspective, I just want to agree with Sen. Mandago on the undisclosed assets or unnamed assets, either by error, perhaps negligence or out of lack of valuation, you will lose an asset. This is a serious thing.

Sen. Osotsi's concern is about the threshold, but we have a problem here. The only way to make sure this does not pass is by denying the Majority Leader quorum and walking out. Then now this will not pass.

The Chairperson (Sen. Abdul Haji): Sen. (Prof.) Ojienda, I was really looking forward to your ingenious submission, which I actually missed. Sen. Abbas, I hope you are not going to repeat what has already been said.

Sen. Abass: No, no, I am not going to say that. I think by nature nobody commits an offence as proxy on behalf of somebody else. All adults carry their own crosses. So, wherever your brother is, maybe in another part of the world, you cannot take responsibility for his mistakes.

I oppose the amendment.

Sen. Kavindu Muthama: Thank you, Mr. Chairman, Sir. I do not want to repeat what others have said. As it is, this amendment will cause a lot of problems to many others.

I will read a scripture in the Bible. In the book of Ezekiel 18:20, it highlights that the mistakes of a father will never condemn a child. So this is not right because if anyone does wrong, they should carry their own cross; not any relative, child or affiliation as in the definition of affinity. This is wrong, unbiblical and not good for anyone.

Sen. Faki: Asante sana Bw. Mwenyekiti. Pia natoa kauli yangu kupinga kipengee hiki.

Bw. Mwenyekiti nilinde na Mheshimiwa hapa ambaye ni *Senior Counsel* na Sen. Ojienda pia ni *Senior Counsel*.

Kipengee hiki ni kinyume hata na maadili ya Kiafirka kwa sababu Kiafrika, tunaishi kama jamii moja. Kwa mfano, mimi ni Seneta lakini mtoto wangu ameajiriwa na Afisi ya Mkurugenzi wa Mashtaka. Inawezekana kutokee shida katika afisi yake nilaumiwe kama Seneta anayefanya kazi zangu tofauti na yeye?

Huu Mswada unapinga maadili ya Kiafrika na vile vile ni kinyume na Katiba. Huwezi kumnyonga mtu au kumyang'anya mali yake bila kumpa nafasi ya kujieleza kisheria.

Tunapinga kipengee hiki na kuomba kiondolewe mara moja katika hiyo memorandum ya Rais kuhusiana na Mswada huu.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senators. We shall proceed.

Division will be at the end.

Clause 6

Sen. Wakili Sigei: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 6 of the Bill be amended by inserting the following new paragraph after paragraph (h)—

“(ha) institute proceedings for forfeiture of undeclared or unexplained assets;”

In the course of the Committee's consideration of the recommendation under Clause 6, the Committee indeed observed and agreed with the proposals that the Ethics and Anti-Corruption Commission (EACC) be given the sole mandate to implement this particular Act once it is passed.

Further recommendation that the Committee made in concurrence is that the reservations on this clause will need the strengthening of the technical and budgetary capacity and allocation to the EACC in order for it to be facilitated to administer and effectively implement the provisions of this particular Act. That is the impact of the Committee's recommendation on the reservations under Clause 6.

I thank you.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Sen. Cherarkey, will you be commenting on every clause?

Sen. Cherarkey: Yes, these are serious issues.

The Temporary Chairperson (Sen. Abdul Haji): Let us also recognise that we are not debating, so you need to be brief. Please, make your comments in less than three minutes.

Sen. Cherarkey: Mr. Temporary Chairperson, you are not also immune if this comes to law. It will disrupt our daily lives.

“Institute proceedings for forfeiture of undeclared or unexplained assets.”

This recommendation is very unfortunate. We are aware that when the Kenya Revenue Authority (KRA) or EACC are doing inventory of your assets, they can leave it unexplained by error, design or default. We are aware of cases where the Authority---

*(Sen. Mandago and Sen. Omogeni consulted
with the Temporary Chairperson)*

Mr. Temporary Chairperson, I wish the two Senators--- they are blocking you yet the Standing Orders are very clear that there should be no one between you and the Speaker. Table office, what is happening? Senior counsel just jetted in. He should go relax and recover from jet lag.

(Laughter)

Mr. Temporary Chairperson, the former Chair of the EACC---

(Sen. Omogeni spoke off record)

You should be listening, senior counsel. You can be old, but do not have a brain.

Mr. Temporary Chairperson, if “Institute proceedings for forfeiture of undeclared or unexplained assets” is left out by design, you might lose your property.

On this amendment by His Excellency the President, I go with the proposal by the Standing Committee on Justice, Legal Affairs and Human Right. I rest my case.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Omogeni.

Sen. Omogeni: Mr. Chairman, the only comment I wanted to make is that let us deal with this clause very carefully. I have had the benefit of looking at all the anti-corruption agencies in Africa, including the most successful ones in Rwanda, Botswana and Ghana. You never mix declaration of assets with an anti-corruption commission. There is nowhere in Africa where that role is domiciled in an anti-corruption commission.

As we look at this amendment, we need to also proceed with caution. As lawyers, we know that you do not mix functions of an investigative agency with a body that is receiving reports to look at any criminal aspect in it. We need to pass a Bill that can pass the test of the time.

We are not an island. We have many examples to learn from all over Africa. In fact, in Tanzania, the declaration of assets are received by the public service. That is the regime that has been prevailing even in this country. It did not come from nowhere. It is because we borrowed from what is happening in other jurisdictions. The same thing happens in South Africa. Therefore, we need to be very careful so that we pass a law that is aligned with the constitutional provisions.

The Temporary Chairperson (Sen. Abdul Haji): Thank you. Sen. Enoch Wambua, proceed.

Sen. Wambua: Mr. Temporary Chairman, my problem with that clause as proposed is that we have the Unclaimed Financial Assets Act, 2011. Maybe the best thing would have been to enhance that Act to extend to assets. This will ensure that you do not pile a lot of work to the EACC, which is already doing investigations and then mandate them to do forfeitures and unclaimed and uncleared assets. Why can we not do an amendment to the Unclaimed Financial Assets Act, 2011 and give that role to institutions under that Act?

Mr. Temporary Chairperson, I oppose that proposal.

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 8

Sen. Wakili Sigei: Mr. Temporary Chairperson, I beg to move-

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

- Conflict of interest. A public officer is in conflict of interest if—
- (a) the public officer exercises an official power, duty or function to further his or her private interests or the private interests of another person;
 - (b) the private interests of the public officer can reasonably be perceived to impair or influence the public officer's ability to act objectively in the performance of an official duty; or
 - (c) the public officer has private interests that could conflict with the duties of the public officer in future.

This is a proposal on the circumstances under which a public officer would be deemed to be in conflict of interest. The Committee noted that the reservation as proposed expands the conflict of interest to entail real, perceived or potential conflict of interest. The Committee, indeed, proposed that we support the amendment.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 12

Sen. Wakili Sigei: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 12 of the Bill be amended by deleting subclause (3).

Mr. Temporary Chairperson, the effect of the reservations under Clause 12 is to introduce an aspect in the text of “Good faith”. I propose that we progress as per the Order Paper.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 16

Sen. Wakili Sigei: Mr. Temporary Chairperson, I beg to move—
THAT, Clause 16 of the Bill be amended by—

- (a) inserting the following new subclause after subclause
- (b)

“(3A) Where a public officer has knowledge that a family member or a relative has accepted a gift or favour under subsection (1), the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within forty-eight hours of resumption of duty, make a declaration of the acceptance, giving sufficient

details of the nature of the gift or favour accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

(c) deleting subclause (4) and substituting therefor the following new subclause—
“(4) A person who contravenes this section commits an offence.”

Mr. Temporary Chairperson, the effect of the reservations under Clause 16 from the Presidential Memorandum is to ensure that public officers are prohibited against receiving gifts or favours from persons who are working within the offices. I propose that we proceed with it as per the Order Paper.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Sen. Cherarkey.

(Sen. Cheruiyot consulted loudly)

Sen. Cherarkey: Mr. Temporary Chairperson, I do not know why the Senate Majority Leader wants to disrupt the House. I am happy that my learned senior counsel, Sen. Okong’o Omogeni, is here. We have just said we do not know who our relatives are. This amendment is being done by the World Bank and other foreign entities, which do not understand the African culture.

Mr. Temporary Chairperson, I know a number of your cousins where you come from. They are thousands, although in our culture, you do not say the definite number. This issue of bringing *wazungu* culture, who get only two children or rear only one dog--- We need to be fair.

In fact, the writer of some book, whom I have forgotten--- I only have one teacher, whom I recognise as Sen. (Prof) Tom Odhiambo Ojienda, SC. The importation of the law was even a proposal to Africanise. This law that has been brought here does not recognize the culture and our way of life.

Two, you do not know your cousins. The last time you met them has been ages and ages. Then it says: “where a public officer has acknowledge that your relative or a family member has received.” So, every evening, you will be going and asking your spouse: “Did you receive a gift or a favour today?” Will you be calling your relatives in Migori like Sen. (Prof.) Tom Ojienda or in Kitui, or Nyamira?

This amendment is made in bad faith and it negates anything about our African culture and even religion. We oppose it with all our body organs because this thing is not fair.

We are not saying corruption should not be fought. We should fight corruption. Why should you deny my relatives to live their life simply because I am a State officer? If I have a child - which I do not, for the record - who is above 18 years, they are paying taxes. Why do you want to stifle them?

I do not know whether the children of Sen. Wakili Sigei have reached the age of 18 years, but I doubt. They are paying taxes, why would you want to stifle their lives or to align their lives to be in line with the life of the State officer?

Even the President's, Vice-President's, Senators and the governor's spouses, children and relatives have a right to live in this country and do their business, including your children, Mr. Temporary Chairperson. This thing is undermining not only the African Culture, but even the religion and our way of life. I totally oppose it.

Sen. Osotsi: Mr. Temporary Chairperson, Sir, this is another amendment that is very annoying. I think this is the House that is going to help Kenyans, because if you look at Article 115 of the Constitution, where the referral was based, it talks about two-thirds. We can easily raise two-thirds here. The other House will have difficulties raising the two-thirds, but us, we can raise two-thirds and reject even these referrals that have been made by the President.

In fact, the referrals contain amendments, which are even worse than the initial amendments that were there. I want to urge the House that before we even vote for this, can we get our two-thirds Members here? We can get two-thirds in this House, so that we reject these referrals and if possible, delete all the clauses from this Bill.

The Temporary Chairperson (Sen. Abdul Haji): Senators, please, stick to your reservations on the amendment. Let us not deviate and start debating. I already reminded Senators that we are not debating and be brief.

Sen. Omogeni, please, proceed.

Sen. Omogeni: I think this is a very good clause. If I understand it well, it is saying we should not peddle influence. For example, Sen. Cherarkey may not have children, but there are leaders in this country who have children. What this clause is saying is that we do not want anybody to send gifts to the children of the President, the Deputy President, a Senator or a Member of the National Assembly. We want discipline. We do not want them to receive gifts, because they come to Harambees and say they were given a gift to bring to a Harambee. We want to bring that to a stop. So this one, let it stay.

If you are a child of the President, Deputy President, Governor, Senator, Chief Executive Officers (CEOs), you should not receive any gifts. I am saying this so that even the children of the President take note that the Senate is passing a Bill that will prevent them from receiving gifts from anybody else on behalf or using the influence of the father or the mother.

This one I am okay with it, but we start from the top. We start from the doorstep of the President, then come to the doorstep of the Deputy President, then go to the Governor, go to the Senator, go to the Women Representative, go to the Member of National Assembly, then we go to CEOs; everybody. Once this law is passed, let us all be now equal. No receiving gifts.

I support.

Sen. Wambua: Mr. Temporary Chairperson, Sir, we should also not pass laws in vain. This is one instance where we are trying to pass a piece of legislation clearly just in vain.

The definition of a relative and a family member in the African context is so wide unless you have nothing else to do that when you wake up every day, the only thing you have to do is to find out from all your relatives who has received a gift and who has not received.

We even make the determination that I have knowledge of receipt of those gifts. This is one recommendation that I am actually almost - and I do not want to cast aspersions on my colleagues in the Committee on Justice, Legal Affairs and Human Rights - to imagine that this thing can pass the way it is. Surely, this must be dead on arrival. Even if you wanted to, you cannot enforce it. How do you enforce this? How do you even do it? *Hii wacheni ikae.*

Sen. Mandago: On the issue of gifts, our problem arises where it says you should have knowledge if your relative receives a gift. For heaven's sake, I have relatives all the way from Tanzania to Laikipia, West Pokot and there is even a rumour that I have some relatives in Turkana.

How will I tell whether they have received a gift and what value? Whereas I would be inclined to agree with what Sen. Omogeni is saying, but then let us amend the Unclaimed Assets Act, so that we can put that there because to me, it makes sense but not in this Bill.

QUORUM

Sen. Kavindu Muthama: On a point of order, Mr. Temporary Chairperson, Sir.

The Temporary Chairperson (Sen. Abdul Haji): What is your point of order, Sen. Kavindu Muthama?

Sen. Kavindu Muthama: I rise pursuant to Standing Order No.41, to inform the House that we have no quorum.

The Temporary Chairperson (Sen. Abdul Haji): Let us confirm. Very well, Senators, we do not seem to have a quorum. We shall ring the bell for 10 minutes.

(The Quorum Bell was rung)

[The House resumed]

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

The Temporary Speaker (Sen. Wakili Sigei): Chairperson proceed.

PROGRESS REPORTED

Sen. Abdul Haji: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole on the Conflict of Interest Bill (National Assembly Bills No.12 of 2023) has lacked quorum to proceed with business.

(Sen. Cheruiyot spoke off record)

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The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, the quorum bell rang for a period of 10 minutes and unfortunately, we were unable to raise quorum. Ten minutes have since lapsed and the Chairperson---

(Several Senators spoke off record)

Order, the Senate Majority Leader. Sen. Cherarkey and Sen. Cheruiyot, take your seats.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, having failed to attain quorum at the expiry of 10 minutes in the Committee, the Senate stands adjourned pursuant to Standing Order No.41(2)(b) until tomorrow, Thursday, 10th July, 2025 at 2.30 p.m.

The Senate adjourned at 4.31 p.m.