



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fourth Session

Tuesday, 5th August, 2025 – Afternoon Sitting

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 5th August, 2025

*The House met at the Senate Chamber,
Parliament Buildings at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

The Temporary Speaker (Sen. Wakili Sigei): Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, hon. Members. Let us take our seats. We now have quorum. Clerk, you may call the first Order of the day.

MESSAGES FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL, (SENATE BILLS NO.39 OF 2023)

Hon. Senators, I have the following Message from the National Assembly. This is in regards to the Passage by the National Assembly of the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023).

I wish to report to the Senate that pursuant to Standing Order No.46(3), I received a Message from the Speaker of the National Assembly regarding the passage, by the National Assembly of the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023).

The Message, dated Thursday, 31st July 2025, was received in the Office of the Clerk of the Senate on Friday, 1st July 2025. Now pursuant to Standing Order No.46 (4), I now report the Message.

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Pursuant to the provisions of Standing Order No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023) was passed by the Senate on Tuesday, 15th April, 2025 and referred to the National Assembly for consideration pursuant to the provisions of Article 110(4) of the Constitution;

AND WHEREAS the National Assembly considered the said Bill and passed it without amendments on Tuesday, 29th July, 2025, in the form passed by the Senate.

NOW, THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, Article 110(5) of the Constitution provides that once a Bill concerning counties has been passed by both Houses in the same form, the Speaker of the House in which the Bill originated shall refer the Bill to the President for assent. Accordingly, I am in the process of referring the County Public Finance Laws (Amendment) Bill (Senate Bills No.39 of 2023) to His Excellency the President for assent.

I thank you.

PASSAGE OF THE EQUALISATION FUND APPROPRIATION BILL,
(NATIONAL ASSEMBLY BILLS NO.21 OF 2025)

Hon. Senators, I have a further Message from the National Assembly. This is with regard to the passage by the National Assembly of the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025).

I wish to report to the Senate that pursuant to Standing Order No.46(3), I received a Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025). The Message, dated Thursday, 31st July, 2025, was received in the Office of the Clerk of the Senate on Friday, 1st August, 2025.

Pursuant to Standing Order No.46(4), I now report the Message.

Pursuant to the provisions of Standing Orders No.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025) was published *vide* the Kenya Gazette Supplement No.80 of 12th June, 2025 as a Bill for an Act of Parliament to authorise the issue of a sum of money out of the Equalisation Fund and its application towards the service of the year ending 30th June, 2026 to appropriate that sum for certain public basic services and for connected purposes.

AND WHEREAS the National Assembly considered the Bill and passed it with amendments on Wednesday, 30th July, 2025.

AND WHEREAS the Bill concerns county governments in terms of Article 110(1)(a) of the Constitution as it contains provisions affecting the powers and functions of county governments as set out in the Fourth Schedule to the Constitution.

NOW THEREFORE, in accordance with provisions of Article 110 of the Constitution and Standing Orders No.41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Equalisation Fund Appropriation Bill (National Assembly Bills No.21 of 2025) to the Senate for consideration.

Hon. Senators, as you are aware, on Tuesday, 22nd July, 2025, the Senate passed the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025), the Bill which seeks to authorise the withdrawal of funds from the Equalisation Fund and their application towards the provision of public basic services for the financial year ending 30th June, 2026 and for connected purposes, was subsequently transmitted to the National Assembly on Wednesday, 30th July 2025.

In view of the similarities in the provisions of the two Bills, I hereby refer the Bill to the Standing Committee on Finance and Budget to advise the House on the appropriate way forward. The House is accordingly guided.

I thank you.

(The Bill was committed to Committee on Finance and Budget)

(Loud consultations)

Order, Hon. Senators. I have a further Message from National Assembly. This Communication is similar to which the Chair has made with regards to the two Bills. I have several interventions here. I have Sen. Cherarkey and Sen. Mohamed Faki. I will start with Sen. Cherarkey.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I take great exception to the Communication from the National Assembly. Either the National Assembly is on a fishing expedition or they want to intentionally kill and sabotage devolution. As you have read, the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025) was passed on 22nd July, 2024. What is the National Assembly trying to achieve?

Our counties are being starved of resources, which they have been given power to under Article 204 on the Equalisation Fund. So, is it in good faith? You remember, we moved to court when the National Assembly passed 22 Bills without the concurrence of the Senate. I know Sen. Wambua and Sen. Omogeni are aware of this. It was ruled that there must be concurrence from both Houses.

When we passed the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025) on 22nd July, it was transmitted to the Speaker of the National Assembly. The National Assembly was supposed to give concurrence on what we have passed. This is wastage of public funds, because it is duplicity. Why are we doing a Bill, take it to the National Assembly, then the National Assembly does their Bill, then brings it to the Senate?

Mr. Temporary Speaker, Sir, many of the Senate Bills have formed a graveyard in the National Assembly because of being told we cannot deal with money Bills. We

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cannot allow this, even if it means we seek another chance in another forum, let this Bill not be communicated. I was disappointed that the Senate Business Committee (SBC) and yourself allowed this Communication to come to the Floor. What are we telling the country?

As I cede ground to other colleagues, the people who want to kill devolution are not Kenyans or us; it is the National Assembly. This is because they know that the more they procrastinate on this matter of the Equalisation Fund, it will kill our counties. Let this Communication be returned to the same sender, the same office and the same person in the National Assembly.

I submit.

Sen. Faki: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kutoa kauli yangu kwa Mswada wa Hazina ya Usawa. Mswada huu unaweza kuanzishwa katika nyumba yeyote ya Bunge; Bunge la Seneti ama Bunge la Kitaifa. Lakini wakati Mswada umeanzishwa na Bunge la Seneti na kupitishwa, ni makosa kwa Bunge la Kitaifa kuuchapisha na kuujadili.

Hizi ni nyumba moja za Bunge. Kwa hivyo, hatuwezi kukaa hapa kuzungumza jambo ambalo wenzetu wanazungumza juu yake. Vile vile, wao hawapaswi kuzungumza jambo ambalo sisi tunalizungumza. Inaonekana kuna ulegevu fulani katika upande wa Bunge la Kitaifa. Hii ni kwa sababu tumeona kwamba yale ambayo Bunge letu linafanya kupitia kwa Ofisi ya Katibu wa Seneti yanafuata sheria. Kwa mfano, kuna sheria 22 ambazo zilipitishwa bila ya kuuliza Bunge la Seneti kama tunakubaliana nazo au la. Jambo hili lilitufanya twende kortini.

Mwenendo huu tulitarajia utakwisha kwa sababu Spika wa Bunge la Kitaifa alikuwa ni Seneta na Kiongozi wa Waliowachache katika Bunge hili. Lakini ni masikitiko kwamba mambo haya bado yanaendelea. Kila siku tunapata sheria zinachapishwa na kujadiliwa katika Bunge la Kitaifa ambazo zinahusu masuala ya ugatuzi. Lakini sheria hizo haziletwi hapa ili tuweze kukubali au kutokubali ziendelee kuchapishwa.

Bw. Spika wa Muda, lazima Kiongozi wa Waliowengi na Kiongozi wa Waliowachache wakae na wenzao wa Bunge la Kitaifa ili tusionekane kama Bunge linachekecha.

The Temporary Speaker (Sen. Wakili Sigei): I will allow two more Members to---

(Sen. (Dr.) Khalwale consulted loudly)

Sen. (Dr.) Boni Khalwale, I cannot see you.

Sen. (Dr.) Murango: Asante, Bw. Spika wa Muda. Bunge la Kitaifa limekuwa paka anayecheza ngoma katika arusi ya panya. Wanatufanya kama sisi tuko na uhusiano wote na wao lakini hatuna. Hii ni kwa sababu, kama tumepitisha Mswada na kuwapelekea, wanaturudishia wao kuonyesha wao ni wakubwa kutuliko.

Mimi ni mfuasi wa tafsida kwamba mtoto akikunja ngumi agongwe kama mtu mzima. Hii kwa sababu tuko na Miswada yao katika Bunge la Seneti pia tunafaa

tuikanyagie. Akutendaye mtende, mwache asiyekutenda. Hatufai kukaa kimya wakati wanatudhalilisha.

Sen. Wambua: Thank you, Mr. Temporary Speaker, Sir. I fully associate myself with the sentiments of my colleagues on this matter of the Equalisation Fund Appropriation Bill (Senate Bills No.7 of 2025).

Mr. Temporary Speaker, Sir, your Communication was right that we have already passed that Bill as a Senate. If we are to follow procedure, then the National Assembly was supposed to consider the Bill as passed by the Senate. If they have any reservations about it, they push for amendments and bring it back to the Senate in an amended form. After that, we then form a Mediation Committee to come up with a version of the Bill that is acceptable to both Houses.

We must bring this matter of the National Assembly thinking that they can do whatever they want to do and that whatever they want to do will find space in the Senate to an end through this Bill. My advice to you as a leader in this House is that do not even commit that Bill to the relevant Committee; let it just stay where it is. Let them sit with our Bill as long as they want to; we have leverage here on many issues.

If we do not treat the National Assembly in the same manner that they treat us - with contempt and abnormally - we will just be their conveyor belt. I hear that there is a Constitutional amendment Bill before us from the National Assembly; let the chips lie where they have fallen. Let that Bill sleep where it is sleeping until such a time that the National Assembly will realise that the Senate does not exist for its convenience.

Mr. Temporary Speaker, Sir, as I conclude on this matter of the Equalisation Fund, the procedure is very well enumerated in the Constitution and enabling legislations. Let the National Assembly follow due process. As for now, do not pass that Bill to the relevant Committee, let it just stay where it is.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Lastly, Hon. Members, I will allow Sen. (Dr.) Boni Khalwale to comment on this before I give further directions. Enough has been said about it, allow Sen. (Dr.) Boni Khalwale to comment.

Sen (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I thank you so much. However, before you hear me, allow me read Article 110(3) of the Constitution on Bills concerning county governments. It says-

“(3) Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill”.

Mr. Temporary Speaker, Sir, I speak as a Member of the Senate Budget and Finance Committee. I have done consultations with my colleagues: Sen. Roba, the Chairman of the Committee; Sen. Mutinda, the Vice-Chairperson and Sen. Eddy Gicheru Oketch, a Member. We agreed that should this matter be brought to the Committee, we will not deal with it.

(Applause)

This is not a matter that should be resolved by the Committee because the Constitution has clearly indicated that it should be resolved by the two Speakers. Unless the Speaker of the Senate has either abdicated his responsibility, he is in connivance or he has decided to learn the bad manners of the Speaker of the National Assembly who has reduced himself to an agent of the United Democratic Alliance (UDA) Party running around the country---

(Loud consultations)

Mr. Temporary Speaker, Sir, I would like to be heard---

The Temporary Speaker (Sen. Wakili Sigei): Order, Hon. Members. Proceed, Sen. (Dr.) Khalwale.

Sen (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Wafula?

Sen. Wafula: Mr. Temporary Speaker, Sir, under Standing Order---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members. Allow Sen. Wafula to be heard in silence.

Sen. Wafula, what is your point of order?

Sen. Wafula: Under Standing Order No.105---

The Temporary Speaker (Sen. Wakili Sigei): Clerk, give Sen. Wafula the microphone.

Sen. Wafula, proceed to the Dispatch Box.

Sen. Wafula: Thank you, Mr. Temporary Speaker, Sir. Under Standing Order No. 105; the Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be requested to substantiate any such facts instantly.

I believe there is non-political hygiene from one Dr. Boni Khalwale. He must stand up and confirm that someone is an agent of UDA party or someone is masquerading or being sent by UDA. He must also come out clear and respect the Office of the Speaker of the National Assembly.

(Applause)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Boni Khalwale, proceed to substantiate the comments as made by Sen. Wafula under Standing Order No.105.

(Loud consultations)

Order, Hon. Members.

Sen. Boni, proceed to substantiate as alleged.

Sen (Dr.) Khalwale: Mr. Temporary Speaker, Sir, with uttermost respect to the Senator for Bungoma County who is rising on a valid point of order, could he kindly, using the same Standing Orders, allow me make my point then he can challenge me?

I wanted to make the point that the responsibility of the Speaker should not be vacated at any time. Therefore---

(Loud consultations)

Mr. Temporary Speaker, Sir, can you help me? I do not want to be irritated, hold the Senator for Nandi County.

The point I want to drive home and which must sink beyond the ears of the Senator for Bungoma County is that instead of observing Article 110(3), the Speaker of the National Assembly, by participating in the so-called empowerment functions where they dish out money, is behaving like an agent of the UDA party.

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, Hon. Members

Sen (Dr.) Khalwale: Mr. Temporary Speaker, Sir, nowhere in the history of the Republic of Kenya has a Speaker ever---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, what is your point of order? Sen. Boni take your seat.

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Standing Order Nos. 96 and 101. Is it in order for the Senator for Kakamega County, Sen. Boni Khalwale, a Chief Whip and a Member of the UDA party, although he operates from outside, we no longer know him---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members. Sen. Sifuna, Order.

Sen. Cherarkey: Why is Sen. Sifuna shouting? His days in the Orange Democratic Movement (ODM) party are numbered.

What I am saying is very simple. Under Standing Order No.101, if Sen. Boni Khalwale wants to discuss the Speaker of the National Assembly substantively - whom we are ready to discuss - he should bring a substantive Motion. Is it in order to cast aspersions on the Speaker of the National Assembly?

Mr. Temporary Speaker, Sir, you have told him to substantiate. Could you invoke Standing Order No.121, rule him to be grossly out of order and throw him out?

The Temporary Speaker (Sen. Wakili Sigei): You have made your point, Sen. Cherarkey. Take your seat.

Sen. Cherarkey: He should be thrown out. This is not Malinya, my friend.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni Khalwale, as you conclude on your comments on this particular Message, refrain from making specific allegations that might call upon the Speaker to take appropriate action. Kindly conclude.

Sen (Dr.) Khalwale: Thank you. Mr. Temporary Speaker, Sir---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni Khalwale, proceed.

(Sen. Wambua spoke off record)

Sen. Wambua, order, please.

(Sen. Wambua spoke off record)

It is the Chair to give you permission to speak.

Sen. Boni Khalwale, proceed.

Sen (Dr.) Khalwale: The loud consultations that you are hearing are the right thing. It confirms that this is a House of debate. During debate, people are not supposed to agree on everything. Therefore, I thank you for allowing me to conclude this point---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members.

Sen. Boni Khalwale, as you conclude, proceed to substantiate the allegation about on the Office of the Speaker of the National Assembly.

(Loud consultations)

Order, Members. Sen. Kinyua, order.

Sen. Boni Khalwale, conclude on that aspect as the Chair has directed you to do.

Sen (Dr.) Khalwale: Mr. Temporary Speaker, Sir, because---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, order, please.

Sen (Dr.) Khalwale: Mr. Temporary Speaker, Sir, because of the immense respect that I have for the Chair, you have invited me to substantiate and I do hereby proceed to do so.

(Applause)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members.

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Sen (Dr.) Khalwale: I have been accused of alleging that the Speaker of the National Assembly is behaving like an agent of the UDA party by participating in the so-called empowerment rallies where public funds running in millions of shillings are being dished out by the Speaker.

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Order, Members!

Sen. Boni, I will call you out of order because the more you seek to substantiate, the more you make several allegations. Conclude and do not go in the direction that you are headed to.

(Loud consultations)

Members, order, please.

Proceed, Sen. Boni. I expect you to do so in under one minute, I will not allow you to take the whole time.

(Loud consultations)

Order, Members.

Sen. Cherarkey, do not invite the Chair to throw you out. Sen. Mutinda, do not invite the Chair throw you out.

Sen. Boni Khalwale, take my direction and concluded in under one minute.

Sen. Omogeni, take your seat. Do not invite the Chair to invoke the Standing Orders and throw you out.

(Loud consultations)

(Several Senators stood in their places)

Order, Members! Take your seats, Sen. Cherarkey, Sen. Madzayo and Sen. Wambua, take your seats.

I will not allow any other point of order.

Sen. Boni Khalwale, the Chair has invited you to substantiate under one minute. I will not allow you to go beyond one minute in substantiating the allegations that you have made. Members, if anyone of you interrupts, I will not hesitate to invoke the Standing Orders and throw you out of the House.

Sen. Boni, take that direction.

(Loud consultations)

Sen (Dr.) Khalwale: Mr. Temporary Speaker, Sir, if what I have adduced verbally is not sufficient, allow me to then bring video recordings of these public leaders

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spending millions of public funds in an empowerment mission that we do not understand, tomorrow.

They have been everywhere---

(Loud consultations)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni, take your seat.

Hon. Members, the Chair hereby directs Sen. Boni Khalwale to substantiate in the form of whatever document or video recording of the allegations he made before the House tomorrow.

(Loud consultations)

Order, Hon. Senators.

With that and pursuant to the communication that I made, I had directed that the last person I allowed to speak to this Message was Sen. Boni Khalwale. As you noted on the last paragraph of the Communication, I had indicated that in view of the similarities in the provisions of the two Bills, I referred the Bill to the Standing Committee on Finance and Budget to advise the House on the appropriate way forward.

(Loud consultations)

Order, Members. This is the position.

The Message that comes from the National Assembly has nothing to do with what this House deals. This Message is conveyed from the Office of the Clerk for the House to decide. That is why the Chair has directed that this Bill be committed to the Committee on Finance and Budget.

Hon. Members, with that and to close on this particular Order, I call upon the Clerk to call the next Order.

The Senate Majority Leader, proceed.

(Loud consultations)

Sen. Sifuna, allow the Senate Majority Leader to table the document

PAPER LAID

REPORT ON THE CELL, TISSUE AND ORGAN TRANSPLANT SERVICES

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary, Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, the 5th August, 2025-

Report of the Ministry of Health on the cell, tissue and organ transplant services in Kenya.

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(Sen. (Dr.) Lelegwe Ltumbesi laid document on the Table)

The Temporary Speaker (Sen. Wakili Sigei): Let us go to the next Order.
Take your seat, Sen. Chesang.

COMMUNICATION FROM THE CHAIR

MINISTRY OF HEALTH REPORT ON THE CELL TISSUE AND ORGAN TRANSPLANT SERVICES

Following the Paper that has just been tabled by Sen. (Dr.) Lelegwe, I have the following report from the Ministry of Health on the cell, tissue and organ transplant services in Kenya.

Hon. Senators, as you will note, the Senate Majority Leader has laid on the Table of the Senate this afternoon a report from the Ministry of Health on the cell tissue and organ transplant services in Kenya. The report contains various findings and recommendations on cell tissue and organ transplant services and one key recommendation is the need for complete regulatory reforms on the organ transplantation programme.

Consequently, upon the tabling of this document in the Senate, I hereby direct that the Report be committed to the Standing Committee on Health for consideration. The Committee will be required to consider the Report and table a report containing its recommendations.

I thank you.

(The Report be committed to the Standing Committee on Health)

Clerk, call the next Order.

NOTICE OF MOTION

APPROVAL OF SEN. JOE NYUTU MP TO SERVE IN COMMITTEE ON LABOUR AND SOCIAL WELFARE

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I beg to give Notice of the following Motion-

THAT, NOTWITHSTANDING, the resolution of the Senate made on 12th February, 2025 on the approval of Senators to serve in various Standing Committees of the Senate and pursuant to Standing Orders Nos.197, 199 and 228, following nomination by the Senate Business Committee, the Senate approves the nomination of Sen. Joe Nyutu, MP, to serve in the Standing Committee on Labour and Social Welfare to replace Sen. Gloria Orwoba, MP.

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The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, before we call out the next Order, I have a Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM BUNGE MASHINANI SCHOOL OF GOVERNANCE

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation of eight staff and 17 students from Bunge Mashinani School of Governance. The delegation is undertaking a study visit in Parliament.

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

I thank you.

(Applause)

I will allow Sen. Tabitha, in under one minute, to welcome the team on behalf of the Senate Majority Leader.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to welcome a great team from Bunge Mashinani School of Governance. Feel welcome.

This is called the 'upper' House. You have seen the deliberations and discussions that we have. We disagree to agree. At the end of the day, we are representatives of the people. We tend to have different views, but all geared towards better governance.

I wish you the best as I welcome you. Anybody can come to this particular House.

The Temporary Speaker (Sen. Wakili Sigei): Clerk, please, call the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Temporary Speaker (Sen. Wakili Sigei): We will start with request for Statements pursuant to Standing Order No.53(1).

Proceed, Sen. Tabitha Mutinda.

ABSENCE OF PEDESTRIAN CROSSING AT KABATI MARKET ALONG THIKA SUPERHIGHWAY

Sen. Tabitha Mutinda: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Committee on Roads, Transportation and Housing on a matter of countywide concern regarding the absence of safe pedestrian

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crossing along Thika Superhighway at Kabati Market in Murang'a County, which poses grave safety risks.

Thika Road is a major highway connecting Nairobi to Central and Eastern parts of Kenya, serving thousands of motorists and public transport vehicles every day. Kabati Market, located along the busy highway, is a significant commercial hub serving local residents, traders, farmers and commuters from across Murang'a and the neighbouring counties, including Nairobi. Due to the high human and vehicles traffic in the area, the lack of proper pedestrian crossing infrastructure has contributed to multiple accidents and continues to endanger the lives, particularly of school children, traders and the elderly.

(Sen. Cherarkey and Sen. (Dr.) Khalwale consulted loudly)

Mr. Temporary Speaker, Sir, Sen. Cherarkey and Sen. Boni should listen to me in silence.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, please maintain silence.

Sen. Tabitha Mutinda: Thank you. In the Statement, the Committee should address the following-

(1) The nature and number of accidents involving pedestrians that has occurred along Thika Superhighway at Kabati Market in Murang'a County since 2023.

(2) Reasons for failure by the Government to erect speed bumps or construct a footbridge over Thika Superhighway at Kabati Market despite multiple accidents;

(3) Measures being taken by the Ministry of Roads and Transport to address the situation, including details on any planned interventions and their expected timelines.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, I will defer to the next sitting the second Statement from that particular list.

UTILISATION OF FUNDS FROM VOIDED PAYMENTS BY BOMET COUNTY GOVERNMENT

(Statement deferred)

I call upon Sen. Johnes Mwaruma.

Sen. Mwaruma: Mr. Temporary Speaker, Sir, I have three Statements. Allow me to read all of them.

STATUS OF AMBULANCE SERVICES IN TAITA-TAVETA COUNTY

Sen. Mwaruma: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the condition and operational status of ambulance services in Taita-Taveta.

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In the Statement, the Committee should address the following-

(1) The total number of ambulances in Taita-Taveta County, their current mechanical and operational condition, including copies of their logbooks.

(2) The purchase cost of each ambulance, including shipment charges and relevant shipment documentation.

(3) The work permits for the ambulances, including the specific stations or health facilities from which each ambulance operates.

Mr. Temporary Speaker, Sir, I have a second request for Statement regarding the status of water drilling rig in Taita-Taveta County.

STATUS OF WATER DRILLING RIG IN TAITA-TAVETA COUNTY

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the status of our water drilling rig, a property of the County Government of Taita-Taveta.

In the Statement, the Committee should address the following-

(1) The total cost of the drilling rig, including the purchase price of the rig, shipment charges, relevant shipment documents and any additional costs incurred in the acquisition and transportation process.

(2) The rig's logbook, including records of any previous changes in ownership.

(3) Details of the supplier, including their name, contact information and any contractual agreements entered into with the county government.

(4) Number of boreholes drilled using the rig since its acquisition, accompanied by the corresponding hydrological reports, number and credentials of the surveyor or surveying company involved, relevant work permits and the operational status of each borehole.

Mr. Temporary Speaker, Sir, allow me to read my third Statement.

LAND OWNERSHIP DISPUTE IN MAUNGU SUB LOCATION, TAITA-TAVETA COUNTY

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the land ownership dispute at Maungu Sub-Location, Voi Sub-County of Taita-Taveta County.

The land covers Pipeline, Msharinyi, Wagala and Miasenyi villages with a population of 4,000 residents that stand affected should the illegal issuance of the title deeds stand. The land in question covers Parcel Nos.3101 to 3129 which were included in the Maungu-Buguta Settlement Scheme, but in reality, it falls outside the geographical location of the scheme.

In the Statement, the Committee should address the following-

(1) Whether the right procedure was followed during the survey, pegging and issuance of the title deeds.

(2) The rationale behind the issuance of the title deeds by the Taita-Taveta Land Registrar to Land Parcel Nos.3101 to 3129, contrary to the advice and instructions by the Manager of Maungu-Buguta Settlement Scheme.

(3) Whether any disciplinary action has been taken or is contemplated against the land registrar should they be found to have acted irregularly or illegally.

(4) Whether the Government intends to revoke the title deeds issued for Parcel Nos.3101 to 3129 if it is established that the issuance was unlawful.

The Temporary Speaker (Sen. Wakili Sigei): Next is Sen. Fatuma Dullo.

ABDUCTION OF MR. ABDIRAHMAN MOHAMED IBRAHIM

Sen. Dullo: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the matter of countywide concern regarding the abduction and assault of Mr. Abdirahman Mohamed Ibrahim, former Chief Officer of Medical Services in Isiolo County.

On 13th June, 2025, at approximately 2.00 a.m., Mr. Abdirahman Mohamed Ibrahim was abducted in the Maanzoni area of Machakos County. He was held for nearly five hours, assaulted and later found unconscious near Ruai Dumpsite at around 5.00 p.m. That same day, he sustained serious injuries, including a broken arm and was hospitalized. Personal effects, including his licensed firearm, mobile phone and cash were reportedly confiscated during the ordeal. This brutal incident raises serious questions about the safety of public servants in the country.

In the Statement, the Committee should address the following-

(1) The circumstances leading to the reported abduction and assault of Mr. Abdirahman and whether the stolen items, specifically his licensed firearm, mobile phone and cash, have been recovered.

(2) The identities of those involved in planning and executing the attack and whether credible evidence has been gathered linking any suspect to the crime.

(3) The progress of investigation by the Directorate of Criminal Investigations (DCI), including reasons for the apparent inaction despite follow-up efforts.

(4) The measures in place to guarantee the security of public officers and citizens, including strategies to prevent recurrence of such incidents in the future, especially those perceived to be politically instigated.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Richard Onyonka.

IRREGULARITIES IN TSC PAYROLL SYSTEM

Sen. Onyonka: Mr. Temporary 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

national concern regarding irregularities in the payroll system of the Teacher Service Commission (TSC).

The Auditor-General's report for the financial year ending June, 2024 highlights significant flaws in the payroll administration of the TSC. Specifically, the report, out of the many, reveals that TSC overpaid teachers by a total of Kshs433.9 million, attributing the overpayments to inefficiencies associated with manual reporting and processing systems. To date, only Kshs222 million has been recovered, leaving an outstanding balance of Kshs211 million unrecovered.

These irregularities are further compounded by concurrent audit revelations by the Ministry of Education which disbursed funds to non-existing schools, pointing to a wider systemic issue of mismanagement and weak oversight within public education institutions. This could go from all our secondary schools, universities and Technical and Vocational Education and Training institutes (TVETs).

In the Statement, the Committee should address the following-

(1) The current number of employment status of individuals on the TSC payroll, including verification of the status of all the listed personnel in the Republic of Kenya.

(2) Tell us the root causes of the payroll anomalies and systemic weaknesses that have led to these overpayments and several payments without going through the system;

(3) The total financial loss attributable to non-existence or unauthorised personnel (ghost workers) and the criteria used to identify who they are.

(4) Measures being undertaken by the TSC to recover all the outstanding amounts from the affected individuals and any other person who may owe TSC and the Government of Kenya money.

(5) Which reforms will take place in the TSC to prevent recurrences, including biometric registration of all the teachers in the Republic of Kenya?

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. James Murango.

USIMAMIZI NA MATUMIZI YA FEDHA ZA WAKULIMA
KATIKA MRADI WA UNYUNYIZIAJI MAJI WA MWEA

Sen. (Dr.) Murango: Asante sana, Bw. Spika wa Muda, kwa kunipa nafasi hii. Nasimama kwa mujibu wa Kanuni ya Kudumu Nambari 53(1) ya Kanuni za Kudumu za Seneti kuomba Kauli kutoka kwa Kamati ya Kilimo, Mifugo na Uvuvi kuhusu usimamizi na matumizi ya fedha za uendeshaji na utengenezaji zinazolipwa kila mwaka na wakulima wa Mwea.

Wakulima wa mpango wa unyunyiziaji maji wa Mwea hulipa takriban Shilingi 7,000 kila mwaka kama ada ya uendeshaji na utengenezaji. Fedha hizo hulipwa kupitia mfumo wa e-Citizen wa Serikali na zinalenga kugharamia ukarabati na utengenezaji wa miundombinu ya mashambani, hasa barabara za ndani ya mashamba.

Licha ya kulipa ada hizo kila mwaka kwa uaminifu, barabara nyingi mashambani ziko katika hali mbovu na hazipitiki hasa wakati wa mvua. Hali hiyo inawavunja moyo wakulima na kuzuia maendeleo na shughuli za kilimo, usafirishaji wa mazao na upatikanaji wa masoko.

(Sen. (Dr.) Lelegwe Ltumbesi consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Lelegwe, if you must consult, do so in low tones. The Senator must be heard in silence. Sen. Miraj, keep silence in the House.

Sen. Murango, proceed to conclude on your Statement.

Sen. (Dr.) Murango: Bw. Spika wa Muda, aida ripoti ya Mdhabiti na Mkaguzi Mkuu wa Hesabu katika sekta za Serikali imeonyesha kuwa zaidi ya Shilingi 54.8 milioni zilizokusanywa na Hazina ya Taifa hazina maelezo ya matumizi, jambo linalozua wasiwasi kuwa huenda fedha zilizochangishwa kutoka kwa wakulima wa Mwea ni miongoni mwa pesa hizo zisizojulikana zilipo.

Katika Kauli hiyo, Kamati hii inapaswa kujibu maswali yafuatayo-

(1) Kiasi kamili cha fedha zilizokusanywa kutoka kwa wakulima wa Mwea kama ada katika kipindi cha miaka mitano iliyopita na mahali ambapo fedha hizo zimehifadhiwa.

(2) Miradi ambayo imetekelezwa au kuboreshwa kwa kutumia fedha hizo katika kipindi hicho.

(3) Sababu za kuendelea kushuhudiwa kwa hali duni ya barabara za mashamba za mashambani licha ya malipo haya kufanywa kila mwaka.

(4) Iwapo kuna ukaguzi wa---

(Loud consultations)

Mhe. Spika wa Muda, mazungumzo yanayoendelea na Sen. Kinyua yana---

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Kisang, Sen. Nyutu and Sen. Mbugua. Allow Sen. Murango to conclude his Statement.

Sen. (Dr. Murango): Nambari (4) Iwapo kuna ukaguzi wa matumizi ya fedha hizo ambayo umefanyika na matokeo ya ukaguzi huo.

(5) Iwapo kuna ushahidi wowote unaoonyesha kwamba fedha hizo ni sehemu ya Shilingi 44.8 bilioni ambazo hazina rekodi ya matumizi kulingana na ripoti ya Mdhibiti na Mkaguzi mkuu wa hesabu za Serikali.

Asante.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Okiya Omtatah, please proceed.

DEPLORABLE STATE OF HEALTHCARE SERVICES IN BUSIA COUNTY

Sen. Okiya Omtatah: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of countywide concern regarding the deplorable state of healthcare facilities and services in Busia County.

Mr. Temporary Speaker, Sir, the healthcare system in Busia County is in critical disrepair, marked by inadequate infrastructure, insufficient medical equipment and a

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severe shortage of trained personnel. This situation is further exacerbated by non-functional ambulances, poor sanitation and a chronic lack of essential medical supplies. Sub-county hospitals are missing key services such as radiology, caesarean sections and specialist care, while existing infrastructure remains underutilized due to staffing and technical challenges.

Mr. Temporary Speaker, Sir, despite investments in digital systems, outdated manual record-keeping continues to hinder service delivery. Additionally, poor waste disposal practices, underfunding of drug procurement, delayed salaries and deteriorating working conditions have resulted in staff shortages and abandoned facilities.

Consequently, there is a concerning trend of patients seeking care outside the county. The Busia County Referral Hospital, which is designated as a Level 5 facility, is operating well below standard, highlighting the urgent need for comprehensive reform in the health sector.

In their Statement, the Committee should address the following-

(1) The state of healthcare facilities in Busia County, including human resource capacity, availability of equipment and the status of infrastructure.

(2) The reasons for underutilization and abandonment of fully constructed medical facilities.

(3) A status report on the implementation of the Busia County Facility Improvement Financing Act, 2024.

(4) An update on investigations into reported misuse of health funds, including Kshs4.9 million spent on questionable consultancy services.

(5) Recommendations for immediate interventions to address the health crisis in Busia County, including the deployment of emergency equipment and personnel by the Ministry of Health.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Beatrice Ogola, please proceed.

SAFETY RISKS POSED BY HIGHRISE BUILDINGS AROUND WILSON AIRPORT

(Statement dropped)

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Lelegwe, please proceed.

VOIDING OF STAFF ALLOWANCES IN SAMBURU COUNTY

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of countrywide concern, regarding the systematic voiding of staff

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allowances and other county obligations already approved for payment by the Controller of Budget during the Financial Year 2024/2025 in Samburu County.

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

(1) The basis for voiding or cancellation of payments, including staff allowances and contractor dues after approval by the Controller of Budget, including whether such actions comply with the Public Finance Management Act 2012.

(2) The impact of these cancellations on county employees and service providers, including whether due process was followed such as formal notification to affected parties and adherence to audit procedures.

(3) The oversight and responsibility mechanisms in place to prevent irregular or selective cancellation of approved payments, including measures to enhance transparency and fiscal discipline in the execution of Samburu County budgets.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): The next Statement, by request, is hereby deferred to the next Sitting.

STATE OF MENTAL HEALTH INSTITUTIONS
IN THE COUNTRY

(Statement deferred)

I now call upon Sen. Eric Okongo Omogeni, Senior Counsel.

ACCESS TO PIPED WATER IN NYAMIRA COUNTY

Sen. Omogeni: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding access to piped water in Nyamira County.

Residents in many rural areas of Nyamira County lack access to clean and safe drinking water. As a result, they are forced to rely on unreliable sources such as rainwater or, worse still, contaminated water from nearby rivers and streams. Many of these residents are now grappling with waterborne diseases and other types of ailments which should not be the case in the 21st century.

In the Statement, the Committee should address the following-

(1) Provide to the Senate data on the number of households per ward that have applied and had connection of piped water from the County Government of Nyamira from the year 2023 to date.

(2) Report to the Committee, plans in place by the County Government of Nyamira to expand access to clean piped water for the residents of the County of Nyamira.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Next is Sen. Mohamed Faki.

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RECOGNITION OF THE WANGAZIJA
COMMUNITY IN MOMBASA

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on a matter of country-wide concern regarding the recognition of the Wangazija Community in Mombasa.

Mr. Temporary Speaker, Sir, the Wangazija Community are a Swahili-speaking community residing predominantly---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Faki, just take your seat.

Sen. Tabitha Keroche, while you were away, certain directives were given and you are out of order. I am giving you the first warning because of what you have just been doing. Take note.

Proceed, Sen. Faki.

Sen. Faki: Thank you, Mr. Speaker. The Wangazija Community are a Swahili-speaking community residing predominantly along the Kenyan coast, particularly in Mombasa. Despite their long-standing historical presence and invaluable contributions to the cultural landscape and Islamic heritage of our nation, they remain unrecognized as a distinct ethnic group by the State.

This continued lack of formal recognition has had far-reaching consequences. The Wangazija Community has been systematically excluded from access to critical Government services, representation in public institutions and inclusion in affirmative action programmes that are designed to uplift marginalized and minority groups. This exclusion is not only unfair, but also goes against the Constitution, which requires all Kenyan communities to be included and treated fairly in national development and planning.

In the Statement, the Committee should address the following-

(1) The measures being undertaken, including engagement with relevant State agencies to document, facilitate and ensure the formal legal recognition of the Wangazija Community as a distinct ethnic minority within the Republic of Kenya.

(2) The inclusion of Wangazija Community in future national census, public appointments and affirmative action frameworks targeting minority and marginalised community.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Lastly, Sen. Sifuna Edwine.

Clerk, give Sen. Sifuna the microphone.

Sen. Sifuna, you can utilise the one at the Dispatch Desk.

Sen. Sifuna: Mr. Temporary Speaker, Sir, I wish you had permitted me to give diagnosis of a problem in the previous discussion, but let me proceed to read the Statement.

STATE OF MENTAL HEALTH INSTITUTIONS
IN THE COUNTRY

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on a matter of national concern regarding the state of mental health institutions in the country.

Mental health facilities remain one of the most neglected areas within the country's health sector. Gaps in policy and resourcing have rendered these institutions the weakest link in the ongoing health sector reforms. Consequently, vulnerable patients admitted to these institutions are exposed to poor treatment, security breaches and unregulated institutional practices, resulting in unmet health needs. In addition, the Ministry of Health's weak regulatory oversight may have contributed to the serious lapse that led to the tragic murder of a patient in a private mental health facility on 15th July, 2025.

In the Statement, the Committee should address the following-

(1) The total number of public mental health facilities in the country, including the staffing levels of the medical, security and support personnel in each of those institutions.

(2) An audit of operational, procedural, security and medical protocols in these facilities, including an assessment of the resources allocated to them.

(3) The Government's regulatory framework for holding private mental health institutions accountable for operational and security failures, including an update on the status of investigations into the murder of the patient at the private facility on 15th July, 2025.

I thank you, Mr. Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Now, Hon. Members, pursuant to Standing Order No.53(3), I will allow a maximum of 15 minutes for those Members who would like to comment on the Statements which have just been read out.

I have from my request sheet, Sen. Samson Cherarkey.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, let me comment on one or two Statements; the issue of ambulances in Taita-Taveta County and the state of healthcare in Busia by the presidential hopeful, Sen. Okiya Omtatah.

On this issue of the status of health, I appeal to the Chairperson of the Standing Committee on Health to move the working reports on the status of health in counties that they have visited. It will allow us to make progress.

Can you believe a resident or any other person in Nandi County cannot access ambulance services without paying Kshs1,000 for fuel. When your wife wants to give birth--- I do not mean your wife literally, but somebody's wife must pay Kshs1,000 for fuel. These ambulances should be fueled by the counties. This is a similar situation in Taita-Taveta County and other counties. The poor and deplorable health sector in our counties will kill devolution.

Nandi is a growing concern. I heard KEMSA is owed almost Kshs3 billion by counties. However, when you go to our shelves in Kapsabet County Referral Hospital, Kwale, Mombasa and in almost of counties, there are no drugs on the shelves.

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As we visit Busia for the Senate Mashinani, we must visit those places, so that we assess the situation. I am not talking about Kakamega, which is not a growing concern. Let me summarise by saying the success of devolution depends on how we handle health matters in this country.

Finally, on the Statement that has been brought by Sen. (Dr.) Murango, on the issue of rice, I am still wondering. Why do we import rice, yet there is excess rice in Mwea? It does not make sense. The food that we have in this country is sufficient. The Mwea people are paying Kshs7,000 for maintenance of canals. They have a problem of snails, but they are paying almost Kshs2.1 billion to e-Citizen. However, they do not see value for that money.

I saw the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries, Sen. Wakoli Wafula. He should call the Cabinet Secretary for Agriculture and livestock Development to tell the country what is the urgent need of importing rice to Kenya yet there is rice in Nyatike, Ahero, Budalangi and Mwea. What are we telling our farmers? I am worried if we do not arrest this one, our maize is almost getting ready. If it is sugar, we are sugar sufficient. I want to assure Sen. Onyonka that.

In conclusion, with your indulgence, let me speak to the issue of voiding payments in Samburu County. I remember Sen. Onyonka when he was a Member of County Public Accounts Committee (CPAC), complained about this issue of voiding. Can you believe that in Nandi County, they did a voiding of almost Kshs500 million? What happens in voiding for many Kenyans who do not understand why we are bitter; you make a requisition to the Controller of Budget (CoB), but you pay different people. That is what is happening in Samburu County. The governor is paying friendly companies as opposed to the genuine suppliers of goods and services. It is happening in all counties, including Bomet.

I am shocked with Nairobi City County. The Senator for Nairobi City County should listen to this. All people who have pending bills in Nairobi must pay 30 per cent to some entities within the County Executive to be paid. You must call Nairobi to order. I am told Nairobi City County is the highest at 30 per cent. Kirinyaga County is at 20 per cent; Kisii is 15 per cent or 30 per cent, so that you are paid. We are killing businesses in our counties.

In Bomet County, before the contractors are paid, they must *ona mtu nyuma ya tent* so that they can be sorted. Sorry for using those words and mixing the language. In Nairobi City County, Persons with Disabilities (PwDs) and women are asked to pay 30 per cent. My Deputy Majority Leader should listen to this. Where do you get the courage to ask a woman or a PwD to give you 30 per cent? *Hauogopi Mungu?*

Mr. Temporary Speaker, Sir, with those many remarks, I beg to support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Godfrey Osotsi, you may proceed.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. I wish to comment on the Statement by Sen. Onyonka on the issue of irregularities in TSC payroll system. I think this is a very serious issue. Our teachers continue to suffer as a result of the TSC's inefficiency, especially in the management of the electronic payroll system. As I speak, there are many other systems in Government which have problems, including the one for

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managing schools; the NEMIS, the e-Citizen platform and others, which have serious technical issues and security issues.

The Computer Misuse and Cybercrime Act is very clear that such systems, which are supposed to be handling large volumes of population and they are usually classified in law as critical information system or information data, are supposed to be categorised in law and gazetted as such. This provision in law has not been complied with.

I do not know what the Ministry of ICT and the Ministry of Interior and National Coordination is doing about this. As we advance in technology and as we onboard many systems to manage our operations, we need to ensure that such systems are categorised and gazetted as such because they have huge impact on our population and on our economy. One of them is the TSC payroll system. There are many other systems that we continue to develop as a country.

I hope the Cabinet Secretary in charge of ICT is listening to me. I keep on talking about ICT matters in this House because I am an expert in this area.

I am saddened that the people overseeing Information, Communication and Technology (ICT) matters in this country are clueless. They do not understand the technology. From the Communications Authority of Kenya (CAK), the Ministry of ICT and the Digital Economy, the ICT Authority and everyone involved, including the Cabinet Secretary and the Principal Secretary, lack technological understanding. Therefore, as we talk about the digital economy, having the wrong people in these offices will prevent us from achieving our vision of promoting it and enhancing the economy of this country.

This morning, I listened to news about e-Citizen. How on earth is a private institution allowed to manage a system that serves the entire country; a system that is the backbone of our e-Government? We are not serious as a country.

The other day, I saw the Ministry of Education had changed from National Education Management Information System (NEMIS) to Kenya Education Management Information System (KEMIS). It was just a simple name change, nothing major, yet billions have been spent.

We have talked about the Integrated Financial Management Information System (IFMIS) for ages. It still has many flaws, despite years of discussion. Nothing seems to work in terms of applying technology in the Government. In fact, the last serious attempt at creating a proper e-Governance platform was during the late President Kibaki's time. Since then, e-Government processes have collapsed.

Now, we are told there are problems in the TSC, the Ministry of Education, the National Treasury, the Ministry of Health and the Social Health Authority (SHA) Management System. If we cannot apply technology properly, we are better off going manual rather than wasting taxpayers' money pretending to implement technology while doing nothing.

Mr Temporary Speaker, Sir, I support the Statement.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mungatana, proceed.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. I wish to make a brief intervention on the Statement regarding irrigation water charges brought to this House by Sen. (Dr.) Murango. I request the Standing Committee on Agriculture,

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Livestock and Fisheries while addressing the issues surrounding water charges in Mwea, to also consider the situation at the Bura Irrigation Scheme in Tana River County.

The farmers there have been under oppression of very high water charges. They complain that the water costs are so expensive that farming no longer makes economic sense. The President visited the Bura Irrigation Scheme and directed that water charges be reduced. To date, that directive has not been implemented and the National Irrigation Authority has provided no explanation.

Initially, the justification was that irrigation relied on diesel-powered pumps. However, the President has since inaugurated a gravity-fed system, with billions of shillings invested. Water now flows without the use of diesel machines, yet charges remain high.

As the Committee examines the water charges in Mwea, I urge them to also summon the National Irrigation Authority to explain the situation in Bura. They should clarify why they are ignoring a presidential directive and explain to Kenyans and the Committee why, even after transitioning to a gravity-fed system, farmers continue to face high charges and oppressing the farmers.

Mr. Temporary Speaker, Sir, I support the Statement.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Edwin Sifuna, proceed.

Sen. Sifuna: Mr. Temporary Speaker, Sir, you gave a directive on the other matter, but I would like to offer a diagnosis of the problem as I see it between this House and the 'lower' House. I believe the problem is that the leadership of both Houses does not communicate, not just at the Speaker's level, but even among ourselves. As a result, Members of the National Assembly often have no idea where the Senate stands when we raise certain concerns.

I have spoken to some of their leaders and they are genuinely surprised by the challenges we face in the Senate. As you know from my time as a Member of the Senate Business Committee (SBC), our system budgets in this House have been slashed every year. Even my unit keeps failing. This is a problem we have had for a very long time. Members of the National Assembly are shocked to learn that when they go on recess and we remain in session, even the kitchen is closed. The Parliament seems to function primarily to serve the National Assembly, while the Senate is treated as a minor appendage.

I believe conversations need to begin, so that we are not viewed as hostile or combative. These discussions should happen between the leadership of this House. As a Member of that leadership, I can confirm that these talks never happen. Even before the intergenerational conclave begins, we need one within Parliament itself.

Mr. Temporary Speaker, allow me to briefly comment on Sen. (Dr.) Lelegwe's Statement regarding the voiding of payments. I am a proud Member of the County Public Accounts Committee (CPAC). I am aware that Sen. Onyonka has been committed to this issue from day one as he has reported serious abuses in his county. Even here in Nairobi, suppliers complain that their payments move through the system, what they call I Bank (IB) and then disappear. When the CoB releases funds, someone else gets paid.

I am aware that the Governor of the Central Bank of Kenya, Dr. Kamau Thugge, appeared before the Committee on Devolution and Intergovernmental Relations and

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assured us that the CBK would tweak some technology. Perhaps we can send Sen. Ososti, our ICT expert, to verify this. The Governor mentioned systems such as Temenos T24 and Granular Data Integration (GDI), which I admit I do not understand, but I am sure Sen. Ososti does.

He assured this House through the Committee on Devolution and Intergovernmental Relations that once the CoB releases payment for a specific supplier, county officials will no longer be able to void or redirect transactions. I believe this House, particularly Sen. Onyonka, should be proud for pushing this agenda from the start. I am glad that someone at the CBK has finally listened and we hope for a change.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Now, Hon. Members, the 15 minutes allocated for comments on the Statement have elapsed. We were scheduled to proceed with several Bills in the Committee of the Whole in the next Orders. However, it appears we do not have sufficient numbers. For the convenience of the House, I will, therefore, rearrange the Order Paper and direct the Clerk to call Order No.17.

MOTION

ADOPTION OF REPORT ON STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES

THAT, the Senate adopts Reports of the Standing Committee on Devolution and Intergovernmental Relations on its inquiry into the state of markets in Vihiga and Bungoma counties arising from Statements sought by Sen. Godfrey Osotsi, MP and Sen. David Wafula Wakoli, MP laid on the Table of the Senate on Tuesday, 1st October, 2024.

(Sen. Mumma on 30.07.2025)

(Resumption of debate interrupted on 31.07.2025)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, when the House rose, Sen. Godfrey Osotsi was on the floor contributing to this Motion. You still have a balance of 12 minutes to conclude on your comments on the Committee's report. If you still have comments to make, you may utilise your 12 minutes that was remaining.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. I had begun my comments on the report tabled by the Devolution and Intergovernmental Relations Committee regarding the markets in Vihiga and Bungoma counties. This report follows the visit undertaken in June last year by the Committee, led by my good friend, the Senator for Wajir County. I commend the Senator and the Committee for the good job they did of visiting the two counties last year in June.

Mr. Temporary Speaker, Sir, I started by saying that there is fundamental misleading information in this report. If you look at the report, it is giving figures which are not matching up. There is a table there that shows that between 2018/2019 all the way

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to 2023/2024 financial years, a gap of six years, the county made a mere Kshs82 million. However, there is a breakdown for July, 2023 to May, 2024 that shows that Luanda market alone made Kshs35 million. Clearly, even a school-going child will know that there is something fishy about this.

I request the Committee of Devolution and Intergovernmental Relations to relook at the information that was provided by the County Government of Vihiga on the revenues that are earned by markets in Vihiga County. This is because if Luanda alone in a span of 10 months could contribute Kshs35 million, how about all the other markets, Shamakhokho, Mudete, Chavakali, Mbale, Serem and Esibuye, in six years how would they contribute only Kshs82 million? Some of the things that county governments give to us in our committees are shocking. This is one of them. So, before we adopt this report, I will be asking the Committee to relook at what was given to them, which they are put in the report. It is misleading.

Challenges of infrastructure in Vihiga County in our markets are real and serious. How would you operate a market without a toilet or without a functioning toilet? How would you operate a market without drainage, water and everything else? I request the Committee, even after we have passed this report, to go back and ensure that the recommendations which they have given are complied with. We cannot continue seeing things go in the wrong direction yet our people are religiously paying taxes through the county government. In some cases, the traders are even facing very serious sanctions from the county government for not paying taxes. However, after they pay, they are not getting better services.

We have serious issues around beautification. For example, if you go to Mbale Town, there was an amount that was given by the Kenya Urban Support Programme (KUSP), but look at the beautification, but it is not worth the amount of money that has been put there. Therefore, I request the Committee to really get proper data from the county government on how much money was spent to tarmac the 4.6-kilometre Ikulu Road from Mbale passing through the governor's house all the way down there. Cabros in various markets like Mudete, Majengo, Chavakali, particularly for non-motorised roads, it is not worth it. It is not worth it even in terms of quality.

There is the issue of construction of biodigester within Vihiga municipality. This is another thing. Why would we have a biodigester? The entire Vihiga County does not even have a sewage plant. Why would they invest money in biodigester when they can put money through support of investors and through allocation that this House gives to put up a proper sewage plant. Most of the high mast floodlights are not working because of non-payment of electricity. Some are non-functional.

We have issues of congestion, especially in markets such as Serem, Mbale, Chavakali, Majengo and Luanda. This problem can be resolved by putting up stroller markets so that to manage inadequacy in space. The issue of garbage collection is serious, particularly in Luanda, Majengo, Mbale and Serem markets. All this is captured in the report. I hope that once passed by this House, the report should be taken very seriously by the county government of Vihiga to ensure that our people are provided with the services they need.

Vihiga County's main source of own-source revenue is markets. They have nowhere else they can collect money. The CoB has estimated that the county has a potential of Kshs1 billion on own source revenue, but they raise only Kshs300 million. The reason is that these markets are not properly resourced to generate money. The other reason is misappropriation of the revenues that are raised in this market. This is a very important report and I expect that, as the report says, that they would want to get a status report from the County Government of Vihiga within six months after adoption of this report, so that we know what has been done.

Mr. Temporary Speaker, Sir, I also want to thank this House. Through the new formula, Vihiga County has been able to get an additional Kshs800 million. I will bring a statement here to direct them where to put that money. One area is to put in improving the infrastructure of markets in Vihiga County because that is the main source of own-source revenue in that county. This will ensure that more money is realised through own source revenue and we stop complaining that we are not able to develop because we are small. We are having also a serious problem there.

On the issue of appointment of municipal managers, this problem was resolved. However, I also call upon the county government to fast-track the achievement of municipal status for Cheptulu and Luanda Markets. Cheptulu Market, because, this is the main market that serves the Kaimosi area, where we have Kaimosi Complex, Kaimosi Schools and Kaimosi University. It even serves Nandi County. It deserves to be a proper municipality. I request that the county government puts more focus around there. The same case applies to Luanda Market which is the main transit market to Uganda. All the vehicles going towards Uganda pass through Luanda Market. It also serves four counties, Siaya, Kakamega, Kisumu, Vihiga and Busia. Therefore, it is very critical that that process be fast-tracked.

Mr. Temporary Speaker, Sir, with the issue of revenue figures resolved, I commend the Committee for the good work they have done. I request that after the adoption of this report, they need to have a follow-up on recommendations of this report to ensure that the people of Vihiga County get the benefit of having and investing in these markets. We want to continue raising our income levels through own source revenue.

Mr. Temporary Speaker, Sir, with that request for amendment or re-looking at the issue of revenues, I support and request Members to also support the report, so that this serves as an example to other counties which have similar problems on how markets are being managed by the county government.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, please proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, my notes are being brought. I will come after the next person.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Onyonka, please proceed.

Sen. Onyonka: Mr. Temporary Speaker, Sir, first of all, I would like to congratulate my brother, Sen. Osotsi, for having brought this issue to the bearing of Members in this House. Secondly, I thank my Chair, Hon. Abass, who in the Committee on Devolution and Intergovernmental Relations, has stood studiously and listening carefully for us to interrogate the issues.

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In this case, I want to plead to Kenyans and most probably to Members of this House because Hon. Khalwale, this House is the last line of defence for devolution in this Republic. I believe we, as Members of the Committee, should look at it a bit differently than we have done before.

I have heard Hon. Osotsi say that the expected revenue that Vihiga County is supposed to get is about a Kshs1 billion a year, yet they are only collecting Kshs300 million. The recent one that I checked was Kiambu County, where the Governor through some miracles has, for the first time, from collecting Kshs1.1 billion hit Kshs6.2 billion.

If that is not interesting to us, then I do not know what can make us realise it is interesting. The only thing that the Governor did, and I had to call and ask him, was to change the financial platform. He did what Kang'ata has done in Murang'a. Look at what Kang'ata got last year. From Kshs226 million, he crossed over to Kshs1.5 billion.

Why can all our governors not be magnanimous and agree with us? Just the way we are using the IFMIS, let us use a financial system that will manage the money from markets of counties that have succeeded. Why can all counties not sit down and agree on what Kiambu and Murang'a counties have done? These are cases that you can prove scientifically. We should adopt a financial system that produces results instead of us doing the nonsense that we are busy doing.

There is another issue that Hon. Osotsi has raised. The IFMIS is the one which runs procurements and payments. Look at the way we are handling pending bills in county governments. I want to thank my colleagues who---

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Onyonka, there is a point of order here. What is your point of order, Sen. Cherarkey?

Sen. Cherarkey: Mr. Temporary Speaker, Sir, I agree with the "passionometer" of Sen. Onyonka while contributing, but is it in order for him to use unparliamentary language? In the engagement we have had on the floor of the House, the word "nonsense" does not appear in parliamentary language. Could he withdraw and apologise, so that we can feel his "passionometer" on the matter?

The Temporary Speaker (Sen. Wakili Sigei): Yes, Sen. Onyonka.

Sen. Onyonka: Mr. Temporary Speaker, Sir, the problem with my senior counsel, Cherarkey, does not understand that nonsense means nothing. It is not a derogatory term. I understand he went to Kaplamai Primary School while I went St. Mary's. That is with a light touch.

Sen. Cherarkey: Point of order.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Onyonka, first, Sen. Cherarkey is not a senior counsel. He is a counsel. He also has a point of order. Could you take your seat?

Sen. Onyonka: Yes.

(Sen. Onyonka resumed his seat)

Sen. Cherarkey: Mr. Temporary Speaker, Sir, under Standing Order No. 105 on responsibility for statement of fact, while I appreciate that we have Kaplamai Primary

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School which is good, I never went to that school. Would it be in order for the Senator to withdraw and apologise for misleading the House?

I attended a great Catholic school called St. Francis Cheptarit Primary School. I proceeded to the great Kapsabet High School where the second and the fourth Presidents attended and possibly where the seventh will come from. Is it in order for him to say that? Can he withdraw and apologise?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Onyonka, confirm that the school that Sen. Cherarkey attended is not the one you referred to.

Sen. Onyonka: Mr. Temporary Speaker, Sir, the school that I thought he attended is not the one. I would like to re-evaluate my interpretation of his capacity. I would like to say he has done very well. I want to give accolade and the respect he deserves without diluting my real meaning. I will rush through this by mentioning that we need to look at the issue---

The Temporary Speaker (Sen. Wakili Sigei): There is another point of order by Sen. Khalwale.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.105. As a good neighbour of Nandi County and the people of Nandi, is the Senator for Kisii in order to impute improper motive against students, teachers and parents of Kaplamai Primary School? If he has any problems with the bad English spoken by the Senator for Nandi, he should make it clear and not extend it to the Kaplamai community. Can he withdraw and apologise?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni Khalwale, I will not take that as a proper point of order.

Conclude your comments, Sen. Onyonka.

Sen. Onyonka: Mr. Temporary Speaker, Sir, I think my colleagues do not---

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. Cherarkey please. Allow Sen. Onyonka to conclude.

Proceed, Senator Onyonka.

Sen. Onyonka: Mr. Temporary Speaker, Sir, I wanted to mention to my colleagues---

(Sen. Cherarkey spoke off record)

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, allow him to conclude.

(Sen. Cherarkey spoke off record)

Sen. Onyonka, the floor is yours.

Sen. Onyonka: Mr. Temporary Speaker, Sir, they have really destabilised my thinking pattern, but I will pick up. I wanted to mention that even when we are looking at the weighty issues---

(Sen. Cherarkey spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, you are out of order. I am giving you the first warning.

Sen. Onyonka, if you want to conclude, proceed. If you do not want---

Sen. Onyonka: Mr. Temporary Speaker, Sir, I want to conclude and I will proceed.

I wanted to mention that county governments are the last line of defence for Kenyans for the simple reason that funds have been devolved. For some of us who have been through this historically, educationally or whichever ways, trying to understand what the problem for Africa has been, the problem has been resource allocation, mobilisation, misallocation and wastage within our systems.

What we have is functional. County governments can work if the leadership wants them to work. We are now mismanaging our pending bills and bursaries that go to schools and colleges. That data is available in the reports by the County Public Investments and Special Funds Committee, the County Public Accounts Committee (CPAC) and the Committee on Devolution and Intergovernmental Relations.

The other thing I wanted to tell my colleagues here is this. If you are able to talk to our governors, we must agree that we are going to have a structure and financial system that is watertight and tamperproof. That is why I completely agree with the Government's position of having payments made through the-Citizen platform. That is a good call, but can you make sure it is end-to-end encrypted. Let us make sure that the e-Citizen is run by the National Treasury instead of a private company.

I can assure you that under the education sector which goes to Early Childhood Development (ECD) centres at the county governments, we do not have a system where know the number of children the schools have, the schools they go to, what they are being paid and all the structures in the management of the financials of the county governments. They have a problem.

Mr. Temporary Speaker, Sir, there is one issue you have seen because you sit in this House. I have constantly argued that all the money I make, KRA knows what it is, all the money that I pay, KRA knows what I pay and all the money that I use, KRA knows where this money is. Why are county governments refusing to allow KRA to have an interface with the system that they are going to introduce that will run the financials in our county governments?

With those remarks, I am happy, accept and commend the Committee on Devolution and Intergovernmental Relations where I sit. The last point I can raise to the Members in this House, without sounding negative or derogatory, is that we should please get out of this building, go to the villages and see what the money that we allocate is doing. We do not spend enough time at the villages, we are not looking at what is happening in education, we do not know what is happening in agriculture and in

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everything else and yet, we sit here throughout the year, spending probably six months. I wish we could start moving from county to county discussing the very important things that are bothering our public because the public is suffering a lot.

Mr. Temporary Speaker, Sir, this is my last comment. I noticed that in every place we have visited, whether it is Turkana, Mandera, Wajir, Kakamega and all the areas that the various Committees of this House, the next time we go there, there is improvement. The general feeling I have is, let Members of the Committees and Members of the Senate create a programme by discussing amongst themselves. This is so that, we can visit county governments, county employees and see the county infrastructure; visit the roads and see what is there. That is the only way we can be proactive and intervene before everything gets out of hand.

With those very remarks, I support and I thank you for giving me the opportunity to contribute on this matter.

The Temporary Speaker (Sen. Wakili Sigei): Before I allow Sen. Mungatana to speak to this Bill, I would like to assure the Senator for Nandi that there is nothing called bad English. What exists is what can hurt. What does not exist, which is the bad English, does not in any way hurt you. Therefore, you should be rest assured that there nothing harmful to you on that.

Sen. Mungatana Danson.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir, I first take the opportunity to commend the Chairperson of this Committee and the team; the Committee on Devolution and Intergovernmental Relations, Sen. Abass and the team for the good work they have done.

I will echo the words of Sen. Onyonka that every time Members of the Senate, through their committees visit counties for whatever purposes, the next time they go there, there is improved services; especially on issues that were targeted. Yes, we continue to encourage these kinds of visits. I commend my colleagues for the work they did and say a few things.

The report on the status of these markets in Vihiga County and the markets that have been listed here, from Mbale all the way to Shamakhokho, Esibuye, reflects the situation that is obtaining in other counties, including my own county, Tana River. One of the biggest problems that our people face and the questions they ask is that; why are we paying the county government these monies and we do not get services for the monies that we pay to the county government?

In my county, there was a time Bura Market had a fire and when you asked the cause of that fire, it goes down to the fact that there are no services that the county government is giving to those people. There is massive congestion for that space where people are supposed to be carrying out their trade. Poor electricity connectivity within that area. You will find there are a lot of connections and if anything goes wrong in one of those small *kibandas*, the fire spreads to the entire or a good part of the market. This happens under the watch of the county government. There is no proper drainage system that has been created and yet those traders are paying money to the county government. Something needs to be done and it needs to be done urgently.

I remember when Bura Market caught fire and people could not explain what was happening. Later on, it was explained as an electrical hazard. However, it was because of the congestion and the lack of supervision. The only thing that the county government is interested in is collecting money from the traders, but they are not interested in giving services to our people.

Mr. Temporary Speaker, Sir, can you believe a market as big as that in the county does not have a single public toilet and yet, the traders are paying money? The indictment is great against the County Government of Tana River. We have ministers who never visit these markets because they know that they have failed to offer services to the people, especially in Bura, Manyata.

There was a programme on the drainage of storm waters when they come. However, some fake work was done and where they had excavated which was supposed to take away storm waters for the drainage that was supposed to be constructed has become the place to dump garbage from the market because there is no garbage collecting system within that market.

While I commend this report and the things it has unearthed, it is important for governors to listen, especially the Governor of Tana River. They should go to these markets because that fellow does not go. He is not aware of what is happening. The Ministers do not go to those places and people feel neglected. Yet, you are the same person who looked for votes from those people.

The Ministers and county officials may escape blame because they did not ask for anybody's vote. They got employed and they can neglect employment if they are not disciplined. That is the problem of the management. However, you who went and got the vote and said you will improve the services, you are collecting money from those people and you have not built a single toilet in Bura town, the market, it is a shame.

Mr. Temporary Speaker, Sir, even as we adapt these reports, we would like to encourage our governors to be more sympathetic to our people. They struggle to raise the money, the revenues they collect and call own-source revenue. Our women work without covers that are supposed to protect them against the sun on the *vibandas*. They put their wares across on the floor. The boda boda sheds are not there and you are collecting money from these people.

I hope that as we approve this report, a message be sent to the governors to serve the people who elected them. They should visit them and spend time with them. Please serve the people who elected you. Visit them and spend time with them, because as Senators we will point out these issues to you, but the money goes to the coffers of the county government, which is supposed to make sure that the issues that the people are telling us are resolved.

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

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

Madam Temporary Speaker, with those remarks, I beg to support this report and once more congratulate the Senate Standing Committee on Devolution and Intergovernmental Relations for the good work that they have done.

I thank you, Madam Temporary Speaker.

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

Sen. Okiya Omtatah: Thank you, Madam Temporary Speaker, for the opportunity to address this august House.

I stand to support the two reports on the state of the markets in Bungoma and Vihiga counties. The reports are an exposé of the sorry nature of things that are happening on the ground. When I read through these reports, I see a replica of what is happening in my county, Busia.

It is unbelievable that we have big markets and hardly any services being rendered by the county governments. For instance, in a market as big as Malaba in Busia, the last time I checked, there was no public toilet. So, people have to look for private facilities to help themselves out.

Madam Temporary Speaker, markets are one of the core functions of county governments. They are supposed to be major revenue sources for the developed system of government. However, when you look at what is going on across the board, not just in Vihiga, Bungoma, Busia, Kakamega or in Tana Riva counties, as the distinguished Senator who has spoken before me has said, you find that they are largely neglected.

We look at the world today and keep on saying that the way forward is trade. How are we going to have trade if we are not having trade in areas which are properly governed and managed, and some which can secure even the quality of the items that people buy? Some markets are extremely dirty and unfit for human occupation.

If you just go to a few kilometres from Parliament, down in Marigiti, you find the markets are so dirty. You wonder what the county governments are doing yet they collect a lot of revenue from the markets. I do not understand why they cannot reinvest. Own-source revenue from these markets is opaque. We cannot know what is going on. You will find that the declarations, as Sen. Osotsi has put it, are hardly clear. They do not make logic. For instance, the figures that are shown from his county, Vihiga, do not add up. This is happening yet we have institutions like the Ethics and Anti-Corruption Commission (EACC), the police and an economic crimes unit in the Directorate of Criminal Investigations (DCI).

I have never understood why we have left it to civilians headed by a retired bishop to deal with economic crimes in this country. Under Article 247 of the Constitution, Parliament is empowered to set up a special police unit if it needs to deal with an issue. In my opinion, that police unit was supposed to be the anti-corruption commission.

The police unit that was supposed to be set up by Parliament has to be under the Inspector General. So, the idea that we have a law enforcement organ out of the Ethics and Anti-Corruption Commission is one of the things we need to look seriously into. First of all, they are spread thin. They are not there. For instance, in Busia County, they do not even have an office. You have to go to Bungoma to access one. So, how do they enforce

the law in Busia County. At least, we have a police station in almost every sub-county headquarters

In my opinion, to deal with these issues of the proliferation of the theft of public funds, we need to go back and look at the Constitution. Look at Article 79. See what the Ethics and Anti-Corruption Commission has been set up to do. It is supposed to enforce Chapter six. Chapter six has got nothing to do with crime fighting. Chapter six is a code of conduct. The EACC is supposed to enforce that code of conduct. We go back to the Economic Crimes Act of 2003, where before the current Constitution was created and put into force, we had a body that had been appointed to be fighting corruption. However, if you look at our Constitution today, matters of crime are exclusively to be dealt with by the police.

The DCI, have a whole department on economic crimes. So, the question is, why are we letting the EACC cover up for these people who are messing up? The EACC has no capacity to begin with. There are very few people.

Secondly, there are civilians headed by a retired bishop, and you have got all this infrastructure over the DCI across the country that could be open and could be utilized by the people to ensure that we rain in this runaway misappropriation of public funds. The biggest issue with our market is that people pay taxes, they get no services, and that money is not accounted for. We need to get a way of enforcing the law. To enforce the law, we must look at the foundational issues that are causing us not to be able to click when it comes to the question of law enforcement in matters of theft by public servants.

We have platforms that have been known to be used for stealing from the public. I have major cases Webtribe and JamboPay, or whatever it is called now, that is being used by rogue governments. After fleecing Nairobi City County, Meru County and the National Health Insurance Fund (NHIF), they are now the people who are supposed to be collecting funds in Busia County. Why are these people not being blacklisted and locked away from engaging with the public? They have messed up in Nairobi City County and elsewhere, stolen public funds, and are still being allowed to contract with county governments. We will never get to the bottom of this thing unless we tie this.

We also need to look at these markets. We have facility improvement laws that are allowing the facilities to retain funds that they collect to be used to improve those facilities, and the excess is only what goes to the national or county coffers. Why can we not have an arrangement similar so that we ring fence money that is raised in markets to first of all provide services for that market, and if there is an excess, then that money can be taken to the County Revenue Fund or elsewhere. I plead with this House that we consider coming up with a mechanism like what you have done for the health facilities, the Facility Improvement Fund (FIF), so that we can have a facility improvement fund or market improvement funds, whatever we shall call it, so that these markets that are producing a lot of money are first of all taken care of from the money they generate before we give that money out to do other things in the county or national government. Maybe that way, we will be able to improve the service delivery and not rely to the money going to the county revenue fund then coming back.

When you look at some of the things that they do, they are highly inflated, substandard works that take place and at the end of the day, we entrench poverty because

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if we cannot utilise our resources to create wealth, then we have no business being called leaders in this country.

The only function a leader has from where I stand is to convert resources into wealth. Now, if our people are so resourceful, but they operate in squalor, yet they are generating a lot of wealth, what are we up to? We need to take action.

I want to thank my brother Senators from Bungoma and Vihiga counties for requesting for statements that have basically opened a can of worms that is eating up our markets across the country.

The other thing about markets is that the national Government has taken over the function of making and building markets in the county governments. There is a lot of money coming in from the national Governments to go and build markets. Why can that money not be channeled through proper lines so that we can know that this money was budgeted for either additional grants or whatever it is they are giving to the counties and then we know clearly what has happened.

You just hear that a market is being put up somewhere by the national Government, so many hundreds of millions of shillings are being utilised, a contractor is being sent on the ground to begin implementing projects but you do not know how this contractor was funded or sourced. You do not know what kind of product he is supposed to give the people in terms of the market. Sometimes you find markets being located in areas that traders refuse to patronize and yet public funds are being spent.

So why are we having all this disconnect? If the national Government wants to assist the county governments, they should do so through the normal structures, not in an episodic manner where allocations are being made on the basis of friendship or on the basis of proximity to the President.

We have had the question of the Broad-Based Government. When you ask for the justification for the Broad-Based Government, you are told that the Orange Democratic Movement (ODM) had to intervene to save the Kenya Kwanza Government from collapse.

I was just trying to look at it as an analogy. If somebody is very sick in a hospital and needs a blood transfusion, you do not just go for any blood. You can only take blood transfusion from your blood group; they have to be the same type groups. This is a revelation that the blood group in ODM is the same as the blood group in the Kenya Kwanza Government was a very, very important revelation for us. Unless ODM had the same blood group, there was no way it could infuse blood into Kenya Kwanza and give the Kenya Kwanza Government life.

This is---

The Temporary Speaker (Sen. Mumma): Sen. Okiya Omtatah, what is the link between the report you are speaking to and what you are saying about the markets?

Sen. Okiya Omtatah: Madam Temporary Speaker, I am getting there.

I am trying to tell our people that the ODM was supposed to be in the opposition overlooking the Government, yet it was not in the opposition. It had the same blood group as the Kenya Kwanza group and so it was able to donate blood and give life to Kenya Kwanza.

When we come back to the issue of markets, the oversight of this House is in total confusion. We do not know who is who and that is why we are failing. We do not know where the opposition is; we do not know where the government is and we do not know who is who. That is why we find that it is very difficult to enforce oversight when people can just move across and interface and they become the mirror images of each other that way.

I bring that thing of the blood transfusion to show you that we do not have--- because if ODM did not have the same blood group as Kenya Kwanza, ODM's entry into Kenya Kwanza should have killed Kenya Kwanza Government, but the Kenya Kwanza was stabilised.

The link I am trying to bring out is that if we want to do proper oversight, we also need to clean up our politics. We need to have principled politics; we need to have politics that are centred on proper positions. Where the Kenya Kwanza Government had reached, it was not functional. I would have expected the ODM to demand that the Kenya Kwanza Government resigns, so that we have new elections.

The Temporary Speaker (Sen. Mumma): Sen. Okiya Omtatah, can you please make a link? You are contributing to the report of the intergovernmental relations. Is it your view that that report is not an oversight report? Can you make a link of what you are saying to the report?

Sen. Okiya Omtatah: Madam Temporary Speaker, I am saying that the markets are now being built in a haphazard manner by the national Government without respecting the distinction between the roles of the county government and the national Government.

I am also saying that when you come to political parties, the distinction between opposition and the government is no longer there. So, that is the analogy I am trying to create of blood transfusion. The ODM had the same blood group as Kenya Kwanza and that is why, it could transfuse blood that saved the Kenya Kwanza Government. Otherwise, ODM should have demanded that the Kenya Kwanza Government resigns, so that we have elections and we get to have a new start in this country.

I thank you, Madam Temporary Speaker, Sir.

The Temporary Speaker (Sen. Mumma): Sen. Boni Khalwale, you have the Floor.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I thank you for this chance. I want to express my satisfaction with the industry by your committee where you are the Vice-Chairperson and my brother Sen. Mohamed Chute is the Chairperson.

Madam Temporary Speaker, you will notice that purely by coincidence, the debate today is about markets in Bungoma and Vihiga counties. Since markets play a key role in the economies not only of these two counties, but by extension, all the five counties of the former Western province.

I, therefore, want to speak very candidly to the governors of Trans Nzoia, Bungoma, Kakamega, Vihiga and Busia counties, that we are expecting a lot from them. If the report of this Committee on the two counties is anything to go by, then they have missed our expectations by miles.

In this House, Kshs18.2 billion was afforded for budget in Kakamega County; Kshs15.6 billion for Bungoma County; Kshs9.3 billion for the Trans Nzoia County; Kshs9.2 billion for Busia County and Kshs8 billion for the Vihiga County. How on earth, could it be that despite all these billions of shillings, when you move across the five counties, there is no visibility of development?

Sen. Osotsi, Sen. Wakoli, Sen. Chesang, Sen. Okiya Omtatah and I, there is something wrong in our home counties. If we do not raise our voices and continue pursuing the route of us being organised in Nairobi, where you either belong to opposition or the Government and part of the misunderstood Broad-based Government, we will sink even further. We will waste our working hours, Sen. Omtatah, reflecting on how nice and heavenly-sent the Broad-based Government was, while in reality, poverty continues to rise in our backyards.

When we look at these counties and the billions allocated to them, our portion from the remaining 85 per cent retained by the national Government is supposed to stimulate our economy. How do you expect markets in Vihiga, for example, to be productive if the infrastructure remains neglected?

Vihiga trades with Kakamega and Nandi yet, traveling from Kakamega to do business in towns like Cheptulu, Mudete, Shamakhokho and Serem is nearly impossible. The national Government has repeatedly promised our people that they will fix our road infrastructure election after election, including in the 2022 election. However, here we are, three budgets after.

We won the election in 2022. Sen. Osotsi, I wonder, why is it still impossible to fix the road from Hamisi-Shamakhokho-Kaimosi-Muhudu-Mpaka-Shiveye-Maseno in Kakamega, so that our people can do business. This is a project that during our campaign for the 2022 election, we held regional economic caucuses and identified key areas with development potential.

Azimio Coalition did the same with Kenya-Kwanza. Now, they are part of the same Government. In fact, Azimio Coalition is even holding the purse strings at the National Treasury. Why is development for Western Kenya such a challenge? Is something wrong with prioritising development to these counties?

Sen. Osotsi, something is clearly wrong. In fact, Peter Kibisu must be turning in his grave. He stood in this House and voted against the Government, despite serving as an Assistant Minister. On that same afternoon, Henry Pius Masinde Muliro also voted against the Government while serving as Minister of Lands. Both were sacked because they believed in good governance.

They were being forced into a principle called collective responsibility. Masinde Muliro and Peter Kibisu and Elijah Wasike Mwangale declared that the Abaluhya people do not support the killing of innocents. They refused to endorse a report that revealed the perpetrators behind the murder of Josiah Mwangi Kariuki. We come from that pedigree. Therefore, we must stand in this House to demand that national resources be directed to our region as well.

I do not share the mindset of the person who speaks about "shares." However, there were certain points he made that were not entirely wrong. For example, when he

said development should go to the mountain, that is exactly what the Government and representation are meant to achieve.

With due respect, my sister, Sen. Beatrice Ogola, these days walks with a glow on her face because resources are flowing into Homa Bay County. That is how it should be. Sen. Beatrice Ogola, do not apologise for championing development in Homa Bay. I encourage all of us to learn from Sen. Beatrice Ogola and Sen. M. Kajwang' in this House.

Sen. Ogola: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): What is your point of order, Sen. Beatrice? Sen. (Dr.) Khalwale, please sit down.

Sen. Ogola: Madam Temporary Speaker, is the Majority Whip insinuating that Homa Bay does not deserve services from this Government? Yes, we are Kenyans. We are County 043 and we deserve all the services. In fact, we expect more than what we have.

The Temporary Speaker (Sen. Mumma): Sen. Beatrice, what is your point of order? Sen. (Dr.) Khalwale, you can proceed.

Sen. (Dr.) Khalwale: Thank you. Sen. Beatrice, I was admiring---

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, you address the House through the Chair.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I admire Sen. Beatrice Ogola, Sen. Moses Kajwang' and the Governor of Homa Bay County. I do not know how they do it. Do you know, in nine months, they have so admirably managed to convince the national Government to put up an infrastructure of water worth Kshs787 million.

I was chatting with Hon. Kaluma this morning at our Committee and he told me how proud he is that Homa Bay Town now has a network of 137 kilometres of tarmac roads built within the last nine months. I am simply saying, you are doing a good job. However, when you hear me insist that Kakamega should also benefit, it does not mean I am against Homa Bay. You have set a high standard and we should all continue to put pressure on the President to replicate that success in Kisii, Kakamega and elsewhere.

An Hon. Member: Mandera County.

Sen. (Dr.) Khalwale: Mandera County has a 700-kilometre road project. That is what devolution is about. If we keep pushing as we are, the kind of marginalisation once associated with the former frontier districts of North Eastern Kenya will begin to affect some of us. We will not accept that. This is exactly why we were voted.

The people now speaking about the markets that are in this report, and my neighbours, when you go to Serem, my great-great-grandmother was a girl born in Serem. She was called Lubandwa. The same market in Serem has no public toilets. The state-of-the-art transport system in Serem Market and Shamakhokho is boda boda. Our children are forever exposed along the roadside. They are hit by trucks. Most of them are exposed to sunlight and rain because there are no boda boda sheds. Yet these are the drivers of our economy.

Madam Temporary Speaker, as a daughter who we happily handed over to Kisumu, but was born in the same place like me, you know Shemakhokho. It is the only market in Kenya which has a population of 2000 to 3000 people doing business, selling

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bananas and green vegetables that we eat here in Nairobi without any land. They are all standing alongside the road in Shamakhokho.

Why Hon. Akaranga, the first governor and Hon. Otchillo, who is now approaching ten years in office, have not found it necessary to relocate the people next to that roadside and expand the market, I do not understand. I do not know what leadership means to these two brothers of mine.

This report angers me. That despite the brisk business I see in Serem, Cheptulul, Kaimosi Junction, Shamakhokho, Mago, Sabatia, Mudete, Chavakali, at Esibuye and Lwanda, they are telling us that they collect only Kshs13 million per year.

(An hon. Senator spoke off record)

That is what they say in this report. That is not even half of what is collected at the Khayega Market only, in Kakamega, yet the same business theory, in boda boda, *mama mboga, mitumba* is what takes place there. So why are we collecting more money in Khayega than at Chavakali?

For your information, Sen. Osotsi, Chavakali Market, as you know the history, you people stole it from us in Kakamega. It is called Ishiyebaghali. It is not Chavakali. At Chavakali Market, Ishiyebaghali, for your information, Chavakali Market, which is more or less the same size like Khayega, it is a better economy because it runs for almost 24 hours a day yet they collect nothing. These people are just sharing that money. It is open theft.

I, therefore, pay my respects to the Senator for Kisii because I have heard you again and again; you always insisted that we must standardise the electronic collection of revenue. This is because in your own words, if it has succeeded in Murang'a, Kiambu and Meru, why can we not use the same system? We have never suffered any consequences of using a uniform IFMIS in the whole country. We should stop this theft. I wish a guy who believes in integrity like Sen. Onyonka was to become either the chairman of EACC or better, you become the Director of Criminal Investigations (DCI), so that we can arrest all these people.

(Sen. Nyamu spoke off record)

Sen. Onyonka, you better be careful.

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale, you do not address colleagues directly.

Sen. (Dr.) Khalwale: Thank you. Back to business. I want to warn you, Madam Temporary Speaker that Sen. Nyamu is threatening that she can derail him. I do not know how she wants to derail him on matters of integrity. I thought you were a woman of great integrity. I know you as a woman of great integrity.

Madam Temporary Speaker, there is Mbale Market. According to this report, Sen. Osotsi, what do we do? How can we have the headquarters of the great people of Vihiga called Mbale being in the state it is? Why? Even if you just come only to Malinya Market, I deliberately, when I saw that the district headquarters was coming there, I

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deliberately moved families and resettled them elsewhere using National Government-Constituencies Development Fund (NG-CDF), so that we could create land where we can have infrastructure. If you come to Malinya, we have created land, 20 acres, you have a stadium and hospital. It is not 20, it is 30, 10 for the hospital and the stadium. We have created that. Why can the imagination of governors not be such that they create land in Mbale, for Mbale, to be a headquarters? Every time I go for a drink at Enzuku, I pass through the market there in the evening, and our people love business. They love business.

Madam Temporary Speaker, you cannot drive through because they do the business on the road. We need to even ensure that the planning department, the city planning department, whether you call it city or town or whatever they call it, should actually be functional, so that our people can be given an opportunity to enjoy doing business.

I was listening to the former Deputy President when he was in the USA. He was truly misguided. In fact, if I had had any regrets for casting a vote to get him out of public office, I felt vindicated. He was telling the diaspora that the economy of Kenya is run by the men and women from *Murima*. That kind of insult coming from a leader who had the opportunity to be a District Officer (DO) in Navakholo in Kakamega, cannot be excusable. When he was DO in Navakholo, an adult like me was an adult like him. He knows what he did to sugarcane farmers. He knows what he did to the shares of Mumias Sugar Company in Mumias.

He cannot go and insult us because the bad Constitution that was there forced the presidency to stay in Mount Kenya for tens and tens of years. In the process, they rode on the dictatorship of the Executive to enjoy economic emancipation at the expense of the rest of us. He cannot then vomit on our shoes. I am surprised that he even dared to field a candidate in Malava Constituency by election even if he detests our people to that extent. You tell people that they do not participate in the economy of the Republic and you want to go and win an election in Malava?

Mr. Gachagua, party leader of Democracy for the Citizens Party (DCP), I wish you good luck in Malava Constituency. A time is coming and that time is soon; some people will have to respect us. People cannot be using us, election in, election out, to get votes. When they come in office, they disrespect us, they economically marginalise us and attempt to humiliate us. No, we cannot accept. We are men. We are children of women. We are fathers of children. Our expectations in life are the same as everybody's. We do not want any community to be left behind in Kenya. All communities must move at the same path.

I support.

The Temporary Speaker (Sen. Mumma): Asige? Let us have Sen. Ogola, while she comes.

Sen. Ogola: Thank you, Madam Temporary Speaker. Majority Whip, I never quarreled with you. I only confirmed your assertions.

The Temporary Speaker (Sen. Mumma): Order, Sen. (Dr.) Khalwale and Sen. Beatrice. You cannot exchange. You only speak through the Chair. Continue with your contribution, Senator.

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Sen. Ogola: Thank you, Madam Temporary Speaker. I want to emphasise that the same respect that Sen. (Dr.) Khalwale has talked about on their region is the same respect ODM as a party calls for from each one of us.

There was a reference of a blood group. I wondered which blood group the speaker was looking for because the blood group that has delivered credible achievements in this country also comes from ODM. However, as I rise to support this, I tell all those shareholders that ODM as a party owes you nothing. That we cannot be your friend when you want and be your enemy when we want. The ODM as a party has values that we follow, principles that has kept us and we will go by that principle and by the leadership of that party.

The Temporary Speaker (Sen. Mumma): Sen. Ogola, please focus on contribution to the report of the Committee on Devolution and Intergovernmental Relations.

Sen. Ogola: Yes, thank you, Madam Temporary Speaker. As I focus on that, we also would like to tell every other person that; stop your obsession with your reference to our party. Stick to what you like and enjoy your tea where you are. We know where we are coming from as a party and we know where we are going.

As I have said, markets are the lifelines of our people in general and the county governments. I want to support that other than the counties that have been mentioned, every marketplace in this Republic, every town and all urban areas, deserve some market. That is why I support the initiatives by the Department for Housing and Urban Development of the Ministry for construction of modern markets across the country. All we are asking for is that it should happen in all urban centres in this country.

It is pathetic to see the state of certain markets in this Republic. Our business people in this country deserve to do their businesses with dignity. That is why we support the idea of certain markets being constructed.

The infrastructure in those markets is a key requirement for our people. Our people's livelihoods depend on these markets based on the businesses that are done. As I have said, our business people require decency.

When I narrow down to where I come from, that is Ndhiwa Constituency, as somebody coming from that sub-county, I would like to see modern markets in most of our urban centres. Kodiera Market was done some time back by Her Excellency Governor Wanga when she was a Women Representative. It was great then, but now the population is increasing. All of us will be going to Homa Bay County in the next few days to attend Devolution Conference.

Madam Temporary Speaker, I know that on your way to Mbita, you have often seen the busy market on the highway. That is called Kodiera Market. There are women who sell potatoes there.

There are a few of you, especially the believers of shares, who think that businesses are only a limit to their region. During the Devolution Conference, take a ride to Mbita Town. You will see our women doing thriving businesses, selling potatoes, green maize, and other fresh produce by the road.

Governor Wanga constructed a market, but because of the increasing population, they have overshot it. I am looking to the Government, through the programme of

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modern markets or economic stimulus, putting a market not only for Kodiera business people, but even to my ward market referred to as Mirogi. Mirogi is an old centre. You have the parish just by the centre there which serves the schools around there. We have Mirogi Boys Secondary School, Mirogi Girls Secondary School and Mirogi Boarding Primary School. What I mean is that there is a population that is served by that market.

If you go there today, you will find our women selling on the ground. When the rains come, like in the previous weeks where we have had heavy rains in my region, it is so pathetic because we have to purchase fresh vegetables, tomatoes and onions, but the women sell on the ground. They have to spread some sacks or all manner of paper bags to sell their wares. Therefore, I expect that Mirogi will get a modern market soon.

We also have Magina Market that is thriving. That is in North Kabuoch Ward in Ndhiwa that deserves a decent market. We have Sikwadhi which is also thriving. We have Omboo, which is the headquarters of the new sub-county that was given in Ndhiwa. We have Pala, a very old market in Ndhiwa Constituency.

We have Riat which is a thriving urban centre due to the fact that *sukari* industry is there. *Sukari* industry is doing well. Our people are benefiting from it albeit the challenges that we are facing, some of them environmental, which we are also addressing with our people and the authorities, including the National Environment Management Authority (NEMA) and the Ministry of Health. It has a thriving market that serves almost three wards in that constituency. We also have a thriving market on the highway to Sori Town in Migori County.

What I am saying is that not only in Ndhiwa, but all market centres need to be upgraded. As the upgrading of the markets takes place, it is good that markets are constructed for our people because it is a right anyway. There is need to have public participation with the communities, business people and stakeholders, so that the siting of the markets is done correctly.

As I speak, there is a big market coming up in Ndhiwa Town. I am happy that Sen. Khalwale mentioned the benefits that Homa Bay County has had. It is because of the leadership of that county. We have a leadership that networks with other leaders not only in the national Government. We have a Governor that sits down her colleague leaders in the county, including MPs.

I hear there are counties where Governors do not sit with their MPs. In Homa Bay County, we have a Governor that sits annually, if not bi-monthly, with MPs from that county and Members of the County Assembly (MCAs). What is the essence of this network?

While I respect that she has the mandate to run the county, she is cognizant of the fact that you need to carry everybody along in leadership. Through that, MPs are able to put together and harmonize the different priorities and needs that we have. Probably I am telling others that is the reason we may be doing better than other counties. What I am saying is that communities and business people must be consulted when markets are done. It is one thing to want a market, but it is also another to site it in the right place.

Construction of a market is going on in my Sub County Ndhiwa. We are very grateful because I am looking forward to a situation where all the business people in Ndhiwa Town will have somewhere to do business in dignity. In the process of doing

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that, county governments must also involve people and ensure that businesses are relocated in an organized way, so that as markets are put in place, the business people have alternative areas of doing their businesses until the markets are complete.

I am saying this because if you went to Ndhiwa Town on a Thursday, like the day after tomorrow, which is a very busy market day, since the relocation was not done well, our women and business people are all over, selling on the roads and everywhere. It is not organised.

There is another disaster that we could get into. I am using my town because that is where I live and know better. On a Thursday, you will find all the business people on the road. You can hardly drive in that town on a Thursday. That is not the worst. The worst is if an accident were to happen. I have been holding my heart. As the women sell on markets day, half of their legs are on the road, their wares are on the road and it is that same road that lorries and tippers use to transport sand from the lake, from Sori towards all the urban centers in the county.

Madam Temporary Speaker, if you go there, you will be shocked. If an accident were to happen, we would not only lose a few, but it would be a disaster for that town. I am praying that is done; good relocation plans must be put in place to ensure that our people have temporary places to go on with their businesses as the markets are built. I would like to state that I support the construction of markets and support this Motion that not only should it be in Vihiga, but in all the towns that serve markets. It is a good initiative by the Government, which must be supported and encouraged.

Sometimes back, there was the construction of the economic stimulus markets in this country. That was a disaster. It was before the pre-devolution times. I remember the markets would just be sited. Someone would come from Nairobi with a drawing. They would probably consult one or two officers and the markets were built all over.

If you go all over this country, you will see those economic stimulus markets unused. They are white elephants, but that is public money. Someone needs to account for those monies. How did they decide to use those monies and who are they building these markets for if they are not used? In the same Ndhiwa Town, my sub-county, there is one that has never been used in all those years and yet, our people have held their businesses on open ground that is muddy, watery, is not habitable and does not make our people do their businesses with dignity.

Madam Temporary Speaker, I support this and even as a woman leader, the issue of markets is critical to me because most of the time it is the women, my womenfolk, who do a lot of business in these markets. We are saying to the Government that markets must be built because the people who use these markets pay levies to the county governments. We are calling on the county governments to ensure that our people do businesses in markets with dignity, in clean places, and other than the construction, there are certain amenities that must be in those markets. Where most businessmen and women do business, there must be adequate access to water in those markets.

In my area, we are a community of fishermen. If you are not a fisherman, then there is a lot of business around fishing, and that requires a lot of water. Not only that, sanitation must be properly constructed that is adequate to the number of people doing

businesses. Those markets must have stands, electricity and as I have said, there must be hygienic standards that are kept in those marketplaces.

Madam Temporary Speaker, as I support this, I re-emphasize to the Government that all our business women and men require markets and I look forward to a situation where, in a few years, all our markets, town markets or municipality markets will have a standard market for our people to use.

I support, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): Sen. Nyamu.

Sen. Nyamu: Thank you, Madam Temporary Speaker. Markets are the heartbeat of local economies and it is surprising that in 2025, we still have women selling their wares on the ground, on sewers and under terrible conditions. This Report on the markets in Western Kenya is a reflection of markets all over the country, as my colleagues have demonstrated. That is what I call systemic neglect over time.

We have markets where we do not have proper drainage, access and fire extinguishers. These markets are not just markets; these are payslips for our fathers and livelihoods for our mothers. School fees is paid through these markets because that is where our people get their livelihoods and that is where they know.

When President Ruto promised 400 to 500 markets across the country, he knew what he was doing. When he went ahead and allocated money from the Housing Levy, some Kenyans who did not understand the magnitude and the effect of markets to the economy, went to court and stopped these projects. We are hoping that we will get to the bottom of it, so that this project can go on because this project of markets is at the heart of the Bottoms-up Economic Model that this Government was elected on. I recommend that we have a national policy that gives the minimum standards on markets. How many toilets per traders? We want a minimum standard for the whole country.

Madam Temporary Speaker, in Nairobi, we have markets under construction. When Governor Sakaja was elected, he promised 20 new markets for Nairobi. So far, five are complete and to me, that is a step in the right direction. These markets include the one in Riruta, Kahawa West, one called Jujo in Mihango, another in Karen and in Mutuini. They have good stalls and drainage. They are modern markets.

We would also want to know who is getting allocated and what is the criteria for allocating those markets. Are our *mama mbogas*, the organic traders, who are well known getting priority or is it another political tokenism? We would like the right people to get allocated these markets because if we duplicate up-markets, they are going to lock out and outprice the *mama mboga*. We would like them to go to the correct people. We also want the City County Government of Nairobi to prioritize youth, women and Persons with Disabilities (PwDs) when allocating these markets.

Madam Temporary Speaker, I also propose that fire mitigation steps be taken in all markets. We would want the hydrants that are fire extinguishers. We want CCTVs in every market, proper access roads and garbage collection points across all markets. Public health is also key, because markets like Gikomba, Toi markets have been hot spots for diarrhoea and typhoid because drainage is non-existent. For instance, in Gikomba Market, sewer flows all the way to the river. Since Toi Market was demolished, traders

are still using makeshift stalls. That is where they are trading in to date. We want our traders to be given dignity, and they will give back to the economy.

With those remarks, I support.

The Temporary Speaker (Sen. Mumma): Since there is no other speaker, the Mover can reply.

Sen. Abass: Thank you, Madam Temporary Speaker. I take this opportunity to thank all the Members who have contributed to this Report. Markets in the country are very important. When we visited Bungoma and Vihiga counties, we found out that the markets are in a deplorable situation. The counties are actually getting huge resources, from own-source revenue. However, the markets are just squeezed by the roadsides. People in the market are too many, and as a result, people sit along the roadsides, where they are facing a lot of risks.

As rightly said, revenue collection is not maximized. It is either that it is neglected or most probably money is collected and not accounted for. Consequently, whatever is collected from the market is minimal. Most of the counties do even not meet their target. Most of the counties are depending on equitable shares. It is high time that we must impose regulations and rules that will be able to safeguard the market revenue collections in the counties.

Madam Temporary Speaker, as rightly said, accountability in the counties is one thing. There is a lot of seepage of money, which cannot be accounted for. Water facilities in the markets are so poor. Most of these people in the market have perishable goods, for instance, vegetables, oranges, bananas, yet there are not cooling systems and fridges there. The mothers who labour all day, and till the land to bring some food to the table of their family lose a lot of money. Most of the vegetables perish because they stay long under the sun. Therefore, we need to do more in the markets because actually markets are the major source of revenues in the counties. As a Committee, we will go back and make a follow-up on the recommendation of the reports.

Madam Temporary Speaker, standardization of revenue collections and utilization funds is very important. Murang'a and Kiambu counties have done wonderful in increasing their own-source resources. I am sure many counties have the same or more potential. However, due to lack of accountability and poor collections of funds, they are not able to meet that target. This House has to take the matter seriously. That, we must learn from Kiambu and Murang'a counties, so that other counties can improve. The Committee will follow up the issues and see what wonders Murang'a and Kiambu counties have done and why the other counties are not able to do it.

Madam Temporary Speaker, with those remarks, I beg to reply. However, since there are no enough delegates here, and pursuant to Standing Order No.66(3) of the Senate, I request that you defer the putting of the question to a later date.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Mumma): The putting of the question is so deferred.

(Putting of the question on the Motion deferred)

Next Order.

MOTION

ADOPTION OF REPORT ON THE COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS TO TAITA TAVETA, MOMBASA AND KWALE COUNTIES

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

Sen. Mariam Omar: Thank you, Madam Temporary Speaker. I stand to move the report of the Standing Committee on Health on the County Oversight and Networking Engagements in Taita-Taveta, Mombasa, and Kwale Counties.

Madam Temporary Speaker, the Senate Standing Committee on Health conducted the Oversight Network Engagement in Taita-Taveta, Kwale and Mombasa counties on the 16th and 21st of June. The County Oversight Network Engagement was adopted as a model---

The Temporary Speaker (Sen. Mumma): Sen. Mariam, can you move the Motion first, in the text as appears on the Order Paper?

Sen. Mariam Omar: Thank you, Madam Temporary Speaker.

Madam Temporary Speaker, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Health on the County Oversight and Networking Engagements to Taita Taveta, Mombasa and Kwale Counties, laid on the Table of the Senate on Thursday, 5th December, 2024.

Madam Temporary Speaker, the Committee on Health conducted the County Oversight and Networking Engagements in Taita Taveta, Kwale, and Mombasa counties on the 16th and 21st of June, 2024. The County Oversight and Networking Engagement was adopted as a mode of operation by the Committee in order to gather evidence and information received within the Parliament and how it engaged with the members of the public. Submissions were received during this engagement, one of the primary means by which the Committee obtained requisite information and data to understand its oversight mandate.

Madam Temporary Speaker, further, the Oversight and Networking Engagement in Taita-Taveta, and Kwale and Mombasa Counties sought to allocate the Committee with provision of the health care services in the three counties. The Committee's specific objective was to visit, select the health care facilities in the three counties to assess the state and the quality of the infrastructure, facilities, and the hospital equipment, the provisions and decentralization of ambulance and emergency service, automation of health care provision system for the patients, drugs and commodity management, advocates of health care personnel in the county, and the gap and challenges, if any, the county faces, concerning the health care workers.

Madam Temporary Speaker, the Committee further sought to equip itself with the information and the training and the capacity building programme and avenues available to the health care workers in these counties, especially in emergency handling, how

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specialized service and the referral system operate in identifying counties and availability of drugs and medical supplies in healthcare facilities in these counties.

Madam Temporary Speaker, whereas the Facility Improvement Fund (FIF) Act was enacted in 2023 to provide for public service facility improvement financing and managing the administration of the Own-source Revenue generated by the public health facilities, Section 2(9) of the Act makes the provision for the counties to enact legislation to give further effect on the Act in all the counties visited. This county legislation has been enacted.

The Committee observed that once enacted, it is envisaged to revitalise the provision of the healthcare by providing more to improve the healthcare facilities, infrastructure and recruitment of more personnel. Some counties have misunderstood the FIF as a fund, requiring the complexity fund management structure leading to the bureaucratic delays and it is recommended to emphasise in FIF as a financing mechanism rather than the fund to reduce administrative barriers and improve fund flow to the facility.

The FIF legal framework provides that the facility will be enabled to retain all the revenue they have generated in their own accounts and spend it directly on the operationalisation costs such as the procurement of supplies, paying of the casual workers and facility maintainers.

There were concerns that during the transition from the National Hospital Insurance Fund (NHIF) to the Social Health Authority (SHA), resource owed to the county government by the NHIF may be lost. The initial transition process had been described as incomplete and there were problems with the efficiency delays and bureaucratic hurdles, leaving some healthcare facilities in limbo and raising fears about the financial flaws in the counties and healthcare providers. This existing mismatching and inconsistency in adherence to the county government budget making and implementation process is outlined in the Public Finance Management and County Government Regulation, 2015.

It is evidenced from the submission by the three counties that the funding for the recurrent activities made up of the biggest percentage of their total health budget as much as they were unable to invest in expanding and consolidation of the healthcare provision service. Nevertheless, the allocated development budgets for the health were not fully implemented with confirmation of the reallocation of the budgets to recurrent expenditure or other sectors.

Madam Temporary Speaker, the visits observed that across the three counties there exists inadequate number of the health workers in the healthcare facilities visited. This is attributed to a number of the factors that include legislative ceiling on the employment, high cost of remuneration of the care of healthcare workers, natural attributions such as retirement, death and resignation without replacement and expansion in the healthcare coverage, especially under the county government.

Consequently, this shortage has constrained the county health sector's ability to function efficiently. The staff shortage is particularly created in the primary healthcare facilities, limiting their functionality and increasing the pressure on high level hospital.

The county government employs many qualified healthcare on the short casual contracts, creating job insecurity and prompt turnover.

Further, poor working conditions, lack of essential tools and equipment and conducive working environment reduce the job satisfaction and increase attrition. Further, inadequate resource affects the effort and ability to invest in service training and capacity building. Further, the County Public Service Board (CPSB) does not replace the staff exiting the service through the natural attrition, that is, promotion, resignations and retirement immediately.

In Kwale County, one of the staff members at the Msambweni County Referral Hospital was promoted and posted to the county headquarters, further worsening the staff shortage at the facility. At the Coast General Teaching and Referral Hospital, the staff attrition because of the resignation was rampant, especially among the experienced and the trained health workers and the two years posted training bond appeared not to discourage staff resignation. As such, there were sophisticated equipment required, donated and/or procured in a specialised department, but lack of human resource to operate.

Across the three counties, concerns were raised on the ability of the Kenya Medical Supplies Authority (KEMSA) to supply all the required health products and technologies to the county, which forced them to purchase from other suppliers and all the counties visited rely on imported supply due to limited local manufacturing. Indeed, only Mombasa County reported relying to local manufactured products in their pediatric ward.

The KEMSA's current order field rates stand at 56 per cent with the three counties with a back-order fulfillment improved this to 65 per cent. However, this is below the targeted range of 80 to 90 per cent that KEMSA aims to achieve. This shortfall in the meeting order contributes to the counties seeking the other suppliers to fill the gaps.

On behalf of the Committee, I wish to thank Sen. Johnes Maruma MP, the Senator representing Taita-Taveta County, Sen. Issa Juma Boy MP, the Senator representing Kwale County and Sen. Mohamed Faki, the Senator representing Mombasa for their warm welcome to their respective counties and support extended to the Committee by their office during the oversight visit. These inputs and contributions enable the committee to carry out these oversight mandates and function effectively in the three counties.

The Committee wishes to extend this appreciation to the County Governors of the Taita-Taveta, Kwale, Mombasa and the respective Executive Committee Members for their input, submissions and evidence provided during the oversight tour.

Further, the Committee extends the appreciation to the speakers of the county assemblies in the three counties, the County Assembly Members (MCAs) of the Committee on Health on their facilitations and participation.

The Committee is also grateful to the members of the staff and other stakeholders in the health facilities visited during the tour for their submission which has greatly enhanced the evidence and analysis during the process of this report.

Finally, I also acknowledge and appreciate the Members of the Committee for their dedication and commitments during the gathering of evidence, drafting of these reports and setting out conclusion and the recommendation.

Madam Temporary Speaker, it is now my pleasure, duty and privilege to present this Report of the Senate Standing Committee on Health for the consideration and the approval of the House, pursuant to Standing Order No.226 of the Senate Standing Orders.

With all these recommendations, I ask Sen. Wakoli to second.

The Temporary Speaker (Sen. Mumma): Sen. Wakoli, proceed.

Sen. Wafula: Thank you, Madam Temporary Speaker, for the opportunity to second this Report by the Committee on Health concerning the oversight and networking engagements to counties of Taita-Taveta, Mombasa and Kwale. As presented by the Vice Chair of the Committee on Health, the evidence is glaring that the human resource situation in these counties is a big problem.

The lack of recruitment of health workers in these counties stems from employment ceilings, constraints on remuneration and issues related to attrition, retirement, death and other forms of workforce loss. However, it is disturbing that even when people retire or resign, it takes a long time for the County Public Service Boards (CSPB) to declare the positions vacant and initiate recruitment.

Furthermore, if you examine the situation on the ground, you will find that some replacements are being made without proper advertisement, vetting or even formal posting. The oversight tours at the county level expose what is happening locally. Such issues affect service delivery. Imagine someone working as a cashier, earning half the salary of a permanent and pensionable employee. One morning, a colleague arrives, already employed on permanent and pensionable terms, without due process, yet we expect these people to remain loyal and patriotic.

The departments of health in counties must rise to the occasion. Recruitment must be fair and pay must reflect fair work. The working environment must also be equitable. Allowances are given discriminatively, affecting productivity.

Essential tools and equipment are lacking. We were at Level 4 facilities, there were no CT scans, no X-rays. The microscopes used date back to the Nyayo era. Staff must open windows wide for sunlight to examine patients. Funds coming to counties must be used prudently to purchase tools and equipment that will add value to people's lives.

Madam Temporary Speaker, it is evident that Kenya Medical Supplies Authority (KEMSA) is not supplying enough medicines to counties at the expected levels. However, counties are equally not paying KEMSA. As much as we want to whip the folks, we must equally whip the hens. They are both conniving, like a fox and a hen meeting secretly, yet the owner of both suffers the loss. County governments must pay KEMSA and KEMSA must supply enough medicines for counties to treat their patients.

In conclusion, I recognise and appreciate that the health departments across these counties now understand that the Senate is not there to entertain or witch-hunt anyone. They now realise that when the Senate visits counties, we inspect drug quality, check expiry dates, confirm the presence of incinerators, assess staffing levels and evaluate the working environment.

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We are also discussing the promotion of health workers in this country. You find doctors who have been working for 10 years without promotion. No sooner as a few young recruits enter the system and work for only two to three years, they are promoted, while those with over five years of service remain unrecognized. Promotion of health workers must be based on experience and length of service in those facilities. It should not be based on who you know, how you know them, or how you expect to know them thereafter.

With those few remarks, I beg to second. Thank you.

(Question proposed)

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey.

Sen. Cherarkey: Madam Temporary Speaker, I thank you for this opportunity to have the first bite at the cherry on this report regarding the working visit to Kwale, Mombasa and Taita-Taveta. I pray that one day they will also be able to visit Nandi County.

I am a great champion of grassroots action because that is where the Senate's impact is truly felt. I agree that Plenary sessions are equally important. However, if our people across the country are to receive value from our work, we must be on the ground.

I celebrate the Committee on Health. Mark you, they have produced several reports under Devolution and Intergovernmental Relations Committee. I thank the Committee through the Vice Chairperson, Sen. Mariam Sheikh Omar, for the excellent work they have done. This Report is impressive. It is so thorough that it has details on the number of X-ray machines, oncology machines, dialysis machines and other equipment, including imaging tools and infrastructure.

I will focus only on the observations and recommendations, so that I can yield the floor to other colleagues. I am impressed that the Committee addressed funding, human resource issues, infrastructure and even technology used for dispensing. Anyone who reads this Report will understand that the Health Committee went the extra mile.

Earlier today during proceedings, I indicated that the success or failure of devolution is anchored primarily on one key sector; health. Health is a cross-cutting issue, whether you come from Mandera, Kisumu, Busia, Kakamega, Nairobi – where one of the delegates is present - or Wajir. Health is an important aspect wherever you live or work.

Over 80 per cent of the complaints I receive from Nandi County concern health. They include lack of drugs, poor access to facilities and inadequate infrastructure. Therefore, funding the health sector is crucial. The Abuja Declaration recommended that at least 15 per cent of our budget go to the health sector. We are yet to achieve that both at the national and county levels.

Health is one of the devolved functions where there is push and pull between national Government and county governments. As per the Fourth Schedule of our Constitution, Health is devolved.

One of the key issues in the amendment in one of the health laws then, when we wanted to challenge the National Assembly before Justice Weldon Korir, the argument

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was simple, that the work of health policy is the exclusive domain of the national Government. Therefore, we had push and pull. That is why we moved to court and the court agreed with us that there must be concurrent engagement between the two Houses of Parliament. I hope that going into the future, will pass bicameral laws, so that we can have a neater engagement. We do not want to see both Houses as if they are competing over space.

I celebrate because apart from health sector funding, staffing in those regions and technology, they went further and even looked about the issue of National Health Insurance Fund (NHIF) and the Social Health Insurance Fund (SHIF). I am happy that today, more than 25 million Kenyans have registered under the Social Health Authority (SHA), which is working with the three funds that we already have in place.

I am happy to report whenever I go to Nandi and across the country through our empowerment programmes, people say that SHA is working. Madam Temporary Speaker, I am happy you have been among most of our esteemed guests and support in many groups, especially in your county, Kisumu.

I agree there are some challenges, like paying premium for the whole year at once. I am happy that the Cabinet Secretary for Public Service indicated that there shall be *malipo pole pole*. I seek your indulgence, Madam Speaker, for mixing the two languages.

Therefore, I am happy. However, there are still liabilities of NHIF. The law is very clear that when a new entity comes in, they take over liabilities. So, I want to appeal to the Ministry of Health and SHA to ensure they offset a lot of liabilities because I see in most of these countries, on matters such as disbursement, the Coast General Hospital was being owed Kshs250 million while Kwale County reported Kshs96 million as liabilities in NHIF.

The Cabinet Secretary for Health, hon. Aden Duale, should be seized of this matter. I thank him because there was a normal matter where in terms of Bachelor of Science in Nursing qualification in placements, there were 348 interns that had been placed in our hospitals or our facilities without the proper procedure of the law. When you look at the Public Service human resource policy guidelines on internship and health care policy professionals, there is a certain way of engaging interns.

The revocation of the 348 interns was because they had not completed their studies. Completion, graduation and clearance from the body that regulates is important. Like you and I, were cleared. Our regulatory body is Law Society of Kenya (LSK), for example. I know that there is also the Kenya Medical Practitioners and Dentists Board (KMPDC). Sen. (Dr.) Khalwale is an expert in gynaecology. I do not know whether there is a gynaecology body that clears them.

Therefore, in this issue of 348 interns, I thank Cabinet Secretary Adan Duale for a good job. However, I appeal to him that as he goes ahead to remove the 348 interns that were irregularly placed, whom I saw coming to our gates yesterday, is to go further and punish those people who placed our children. Some of them were in Isiolo. They were paying rent and internship money.

We should make the process of doing an irregular thing in this country to be as painful and rare as snowball in hell, so that it can be a lesson to many others. Today, we

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read a report on illegal organ transplants in the country. The Cabinet Secretary commented about it. I hope Members of the Committee on Health would be seized of that matter. That is all on the issue of SHA.

On the issue of budgeting, I appeal to counties to do more. I found it weird that, for example, Taita-Taveta decided that in their supplementary budget of 2023/2024, they decided to remove money meant for health from development to recurrent as if health is not critical. The vulnerable in the society are normally the sick. The quality of any society will be measured based on how they treat their vulnerable. So, if you see a county removing Kshs50 million in the annual budget of health and moving it to recurrent expenditure--- Recurrent expenditure means buying newspapers and flowers, travelling, perambulating and galivanting around the place. Is it more important in Taita-Taveta to buy drugs or travel for a retreat somewhere in Mombasa, or travel even to Dubai, unless it is budgeted for?

Number four, on the observation, is the Facilities Improvement Fund Act, which we enacted at the House. We have agreed that instead of them getting these approvals from county treasury, they should spend at source. I am happy. Mombasa County Assembly should move with speed and ensure the Facility Improvement Fund is taken into focus.

On human resources, I am happy that Jaramogi Oginga Odinga County Referral Hospital has been gazetted as a state agency. I thank His Excellency the President and the Rt. Hon. Raila Odinga for ensuring that now at the Western Hemisphere, they get quality healthcare. People who live around Nairobi think that they are next to God because they have Kenyatta National Hospital, Mbagathi and Mama Lucy Kibaki Hospitals, while people from Kisumu had to drive all the way to Moi Teaching and Referral Hospital, which was overwhelmed owing to the number of patients from Kakamega, Bungoma and even Uganda. However, I am happy that we now have Jaramogi Oginga Odinga Referral Hospital, which will assist us.

Sen. (Dr.) Khalwale was following up on Kakamega County Referral Hospital. I do not know how far he reached, but I want to warn him. If he wanted Kakamega County Referral Hospital to be taken over by the Government, he should stop attacking Government because you cannot attack and defend at the same time. This will ensure that he gets Kakamega County Referral Hospital.

When you stand at Cheptulu, Chavakali and all the way this way, you always see ambulances from Kakamega County Government rushing to Moi Teaching and Referral Hospital. It looks like there is poor health service provision by Governor Barasa in Kakamega. This is because if you want to sight see ambulances, you will see them from Kakamega County Government driving at breakneck speed, all the way to Moi Teaching and Referral Hospital, which is very unfortunate.

The Temporary Speaker (Sen. Mumma): Sen. Methu, what is your point of order?

Sen. Cherarkey: Can you even take water before requesting a point of order?

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, sit down and listen to him.

Sen. Methu: Madam Temporary Speaker, I wonder what issue Sen. Cherarkey has with the water that he wants me to take. We are very careful these days. I would not have also wanted to disrupt his flow of thought.

The Temporary Speaker (Sen. Mumma): Sen. Methu, what is your point of order?

Sen. Methu: Yes, that is what I am going to, Madam Temporary Speaker. I was just laying a background of why I am standing. I respect Sen. Cherarkey.

I am rising pursuant to Standing Order No.105, on responsibility of statement of fact. In the course of his contribution, I have heard Sen. Cherarkey thank the President for the gazettelement of Jaramogi Oginga Odinga Referral Hospital, but he was also quick to add that he is thanking the President and the Rt. Hon. Raila Odinga. I would want Sen. Cherarkey to tell us the role that Raila Odinga would have in the gazettelement of a hospital in terms of---

The Temporary Speaker (Sen. Mumma): What is out of order? You rose on a point of order.

Sen. Methu: What is out of order, Madam Temporary Speaker, is responsibility of fact. It is not a fact that the Rt. Hon. Prime Minister Raila Odinga has any role in the gazettelement of Jaramogi Oginga Odinga Referral Hospital.

The Temporary Speaker (Sen. Mumma): Sen. Methu, I do not remember the word "role" being used in that statement.

Sen. Methu: What was used?

The Temporary Speaker (Sen. Mumma): Sen. Methu, please make your point of order properly or withdraw.

Sen. Methu: Madam Temporary Speaker, I am not withdrawing because I am saying that it is not a statement of fact. We are interrogating what he has said, that he wants to thank the President and the Prime Minister Raila Odinga for the gazettelement of Jaramogi Oginga Odinga Referral Hospital. That is what he has said. That is not a fact.

The Temporary Speaker (Sen. Mumma): Sen. Methu, I will treat your point of order as frivolous.

Sen. Cherarkey, please, proceed.

Sen. Methu: You are conflicted, then I am sure you can treat it as frivolous.

(An hon. Senator spoke off record)

Sen. Cherarkey: Can you invoke Standing Order No.121?

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, I have ruled. Please, proceed.

Sen. Cherarkey: You should respect the Chair.

Sen. Methu: I respect the Chair, of course.

Sen. Cherarkey: I wonder, and you know, the health sector in ---

The Temporary Speaker (Sen. Mumma): Sen. Cherarkey, focus on what you are presenting.

Sen. Cherarkey: I am focusing; even the health sector in Nyandarua, we must speak to it. I would have expected Sen. Methu to tell us about the poor health sector in Nyandarua, instead of raising frivolous points of order.

The Temporary Speaker (Sen. Mumma): Senator, focus on your presentation.

Sen. Cherarkey: On the issue of workers, I was on the point about the western part. We are not ashamed or fearful to say that we are in the Broad-Based Government led by His Excellency President William Ruto and Hon. Raila Amollo Odinga. In fact, he is not a member of the ‘deep state.’ Otherwise, he would have been with “Wamunyoro” in the United States of America (USA).

On issues of protective equipment and providing health workers with salaries, I am told there are counties that do not give risk or extraneous allowances for the work that our health workers do. At least we have one medical doctor in the House and that is Dr. Khalwale. Most doctors and health workers are on call. Some of them are even called during odd hours when we are safe in our houses.

We must relook at the issue of healthcare workers and County Public Service Boards (CPSBs) must be called to order. I want to appeal to CPSBs because I have been a Member of CPAC for some time.

(The amber light at the timer was switched on)

I do not know why the amber light is on, yet Sen. Methu took away my time.

The circular by the Public Service Commission states that when you reach 60, you must retire, unless you are godsend. That is what the law says. I do not know what happens in Public Service.

Madam Temporary Speaker, you have been there to witness some of the occasions in committees. The retirement age is 60. However, I was shocked, for example, that the person who is supposed to be appointed as the Chairperson of Garissa CPSB, Mr. Ahmed Abdirahman, is over 60 years. That is violation of the law. The CPSBs must ensure that there are salaries, extraneous allowances and protective gear.

When I went to Kapsabet County Referral Hospital, I met some doctors who have to send patients to Kapsabet Town to buy gloves and drugs before being treated. The place is dirty. That is why most of our medical doctors and health practitioners are dying because they do not have protective gear to protect themselves. Even as we talk about salaries and allowances, we must provide our health practitioners with a good working environment that is clean, hygienic and safe. I saw my friend Kibore, Chairman Peterson Wachira and Davji Atellah among others. They should push beyond salaries and also ensure there is a proper working environment.

I was ashamed when I visited Kapsabet County Referral Hospital and a number of facilities in Nandi County, including Maraba. You see bedsheets lying around and they are very dirty. They are contaminated, yet you expect a doctor to treat you? There are even no lights.

I was ashamed because I have also seen Coast General Teaching and Referral Hospital in the Report, and I am happy the Committee exposed that there are leaking roofs. The roofs are leaking like what we had at the Jomo Kenyatta International Airport

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(JKIA). It only requires iron sheets and nails for the issue to be fixed. Do we need a scientist or a professional to do that?

We also have the issue of curtains. Those are like the ones we buy in Eastleigh, but the Coast General Teaching and Referral Hospital does not have curtains. Do they need the Senate to direct them to fix curtains? There are also leaking roofs on hallways. Lodwar County Referral Hospital was flooded. Do you mean the Senate has reduced itself until we are now discussing leaking roofs in county referral hospitals?

The Governor of Mombasa County, Hon. Abdullswamad, should be ashamed. This in our report is a shame! How will we explain to our children in future that the Senate sat to discuss about leaking roofs? This is embarrassing! I noted something else at the Coast General Teaching and Referral Hospital. The issue of Utange Field Hospital should be addressed. That is about the perimeter wall. Do they need Nehemiah to go to Utange in Mombasa to assist in rebuilding the wall like they did in Jericho? There are so many Sanballats who will tell them that even if a dog stands on that wall, it will collapse.

The Governor of Mombasa should be ashamed of himself. Since Sen. Khalwale is a medical practitioner, he should be the one calling out such individuals. We cannot sit here to discuss perimeter walls. In this report that we have looked at, I agree on the issue of health---

The Temporary Speaker (Sen. Mumma): Senator, you have 30 seconds to finish your sentence.

Sen. Cherarkey: Madam Temporary Speaker, thank you for that indulgence. I knew you would do that because you are my neighbour.

In this report that we have looked at, there is the issue of emergency and ambulance services. In Nandi County, for example, can you believe you pay Kshs1,000 for fuel?

Madam Temporary Speaker, with those many remarks and for the convenience of the House, allow me to support this report. Let us adopt it for the betterment of health sector in our counties.

I thank you.

The Temporary Speaker (Sen. Mumma): Hon. Senators, I do not see any other requests. Therefore, I call upon the Mover to reply.

Sen. Mariam Omar: Thank you, Madam Temporary Speaker, for giving me this opportunity. I stand to reply to the report of the Senate Standing Committee of Health on oversight and network engagements in Taita-Taveta, Mombasa and Kwale counties, which has been laid on the Table of the Senate.

I appreciate the contribution made by Sen. Cherarkey. So far, as a Committee, we have visited 18 counties. Sen. Cherarkey, I have accepted your request and I will convince the Committee to go to Nandi County. There are so many issues we have seen in all the 18 counties. We normally go to different departments in hospitals.

In general, we recognised that when it comes to the budgeting of health sector in the counties and even nationally, Sustainable Development Goal (SDG) No.3 is not well funded. It is supposed to be five per cent of the budget, but the Government of Kenya has financed two per cent only. That means we have a long way to go.

When it comes to the human resource in the 18 counties that we visited, they all are the same. There are shortages of staff and drugs. Drugs given by the Kenya Medical Supplies Authority (KEMSA) do not reach them and the equipment is not working. There is a lot we are supposed to do to ensure that our service delivery is perfect.

Another one is the issue of leaking roofs as articulated by the Senator for Nandi. We saw that in one out of the 18 counties. In Marsabit, there was a problem of tiles and roofing. There is administrative maintenance that is supposed to be done by the county CEOs and nowadays, there is F5 to cater for that. The availability of drugs in eight counties we visited, almost 50 per cent have expired drugs on their shelves. We were wondering what the expired drugs were doing in the wards, theatres and on the shelves of health centres and facilities. This shows the drugs board and the people supposed to be doing rotation on drugs are reluctant and there is negligence of duties on that sector.

Madam Temporary Speaker, we realized that the expired drugs are usually given to people. The mortality is increasing and out of 1,000, there are 366 women dying. When they are in the labour room, they are supposed to be given an injection for bleeding. However, we realized that the injections they were being given are expired and the bleeding cannot stop. This shows that most of the counties need to pull their socks, so that there is good service delivery at the hospitals.

In some counties, there are stalled projects. Instead of completing the former governor's projects, current governors start other projects. That eats on the budget of the development. Most of the health practitioners have private sectors like pharmacies and clinics to operate instead of doing their duties in public hospitals. That shows there is negligence by health workers. Our Committees fight for more human resource to be employed, the human resource available in the 18 counties do not give good services to citizens.

Madam Temporary Speaker, with that, I beg to move that the putting of the question be deferred to the next sitting.

(Putting of the Question on the Motion deferred)

The Temporary Speaker (Sen. Mumma): Next Order.

MOTION

ADOPTION OF REPORT ON THE INSPECTION TOUR OF HEALTH FACILITIES IN WEST POKOT, TRANS NZOIA, AND TURKANA COUNTIES

The Temporary Speaker (Sen. Mumma): Sen. Mariam, proceed.

Sen. Mariam Omar: Thank you, Madam Temporary Speaker. I move the Report on the Standing Committee on Health on the Inspection Tour of the Health Facilities in West Pokot, Trans Nzoia and Turkana counties.

During the visit, the Committee observed the need for cooperation and collaboration to ensure the effective devolution function of health, strengthen the function and oversight on the utilization of resources. The Committee also observed the capital

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incentives and the health projects whose construction had stalled. Further, there was need to ensure that primary healthcare established in the early years of devolution were operationalized.

(Sen. (Dr.) Khalwale and Sen. Cherarkey consulted loudly)

The Temporary Speaker (Sen. Mumma): Sen. (Dr.) Khalwale and Sen. Cherarkey, please let us listen to Sen. Mariam.

Sen. Mariam Omar: Madam Temporary Speaker, the Committee also noted that health facilities did not have the requisite number of healthcare personnel working in critical departments such as maternity wards and emergency care. Specialized care units and various health departments face high workload and staff shortage.

The Committee also observed that counties should address the low staff morale and motivation arising from the poor terms of services and the delay in the payment of salaries and stipends. Chronic delays in salary payments, poor remuneration and the challenging work environment push the health workers employed by different counties public service boards to leave the counties' services and seek opportunities in the private sector. The Committee observed that contract workers frequently receive low wages than permanent staff despite them performing similar duties, leading to dissatisfaction and unfairness.

The Committee observed that there is lack of three-phase electricity in the counties to enable them utilize specialized equipment. We saw this in Pokot; that CT scan machines were bought and are unutilized because of lack of the three-phase electricity. That showed negligence on the side of the CEO of the county.

Health facilities lack reliable and sufficient electricity to support modern medical advances. We further noted that there was need for the counties to address low morale among the community health workers arising from failure to pay their stipends in a timely manner. The Committee found that poor security measures in most facilities, including the lack of incomplete fencing, lack of CCTV surveillance systems was posing a security risk to patients, health workers and available medical equipment. There was also need to improve security measures in county health facilities. On CCTV, in Trans Nzoia county hospitals, we realized that someone from outside was accessing the store and the patients. We followed it up and realized that there was no CCTV to follow it as evidence.

In the light of the above, further noting the cross-cutting challenges, the Committee recommends that Trans Nzoia and West Pokot should ensure proper security infrastructure, for instance; trained guards and perimeter walls be put in place. This will also ensure accountability and own-source revenue, and all revenue collection points in all public health facilities in collaboration with respective county public service boards, and this should be a regular requirement.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Vice-Chairperson of the Committee on Health will have a balance of 54 minutes to move the Motion.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 6th August, 2025 at 9.30 a.m.

The Senate rose at 6.30 p.m.