

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 7<sup>th</sup> March, 2024

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

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

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum? Now that we do have quorum, please proceed to call the first Order.

*(Sen. Orwoba entered into the Chamber)*

Sen. Orwoba, please take your seat.

#### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM ELGEYO-MARAKWET COUNTY ASSEMBLY

Hon. Senators, I would like to acknowledge, the presence in the Speaker's Gallery this afternoon. of a visiting delegation from the County Assembly of Elgeyo-Marakwet. The delegation comprises seven Members and five officers of the Committee on Delegated Legislation who are on a benchmarking visit with their counterparts in the Senate.

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

Hon. Sally Kosgei	-	Chairperson
Hon. John Koima	-	Vice Chairperson
Hon. Christopher Cheboiboch	-	Member
Hon. Simeon Chepsebaa	-	Member
Hon. Eddah Rotich	-	Member

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Hon. Gilbert Ngetich	-	Member
Hon. Joshua Kipruto	-	Member
Gladys Komen	-	Clerk Assistant
Collins Limo	-	Legal Council
Lorna Tuwei	-	Hansard Reporter
Micheal Kapkiai	-	Serjeant-at-Arms
Timothy Kipchumba	-	Driver

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

I will call upon the Senator for Elgeyo-Marakwet, Sen. Kisang', to in under one minute extend a word of welcome to the delegation.

**Sen. Kisang'**: Mr. Speaker, Sir, on behalf of the Senate of Kenya, I wish to take this opportunity to welcome the seven Members of County Assembly (MCAs) from Elgeyo-Marakwet County and five secretariat who are serving the Committee on Delegated Legislation in Elgeyo-Marakwet County.

This is a good trip for them to learn from established Parliament. Basically, this committee deals with regulations. There are a few funds that have been established in Elgeyo-Marakwet County and some of them do not have regulations.

We have agreed with the MCAs that when they go back, they ensure that they start drafting regulations to implement the Acts that have been passed in the last assemblies both 2013/2017 and the current Assembly.

As they prepare to go back, because we have so many activities lined up for the weekend, safe journey back home. We will meet over the weekend during our usual engagements.

God bless you.

**The Speaker** (Hon. Kingi): Next Order.

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### THE RESOLUTION OF THE NATIONAL ASSEMBLY ON THE NADCO REPORT

Hon. Senators, I wish to Report to the Senate that pursuant to Standing Order No.46 (3) and (4), I received the following Message from the Speaker of the National Assembly with respect to the resolution of the National Assembly on the Report of the National Dialogue Committee (NADCO).

The Message which is dated 29<sup>th</sup> February, 2024, was received on Wednesday, 5<sup>th</sup> March, 2024, in the Office of the Clerk of the Senate.

Pursuant to the said Standing Order, I now Report the Message-

“PURSUANT to the provisions of Standing Order No. 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

WHEREAS, the National Assembly and the Senate, on Wednesday, 16<sup>th</sup> August, 2023 and Tuesday, 29<sup>th</sup> August, 2023, respectively, considered and passed a resolution on the establishment of a NADCO, which was mandated to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the Committee;

AND WHEREAS, the National Assembly and Senate, by resolutions passed on Tuesday, 17<sup>th</sup> October, 2023, and Wednesday, 18<sup>th</sup> October, 2023, respectively, extended the mandate of the NADCO by a further 30 days from 28<sup>th</sup> October, 2023 consequently to which the Committee would report to the leadership of Kenya Kwanza and Azimio Coalitions on or before 26<sup>th</sup> November, 2023 and thereafter submit its Report to Parliament;

FURTHER WHEREAS, the National Assembly, by a resolution passed on Thursday, 22<sup>nd</sup> February, 2024, adopted the Report of the National Dialogue Committee, laid on the Table of the National Assembly on Thursday, 7<sup>th</sup> December, 2023;

NOW THEREFORE, in accordance with the provisions of Standing Order No. 41(1) of the National Assembly Standing Orders, I hereby convey the said Resolution of the National Assembly to the Senate for consideration.”

Hon. Senators, as you may be aware, the Senate, by a resolution passed on Wednesday, 21<sup>st</sup> February, 2024, during the afternoon sitting, also adopted the Report of the National Dialogue Committee laid on the Table of the Senate on Wednesday, 14<sup>th</sup> February, 2024.

This decision was communicated to the National Assembly vide a Message dated 23<sup>rd</sup> February, 2024.

I thank you.

Hon. Senators, you may walk in and take your seats because I have a further communication to make.

*(Several Senators entered into the Chamber)*

### **MESSAGE FROM KISII COUNTY ASSEMBLY**

PROPOSED REMOVAL FROM OFFICE BY IMPEACHMENT OF HON. (DR.)  
ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY

Hon. Senators, I wish to report to the Senate that I have pursuant to Standing Order No. 48 (4) received a Message from the Speaker of the County Assembly of Kisii regarding the removal from office by way of impeachment of His Excellency Hon. (Dr.) Robert Onsare Monda, the Deputy Governor of Kisii County.

The Message conveyed to the Senate via a letter dated Friday, 1<sup>st</sup> March, 2024 signed by the Speaker of the County Assembly of Kisii and received in my Office on Saturday, 2<sup>nd</sup> March, 2024 indicated that the County Assembly had passed the resolution to remove the Deputy Governor from office pursuant to Article 181 (1)(a) and (c) of the Constitution as read together with Section 33 of the County Government Act and

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Standing Orders Nos. 60 and 61 of the Kisii County Assembly Standing Orders, by a majority of 53 votes out of 70 on the following grounds:

(1) Gross Violation of the Constitution or any other law

The particulars of this allegation are that the Deputy Governor–

(i) Violated Articles 10, 73, 75 and 232 of the Constitution of Kenya by soliciting and receiving a bribe to influence the recruitment process at the Gusii Water and Sanitation Company (GWASCO); and

(ii) Breached the Leadership and Integrity Act sections 8, 9, 10, 11, 24, 32, 34 and Public Officer Ethics Act; Sections 9, 11(1), 11(2)(a)(i), (c) by compromising the integrity of a public recruitment institution for personal gain.

(2) Abuse of Office

The particulars of this allegation are that the Deputy Governor–

(i) Used his position to solicit Kshs800,000, thereby conferring a financial benefit upon himself and attempting to influence GWASCO's hiring decision by sending Kshs100,000 to its Managing Director, violating Articles 10, 27, 73 (2) (b), 75 and 232 of the Constitution, Sections 8, 9, 10, 11, 13, 24, 32, and 34 of the Leadership and Integrity Act; Section 11(1), (2)(a)(i), (c) of the Public Officers and Ethics Act and Section 6(1)(a), (c), (2) (3) of the Bribery Act; and

(ii) Unlawfully diverted county enforcement officers to work on his farm and misused executive power to target his relative.

(3) Gross Misconduct

The particulars of this allegation are that the Deputy Governor contravened Article 75 of the Constitution by attempting to influence the appointment process for the position of Commercial Manager at GWASCO by offering a bribe to its Managing Director, Ms. Lucy Wahito Wachira.

(4) Crimes under National Law

The particulars of this allegation are that the Deputy Governor breached the Bribery Act; Section 6(1)(a), (c), (2) (3) by soliciting and receiving bribes of Kshs800,000 and sending Kshs100,000 to the Managing Director of GWASCO to influence the award of a contract of employment to a preferred interviewee.

Hon. Senators, annexed to the letter conveying this Message of the County Assembly were the following documents:

(1) The Motion of impeachment

Hon. Senators kindly take your seats. I still have a long way to go.

*(Several Senators entered into the Chamber)*

(2) The votes and proceedings

(3) The Order Paper of the Sitting Day

(4) Notice of Motion

(5) List of signatures of Members in support attached to the Motion for impeachment

(6) The HANSARD recording for 13<sup>th</sup> and 21<sup>st</sup> February, 2024;

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(7) A copy of a complaint letter from one Mr. Dennis Mokaya Misati to Hon. Wycliff Siocha Gesongori

(8) A copy of the complaint from Mr. Dennis Mokaya Misati to the Director of Ethics and Anti-Corruption Commission (EACC).

(9) An affidavit by Mr. Dennis Mokaya Misati in support of allegations against the Deputy Governor

(10) An advertisement for a vacancy at GWASCO

(11) A shortlisting of suitable candidates for the vacancy advertised by GWASCO

(12) The application by Mr. Dennis Mokaya for the post of Commercial Manager at GWASCO

(13) A copy of an M-Pesa statement belonging to Mr. Dennis Mokaya

(14) An affidavit by Mr. Reuben Monda Orang'i Matundura

(15) A copy of an M-Pesa statement belonging to Ms. Lucy Wahito

(16) A witness statement by Ms. Lucy Wahito

(17) A copy of the Public Participation advertisement and the report

(18) A witness statement by Mr. David Haggai Oyagi

(19) A witness statement by Ms. Gladys Aminga

(20) A witness statement by Mr. Enock Maranga

The letter further stated that the HANSARD recordings of the Assembly proceedings of 29<sup>th</sup> February, 2024 would be submitted to the Senate on Friday, 8<sup>th</sup> March 2024.

Hon. Senators, in terms of Article 181 of the Constitution, Section 33(3)(a) of the County Government Act 2012 and Standing Order No. 80(1)(a) of the Senate Standing Orders, the Speaker of the Senate is required within seven days after receiving notice of a resolution from the Speaker of a County Assembly, to convene a meeting of the Senate to hear charges against the Deputy Governor.

Pursuant to Section 33(3)(b) of the County Government Act and Standing Order No. 80(1)(a) of the Senate Standing Orders, I hereby proceed to read the charges against the Deputy Governor of Kisii County as contained in the Motion of Impeachment by the County Assembly of Kisii.

(1) Charge 1: Gross violation of the Constitution or by any other law

The particulars of this allegation are that the Deputy Governor-

(i) Violated Articles 10, 73, 75 and 232 of the Constitution of Kenya by soliciting and receiving a bribe to influence the recruitment process at the Gusii Water and Sanitation Company (GWASCO) Limited.

(ii) Breached the Leadership and Integrity Act; Sections 8, 9, 10, 11, 24, 32, 34 and the Public Officer Ethics Act; Sections 9, 11(1), 11(2)(a) and (c), by compromising the integrity of a public recruitment institution for personal gain.

(2) Charge 2: Abuse of Office

(i) The particulars of this allegation are that the Deputy Governor used his position to solicit Kshs800,000, thereby conferring a financial benefit upon himself and attempting to influence GWASCO's hiring decision by sending Kshs100,000 to its managing director, violating Articles 10, 27, 73(2)(b), 75 and 232 of the Constitution;

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sections 8, 9, 10, 11, 13, 24, 32, and 34 of the Leadership and Integrity Act; Sections 11(1), (2)(a)(i), (c) of the Public Officer Ethics Act; and Section 6(1)(a), (c), (2) (3) of the Bribery Act; and,

(ii) Unlawfully diverted county enforcement officers to work on his farm and misused executive power to target his relative.

(3) Charge 3: Gross Misconduct

The particulars of this allegation are that the Deputy Governor contravened Article 75 of the Constitution by attempting to influence the appointment process for the position of Commercial Manager at GWASCO by offering a bribe to its Managing Director, Ms. Lucy Wahito Wachira.

(4) Charge 4: Crimes under National Law

The particulars of this allegation are that the Deputy Governor breached the Bribery Act; Sections 6(1)(a), (c), (2) and (3) by soliciting and receiving bribes of Kshs800,000 and sending Kshs100,000 to the Managing Director of GWASCO, so as to influence the award of a contract of employment to a preferred interviewee.

Hon. Senators, before I give the way forward, you may walk in and take your seats. Kindly take your seats so that we proceed with business.

*(Several Senators entered the Chamber)*

*(Sen. (Dr.) Murango consulted with Sen. Orwoba)*

Order! Sen. (Dr.) Murango and Sen. Orwoba, you are totally out of order. When the Chair is upstanding, you freeze.

Hon. Senators, in terms of the way forward, following the reading of the charges against the Deputy Governor, Standing Order No.80(1)(b) of the Senate Standing Orders, as read together with Section 33(3)(b) of the County Government Act, gives the Senate two options on how to proceed with the matter. The options are as follows:

The Senate may –

(a) by a resolution, appoint a Special Committee comprising 11 of its Members to investigate the matter; or

(b) investigate the matter in Plenary.

The Senate Majority Leader will, at an appointed time during this sitting, give a Notice of Motion for the establishment of a Special Committee. Should this Motion be carried, the Special Committee will be required under Section 33(4) of the County Government Act and Standing Order No.80(2) of the Senate to investigate the matter and to report to the Senate on whether it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

In the event that the Motion for the establishment of a Special Committee does not pass, the fall-back position is that the Senate shall proceed to investigate and consider the matter in Plenary. In this event, I will appoint the dates on which the Senate will sit in Plenary to hear and determine the charges against the Deputy Governor.

Hon. Senators, it is noteworthy, and I wish to emphasize to all hon. Senators, that when we come to the debate on the Motion for the establishment of the Special Committee, debate on the Motion shall be limited to the substance of the Motion, principally whether or not to establish the Special Committee.

It will not be a debate on the substance of the impeachment or its merits, propriety, prudence or even the constitutionality or legality of the processes that have preceded the submission of this matter to the Senate. It is, therefore, not permissible to deviate to any issues other than the Motion before the Senate.

In the meantime, and during the pendency of the impeachment process in the Senate, I wish to caution hon. Senators to desist from publicly commenting on the merits or demerits of this Impeachment Motion before the Senate. Doing so would amount to anticipation of debate, which is an infringement of Standing Order No.99.

Therefore, hon. Senators, it shall be out of order, within the meaning of Standing Order No.122, for any Senator to make comments, whether written or spoken, in relation to the conduct of the Deputy Governor or the impeachment process, outside the confines of the impeachment proceedings as such comments may prejudice the just outcome of the process.

This is the fourth impeachment hearing in the 13<sup>th</sup> Parliament, and the second one involving a deputy governor. In undertaking this mandate, the Senate will be sitting as a quasi-judicial body and will conduct investigations into the alleged infractions of the Constitution and the law, and thereafter make its determination on the matter. As such, this is a reminder that the impeachment hearing is not just a procedural formality, but a fundamental process---

*(Sen. Methu consulted with Sen. Kathuri)*

Senator for Nyandarua, please consult in a low tone. The Chair must be heard in silence.

As such, this is a reminder that the impeachment hearing is not just a procedural formality, but also a fundamental process that plays a crucial role in upholding the principles of democracy and good governance. This hearing is one of the most crucial oversight tools and roles of the Senate.

I conclude by urging all hon. Senators to exercise the highest level of responsibility on this particular matter. I thank you.

Let us go to the next Order.

## PAPERS LAID

### REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 7<sup>th</sup> March, 2024-

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Report of the Auditor-General on Financial Statements of the County Executive of Kwale for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kwale County Assembly of for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kwale County Assembly Members and Staff Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kwale County Trade Revolving Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kwale County Youth, Women and Persons with Disability Revolving Fund for the year ended 30<sup>th</sup> June, 2023.

*(Sen. Joe Nyutu hugged Sen. Korir)*

**The Speaker** (Hon. Kingi): Order, hon. Senators! Sen. Nyutu, you can hug out of this Chamber and not inside.

*(Laughter)*

Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the House today:

Report of the Auditor-General on Financial Statements of Kwale County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Executive of Taita-Taveta for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Assembly of Taita-Taveta for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Taita-Taveta County Education Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Taita-Taveta – Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Taita-Taveta County Datu Sawazisha Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Executive of Tana River for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Assembly of Tana River for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Tana River – Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Assembly of Tana River Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tana River County Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



Report of the Auditor-General on Financial Statements of Tana River County Disaster Risk Management Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tana River County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tana River County Inuka Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Tana River – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Mombasa County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Mombasa – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Mombasa – County Revenue Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Mombasa County Consolidated Revolving Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Mombasa County Elimu Scheme for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Mombasa County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Mombasa – County Receiver of Revenue for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of West Pokot County Bursary, Education Development and Infrastructure Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Embu County Youth Trust Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Meru County Executive Staff Housing Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Nyandarua County Assembly (Staff) Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tharaka Nithi County Executive Staff Mortgage and Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kilifi County Emergency Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kilifi County Microfinance (Wezesha) Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Turkana County Executive State and Public Officers Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June, 2023.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Report of the Auditor-General on Financial Statements of Turkana County Assembly Car Loan (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Turkana County Assembly Staff Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Turkana County Co-operative Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Uasin Gishu County Education Revolving Fund for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Executive of Trans Nzoia for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of the County Assembly of Trans Nzoia for the year ended 30<sup>th</sup> June, 2023.

*(Sen. Cheruiyot laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Chairperson, County Public Accounts Committee, (CPAC), please proceed.

REPORT ON FINANCIAL STATEMENTS OF WEST POKOT COUNTY  
ASSEMBLY AND VARIOUS OTHER COUNTY ASSEMBLIES

**Sen. M. Kajwang**?: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 07<sup>th</sup> March, 2024 -

Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the financial statements of West Pokot County Assembly for the Financial Year 2018/2019 and Reports of the Auditor-General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the Financial Year 2019/2020.

*(Sen. M. Kajwang' laid the documents on the Table)*

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators!  
The Chairperson Standing Committee on Finance and Budget, please proceed.

REPORT ON THE MEDIUM-TERM DEBT  
MANAGEMENT STRATEGY, 2024

**Sen. Ali Roba**: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 7<sup>th</sup> March, 2024-

Report of the Standing Committee on Finance and Budget on the 2024 Medium-Term Debt Management Strategy.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

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

**The Speaker** (Hon. Kingi): Next Order.  
Senate Majority Leader, please proceed.

### NOTICES OF MOTIONS

ESTABLISHMENT OF A SPECIAL COMMITTEE ON THE PROPOSED REMOVAL  
FROM OFFICE BY IMPEACHMENT OF HON. (DR.) ROBERT MONDA,  
THE DEPUTY GOVERNOR OF KISII COUNTY

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give Notice of the following Motion-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Government Act, on Thursday, 29<sup>th</sup> February, 2024, the Kisii County Assembly approved a Motion to remove from office, by impeachment, Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS by a letter dated 1<sup>st</sup> March 2024 and received in the Office of the Speaker of the Senate on Saturday, 2<sup>nd</sup> March 2024, the Speaker of the Kisii County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to Section 33(3) (b) of the County Government Act and Standing Order 80(1) (b) and (9) of the Senate, the Senate by resolution, may appoint a special committee comprising eleven of its Members to investigate the matter;

NOW, THEREFORE, pursuant to section 33(3) (b) of the County Governments Act, and Standing Order 80(1) (b) and (9), the Senate resolves to establish a special committee comprising the following Senators:

1. Sen. Seki Lenku Ole Kanar, MP;
2. Sen. David Wafula Wakoli, MP;
3. Sen. Mariam Sheikh Omar, MP;
4. Sen. Joe Nyutu, MP;
5. Sen. James Ekomwa Lomenen, MP;
6. Sen. (Prof.) Margaret Kamar, EGH, MP;
7. Sen. Okiya Omtatah, MP;
8. Sen. Beth Syengo, MP;
9. Sen. Issa Juma Boy, MP;
10. Sen. Shakila Abdallah, CBS, MP; and
11. Sen. Crystal Asige, MP;

to investigate the proposed removal from the office of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County and pursuant to Standing Order 80 (2), is to report

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

to the Senate, within ten (10) days of its appointment, on whether or not it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on County Public Accounts Committee, please proceed.

*(Applause)*

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF  
WEST POKOT COUNTY ASSEMBLY AND VARIOUS  
OTHER COUNTY ASSEMBLIES

**Sen. M. Kajwang'**: Mr. Speaker, Sir, I beg to give Notice of the following Motion:

THAT, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Report of the Auditor General on the financial statements of West Pokot County Assembly for the Financial Year 2018/2019 and Reports of the Auditor General on the financial statements of Isiolo, Kiambu, Kitui, Marsabit, Narok, Nyamira, Trans Nzoia, West Pokot and Murangá County Assemblies for the Financial Year 2019/2020 laid on the table of the Senate on Thursday, 7<sup>th</sup> March, 2024.

**The Speaker** (Hon. Kingi): Chairperson, Standing Committee on Finance and Budget, please proceed.

ADOPTION OF REPORT ON THE MEDIUM-TERM DEBT  
MANAGEMENT STRATEGY, 2024

**Sen Ali Roba**: Me. Speaker, Sir, I beg to give Notice of the following Motion:

THAT, the Senate adopts a Report of the Standing Committee on Finance and Budget on the 2024 Medium-Term Debt Management Strategy laid on the Table of the Senate today, Thursday, 7<sup>th</sup> March, 2024.

**The Speaker** (Hon. King): Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

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

PERFORMANCE OF KENYAN TEAM AT THE  
2024 TOKYO MARATHON

**Sen. Cherarkey**: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a Statement on an issue of general topical concern and national

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

importance; the outstanding performance of our Kenyan team at the 2024 Tokyo Marathon held on Sunday 3<sup>rd</sup> March, 2024.

Once again, our athletic sportsmen and women have brought glory to our country this time through a podium sweep of the Tokyo Marathon on Sunday.

The team was led by Mr. Benson Kipruto who hails from Nandi County and who sutured the course record by clocking 2 hours 2 minutes and 16 seconds and setting a new Japanese old-comers record, setting a new record on the truck.

Mr. Benson Kipruto was followed by his fellow compatriot, Mr. Timothy Kiplagat, who came second; Mr. Vincent Kipkemboi Ng'etich finished third in 2 hours, 4 minutes and 18 seconds giving Kenya a podium finish.

Ethiopians; Mr. Alimarian Kiros and Cygay Ketachu, came fourth and fifth, respectively. Mr. Bethwel Kipruto came sixth while the greatest of all time, Eliud Kipchoge was tenth in 2 hours, 6 minutes and 50 seconds.

Mr. Speaker, Sir, the 32-year-old Mr. Benson Kipruto improved his time by 2 minutes from his previous personal base making him the fifth fastest marathon runner of all time in the events approved by the World Athletics.

In the year 2022, Mr. Benson Kipruto won the Chicago Marathon and later came second in the year 2023 where the late legend, Mr. Kevin Kiptum broke the world marathon record. May his soul rest in peace.

I also wish to congratulate Ms. Rosemary Wanjiru who came second in the women's race clocking 2 hours, 16 minutes and 14 seconds. Ethiopian Ms. Atuma Sefu Kadede won the race clocking 2 hours 15 minutes and 55 seconds. The famous Siffan Hassan came third.

Mr. Speaker, Sir, even as we continue to wish well the family of the fallen hero and the current world marathon record holder Kelvin Kiptum, I continue to urge both the Senate Majority and Minority leaders to make the necessary arrangements for our world marathon beaters for all sports to visit and address the Senate on the most outstanding achievements that sometimes go unnoticed.

By doing this, our sportsmen and women who have continued to make us proud as a country at the international arena by always flying our flag high will feel appreciated and motivated to achieve even more for the nation.

I continue to call upon the Ministry of Youth Affairs, Creative Economy and Sports, Athletics Kenya (AK) and the National Olympics Committee of Kenya (NOCK) and other sports federations to embrace openness and transparency during team selection for various teams representing Kenya in multiple competitions across the world and shun the alleged corrupt practices taking place during team and official selections, payment of allowances, kits distributions and addressing of athletes' welfare.

This call to action is especially pertinent as we approach this year's Olympics 2024 in Paris, France. It is worth to note that the selection of one athlete per event was uncalled for. You saw the athletes protesting. I know that the federation and the Ministry will rectify to ensure that we at least select three athletes per event or three sportsmen and women per event to improve our chances of getting the gold in Ghana in April for the All African Games.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Mr. Speaker, Sir, I also call upon the Anti-Doping Agency to enhance its vigilance and eradicate rogue agents and coaches who are masquerading as athletes and spoiling the careers and good name of athletes. I call for punishing of the entire value chain of the criminal enterprise involved in doping our athletes - sportsmen and women from the doctors, chemists, coaches and trainers and not just the athletes.

I also call upon the sportsmen and women to be used as Kenyan brand ambassadors going into the future to market our country as part of sports tourism.

In conclusion, I wish to congratulate our athletes for their good performance at the World Indoor Championships at Glasgow, Scotland. Beatrice Chepkoech won a bronze medal in the 3,000 metres. At the same time, other teammates registered good results indicating a good season this year.

Mr. Speaker, Sir, I want to tell sportsmen and women that going into the future, the Senate and Parliament of the Republic of Kenya will always support them in the endeavor of making this country a great nation among the league of nations.

I thank you.

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

#### EFFICIENCY AND COMPETITIVENESS OF MOMBASA PORT

**Sen. Veronica Maina:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing---

**The Speaker** (Hon. Kingi): Sen. Veronica Maina, we are under Statement pursuant to Standing Order No.52(1).

#### INTERNATIONAL WOMEN'S DAY: ADVANCING THE RIGHTS AND STATUS OF WOMEN IN KENYA

**Sen. Veronica Maina:** Thank you, Mr. Speaker, Sir, for that. I rise, pursuant to Standing Order No.52 (1) to make a Statement on a matter of general topical concern, namely; the imperative need to uphold and advance the rights and status of women in Kenya, particularly as we prepare to celebrate the International Women's Day on Friday, 8<sup>th</sup> March, 2024.

Mr. Speaker, Sir, as we approach International Women's Day, I rise to honour the indelible contributions of Kenyan women to our nation's advancement. From the bustling market places to corporate boardrooms and the fertile farmlands, women remain the bedrock of Kenya's social and economic fabric.

The Two-Thirds Gender Rule remains a pivotal call to action in our journey towards gender parity in leadership. However, it is imperative to acknowledge the existing gap between this constitutional ideal and its tangible realization. Despite commendable progress, Kenya still grapples with the complete implementation of this fundamental principle.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Mr. Speaker, Sir, on this occasion, let us reaffirm our commitment to-

(1) Actively promoting and supporting women's participation across all echelons of governance, dismantling systemic barriers impeding their candidacy and success;

(2) Celebrating the diversity of Kenyan women, embracing the multifaceted identities of women from diverse ethnicities, backgrounds, and walks of life is paramount. Let us champion their distinctive voices and perspectives, fostering a more inclusive society.

(3) Investing in girls' education is pivotal to laying the groundwork for a more equitable future. By nurturing their potential, we fortify Kenya's resilience and prosperity.

Mr. Speaker, Sir, together let us translate the Two-Thirds Gender Rule from a mere aspiration into a vibrant reality within the Kenyan Senate.

On International Women's Day, we celebrate the achievements and potential of women around the world. However, we must also acknowledge the tragic reality that many women face violence, including the most extreme form - femicide.

Let us not forget the countless lives lost and the families forever impacted by this injustice. Today, we commit to building a world where women can live free from fear and violence, and where femicide becomes a relic of the past.

Mr. Speaker, Sir, together we can raise awareness, advocate for change, invest in creating a future where every woman is safe and valued.

May this International Women's Day serve as a catalyst for renewed dedication to constructing a Kenya where women can thrive and contribute their talents towards shaping a brighter tomorrow for all.

I thank you.

**The Speaker** (Hon. Kingi): Proceed Sen. Kibwana.

#### INTERNATIONAL WOMEN'S DAY: CELEBRATING THE ACHIEVEMENTS AND CONTRIBUTIONS OF WOMEN

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. I also want to celebrate women on occasion of the International Day of Women.

I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern celebrating the achievements and contributions of women from all walks of life, with a special focus on the women leaders in the Kenya Women Senators (KEWOSA), on occasion of the International Day of Women.

This is to highlight the resilience, leadership and achievements of these remarkable women in their efforts in promoting gender equality and the empowerment of all women and girls.

Mr. Speaker, Sir, throughout history, Kenyan women have surmounted a plethora of challenges that have tested their strength, resolve, and unity. Today, we not only celebrate their past and present victories, but also address the ongoing and emerging challenges they face in our society.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Women in Kenya, like their counterparts globally, have battled and continue to face systemic barriers that inhibit their full participation in all spheres of life. Climate change poses a unique and disproportionate threat to women, particularly those in rural areas who depend on natural resources for their livelihoods.

The adverse effects of climate change, including erratic weather patterns, drought and floods have exacerbated food insecurity, water scarcity and economic instability, placing an undue burden on the shoulders of our mothers, daughters and sisters.

Mr. Speaker, Sir, the challenges of peace and security remain paramount as women often bear the brunt of conflict and violence. The pursuit of peace is not only a matter of national security, but also a necessary condition for the advancement and empowerment of women.

Gender-based Violence (GBV), a pervasive and persistent issue, continues to threaten the safety, well-being and dignity of women and girls in Kenya. Eradicating GBV requires concerted efforts from all sectors of society to create a culture of respect, equality and justice.

Mr. Speaker, Sir, amidst challenges, I proudly celebrate the exceptional women of the KEWOSA for their outstanding leadership and commitment to enhancing women's participation across all sectors. Their unwavering dedication not only elevates women on the global stage, but also inspires young girls to boldly pursue their aspirations.

I particularly commend the efforts of the 21 distinguished women leaders in this House for their significant contributions to legislative initiatives since the beginning of the 13<sup>th</sup> Parliament.

Special recognition goes to Sen. Mariam Sheikh Omar, Sen. Maureen Tabitha Mutinda, Sen. Crystal Asige, Sen. Gloria Orwoba, Sen. (Prof.) Margaret Kamar, Sen. Beth Syengo, Sen. Beatrice Ogola, Sen. Miraj and yours truly, Sen. Kibwana, and Sen. Okenyuri. Collectively, they have sponsored a total of 18 Bills.

Additionally, out of the 711 Statements made or sought under Standing Order No. 52(1) and 53(1), 250 were initiated by women. I also recognize Sen. Veronica Maina for the Statements together with Sen. Crystal Asige, Sen. Miraj, Sen. Orwoba, Sen. Tabitha Mutinda, Sen. Ogola, Sen. Lemaltian, Sen. Beth Syengo, Sen. Tobiko, Sen. Okenyuri, Sen. Mumma, Sen. Nyamu, Sen. Betty Montet and others. Among the 91 Motions filed, many of which were procedural, women spearheaded 7 Motions.

Sen. Shakila Abdalla, you are there, do not worry.

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators! Sen. Kibwana, just proceed and conclude your Statement, please.

**Sen. Kibwana:** I think I will mention the others as I am coming to Statements, Motions and so on.

My dear sister, Sen. Shakila Abdalla, you are also there, but I wanted to mention you in other words. I have also mentioned Sen. Kavindu Muthama.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



*(Loud consultations)*

**The Speaker** (Hon. Kingi): Sen. Kibwana, there is a Statement that I approved. Stick to the text. Do not introduce another Statement.

*(Laughter)*

**Sen. Kibwana:** Mr. Speaker, Sir, I will continue. These contributions, aimed at enhancing the status of women and girls across the nation signify a substantial accomplishment. I must implore all chairpersons to prioritize the monitoring and implementation of resolutions passed by the House that are dedicated to improving the lives of women and girls.

Furthermore, I extend my congratulations for the commendable work done in directing committee activities. Your efforts have been instrumental in advancing these crucial initiatives.

I further wish to applaud all the women governors who are leading the transformation in their counties with vigor and vision. A notable highlight is the recent launch of Homa Bay County's Second International Investment Conference orchestrated by Governor Gladys Wanga during her inaugural term in office.

Governor Wanga's achievements in fostering economic growth and international cooperation for her county are both commendable and laudable. Her proactive leadership serves as an inspiring example of the impact that dedicated governance can have on community development and prosperity.

I also wish to applaud our three Senators; Sen. Tabitha Keroche, Sen. Kavindu Muthama and Sen. Dullo, for the great work they have shown.

I also seize this moment to celebrate the Kenyan women who are elevating our nation's prestige on the global stage through their remarkable contributions in various capacities. Specifically I honour Ms. Joy Ngugi, who has made history by serving as the Senior Presidential Producer in the White House, marking her as the first person of Kenyan descent to occupy this prestigious position.

Additionally, I applaud Ms. Doreen Walsweer-Sore for her groundbreaking achievement as the Chief-of-Staff in the Office of the Secretary-General of the Organization of African, Caribbean and Pacific States (OACPS). Shattering glass ceilings, Mrs. Walsweer-Sore stands as the first woman to ever hold this position since the establishment of the office in 2000.

Additionally, I honour the late Prof. Wangari Maathai on this day, being a trailblazer for environmental conservation and women's rights. Her legacy continues to inspire the world, as confirmed by the African Union renaming the African Environment Day, celebrated every 3<sup>rd</sup> March, of the Prof. Wangari Maathai Day.

These milestones not only celebrate the strides our women are making in leadership, but also underscore the importance of gender inclusivity and empowerment at all levels of global governance.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Mr. Speaker, Sir, as we look to the future, our hopes are aligned with the objectives of the Commission on the Status of Women.

We aspire to achieve gender equality and the empowerment of all women and girls, recognizing that their contributions are indispensable to the development and prosperity of our nation.

It is our collective responsibility to ensure that women's rights are protected, their voices are heard and their achievements are celebrated.

On this International Day of Women, let us recommit ourselves to breaking down the barriers that hinder the progress of women, to supporting initiatives that uplift and empower them and to working tirelessly towards a society where every woman and girl can live free from discrimination, violence and inequality.

In doing so, we honour the spirit and resilience of the women of Kenya and we pave the way for a brighter, more inclusive future for all.

I thank you.

*(Applause)*

**The Speaker** (Hon. Kingi): Hon. Senators, if you look at the nature of business to be transacted in the Order Paper which requires some considerable time, allow me to invoke Standing Order No. 45 (2) for convenience of the House to rearrange the sequence of today's Order Paper.

Therefore, we will defer the Statements under Standing Order No.53(1).

EXCESSIVE FORCE BY POLICE DURING KMPDU  
PEACEFUL PROCESSION

*(Statement deferred)*

EFFICIENCY AND COMPETITIVENESS  
OF MOMBASA PORT

*(Statement deferred)*

POLICIES GOVERNING APPOINTMENT IN  
THE PUBLIC SERVICE

*(Statement deferred)*

OWNERSHIP OF KARIOKOR ESTATE IN  
STAREHE CONSTITUENCY

*(Statement deferred)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

EXCLUSION OF APBET INSTITUTIONS FROM  
EDUCATION FRAMEWORK

*(Statement deferred)*

THE WELL-BEING OF POLICE OFFICERS  
WHILE ON DUTY

*(Statement deferred)*

We proceed to Order No. 8. Clerk, proceed to call that Order.

**MOTION**

RENEWAL OF MANDATE OF THE *AD HOC* COMMITTEE  
ON 1998 USA EMBASSY BOMBING

**Sen. Kavindu Muthama:** Mr. Speaker, Sir. I beg to move the following Motion -  
THAT, AWARE THAT, at the Sitting of the Senate held on 29<sup>th</sup> June, 2023, the Senate, resolved to establish an Ad Hoc Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

FURTHER AWARE, that on 3<sup>rd</sup> October, 2023 and on 15<sup>th</sup> November, 2023 the Senate resolved to renew the mandate of the Ad Hoc Committee for a further period not exceeding 45 days, and a further period not exceeding 100 days from 10<sup>th</sup> November, 2023, respectively to enable the Committee to finalize and table its report in the Senate on or before 18<sup>th</sup> February, 2024;

*(Loud Consultations)*

Mr. Speaker, Sir, can I be allowed to read in silence?

**The Speaker** (Hon. Kingi): Order, Hon. Senators.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir, for protecting me.

APPRECIATING THAT, the Committee has a lot of work to execute before conclusion of its inquiry and reporting to the Senate;

NOW, THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee for a further period not exceeding 100 days from 11<sup>th</sup> March, 2024, and to table its final report in the Senate on or before 19<sup>th</sup> June, 2024.

The Committee met with victims, lawyers and the next of kin of the victim's representatives in various meetings, where it received both oral and written submissions.

The Committee also attended the victim's prayer meeting on 5<sup>th</sup> August, 2023, to commission the bomb blasts on the 7<sup>th</sup> of August, 2024 at the Memorial Park.

The Committee met the Cabinet Secretary for Health, Cabinet Secretary for Labour and Social Protection, Cabinet Secretary for Foreign and Diaspora Affairs and Cabinet Secretary for Interior and National Administration.

The Committee was also able to meet with the National Council for Persons with Disabilities (NCPWD).

Mr. Speaker, Sir, although the Committee was unable to secure appointment with the United States (US) Ambassador to Kenya and the US Congress and the Senate, Sen. Maanzo and I attended the National Prayer Breakfast at Washington, DC, where we met various Senators.

*(Sen. Joe Nyutu consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. Kavindu Muthama, just hold on.

Sen. Joe Nyutu, you are becoming notorious for consulting loudly. At this juncture, I will invoke Standing Order 121 (2) (a). I will proceed to caution you. Any further breach, will see you leave the Chamber.

Proceed, Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Thank you, Mr. Speaker, Sir. We met various Senators. We met Senator Chris Coons and other Congressmen on this issue. Senator Coons, as the Chairman of the important Committee of the US Senate, is instrumental in the proposal of the Ad Hoc Committee in amendment of the Justice for United States Victims of the State Sponsored Terrorists Act, 34 U.S.C.11 2144, which provides for the establishment of the administration of the US Victims of State Sponsored Terrorism Fund (USVSST Fund) to provide compensation to US persons who were injured in the acts of international-state sponsored terrorism.

Further, I had the privilege to be part of the Senate Delegation to Tanzania, where we met the Deputy Speaker of the Tanzanian Parliament and the Chairperson of the Foreign Defense and Homeland Security Committee of Tanzania.

I briefed them on what our Committee was doing taking into consideration that Tanzania was one of the countries that also suffered an attack at the period.

*(Several Senators stood in their places and consulted loudly)*

**The Speaker** (Hon. Kingi): Those Senators who are standing, sit down. Wale ambao hawajui kizungu, nimesema, kama umesimama na wewe ni Senator, tafadhali keti chini.

*(Laughter)*

*(hon. Senators resumed their Seats)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**Sen. Kavindu Muthama:** They resolved that they would table a similar Motion in their Parliament and they would work closely to ensure compensation was done.

Mr. Speaker, Sir, we have been able to do much.

I will ask, Sen. Korir, to second this Motion.

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

**Sen. Korir:** Thank you, Mr. Speaker, Sir. Allow me to congratulate the Ad Hoc Committee for the wonderful job that they have done. This is one of the Committees that is supposed to meet with several stakeholders. This is because the victims have been waiting for compensation for long. Giving them time to fast track, this will answer the cries of the victims.

Mr. Speaker, Sir, I second.

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

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale and Sen. Kinyua, take your seat. I will proceed to propose the question.

*(Question proposed)*

Hon. Senators, this is a Procedural Motion. You may elect to debate this Motion, or allow the Chair to proceed to put the question so that you make a decision on whether to renew or not.

**Hon. Members:** Put the question!

**The Speaker** (Hon. Kingi): Very well. With your concurrence, hon. senators, allow me to put the question.

*(Question put and agreed to)*

**The Speaker** (Hon. Kingi): Next Order.

## MOTION

ESTABLISHMENT OF A SPECIAL COMMITTEE ON THE PROPOSED REMOVAL  
FROM OFFICE BY IMPEACHMENT OF HON. (DR.) ROBERT MONDA,  
THE DEPUTY GOVERNOR OF KISII COUNTY

**The Speaker** (Hon. Kingi): The Senate Majority Leader, you may have the Floor.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move the following Motion-

THAT, WHEREAS, pursuant to Article 181 of the Constitution and Section 33 of the County Government Act, on Thursday, 29th February, 2024, the Kisii

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

County Assembly approved a Motion to remove from office, by impeachment, Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County;

AND FURTHER, WHEREAS by a letter dated 1<sup>st</sup> March, 2024 and received in the Office of the Speaker of the Senate on Saturday, 2<sup>nd</sup> March, 2024, the Speaker of the Kisii County Assembly informed the Speaker of the Senate of the approval of the Motion by the County Assembly and further forwarded to the Speaker of the Senate, documents in evidence of the proceedings of the Assembly;

AND WHEREAS, pursuant to section 33(3) (b) of the County Government Act and Standing Order 80(1) (b) and (9) of the Senate, the Senate by resolution, may appoint a special committee comprising 11 of its Members to investigate the matter;

NOW, THEREFORE, pursuant to Section 33(3) (b) of the County Government Act, and Standing Order 80(1) (b) and (9), the Senate resolves to establish a special committee comprising the following Senators:

- (1) Sen. Seki Lenku Ole Kanar, MP;
- (2) Sen. David Wafula Wakoli, MP;
- (3) Sen. Mariam Sheikh Omar, MP;
- (4) Sen. Joe Nyutu, MP;
- (5) Sen. James Ekomwa Lomenen, MP;
- (6) Sen. (Prof.) Margaret Kamar, EGH, MP;
- (7) Sen. Okiya Omtatah, MP;
- (8) Sen. Beth Syengo, MP;
- (9) Sen. Issa Juma Boy, MP;
- (10) Sen. Shakila Abdallah, CBS, MP;
- (11) Sen. Crystal Asige, MP;

to investigate the proposed removal from office of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County and pursuant to Standing Order 80 (2), to report to the Senate, within 10 days of its appointment, on whether or not it finds the particulars of the allegations against the Deputy Governor to have been substantiated.

Mr. Speaker, Sir, I repeat a phrase that I have said many times in my experience as a Senator. I have not found a way that I would say is either perfect or imperfect in the consideration of an impeachment hearing. Both methods as provided for in the County Government Act and our Standing Order, either by way of a Special Committee or by Plenary, are effective. They each have their own defects and weaknesses. Therefore, it is for the House to elect.

This is a proposal from the Senate Business Committee (SBC) once considered. However, I reiterate that on this matter, the final decision lies with the Members of this House. If the Members do elect as we have proposed to go the way of the Committee, I will be glad to proceed with that particular business as proposed. If they elect otherwise, we are ready for duty as well. This is a straightforward matter. It is not my decision alone, it is a decision of the SBC and our final decision is by the House.

Mr. Speaker, Sir, with those few remarks, I beg to move. Since this is a fair issue, I wish to request the Senator for Nairobi City County to second this Motion.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I had indicated to the Senate Majority Leader, my friend, the Senator for Kericho County, that I intend to withdraw my support for this Motion this afternoon for the following reasons. Indeed, it is a fact---

**The Speaker** (Hon. Kingi): So, are you seconding or not? He is looking for a seconder, if you are not seconding just take your seat.

**Sen. Sifuna:** Mr. Speaker, Sir, unfortunately, I cannot do that. I wanted to give the reasons.

**The Speaker** (Hon. Kingi): No, you do not have to give reasons. We have to get a seconder for you to get an opportunity to give reasons.

**Sen. Sifuna:** Okay, allow me to begin with the tail, then come to the head. At the meeting of SBC this Tuesday---

**The Speaker** (Hon. Kingi): Sen. Sifuna, are you seconding this Motion?

**Sen. Sifuna:** Mr. Speaker, Sir, unfortunately, I cannot second this Motion.

**The Speaker** (Hon. Kingi): Then just take your seat.

**Sen. Sifuna:** Thank you.

**The Speaker** (Hon. Kingi): Hon. Senators,

*(Loud consultations)*

Order, Senators! The Senate Majority Leader, you do not have a seconder for this Motion. Just have your seat.

*(Sen. Mandago walked into the Chamber)*

Sen. Mandago, you freeze, you do not walk.

Now, the Motion for the establishment of a Special Committee, having suffered that setback, the fallback position is that this matter shall be heard in Plenary.

*(Applause)*

I will, therefore, be giving further directions in due course.

Thank you.

Next Order.

## COMMITTEE OF THE WHOLE

*(Order for the Committee read)*

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

## IN THE COMMITTEE

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

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

THE WATER (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 33 OF 2023)

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, please resume your seats so that we can proceed.

Hon. Senators, we have an amendment on the Water (Amendment) Bill (National Assembly Bills No.33 of 2023) for Clause 12 which we have to deal with before we go for Division.

I call upon the Chairperson of the Committee on Land, Environment and Natural Resources to proceed to move the amendment.

*Clause 12*

**Sen. Methu:** Mr. Temporary Chairperson, Sir, I beg to move-  
THAT, Clause 12 in the Bill be amended in the proposed new Section 119(2) by inserting the following new paragraph immediately after paragraph (c):  
(d) two persons, a man and a woman, who possess a degree from a university recognized in Kenya and at least five years' experience in a relevant field, nominated by the Council of County Governors.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Abdul Haji): The Division will be at the end. Let the Division Bell be rung for five minutes, but stop it when we attain quorum.

*(The Division Bell was rung)*

Let the Bell be stopped because we seem to have quorum. Serjeant-at-Arms, please close the Doors and draw the Bar.

*(The Doors were closed and the Bar drawn)*

Hon. Senators, we are about to commence voting. Please remove your cards from the system. Pull them out so that we log in again. Serjeant-at-Arms, please check if any cards are still in the consoles.

Hon. Senators, you can insert your cards and log in again.

I will put the question; which is that Clause 11 be deleted. You can start voting.

*(Voting in progress)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



Is Sen. Omogeni present? Sen. Osotsi and Sen. Oketch Gicheru, please approach the Clerks-at-the-Table.

*(Sen. Osotsi and Sen. Oketch Gicheru approached the Clerks-at-the-Table and registered their votes)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Ogola is here. Sen. Kinyua and Sen. Munyi Mundigi approach the Chair.

*(Sen. Kinyua and Sen. Munyi Mundigi approached the Chair)*

Hon. Senators, resume your seats. We want to vote on the next amendment. Please ensure you vote electronically so that we save on time. I now put the Question.

*(Question put)*

You can start voting.

Hon. Senators, let us proceed to the next Division.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Eddie Oketch?

**An Hon. Senator:** *Ametoka*

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clause 11 be deleted, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Thangw'a, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wambua, Kitui County, and Sen. Wamatinga, Nyeri County,

**NOES:** Sen. Osotsi, Vihiga County

**ABSENTIONS:** Sen. Sifuna, Nairobi City County

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follows:

**AYES:** 39

**NOES:** 1

**ABSENTION:** 1

The 'Ayes' have it.

*(Question carried by 39 votes to 1)*

*(Clause 11 was deleted)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clauses 3, 4, 5, 6, 7, 9, 10, 12, and 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thangw'a, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County,

**NOES:** Sen. Kavindu Muthama, Machakos County and Sen. Osotsi, Vihiga County.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follows:

**AYES:** 37

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**NOES:** 2

**ABSENTION:** Nil

The 'Ayes' have it.

*(Question carried by 37 votes to 2)*

*(Clauses 3, 4, 5, 6, 7, 9, 10, 12, and 2 were amended)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that Clauses 3(as amended), 4(as amended), 5(as amended), 6 (as amended), 7(as amended) 8, 9 (as amended, and 10(as amended), 12(as amended), Clause 2 (as amended) the Title and Clause 1 to be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogola, Homa Bay County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thangw'a, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County and Sen. Wamatinga, Nyeri County.

**NOES:** Sen. Faki, Mombasa County; Sen. Kavindu Muthama Machakos County; Sen. Oketch Gicheru, Migori County and Sen. Osotsi, Vihiga County.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, the results of the Division are as follows:

**AYES:** 35

**NOES:** 4

**ABSENTION:** Nil

The 'Ayes' have it.

*(Question carried by 35 votes to 4)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, we now proceed to the next Bill.

THE CARE AND PROTECTION OF CHILD PARENTS BILL  
(SENATE BILLS NO. 29 OF 2023)

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 20, Clause 21, Clause 22, Clause 23, Clause 24, Clause 25, Clause 26, Clause 27, Clause 28, Clause 29, Clause 30, Clause 31, Clause 32, Clause 33, Clause 34, Clause 35, Clause 36, Clause 37, Clause 38, Clause 39, Clause 40, Clause 41, Clause 42, Clause 2, the Title and Clause 1 be part of the Bill put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Keroche, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. Ltumbesi Lelegwe, Samburu county; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Ogolla, Homa Bay County; Sen. Okiya Omtatah, Busia County; Sen. Olekina, Narok County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County

**NOES:** Sen. Kavindu Muthama, Machakos County; Sen. Oketch Gicheru, Migori County and Sen. Godfrey Osotsi, Vihiga County.

**The Temporary Chairperson** (Sen. Abdul Haji): Hon. Senators, the results of the Voting are as follows:

**AYES:** 35

**NOES:** 4

**ABSTENTION:** 0

*(Question carried by 35 votes to 4)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

THE WATER (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 33 OF 2023)

**The Temporary Chairperson** (Sen. Abdul Haji): Can we have the Mover for Water Amendment Bill 2023, Sen. Methu move to report?

Okay, Senate Majority Leader, you can proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Water Amendment Bill 2023, (National Assembly Bills No.33 of 2023), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

THE CARE AND PROTECTION OF CHILD PARENTS  
BILL (SENATE BILLS NO. 29 OF 2023)

**The Temporary Chairperson** (Sen. Abdul Haji): The Mover of the Care and Protection of Child Parents Bill (Senate Bill No.29, 2023) to report.

**Sen. Miraj**: Mr. Temporary Chairman, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Care and Protection of Child Parents Bill, (Senate Bill No.29 of 2023), and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**The Temporary Speaker** (Sen. Veronica Maina): Serjeant-at-Arms, you can draw the Bars and open the Doors.

*(The Bars were drawn and the Doors opened)*

Hon. Senators, we are commencing this session. I call upon the Chairperson; the one pushing the Water Amendment Bill 2023, (National Assembly Bills No.33 of 2023), to report.

**REPORTS AND CONSIDERATION OF REPORTS****THE WATER (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILLS NO. 33 OF 2023)**

**Sen. Abdul Haji:** Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Water Amendment Bill 2023, (National Assembly Bills No.33 of 2023, and its approval thereof, with amendments.

**The Temporary Speaker** (Sen. Veronica Maina): I call upon the Mover to proceed. Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I ask the Senator for Samburu County, Sen. (Dr.) Lelegwe Ltumbesi, to second.

**Sen. (Dr.) Lelegwe Ltumbesi:** Madam Temporary Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Veronica Maina): I now call upon the Chairperson to move.

**The Senate Majority Leader** (Sen. Cheruiyot): Madam Temporary Speaker, I beg to move that the Water (Amendment) Bill (National Assembly Bill N0.33 of 2023) be now read a Third Time.

I call upon Sen. Orwoba to second.

**Sen. Orwoba:** I second.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Orwoba.

*(Question proposed)*

Division will be at the end.

We will now move to the next Bill. The Care and Protection of Child Parents Bill (Senate Bills No. 29 Of 2023).

I call upon the Chairperson to report.

**THE CARE AND PROTECTION OF CHILD PARENTS BILL  
(SENATE BILLS NO. 29 OF 2023).**

**Sen. Abdul Haji:** Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023) and its approval thereof without amendments.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you Chairperson. I now call upon the Mover.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**Sen. Miraj:** Madam Temporary Speaker, I beg to Move that the House do agree with the Committee in the said report.

**The Temporary Speaker** (Sen. Veronica Maina): Who is the seconder?

**Sen. Korir:** I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Veronica Maina): I now call upon the Mover.

**Sen. Miraj:** Madam Temporary Speaker, I beg to Move that the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023), be now read a Third Time.

**The Temporary Speaker** (Sen. Veronica Maina): Do we have a seconder?

**Sen. Korir:** I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, we are now proceeding to Division for the first Bill; the Water (Amendment) Bill and then we proceed to the second Division. Voting will be electronic.

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

*(The Division Bell was rung)*

Hon. Senators, you may proceed to log out. Those who are not seated kindly resume your seats.

Serjeant-at-Arms, withdraw all the cards that are not attended to.

Kindly close the Doors and draw the Bar.

*(The Doors were closed and Bar drawn)*

### THIRD READING

#### THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, we are on the Water (Amendment) Bill (National Assembly Bill No.33 of 2023).

Proceed to vote.

Sen. (Dr.) Lelegwe Ltumbesi, you can approach the secretariat desk.

**DIVISION**

## ELECTONIC VOTING

*(Question, that the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023) be read a Third Time put, and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. Ltumbesi Lelegwe, Samburu County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita Taveta County; Sen. Seki, Kajiado County; Sen. Lomenen, Turkana County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County.

**NOES:** Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. Madzayo, Kilifi County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Wambua, Kitui County.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, the results of the Division on the Water Bill are as follows—

**AYES:** 30

**NOES:** 6

**ABSTENSIONS:** NIL

The “Ayes” have it.

*(Question carried by 30 votes to 6)*

*(The Bill was accordingly read a Third Time and passed)*

**THIRD READING**

THE CARE AND PROTECTION OF CHILD PARENTS BILL  
(SENATE BILLS NO.29 OF 2023)

**The Temporary Speaker** (Sen. Veronica Maina): We are now proceeding to the next Division, on the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023).

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



Hon. Senators, you may log out and then log back in.

Serjeant -at-Arms, check if there is any unattended card. Hon. Senators, you may proceed to vote.

The following Senators, please can you approach the Clerk's desk for support: Sen. Wakili Sigei, Sen. Chesang and Sen. Lomenen.

## DIVISION

### ELECTRONIC VOTING

*(Question, that the Care and Protection of Child Parents Bill  
(Senate Bills No.29 of 2023) be now read a Third Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wamatinga, Nyeri County; and Sen. Wambua, Kitui County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, these are the results of the Division:

**AYES:** 36

**NOES:** 0

**ABSENTIONS:** 0

The "Ayes" have it.

*(Question carried by 36 votes to 0)*

*(The Bill was accordingly read a Third Time and passed)*

**The Temporary Speaker** (Sen. Veronica Maina): Serjeant-at-Arms, you can now draw the Bar and open the Doors.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

*(The Bar was drawn and Doors opened)*

Hon. Senators, I have communications to make.

### COMMUNICATIONS FROM THE CHAIR

#### VISITING DELEGATION FROM GHANIMA GIRLS HIGH SCHOOL, KAJIADO COUNTY

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, in the Public Gallery, we have 36 students from Ghanima Girls High School in Kajiado County who are undertaking a one-day education tour in the Senate.

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

I thank you.

*(Applause)*

I will now invite Sen. Seki to welcome the visitors.

**Sen. Seki:** Madam Temporary Speaker, let me take this opportunity to welcome student from Ghanima Girls High School in Kajiado Town. I am sorry for taking a lot of time. I believe you have enjoyed and learnt a lot. We have been having a number of activities in the Senate.

Once again, I welcome you as your Senator. When you go back with your teachers, share what you have learnt from this Senate. God willing, we will definitely meet outside and say a word.

I also thank the teachers. *Asanteni sana.*

#### VISITING DELEGATION FROM SAMBURU COUNTY

**The Temporary Speaker** (Sen. Veronica Maina): I have another communication to make.

Hon. Senators, in the Public Gallery, we have a visiting delegation from Samburu County that is undertaking an education visit to the Senate. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

I will ask Sen. (Dr.) Lelegwe Ltumbesi and Sen. Olekina to each take a minute to welcome the delegation.

**Sen. (Dr.) Lelegwe:** Madam Temporary Speaker, I join you in welcoming the petitioners from Samburu to the Senate. These are not just visitors to the Senate; they are petitioners to the Senate on issues of insecurity in Samburu County. They are not just petitioners. As I have mentioned, they are also our visitors today and victims of insecurity in Samburu County.

I thank the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations for giving them time and opportunity to articulate issues of insecurity in Samburu County that have affected Kenyans who live there. They include loss of property, livestock, and farming land and many other injustices that are being done to these people.

Madam Temporary Speaker, this is a timely visit. This is because they have come to visit the Senate when we have a Motion that is still alive in the Senate where we are discussing issues of insecurity. That Motion was brought by the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations.

I urge all Senators to support the Motion, so that we contain the runaway insecurity in most parts of the country, especially in North Rift counties, including Samburu.

Madam Temporary Speaker, I will now let Sen. Olekina to welcome them because you had instructed both of us to do so.

**Sen. Olekina:** Asante, Bi. Spika wa Muda, kwa kunipa nafasi hii kukaribisha wageni waliokuja katika Seneti kupeana maombi yao kuhusu hali inayoathiri usalama na kuyahatarisha maisha ya watu wa Samburu, Turkana, West Pokot na Baringo.

Ni jambo la kusikitisha sana katika karne hii kuona kwamba watu bado wanapigana na kuuana. Hilo ni jambo la kuhuzunisha na kukera. Lazima sisi sote kama viongozi tusimame ili tuwasaidie wenzetu. Wamaasai wanaoishi kule Samburu wanaumia sana. Kila siku wanazika watoto wao waliokuwa wakiendelea na kazi zao.

Nawaomba wanachama wa Kamati ya Usalama wa Taifa, Ulinzi na Masuala ya Kigeni watilie maanani maombi haya yaliyoletwa na wenzetu kutoka Samburu ili tuhakikishe kwamba wanaishi kwa amani.

Ni aibu sana. Nimeona mama mmoja na wazee waliojikokota kutoka Samburu hadi hapa kuja kutulilia. Hiyo inamaanisha kwamba Wakenya wana imani nasi. Itakuwa vibaya sana watu hawa watoke kule Samburu hadi hapa kisha kilio chao kiambulie patupu.

Tuliwaambia wakae hapa na kuona kwamba sisi pia tumekerwa na jambo hilo linalowakera na kwamba tutasimama nao. Hii ni kama nyuma yao na kilio chao ni chetu.

Asante.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Olekina, though you extended. I will give one minute each to Sen. Chute and Sen. Kinyua to welcome the delegation.

**Sen. Chute:** Bi. Spika wa Muda, nachukua nafasi hii kuwakaribisha wageni wetu kutoka Samburu County. Kama mnavyojua, mimi ni Seneta wa Kaunti ya Marsabit na tunapakana na Kaunti ya Samburu.

Wageni waliokuja hapa leo hawajakuja kutembea Nairobi kuzuru *Museum* ama *National Park*. Wamekuja hapa kuleta kilio cha watu wa Kaunti ya Samburu.

Tangu Kenya ipate Uhuru, hata kabla ya Uhuru, kule kwetu tumekuwa tukijulikana kama *marginalised*. Tangu uongozi wa Mzee Jomo Kenyatta, Rais Moi na hata Rais Uhuru Kenyatta bado tumekuwa tukiitwa *marginalised*. Hata sasa bado tunaitwa *marginalised*.

Juzi kuna *Member of County Assembly (MCA)* aliyeuawa. Kama viongozi wanauawa, nini itafanya *Cabinet Secretary* wa nchi hii asiawe?

Bi. Spika wa Muda, Hoja iliyoko mbele yetu inahusu *banditry*. *Banditry* ni kama *terrorism*.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Chute, you need to wind up. Your one minute is over.

**Sen. Chute:** Asante sana, Bi. Spika wa Muda. Ningeomba wenzangu wahakikishe tumepitisha hiyo hoja ili iwe ikitusaidia.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kinyua, one minute only.

**Sen. Kinyua:** Asante, Bi Spika wa Muda, kwa kunipa fursa hii. Kwanza kabisa, nampongeza Seneta wa Samburu kwa kuchukua jukumu na kufuatilia mambo ya usalama katika sehemu ya Samburu.

Usalama umekosekana sio Samburu peke yake, bali pia Laikipia na Baringo. Tunaisha kwa hali ya sitofahamu. Kwa hivyo, namshukuru hasa Seneta wa Nandi kwa sababu ameleta Mswada unaosema kwamba wizi wa mifugo wa kimabavu uwe ugaidi. Kwa hivyo, kazi kuu ya Serikali ni kulinda maisha na mali ya wananchi.

Ninakemea vitendo ambavyo vinafanywa na hawa wahalifu. Inapaswa Serikali iwachukue hawa kama magaidi kwa sababu sisi kama Wabunge tayari tumejitolea kupitisha Miswada. Inapaswa Serikali inunue vifaa dhabiti vya kupambana na hawa magaidi na wakora wakitumia hela ambazo inatoza ushuru.

Naunga mkono. Asante.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Kinyua.

Hon. Senators, pursuant to Standing Order No. 45(2), I will re-organise the Order Paper. Instead of order No.12, we will go to order No.13. Before we do so, I ask the Chairperson of Roads, Transport and Housing Committee to table the Report. Sen. Thangw'a, you may table the Report.

## PAPER LAID

### REPORT ON THE AFFORDABLE HOUSING BILL, 2023

**Sen. Thangw'a:** Thank you, Madam Temporary Speaker. I beg to lay the following paper on the Table of the Senate today, 7<sup>th</sup> March, 2024 –

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Report on the Standing Committee on Roads, Transportation and Housing on the consideration of the Affordable Housing Bill (National Assembly Bills No.75 of 2023).

*(Sen. Thang'wa laid the document on the Table)*

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.  
Next Order.

## BILL

### *Second Reading*

#### THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)

The Senate Majority Leader, you may have the Floor.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Madam Temporary Speaker. I beg to move that the Affordable Housing Bill (National Assembly Bills No.75 of 2023) be now read a Second Time.

As the Senate Majority Leader, I have had the opportunity to lead the session in moving many Government Bills. However, this is one that seats in a pedestal of great pride doing this great task this afternoon. This is a single Government policy in the present administration's manifestations, otherwise known as the plan, that I strongly believe in. It has the power to transform our country from a country that is dogged with poverty, sickness and all the challenges that you can think of a poor African economy.

Affordable housing programme will catapult us into a middle-income status courtesy of good planning, visionary leadership and the determination to do the right thing.

Many times, when Members of this House travel to various parts of the world, they are impressed by how cities are properly planned. They are impressed by how nations confront their challenges and set their countries on a path of prosperity by making bold decisions. The affordable housing programme is a bold programme.

You are aware that the reason we are here today is because in November 2023, the High Court ruled that the affordable housing levy lacked a legal framework for implementation of the affordable housing programme. Therefore, it further ruled as well that in the context in which the levy had been designed, it was discriminatory. This is because the levy is only charged upon salaried employees. The rest of the citizens do not pay of it.

Madam Temporary Speaker, it has been debatable why we are levying only salaried Kenyans. There was an argument, which I do not agree with. However, since we are a constitutional democracy, I respect the verdict of the court, thought, I greatly disagree with it in their view and direction that, we should charge this levy to all Kenyans. By and large, that is what the courts and the Law Society of Kenya (LSK) as an

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

institution, are telling us to do as Parliament. That every Kenyan, including the ordinary citizens, those that they sometimes purport to represent in petitions, must pay this particular levy.

It was the general thinking of many of us given the fact that we live in an almost a quasi-socially state. Any adult who lives in this country and has gone through public education, has been educated through the taxes of other Kenyans; all of us in this House, including the members of staff.

The reason why we have formal education is that in the 1970s, 1980s and 1990s when we went to school, there were people who were working, and their salaries were deducted. That is what paid for our education. The thinking at that particular time was to move this particular nation forward and its citizens into living in decent households.

Madam Temporary Speaker, further on, while moving this Bill, I challenged the people to read it. I have heard some fools out there, asking who told the Government that Kenyans do not have houses. Article 43 of the Constitution on the economic and social rights in this country does not just talk about houses, but it talks about decent houses with access to good sanitation.

Madam Temporary Speaker, at that particular time, it was the thinking that those of us that are doing well and have a salary and form a very small portion of our country, would do well to support this programme, so that it benefits the entire country. Unfortunately, LSK and the courts and all those that petitioned, have asked that this be levied on all Kenyans, including those that do not have a salary.

Like I have said, since we are a constitutional democracy, we are left with very little to do other than pass the Bill as now proposed. This is so that for anybody to benefit under this programme, be it under affordable or social housing because there two parts of this programme, then they must at least pay something. It is not a very bad thing because it is also a show of commitment on our citizens.

Madam Temporary Speaker, the second thing is that it provides the legal framework establishing the board and the institution that will run this particular fund.

I congratulate the Committee on Roads, Transport and Housing for working expeditiously over the last few days in ensuring that they give us this programme and guide the House. I have seen that they listened to Kenyans and tabled a report. Last week, I followed when presenters such as *Jua Kali* workers and ordinary citizens who are going to benefit from this programme came before them.

In fact, affordable housing programme is a wrong title for this programme. It should be the jobs programme for ordinary citizens. This is because millions of young people are going to be employed. Many jobs that you can imagine such as plumbers, masons, electricians, architects, carpenters and others will arise out of the successful implementation of this programme.

The United Nations (UN) Habitant told us that by 2063, more than 50 per cent of the world will be living in urban areas. When you fail to plan, you are actually planning to fail. If as a country, we do not make a decision on what we are going to do with our urban population that is paroling and growing, then, in another 10 or 20 years, we will

have slums in every part of this country. There is no county that you can think of that does not have a slum today. This is because of lack of planning.

There is a need for housing within urban centres, yet there is no supply. The market has failed to supply good, decent and affordable houses.

People do not live in the informal settlements in the Mukuru and Kibra for the like of it. They would wish to live in houses with good toilets and warm showers, but those houses are not affordable or available.

That is why this programme is revolutionary and can only be implemented by a bold leader. I congratulate His Excellency the President because of that bold decision. He has spoken about this to the chagrin of many, including even some of his supporters, especially the salaried lot who do not want to pay the price of patriotism.

Madam Temporary Speaker, as I had observed earlier, everyone in the country who is an adult of the age of 18 years and above knows that education is the most subsidized programme since 1963.

I went through Moi University for four years. The only fees I paid was a total of Kshs80,000 to get a university degree, Kshs20,000 was for each financial year because there were other Kenyans who were working and were paying for my university education. How can I today look at them and claim that I cannot part with Kshs5,000 so that other citizens live in decent households? There is no other programme under this administration better than this affordable housing.

I do not intend to be long because I know many hon. Senators want to speak on this particular programme and go into the details. I, therefore, urge my colleagues to support this programme. It is properly defined and now we have set the legal framework.

We have also set up the body that will guide the use of these funds together with a Chief Executive Officer (CEO) and how to look into the issues of corporate governance of this fund. There is now no excuse as to why this programme cannot run.

Madam Temporary Speaker, in the interest of time and to provide opportunity for many of our colleagues who want to speak on programme, I beg to move and request the Senator for Kiambu, the Chairperson for the Roads, Transport and Housing Committee to second me.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, the Senate Majority Leader. Sen. Thang'wa.

**Sen. Thang'wa:** Madam Temporary Speaker, I stand to second that the Affordable Housing (National Assembly Bills No.75 of 2023) be read a Second Time.

I am the Chairperson of the Committee on Roads, Transport and Housing. We took time together with the Members of the Committee and scrutinized this Bill. Remember it was brought to the Senate after its passage at the National Assembly.

Before I comment on what we did to this Bill and why I am urging Members of this House to support it, 14 years ago, Kenyans bestowed upon themselves the right to housing. One can read that in Article 43(1)(b) of the Constitution which says that it is the right of everyone to have decent housing.

Madam Temporary Speaker, so that I paint a clear picture, it has been in the news and all over that we have seen hon. Members, not only from this House, trying to build decent houses for their constituents.

We have seen Members such as hon. Otiende Amollo, hon. Didmus Barasa and hon. Sen. (Prof.) Tom Ojienda, SC, online building houses. However, those houses are not as decent as they should be if we were to go by the provisions of Article 43(1)(b) of the Constitution. That is why this Bill is bringing decency and dignity to the people of Kenya.

When this Bill came to our committee, we proposed many amendments because we saw that as was debated at the National Assembly, it did not cater for the rural areas. That is why we are bringing the amendments we will be discussing because this Bill will help us build a decent house for someone in the village who has land and all he wants is a decent house. We are even suggesting renaming the Bill to Rural and Urban Affordable Housing Bill.

This Bill is pulling resources together by forming this fund so that we build decent houses. When we have money in one pool, the Bill suggests that every county will benefit.

Since Article 96 of the Constitution says that we take care of the interest of counties, the Committee took it upon itself to introduce something that was not there in the first place – the county committees or boards, so that they can have a say in this programme.

Madam Temporary Speaker, every county will be having such a committee that will work closely with this fund. As if that is not enough, we also realized that this fund will be collecting money from Kenyans and they must be channeled back to the counties. In the previous amendments, we suggested that some resources from this fund will go to the counties directly so that every county benefits.

We received over 29 memoranda from Kenyans with very good suggestions. We even had to invite some stakeholders to appear before us. One of them was the State Department of Housing led by the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, hon. Alice Wahome, together with Permanent Secretary, Mr. Charles Hinga.

We even had the Architectural Association of Kenya (AAK) giving their views. We had the Kenya National Federation of *Jua Kali* Association. All of them, together with others were in support that Kenyans need decent housing.

Madam Temporary Speaker, we looked at all those inputs that the stakeholders brought to us. We considered some of them and some were already in the Bill. We always say that every Bill concerning counties must be brought to the Senate.

I do reiterate that when we looked at this Bill, the fund was working in isolation. Therefore, we had to loop in counties through the county boards where governors will have say in those committees.

We may, for example, have a “hustler” somewhere, a *boda boda* rider such as in Mitahato village where I was born and that person does not need a house in the urban



area. They may not want to move to Nairobi, Mombasa or Kiambu town, but to live in their area where they do their business.

Maybe they have a piece of land, inherited from their father or bought. All that person requires is a decent house. Since they may not have money, why should the Government not provide that housing for such a hustler?

Madam Temporary Speaker, we have put that in this Bill. Such a hustler will go to the mortgage scheme that has been introduced by this Bill. Through their voluntary savings and the title of the land they want to build in, they can get an affordable mortgage from the Government. That way they are able to build beautiful houses according to their dreams where they belong and their villages as well.

How do we protect such funds from misuse? We use their savings as collateral and their land titles. With that, this Bill has taken care of every Kenyan. What was in the air before seemed like we were only building houses and skyscrapers for the urban areas. However, through this Amendment that will be brought by this committee, we will be building houses for everyone.

Without taking much time, I would urge the Members of this House to support this Bill because we said before that we were not involved, but now we are. We were saying the counties have not been looked into, but we have now factored that by making those boards and sending the funds.

This Bill is what every Kenyan has been looking for. This Bill is what the courts said we should have. By putting these structures together, we will be able to have everyone in this county have a decent home and a house of their liking depending on the location and place where they come from.

I second that this Bill be read a Second Time.

Thank you very much.

*(Question proposed)*

*(Sen. Tabitha Keroche stood in her place)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Tabitha Keroche, what is your problem? Do you have a point of order? You should state it expressly.

*(Sen. Keroche spoke off the record)*

Hon. Senator, use the next microphone.

*(Interruption of debate on Motion)*

**PROCEDURAL MOTION**

## LIMITATION OF DEBATE ON BILL

**Sen. Keroche:** Madam Temporary Speaker, I rise pursuant to Standing Order No.111 to move that debate on the Affordable Housing Bill (National Assembly Bills No.75 of 2023) be limited to a maximum of 4 minutes per Senator.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Who is the Seconder?

**Sen. Tabitha Keroche:** I ask Sen. Munyi Mundigi to second.

**Sen. Munyi Mundigi:** I beg to second.

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, there is a Motion in the House by Sen. Keroche. I want to propose the question, but we can do it by concurrence. I propose that the debate be limited to 4 minutes. By concurrence every Senator will take 4 minutes.

*(Question put and agreed to)*

*(Resumption of debate on Bill)*

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Madam Temporary Speaker, thank you for giving me the opportunity to contribute to the Affordable Housing Bill (Senate Bills No.75 of 2023).

The architecture of the Affordable Housing Bill is founded under Article 43(1) of the Constitution as set out and it aims to ensure that every Kenyan who contributes to the fund as set out at 1.5 per cent of the gross salary is eligible to apply for a House.

The Senate Majority Leader has addressed the House today. Of importance is the need for Kenyans to not just look at the Housing Bill as crafted, but at the entire framework that goes into housing as a project. The entire framework that goes into housing aims and will benefit Kenyans of all works of life.

The Housing project as conceived by the fund will benefit and will be spread in every county of the 47 counties in this country. We are aware that even as this debate goes on after court proceedings on the initial Act as set out, we know that there are active housing projects in counties like Homa Bay and Nyandarua. Those projects are already complete.

Madam Temporary Speaker, Kenyans should know that the support sectors, including the *Jua Kali* sector, crafters and metal works have immensely benefited from this programme.

On the question of eligibility, the framework of the Affordable Housing Bill has out eligibility at a level that will ensure that it is open for every Kenyan to contribute to the fund and, therefore, be eligible to be allocated a house as long as they make a contribution. This is an important amendment because it then opens up the fund to other people who have the opportunity or ability to contribute.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

On the question as to why - I think this is a sticky question - on whether only employees should contribute, I think Kenyans should look at the framework of law as being constitutionally embedded and underpinned. The intention is to move this country to a second-level economy to ensure we have affordable houses that citizens of this country can buy, including those who previously would not have been able to purchase houses.

I support the Bill.

**Sen. Chute:** Thank you very much, Madam Temporary Speaker. Let me take this opportunity to also contribute to this Affordable Housing Bill (National Assembly Bills No.75 of 2023).

As a keen Member of this committee and now a strong supporter of this Bill, I want to say that sometime back we had before our committee a group of former tenants of Buxton Estate. They brought a Petition before this House and the major problem they brought before the committee was one, unaffordability of those houses, two, unaffordability of the finances.

Madam Temporary Speaker, I am proud today to say and thank my committee Members that we have amended a lot of things based on the experience we had through what Buxton tenants brought before us.

With your kind indulgence, sometime last year when we had this Petition, the committee recommended that the former tenants should be given those houses. There are almost 184 tenants who have not been given those houses up to date.

The residents of Buxton Estate had found themselves in a situation where they had been evicted out of their homes where they had been residents for a long time. The houses they were living in were demolished and replaced by beautiful apartments. The contract between the developers and the county government was not sufficient to accommodate those former tenants.

This Bill is part of an effort to create a legal framework for affordable housing units. One of the strongest complaints that the committee was confronted with is the Buxton Petition.

Clauses 2 and 47 have gone ahead to compel the Cabinet Secretary for Lands, Public Works, Housing and Urban Development to define the parameters of affordable housing.

Madam Temporary Speaker, when the committee faced the Petition by residents of Buxton Estate, the biggest problem we had was how to pass this Bill so that they could be accommodated.

**Temporary Speaker** (Sen. Veronica Maina): Sen. Chute, your time is up.

**Sen. Chute:** Madam Temporary Speaker, just give me one minute.

**Temporary Speaker** (Sen. Veronica Maina): Your time is up Senator. We have made a decision. Resume your seat.

**Sen. Olekina:** Madam Temporary Speaker, I oppose this Bill because it is unconstitutional. It does not matter how you look at it. It does not matter how anyone tries to pamper it. This is merely clawing back on devolution.

If you look at the Constitution of Kenya, housing is a devolved function. One of our biggest problems in this country is that we want to live in space. It is a beautiful place there. However, I want to beg all of you to try and come back to reality that we are not yet there.

Housing being pushed by the national Government is a failure. Historically in this country, the posh neighbourhoods, including Lavington, Kileleshwa, Makadara and Loresho were all Government housing. They were all intended to better the poor. What has happened? It is now the rich and famous who live there.

I disabuse this belief that Kenyans will get free good houses. In fact, all of you sitting here have not gotten your houses from affordable housing. What Kenyans want is an enabling environment. They desire free financing to be able to build their homes. They desire affordable materials for them to build their houses. However, what we are doing is to line people's pockets.

The biggest problem we have in this country and this is why I oppose this Bill, is that everything being done, including this Bill being passed here, is purely for commercial purposes. Some people already have their contracts in their pockets. They know they will build affordable houses and estates. It is ridiculous.

It is important for us to be alive to the fact---

The four minutes is a way of curtailing debate. It is important for Kenyans to know that even the three per cent which is being proposed to be deducted from salaries, there is also another penalty of another three per cent if they do not submit that money within 30 days.

I wanted to say so much on this Bill, but I see that the light is already on. The Government will never succeed. This Government has to make up its mind. Is it a democratic State that creates an enabling environment for everyone to do their business or is it a socialist state? The Government cannot do everything for the people. The Government should create a good environment and allow people to build their houses.

County governments should be allowed to build houses for their staff. We know that Kenya is getting free money from Japan where the interest rate is zero. Why not apply that interest rate and give it to Kenyans for them to build their own houses? This is wrong my colleagues. I want to beseech you---

**Temporary Speaker** (Sen. Veronica Maina): Sen. Olekina, your time is up.

*(Interruption of debate on the Bill)*

### COMMUNICATION FROM THE CHAIR

PROPOSED REMOVAL FROM OFFICE BY IMPEACHMENT OF HON. (DR.)  
ROBERT MONDA, THE DEPUTY GOVERNOR OF KISII COUNTY

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, I have a Communication from the Chair to make on the proposed removal from the office by impeachment of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

*(Sen. Cherarkey stood in his place)*

Can you resume your seat, hon. Senator?

So, we will interrupt that debate and resume after this Communication.

Hon. Senators, I have a Communication to make. Debate will resume after this Communication.

Hon. Senators, as you are aware, the Senate Majority Leader moved the Motion on Order No.9 on today's Order Paper for the establishment of a special committee to investigate the proposed removal from office by impeachment of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County.

The Motion was not seconded. Therefore, it was withdrawn pursuant to Standing Order No.70(1), which states:

“The question on any Motion shall not be proposed unless it shall have been Seconded, and any Motion that is not Seconded shall be deemed to have been withdrawn and shall not be moved again in the same session unless with the permission of the Speaker.”

Hon. Senators, as I communicated earlier by way of Message, on the resolution of the Kisii County Assembly made on Thursday, 29<sup>th</sup> February, 2024, for the removal from office by impeachment of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County, Section 32(3)(a) of the County Government Act, and Standing Order No.80(1)(b) of the Senate provides that the Senate may;

i) By resolution appoint a special committee comprising 11 of its Members to investigate the matter; or,

ii) investigate the matter in plenary.

The Motion having been withdrawn, pursuant to Standing Order No.70(1), the route of a special committee is abandoned, and that now implies that the Senate will investigate the proposed removal from the office by the impeachment of Hon. (Dr.) Robert Monda, the Deputy Governor of Kisii County in Plenary, pursuant to Section 33(3)(a) of the County Government Act and Standing Order No.80(1)(b)(ii)

Hon. Senators, at its meeting, held on Tuesday, 5<sup>th</sup> March, 2024, the Senate Business Committee considered the provisional dates for this investigation in the event that the matter is to be investigated in Plenary.

In line with the schedule of activities for an impeachment hearing in Plenary, I hereby give the following directions:

a) The Clerk is to issue invitations to the parties to appear by tomorrow, Friday, 8<sup>th</sup> March 2024.

b) The parties to file their responses with the Office of the Clerk of the Senate by Monday, 11<sup>th</sup> March 2024 by 5.00 p.m.

c) The Clerk to circulate documents received from the parties, including the Plenary hearing programme to all Hon. Senators by 11.00 a.m. on Tuesday, 12<sup>th</sup> March 2024.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

d) The Senate shall then investigate the matter in Plenary on Wednesday, 13<sup>th</sup> March and on Thursday 14<sup>th</sup> March, 2024.

The Senate is accordingly guided.

Hon. Senators, we now resume the debate. Sen. Wakili Sigei, you have the Floor.

*(Resumption of debate on Motion)*

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, for giving me the opportunity at the onset to confirm that I support this Bill.

When we went to campaign to form the Government that was in place, there was a promise that was made to the people of Kenya. This Bill seeks to fulfil that promise. The Bill seeks to provide a framework for development and access to affordable housing and institutional housing and for connected purposes. Therefore, part of what we are seeking to do is to fulfil the promise that was made to the people of Kenya in the course of our campaigns.

I would like to invite my very good friend and neighbour, Sen. Olekina, to read in detail, the provisions of the Constitution of Kenya, which he referred to in Article 43(1)(b).

More importantly, in the First Schedule, Part 1, Section 20 and the Fourth Schedule Part 2, gives the national Government and the county governments their roles. That way, we will appreciate the fact that this Bill does not, and I repeat, does not take off the role of any level of Government from the other.

It only seeks to establish that fact.

Madam Temporary Speaker, in the interest of time---

**The Temporary Speaker** (Sen. Veronica Maina): Resume your seat, Sen. Wakili Sigei. What is your point of order, Sen. Olekina?

**Sen. Olekina:** On a point of order, Madam Temporary Speaker. I would hate to correct my brother. My point was very clear. The national Government deals with the issue of policy, but if you look at the Standing---

*(Several Senators spoke off record)*

**Sen. Olekina:** Can you stop, please? Are you the Speakers?

**The Temporary Speaker** (Sen. Veronica Maina): Allow the Senator to finish what he is saying.

**Sen. Olekina:** If you look at Part 1 of the Fourth Schedule of the Constitution, housing is a function of county governments. The policy is only on the national Government.

Madam Temporary Speaker, that is what I wanted to clarify to my brother because he is misleading the House.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Sen. Wakili Sigei, you may proceed.

**Sen. Wakili Sigei:** Madam Temporary Speaker, I indicated that my colleague would understand this if he read as a whole and not selectively the provisions of the Part 1 and Part 2 of the Fourth Schedule on the roles of the two levels of government.

In the interest of time, I will specifically go to the critical provisions of this Bill. I would like to applaud the committee chaired by the Senator for Kiambu County on the specific provisions in Part Five of the Bill on eligibility criteria and application procedure for affordable housing unit.

Clause 39(3) provides how houses will be allocated. In this case, specific preference will be given to vulnerable groups within the society. Others are the marginalized, youth, women and Persons with Disabilities (PWDs).

That provision confirms the affirmative action that we debate on almost every other Motion that is brought to this House in terms of ensuring that Kenyans access housing equally together with other relevant Government services.

Secondly, under the miscellaneous provisions, this is a key---

*(Loud consultations)*

Madam Temporary Speaker, may I be heard in silence?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Wakili Sigei, your time is up. The four minutes are gone.

The next one is Sen. Abdul Haji.

**Sen. Abdul Haji:** Madam Temporary Speaker, I rise to support this Bill.

*(Loud consultations)*

*Nataka kuendelea.* I need protection because people are consulting loudly.

**The Temporary Speaker** (Sen. Veronica Maina): Good people, let the Senator be heard in silence. Hon. Senators, consult in low tones. Kindly allow him to have the Floor. Sen. Okiya Omtatah, kindly.

**Sen. Abdul Haji:** Thank you, Madam Temporary Speaker, for your protection.

I rise to support this Bill because I feel that it seeks to address the issues raised by the High Court. I also support the Bill because the need for affordable housing in Kenya is underpinned by housing deficit of 2 million units as reported by the Kenya Property Developers Association (KPSA) in its 2018 report.

This problem has been persistent and the previous Government was not able to address this matter---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Veronica Maina): Hon. Senators, kindly consult in low tones.

**Sen. Abdul Haji:** Madam Temporary Speaker, as I support this Bill, I have realised that there are several issues that need to be addressed. I will touch on one that I feel is close to me and the people I represent.

The Bill talks of a loan facility and an interest rate, although they have not pegged what the rate will be on and that is a matter of concern. I feel that it excludes the Muslims in this country because of the interest element.

Madam Temporary Speaker, Muslims in this country cannot avail themselves to the loan facility because of the presence of interest contravening the Islamic financial principles. This omission raises questions to the inclusivity of the policy to the Muslim community in Kenya.

I would urge that alternative financing options in line with *Sharia* principles to be included into the policy to enable Muslims in Kenya to feel included and be able to participate in the fund.

I thank you and I support.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you. Proceed, Sen. Kisang.

**Sen. Kisang:** Thank you, Madam Temporary Speaker. I rise to support the Affordable Housing Bill.

As Kenya Kwanza legislators, there is a promise that we made to the people of Kenya when we went round campaigning for the Presidency in 2022; that we will ensure that our people get affordable houses and Universal Health Coverage (UHC).

Madam Temporary Speaker, therefore, that is why the High Court had an issue when this affordable housing levy came in, because there was no legislation in place. As a result of this ruling by the High Court that we have this Bill, so that there is some framework for implementation of this affordable Housing.

It is sometimes very difficult for leaders to make some bold decisions. However, we applaud our President and Deputy President for agreeing to make this very bold decision in order to help our people.

Madam Temporary Speaker, other countries that have developed because of making bold decisions. I believe Kenya with Kenya Kwanza in power, in the next few years, will be like Singapore, Mauritius and other countries that were at the same stage as Kenya in 1970s.

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

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

Madam Temporary Speaker, I believe as soon as the law is passed, there will be regulation in place.

**The Temporary Speaker** (Sen. Wakili Sigei) Sen. Kisang, the Chair is not a madam.

**Sen. Kisang:** Sorry, Mr. Temporary Speaker, Sir. In fact, the Temporary Speaker who was before you is just next to me. I do not know why I had not seen.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



Mr. Temporary Speaker, Sir, I am told that soon if the candidate running to be a governor is a man, the deputy will be a woman, the same to the President and *vice versa*. Some of us might have to 'change' our genders to qualify.

*(Laughter)*

Mr. Temporary Speaker, Sir, I believe as soon as the Bill is accented to, the regulation will be put in place to actualize it, so that those who really deserve to benefit they benefit.

In the past, the houses that were built by county councils were supposed to benefit the poor, but some of the rich benefited illegally.

Mr. Temporary Speaker, Sir, I still beseech, especially the committee during the Committee of the Whole House; we bring amendments on the capping. Initially when the levy came through the Finance Bill, it was 3 per cent and capped at Kshs2,500 for the employee and Kshs2,500 for the employer. I hope in our own wisdom, we should be able to cap it, so that it does not become punitive to our people.

We beseech our colleagues to support this Bill. This Bill is very progressive. Even our colleagues from Azimio La Umoja – One Kenya Coalition Party, had this housing agenda in their manifesto. Therefore, I do not know why they are opposing it. Is it because they did not take power?

If they won, they would be asking us to support it. Therefore, we are asking our colleagues to support it and help our people, so that they can get affordable and decent houses. This is to ensure the Kibras of this Kenya will be a thing of the past. In fact, most of the beneficiaries of the affordable housing will be the supporters of Azimio La Umoja – One Kenya Coalition Party.

I thank you.

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

**Sen. Mungatana, MGH:** Nataka kuchukua nafasi hii, Bw. Spika wa Muda, kukushukuru kwa kunipa nafasi na mimi nitoe maoni yangu kuhusu Mswada wa leo.

Bw. Spika wa Muda, Kenya inatakatana kujenga nyumba 250,000 kila mwaka, lakini zinazojengwa ni 50,000 pekee. Kwa hivyo, kila mwaka tunakosa nyumba 200,000 zinatatakikana kuwa zimejengwa katika nchi yetu.

Tunataka tushikane mikono katika suala hili la ujenzi wa nyumba na tusimame nyuma ya Serikali hii kwa sababu kuna shida ya ukosefu wa nyumba kila sehemu ya Kenya.

Pili, katika wale tuliokuwa tumesimama upande wa Serikali na upinzani, sote tulizumgumzia hili suala wakati wa kupiga kampeini---

**Sen. Oketch Gicheru:** On a point of order, Mr. Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Oketch Gicheru, what is your point of order?

Could you resume your seat, Sen. Mungatana?

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, I rise under Standing Order No.98 combined with Standing Order No.1. Just when we were starting this week, the

Minority side complained about something that affects the operation of this House. I plead that we should not be sorting our issues on media. We should put our issues in this House.

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

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, you have called three people from that side consecutively and nobody from this side. I watched---

*(Loud Consultations)*

No, let me just prosecute on this matter. Sen. Cherarkey, I am not talking to you, I am talking to the Speaker. If you are the Speaker of the House, then you can talk to me.

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Sen. Oketch Gicheru! You cannot direct the Chair, but that point is noted. Resume your seat.

**Sen. Oketch Gicheru:** I am not directing the Chair. I am just raising an issue politely for the purposes of bipartisan---

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Sen. Oketch Gicheru! For the last time, resume your seat.

Sen. Mungatana, proceed to conclude your contributions.

*(Loud Consultations)*

Order, hon. Members! Senate Majority Leader and Sen. Omogeni, resume your seat.

Conclude your submissions.

**Sen. Mungatana, MGH:** *[Technical Hitch]* ---kila Kaunti ya Kenya, hata Kaunti yetu ya Tana River.

Bw. Spika wa Muda, hizi nafasi za kazi zinachangia kupunguza ukosefu wa nafasi za kazi hapa Kenya. Serikali inasema ya kwamba upungufu wa kazi kwa vijana wetu waliomaliza shule saa hii ni milioni tano.

Tunataka kutoa nafasi za kazi kwa vijana wetu. Kwa hivyo, tukianza *programme* hii, vijana wetu wengi watapata kazi.

Nimefurahia sana nilipoona ripoti ya *Chairman* wa Kamati inayohusika na Ardhi na Ujenzi wa Nyumba, akisema ya kwamba sheria hii tunayotengeneza inaunda *board* katika kila kaunti. Hizi *board* zitasaidia kuleta mawazo tofauti wakati ambao tunaenda kutumia hela ambazo tutazichukua kupitia hii sheria.

Bw. Spika wa Muda, kwa mfano, kule Tana River, hatungependa kujengewa sky scrapers, ama nyumba ambazo zinaenda juu. Tuko na nafasi kubwa, tunataka tujengewe nyumba zile tumezoea. Wengine wetu tukipandishwa majumba ya juu, tunakuwa na wasiwasi kwamba hizi nyumba zinaweza kuanguka. Tumeona kwa runinga mambo haya yakifanyika. Kule kwetu, tuko na nafasi kubwa na tungependa wakati ambao hizi nyumba zitajengwa, ziwe zinajengwa kuhusiana na matakwa ya wananchi wa sehemu hiyo.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Pia mapendekezo mapya ambayo yamekuja kupitia kamati ni kwamba, tupeleka pesa directly kwa counties. Hizi pesa zikija kwa kaunti zetu, kaunti zetu zitakuwa na nafasi ya kusaidia wananchi wetu wapate kujenga nyumba vile inavyostahili kutokana na kule ambako wanatoka.

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Mungatana. I have two points of orders. I will start with the point of order by Sen. (Dr.) Lelegwe.

*(Interruption of debate on Bill)*

## PROCEDURAL MOTION

### EXTENSION OF SITTING TIME

**Sen. (Dr.) Lelegwe:** Thank you, Mr. Temporary Speaker, Sir. I wish to move the following Motion.

That, Pursuant to Standing Order No. 34(4)(a), the Senate extends its sitting until conclusion of Order No.13.

I call upon the Senate Majority Whip, Sen. (Dr.) Khalwale to second.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, this is a Motion that has been brought pursuant to Standing Order No.34(4) and under Standing Order No.34(5). It is supposed to be dispensed with 30 minutes before the time. We have two minutes within which to dispense with that Motion.

**Hon. Senators:** Propose the Question!

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

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, we will now proceed with the debate on the Bill.

I ask Sen. Okiya Omtatah to proceed with his contribution.

*(Resumption of debate on the Bill)*

*(Loud consultations)*

---

**Disclaimer:** The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, protect me from excited Members.

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Members! Sen. Munyi Mundigi and Sen. Kinyua, please resume your seats. Can the Senator be heard in silence? Proceed, Sen. Okiya Omtatah.

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, I have lost some time. The Kenya Kwanza side seems to have made unconstitutional promises to the people of Kenya. They are premising this issue on their manifesto.

Secondly, I also inform them that I am not part of the Azimio la Umoja Coalition. There is a third side. I am an independent voice. Therefore, I did not have anything on affordable housing.

Thirdly, there was a decision by the court and this Bill has not addressed it at all. Questions of discrimination and violating the Constitution are still there. Discrimination in the nature that there is mandatory requirement on salaried employees to contribute, but a voluntary opportunity for others to contribute. There is no universal application of the law.

Mr. Temporary Speaker, Sir, the court clarified between policy and implementation. However, it looks like the National Assembly and the Executive have taken the implementation role upon themselves, which is supposed to be vested in the counties.

The Constitution requires access to affordable housing. It does not prescribe ownership of affordable housing. All over the world, the State is always required to provide access not ownership to housing. I do not know where the Kenya Government is getting the impression that it can expand the Constitution or the Parliament.

Access cannot be read to mean ownership. The entire Act violates Article 43(1)(b) upon which it purports to be anchored. It is also an arbitrary deprivation of property from salaried employees to demand that they should part with salaries in a forcible fund. It is a mechanism of forcing people into associations contrary to the Constitution.

This Act is unconstitutional, and it will remain so despite whatever colour or shape it takes.

Finally, Mr. Temporary Speaker, Sir, it is unfortunate that we are debating an important Bill and Members are only given four minutes. It is not possible to give your ideas and ventilate this Bill in four minutes. If we are extending the time to the point when we are done with it, why are we giving ourselves four minutes? Why are we gagging people who would like to ventilate on the Bill?

I would like that to go on record that it was wrong to gag Members by limiting the time to debate.

I also support the Senator for Garissa who said that the Bill violates the principles of Islamic religion who are specifically exempted under the Constitution when making Bills.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Orwoba.

**Sen. Orwoba:** Thank you, Mr. Temporary Speaker, Sir. I proudly support the Affordable Housing Bill and not just because it creates jobs for the youth, but because it is what Kenyans need.

By the way, we need to be alive to the fact that change is inevitable.

*(Applause)*

Hon. Senators from the opposition need to understand that an election was won based on promises that were given to Kenyans. One of the promises is affordable housing. I have even heard Sen. Olekina trying to explain how we should not do housing because of A, B, C and D. While listening to him, I was wondering how these senior Members of this House understand the difference between social housing and affordable housing. We are not talking about social housing, which Sen. Olekina was talking about.

Mr. Temporary Speaker, Sir, when the Kenya Government is done with affordable housing successfully, we will deal with the issue of social housing because that is also necessary.

So, as I support this Affordable Housing Bill, I must say again that change is inevitable and developments will be brought to Kenya by force, by fire. I want to tell everybody in this House that if there is anybody who is going to ensure this country moves to where it needs to, it is His Excellency William Samoei Ruto because he is the Commander-in-Chief.

Mr. Temporary Speaker, Sir, we are from the Women Caucus today. I can tell you that the men who are opposing this affordable housing are not even at home half the time. They do not understand the deplorable houses that they are leaving all the women they have children with out there. As a woman who is in this House, I want to live in conditions that are befitting for us. We are tired of living in the slums and of you people just sending your baby Mamas left, right and centre and coming to the house to fight against affordable housing.

Mr. Temporary Speaker, Sir, the President has the interest of all women at heart. I support this. I will be at the front of that list to ensure that women in the slums who do not have any form of dignified living, are being prioritised.

I support this Bill and urge Sen. Olekina to go read the difference between social housing and affordable housing.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Oketch Gicheru.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, thank you for this time. I take this time to speak to the people who sent me to this House, the great people of Migori. I want to report to you that two Members of Parliament (MPs) of Kenya Kwanza in the National Assembly went to their villages this past weekend and chased Kenya Revenue Authority (KRA) officials away, opposing a Bill on taxation and Finance Bill that they so much champion for.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

People of Migori, I am in the Senate today and I can see the same trend of people standing to support what is wrong. I can assure you that I stand with you. The way the structure of this Bill is, I cannot support it. More importantly, the way the debate around this Bill is being rushed in this House and forced down the throat of the people of Kenya-- We have been given four minutes to discuss this Bill and forced to extend the House without participating in any particular Motion.

People of Migori County, I am telling you, this is why the repealing of Section 2A came about during the Moi days. We are going to the dictatorial times of Moi. It is not only happening at the national level, but also in the House that you sent me to represent you. There are ways of dealing with this matter.

I do not support this Affordable Housing Bill (National Assembly Bills No.75 of 2023). Because of how the Chair ran this House on this discussion today, I am going to walk out of this House in protest. I am protesting how the Chair has treated us in this House.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Eddie, please, take your seat.

*(Sen. Oketch Gicheru sat at his place)*

What is your point of intervention, Sen. Abdul?

**Sen. Abdul Haji:** Mr. Temporary Speaker, Sir, could the Senator stop misleading this House and the public? He should substantiate who forced who.

**Sen. Oketch Gicheru:** Ruto forced us.

**Sen. Abdul Haji:** Where is Ruto here? Is Ruto in this House? If Senators decided that debate will be limited to four minutes per Senator and that we extend the sitting, who is forcing who?

*(Sen. Oketch Gicheru spoke off record)*

It is Senators who decided.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, President William Ruto knows that I have got nothing against him. However, he believes in what I believe in; that as a President, he will come and go. We, as politicians, will come and go.

*(Applause)*

When this Bill is passed, it is our children who will live with the consequences of bad laws that we are making. The person who says that *tutawacha nyumba* is somebody who is enjoying a serious mortgage, yet he knows well his people in Embu stay in villages. The President proposes that houses be constructed in Nairobi and not in the villages where people live in grass-thatched houses or where people are living in---

**An hon. Senator:** On a point of information, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Eddie, do you want to be informed?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, please protect me because I still have time.

*(Sen. Abass spoke off record)*

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Sen. Abass. Your time is up, Sen. Eddie. You are protected, but unfortunately, your time is up. Kindly resume your seat.

*(Sen. Oketch Gicheru sat at his place)*

*(Sen. Thang'wa consulted loudly)*

Order, Sen. Karungo! Hon. Senators, let us give an opportunity to Members who have been given time to speak.

Proceed, Sen. Mundigi.

**Sen. Munyi Mundigi:** Asante, Bw. Spika wa Muda, kwa kunipa ruhusa kuchangia kuhusu Mswada huu unaohusu nyumba za bei nafuu. Kama kuna watu ambao hawafai kupinga ujenzi wa nyumba za bei nafuu ni Sen. Oketch Gicheru na Sen. Ledama.

Mwaka wa 2005 nilikuwa pahali panaitwa Gogo kule Kisii na Migori ambako hakuna chochote. Serikali ya Kenya Kwanza ingeanza kujenga nyumba za bei nafuu kule kwa sababu hakuna tofauti kubwa kati ya Embu na Kisii.

Kutokana na ujenzi wa nyumba, takriban watu 150,000 wameajiriwa. Hawa ni wavulana na wasichana wetu. Wengine ni washi, wengine ni mafundi wa umeme na vile vile kuna watu wa kusafisha. Kutokana na hiyo, viwango vya ukora mijini na vijijini vimepungua. Kwa hivyo, naunga mkono kwamba nyumba za bei nafuu ziendelee kujengwa katika kaunti zote.

Takriban nyumba 2,000 zimejengwa katika kaunti nyingi. Naipongeza Serikali ya Kenya Kwanza kwa kazi inayofanya. Naomba iendelee hivyo kwa kipindi cha miaka mitano ya muhula wa kwanza kisha miaka kumi ya awamu ya pili. Ujenzi wa nyumba ukipelekwa katika *sub counties*, uchumi wa kaunti zetu utaimarika.

Ningependa watu wajue kuwa sisi kama Maseneta huwa tunatembea sehemu tofauti tofauti. Kwa mfano, mimi nilikuwa Colorado, North Carolina na Dubai. Mambo niliyoona kule hayakuanza sasa.

Utapata mtu analalamika kuanzia asubuhi hadi jioni anapolipa nauli ya Kshs100. Kule mtu anawezalipa kama Kshs200 kwa muda wa masaa mawili. Muda huo ukiisha inabidi uondoke.

Naomba walio wengi na walio wachache tuungane pamoja ili tupitishie Mswada huu na kuwezesha Serikali kujenga nyumba za bei nafuu. Hiyo itatuwezesha kuimarisha uchumi wa nchi yetu ya Kenya.

Ninawaomba wale walio wachache katika Bunge hili, watuunge mkono katika Serikali ya Rais William Ruto na Rigathi Gachagua kwa hiki kipindi cha miaka mitano

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

na miaka mingine mitano tutaendelea hivyo; na tutawashinda na mambo ya nyumba yatakuwa yanaonekana kila kona.

Sio mambo ya nyumba tu. Kuna mambo mengi yanayofaa Serikali ya Kenya kuangalia. Tumeona mambo ya *fertilizer* na mengine mengi. Kwa hivyo, tuunge mkono Serikali ya Kenya Kwanza.

Nikiwa nimesimama hapa nawakilisha Kaunti ya Embu; mimi ni Seneta wa Embu, Sen. Munyi Mundigi, *the Deputy Party Leader, the United Democratic Alliance*.

*(Loud consultations)*

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

Sen. Sifuna, you may proceed.

**Sen. Sifuna:** Mr. Speaker, Sir, nothing surprises me anymore these days. I have listened quietly in shock as a classmate of mine at the University of Nairobi misleads the House on the provision of the Fourth Schedule of the Constitution of this country that very clearly distinguishes between housing policy that is a national Government initiative and housing itself, which is a devolved function.

There will be passionate presentations from our colleagues from the Majority side. However, I have lived long enough to see in the space of less than six months, people arguing as passionately as I can see my colleagues in the Majority side argument for Bills in the National Assembly - the Finance Bill. However, only for them to turn around and realise that what they were arguing very passionately for something that was against the interests of their people.

We, the Minority side, have objected to this Bill. I want to go on record as objecting to this Bill on principle because we believe that housing is a devolved function. As a Senator, sworn to protect devolution and the interests of their counties, I cannot, in good faith, support this particular Bill.

Mr. Temporary Speaker, Sir, in the fullness of time, I believe that one day reason will come to our country. However, as it is right now, because we understand our position, as a Minority, we know we are outnumbered in this House. As the Senate Minority Whip, I can only guarantee 16 votes in support of the devolution in this House.

I know that I am in the Minority side. However, what is heartbreaking is that a key tenet of democracy is that the minority must have their say, even that we are being denied by limitation of debate on such an important Bill from the maximum of 20 minutes to 4 minutes.

I would have come with all my notes and explanations as to why I oppose this particular Bill. However, the most important thing is that the Government and the people in the Majority side have totally lost contact with the feelings and place of the ordinary people.

One of the biggest objections to this particular Bill is the actual levy. If you look at ordinary people's payslips, they can no longer carry any more burden. People have been taxed to the bone. If you look at the payslips of these Members of Parliament here, many of them are going to be earning negative salaries if you impose this particular levy.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



That is not to mention people in the civil service, teachers, police officers; people who are earning very little money, so to speak, and the economy is in the doldrums. So, when we come here and because we know we have the numbers, we are going to lord or ramp the Bill through, it is all fun and games for now. As a politician, I pray that one of these fine days, we will be in the position that you are now. However, at least for us, we know that we will use the power that we get for good and not to ram things through simply because we have the numbers.

Mr. Temporary Speaker, Sir, in this House, if we are going to continue like this, then possibly there is no point in debating. We should behave the way the Speaker has behaved today, putting the question without bothering to hear the other side.

We know we do not have the votes to carry through this Bill and this Motion. Please, allow us to speak on that. That is the key tenet of democracy. I can say without fear or favour that today I am embarrassed that you were my classmate at the School of Law at the University of Nairobi.

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

**Sen. Murgor:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to also add my voice to those of my colleagues. Upfront, I very strongly support the Housing Bill because for those of us that have lived outside this country, we have enjoyed houses built by Governments using the citizens' taxes.

As a foreign student, I remember working as a librarian in a university. What little money I got after working for two weeks, the system made sure I paid tax whether I liked it or not; whether I was a student or a full time worker.

We visit places and see wonderful housing settings. People live in better houses and we wish it would happen in Kenya. It cannot happen unless we go by way of taxation through the housing levy as the government has set.

In addition to living in better settings, job opportunities are guaranteed. People who have probably not been able to work and earn anything will now do so through the constructions going on. They will be able to pay school fees for their children and make ends meet because of working in those sites.

Secondly, there will be materials purchased from hardware shops and other places. Even from people who harvest trees. My colleague, Sen. Mungatana, was talking about building flat roof type houses. He will be busy providing poles and posts, so that the elevated buildings will benefit. This will change the nation through housing and job provision.

I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Omogeni.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I am a very disappointed Senator. I combed through the courts decision that nullified the housing levy. I came here as a Senator knowing that I would get the benefit of 20 minutes to reason together.

Instead, you want to push things down our throats, even denying us the right to speak on behalf of the people of Nyamira County who elected me. This is not the democracy we fought for. We must suffer collective shame. All over the world, a Senate - an Upper House - is a deliberative House.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

We do not mind you pushing through laws, but give us a right to go on record by saying what we need to as the Minority side. Mr. Temporary Speaker, Sir, what am I going to say in four minutes? This is the High Court's decision I am holding in my hand. What can I say in four minutes? Nothing! It is a shame. I am carrying 600,000 votes from Nyamira County. If you think that this Bill is popular with the people of Nyamira County, it will hit you when you go to the ground.

I saw Sen. (Dr.) Khalwale on Citizen Television (TV), cheating the people of *Malinya, Isukha* that the affordable housing is a scheme for them to save money, yet it is not.

Mr. Temporary Speaker, Sir, I want to state---

**The Temporary Speaker** (Sen. Wakili Sigei): Senator, there is a point of order by the Senate Majority Leader.

Proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): On a point of order. While I could allow other Senators to get away with certain things and insults that have been traded this evening, I do not think I can allow the Senior Counsel.

He is an elder of the Seventh Day Adventist Church, a Senior Counsel and a respected Member of this House. He knows very well that you cannot have it on record that you accuse another colleague of cheating. That is unparliamentary.

Mr. Temporary Speaker, Sir, can you request the Senator of Nyamira to either withdraw or apologise. This is not even a case for substantiation because the word is unparliamentary. "Cheating" is an unparliamentary word and he knows that.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Omogeni, you---

**Sen. Omogeni:** I withdraw the word "cheating" and replace it with "misleading". Are you comfortable with that?

**The Senate Majority Leader** (Sen. Cheruiyot): Yes.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Omogeni.

**Sen. Omogeni:** I was in Kericho this weekend and had tea there. The teachers of Kericho and Nyamira told me they do not want this affordable housing, including my farmers in Nyamira.

On Sunday, I had dinner with two Catholic priests. They told me that the President William Ruto they are seeing now is not the William Ruto they knew then. The expectation of the poor Kenyans was that the houses will be built for the less fortunate in society. Now, you have come up with something that you are telling us Kenyans are going to buy. Which Kenyans?

The middle class in this country are earning Kshs46,000. I have been sent a payslip as I was seated here by a teacher, who is earning Kshs49,000 and tax has taken everything. Whom are you constructing these houses for?

Section 2A was rushed on an afternoon, on the Floor of this Parliament. We are to revisit it. The country went through a lot of turmoil before it was deleted.

I was in Libya in 2009. Nobody could dare question Gaddafi. I was there with two Members of Parliament. Gaddafi thought everything he said would be law. That is not the

way you run a country; you need to allow people to debate issues and put across our thoughts, then we pass legislations that carry along the Kenyans.

Mr. Speaker, Sir, if we continue this way, we are on the wrong road.

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Omogeni.

Proceed, Sen. Kinyua.

**Sen. Kinyua:** Asante sana, Bw. Spika wa Muda, kwa kunipa fursa hii. Nataka kuunga mkono Mswada huu wa bei nafuu za nyumba.

Nilipokuja katika Seneti hii, nilisimama pale nikasema kwamba nitailinda, nitaitetea na ninataka kuongeza, nitaitekeleza Katiba.

Katika Kipengee 43 cha Katiba, kinasema ya kwamba, wananchi wa Kenya, wanapaswa kupewa nyumba ambazo zinawafaa. Ni vizuri ijulikane---

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

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

Resume your seat, Sen. Kinyua.

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, is it in order for the Senator for Laikipia to mislead this House as to the contents of Article 43 of the Constitution? I have a copy of the Constitution that I swore to defend here. It starts by isolating the key rights of the people; highest attainable standards of health, freedom from hunger. Have you finished freedom hunger before you tell us about housing?

Mr. Temporary Speaker, Sir, clean and safe water inadequate quantities. Therefore, for you to elevate housing over food for the people of this country, safe housing, health and hospitals, then you are just lying to us. He is misleading us. He is misleading the House as to the contents of the Constitution.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna, I believe you must have been listening. He was debating in Kiswahili. Perhaps, the language---

*(Laughter)*

*(Sen. Sifuna stood in his place)*

Resume your seat, Sen. Sifuna.

Proceed, Sen. Kinyua.

**Sen. Kinyua:** Bw. Spika wa Muda, Mswada ulio mbele yangu ni kuhusu nyumba. Mambo ya njaa tumeyashughulikia vilivyo na tumewapatia pembejeo. Yeye mwenyewe alipokuwa akizunguka na sufuria kichwani, sisi tulishughulikia mambo ya wananchi wa Kenya.

Ni kazi ya Serikali kushughulikia wananchi wake kwa kuwapatia makao. Tukipitisha Mswada huu, Wakenya wengi wanaoishi katika hali ya uchohole, watapata makao. Mswada huu utashughulikia haya mambo.

Tulipokua tukitembea katika Jamhuri ya Kenya tukifaya *campaign*, tuliwaahidi Wakenya nyumba za bei nafuu. Hayo ndio mambo tunayoangazia siku ya leo na tunapaswa kuyafanya.

Jambo lengine ni hizi nyumba zitanufaisha Wakenya wetu. Niko katika Kamati ya Uchukuzi, Barabara na Ujenzi wa Nyumba. Watu wa matatu na jua kali walikuja kuleta mapendekezo yao kwa hii Kamati. Walisema ya kwamba itawasaidia ndugu zetu wahandisi, maseremala na waashi kupata kazi.

Kwa hivyo, Mswada huu utawasaidia Wakenya kwa kuwapa kazi na nyumba ili watu wetu waache kuishi katika hali duni. Lakini, niliposikiliza ndugu zangu, wanasheria hawa wawili walipoongea, nilipigwa na butwaa kwa sababu tunaongelea kuhusu shida ya nyumba. Kwao, nyumba sio shida. Shida yao---

Bw. Spika wa Muda, maneno yananisumbua kwa sababu pengine hawa ndugu zangu hawajatembea mashinani waone shida za wananchi.

Nimesikia ya kwamba, nyumba hizo hazijaanza kutengenezwa. Juzijuzi, tulikuwa mji wa Nanyuki na tayari nyumba hizi zimeanza kutengenezwa na vijana wanashukuru.

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Kinyua.

Proceed, Sen. Osotsi.

**Sen. Osotsi:** Thank you, Mr. Temporary Speaker, Sir, for the opportunity. From the onset, I want to declare that I oppose this Bill. This is because, this Bill, as Sen. Okiya Omtatah has said, has not cured the issues that were raised in court under Articles 10, 201, 206 and 210. It still has loopholes, which makes it unconstitutional.

The court issued an injunction on 19<sup>th</sup> December, 2023 on the issue of public participation. This Bill or the process that culminated into this debate today has not cured the problem of inadequate public participation. If I read through the reports in this Bill, the Committee simply invited the public to present memorandum, and they only had one day where they received oral submission.

Since this Bill affects counties, it was only reasonable that all the 47 counties be involved in public participation. That never happened. When you look at this report, this House has a standard that all the reports that come to this House must have an adoption list to them. I have gone through this report and I have a copy here, there is no adoption list. Who adopted this report?

I ask the clerks who work in committees and our secretariat, you are here to be professional. Give this House professional input. However, if you allow such omissions to happen on a very important report, you are only giving ammunition to those people who are going to court to reject this Bill if it is passed into law.

*(Applause)*

Mr. Temporary Speaker, Sir, when you look at the Bill, they say the funds from the Affordable Housing Funds will be distributed to the National Housing Corporation (NHC), Kenya Slum Upgrading (KSU), Locals Housing and Infrastructure Fund (LHIF) and the State Department of Housing and Urban Development. For heaven's sake, why would a Ministry be involved in the construction of affordable houses, yet we have an institution called the NHC that is supposed to do that on behalf of the Government of Kenya?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

This Bill does not define what gross salary and gross income is. It is ambiguous. I am concerned that the space for public participation is not in this Bill. Why would we even go to public participation when we know that we are not going to incorporate the views of the people? I have gone through the report and the views submitted by the members of the public and even Government institutions were ignored by the Committee. Most importantly, the view by the Kenya Bankers Association that said that persons who already have their own houses be exempted from this.

Why are you forcing people who have houses to be levied this money? In any case, you have to apply before you get this house. There are also punitive aspects in this Bill. The 3 per cent penalty per month is so huge. If you calculate it per annum, it comes to 36 per cent, which is way beyond the ---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Osotsi, your time is up. Sen. Abbas, you may have the Floor.

**Sen. Abbas:** Mr. Temporary Speaker, Sir, we should not keep on bashing without reading the report. There are a lot of changes. To be honest with you, I was one of the opposers. However, having read the report, I commend the committee. They have done a commendable job of including various issues.

According to the Bill of Rights; the economic and social rights in Article 43 state that every person has the right to accessible and adequate housing. As I talk to you today, there is construction going on in Wajir. The people of Wajir have accepted and they have already started constructing 200 units. That means it is affordable and accessible---

Hon. Senators, let us not oppose these things for the sake of opposing. The county is now included in this Bill. The county is now will have five members as a committee, which will receive 0.5 per cent of the levy for their operations. This was not there. Secondly, they have reduced the amount. Initially, it was 2 per cent, now, it is 0.5 per cent. Thirdly, there will be a national board that will be receiving 2 per cent. That means this board will take care of all people.

Four, there is what we call rural housing. If you have land in Wajir and you want them to construct it, then you are allowed to take your title deed to the board, so that they can construct for you an affordable house for which you will be paying 3 per cent.

There are affordable houses in every country in this world, especially the developed countries. The tenants are buying these houses to stay in them and pay rent. I do not see anything unusual here.

I urge my colleagues on the other side that we should pass the Bill then bring amendments or regulations. For example, if someone has a house and he does not want to contribute, then we change that.

This Bill does not favour Muslims. We can propose regulations such that instead of saying loan or interest, we can have service charge. This is not fixed.

Mr. Temporary Speaker, Sir, with those few remarks, I support the Bill.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Abbas.

Next is Sen. Beth Syengo.

**Sen. Beth Syengo:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I stand to oppose this Bill for the simple reason that it is not friendly and good for the welfare of Kenyans.

When we talk of affordable housing, whose houses are they? Consider Kitui County where I come from. We live in our own houses in the villages. People have taken loans to build their own homes. When we talk of houses, who are they for?

Let me talk about different professionals. I am from the teaching profession. When teachers get employed, their first project is to build their houses at home. They take loans to do that. Now, they are going to be penalized if they default on payment. How are the houses going to benefit them?

Mr. Temporary Speaker, Sir, I strongly oppose this Bill. I urge my friends from the other side not to pin down Kenyans. Let us all say no to this Bill and come up with good mechanisms on how to support Kenyans because the economy is already bad.

Money for the housing project is being deducted from our payslips, which are already bad. We get pained with what we are going through because of this bad economy.

For me, this Affordable Housing Bill is a big no.

**The Temporary Speaker** (Sen. Wakili Sigei): Next is Sen. Tobiko.

**Sen. Tobiko:** Mr. Temporary Speaker, Sir, I am shocked by Members of the Minority side who are opposing this Bill.

It is on record that when both Azimio la Umoja-One Kenya Coalition and Kenya Kwanza Alliance were campaigning, each had the housing programme as part of their agenda should they take Government. Is it becoming a problem today because their competitors got into Government and have gotten the first chance to implement the housing programme for Kenyans?

I am also shocked listening to a number of Senators from the Minority side who are against this Bill because they were with us in the committee. I want to go on record that I am the Vice-Chairperson of the Committee on Roads, Transportation and Housing.

We went through memoranda that were submitted by the public and many groups, including the Kenya Bankers Association (KBA), the Kenya National Federation of Jua Kali Associations (KNFJKA) and the Matatu Owners Association (MOA).

We listened to those who appeared before the committee and considered what was proposed by those who sent memoranda. Any person who wants to claim that there was no public participation, I welcome them to---

**Sen. Sifuna:** Point of intervention.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna, what is your point of intervention?

Clerk, switch his microphone on.

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.105 on responsibility for statement of fact. There is a lie being repeated on this Floor that the Kenya Kwanza Alliance and the Azimio la Umoja-One Kenya Coalition manifestos had the same proposals on housing.

Mr. Temporary Speaker, we put an end to this lie by asking Sen. Tobiko to substantiate. I, as a Member of Azimio Coalition, do not recall us proposing to tax Kenyans to the bone to build houses they do not need.

I want her to table those two manifestos and point to this House where it says we were to tax Kenyans for them to have these affordable houses.

Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Tobiko, proceed where appropriate. Respond in terms of substantiating.

**Sen. Tobiko:** Mr. Temporary Speaker, Sir, I was very clear. I said we all in our manifestos had issues to do with housing programmes. I have not talked about taxing Kenyans, but we all had plans to improve the living standards of Kenyans, which includes housing. Improving their living standards by giving them a livable environment, housing being part of that.

Article 43(1)) of the Constitution talked about the high standards of health for Kenyans and accessible and adequate housing. We are not going out of the Constitution by passing this law, so that we have Kenyans getting adequate and affordable housing. We should also have reasonable standards of sanitation.

Mr. Temporary Speaker, Sir, when we were going through this, a number of groups that appeared before the committee were Nairobians. I am shocked because Sen. Sifuna is a member of that committee and he was there when some of these groups appeared. If there are people who need housing, they are people in the slums in Nairobi, as it is in Kajiado today, Geshagi and Majengo and other areas of our towns.

I thought this is something we all aspire to do for Kenyans. What is paining majority of the people here is that it is those of us who have salaries that are going to bear the burden for the sake of the majority of Kenyans who do not have. I have agreed to be taxed and contribute in order for my---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Tobiko, your time is up. Proceed, Sen. Tabitha Keroche.

**Sen. Tabitha Keroche:** Mr. Speaker, Sir, thank you for giving me this opportunity to support this Bill. I know this has been politicised for many days and months. I remember the time we came in power and were taken through induction. I remember being shown how this affordable housing will process through. I remember it is a very good thing because it will ensure that everybody will have a decent home. Remember the money people pay for rent today is the same money they will use to pay then own the house. I hope Sen. Sifuna is listening to me.

If someone was paying Kshs2,000, he will use the same to pay the same rent he was paying then finally own these homes. The money that will be deducted will be refunded at a certain period. When we fly to Europe, we come back saying how people are living well in a decent life. That is how it was done.

We will be the first in Africa to ensure we live a decent life like we compare ourselves with other countries like Europe. So, let us not politicize this.

**Sen. Beth Syengo:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): What is your point of order, Sen. Syengo? Sen. Tabitha, resume your seat. There is a point of order from Sen. Syengo.

**Sen. Beth Syengo:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. Allow me to inform Sen. Keroche that you cannot compare Kenya with Europe. When we are talking of---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Syengo, resume your seat. Your intervention is on a point of information. However, I did not hear her accepting to be informed.

Sen. Tabitha, do you wish to be informed by Sen. Beth?

**Sen. Tabitha Keroche:** Now that I have heard the information she wanted to let me know, I do not wish to be informed.

*(Laughter)*

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed.

**Sen. Tabitha Keroche:** I want to ensure that the Senator understands what I said. We all fly to Europe and we come back here in Kenya and start talking about Europe, including how people live decently. That is how they started 100 years ago, others 300 years ago. Now it is us, the Kenya Kwanza Government. We are the ones to start ---

**Sen. Okiya Omtatah:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Tabitha, resume your seat. What is your point of order, Sen. Okiya?

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, I do not like rising on Standing Orders, but I am compelled to do so pursuant to Standing Order No.105. Can the hon. Senator substantiate her claim that the housing system in Europe is anchored on similar parameters that are in this Bill, especially the taxation of salaried employees to provide housing for the rest?

I would love to see that substantiation from the hon. Senator of Nakuru.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Tabitha.

**Sen. Tabitha Keroche:** I wish to tell the Senator of Busia that Europe is where it is because some people made some efforts to make it so. We are the people now to ensure that Kenya gets to the next level. We have no alternative. It is only that you regret maybe having been the Senator at this time. You have no alternative, but to take---

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed to conclude.

**Sen. Tabitha Keroche:** Can I conclude because I think I have got a minute now. Let me conclude.

*(Loud consultations)*

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

Conclude your comments.

*(Sen. Sifuna consulted loudly)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



Proceed, Sen. Tabitha.

**Sen. Tabitha Keroche:** We keep on saying houses----

*(Laughter)*

I think we have a saying that is across the board which goes thus: Eti *nyumba haijengwi* the same, *haziko* the same for all of them. Europe did theirs the way they did. We now have a formula on how to do ours. Our formula is to ensure that people can pay this and use the same money they were paying as rent to own a house. Let us not confuse Kenyans.

The same money they were using to pay rent is the same ---

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Tabitha.

*(Sen. Tabitha Keroche spoke off record)*

Sen. Tabitha, your time is up. Please listen to the Chair.

Proceed, Sen. Sifuna.

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, you know we want to have an orderly session. We have no intention of disrupting the debate. However, under Standing Order No.98 (3), the Speaker is required to decide on each point of order.

Now, Sen. Omtatah has raised a point of order on a point that was brought to the Floor by the Senator for Nakuru, a claim that she has made. I have not heard the Chair rule on the point of order by Sen. Omtatah.

If we are to have an orderly debate, I beseech you---

**The Temporary Speaker** (Sen. Wakili Sigei): Resume your seat, Sen. Sifuna.

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, let me finish! Let me finish!

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna, the Chair is responding to your point of order under Standing Order No.8---

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, how do you respond to something I have not finished? How do you respond to something I have not finished? Let me finish!

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna, resume your seat

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, allow me to finish!

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Sifuna, I will call you out of order.

**Sen. Sifuna:** Mr. Temporary Speaker, Sir, allow me to finish before you respond.

**The Temporary Speaker** (Sen. Wakili Sigei): I will call you out of order. Resume your seat, Sen. Sifuna.

Now listen, Sen. Sifuna. Sen. Okiya Omtatah raised a point of order to be substantiated, and, indeed, Sen. Tabitha Keroche attempted to substantiate upon the Chair asking her to proceed and she did that subject to the time limit before her time went out. Therefore, that was sufficient since the Chair had directed that she proceeds.

Sen. Cherarkey, please proceed.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker. I rise to support this God-sent Bill before the House. This is long overdue; we should not waste a lot of time because Kenyans and young people, including the people of Nandi County, and I, have just interacted a few minutes ago. They are yearning for this wonderful programme.

It is sad that the people who are crying the loudest are the ones who need these houses. We need to give dignity to Kenyans in slums and when the courts ruled that we must have legislation, it was important.

I am happy this Bill has ensured that the county government has a role to play and the Senate, being protectors of devolution, we now has a role in the affordable housing programme.

The third point is on the issue of the wording of the Bill. I agree that it should be called the Rural-Urban Affordable Housing Programme, so that people in Chepalungu and Kapleralaket and even Kaptengelei and other areas of this Republic be involved in the projects.

The programme of affordable housing is important for this country. I do not see why we should fight over it. Today, as we talk, the Homa Bay County Affordable Housing Programme is ongoing and yet it is an ODM zone. In Kisumu, the programme is ongoing, yet the Governor and the other members are from ODM. Even here in Nairobi, the programme is ongoing.

I have seen most of my colleagues from the Minority side making the loudest noise in *matangas*, funerals, baby showers and bridal showers, telling Kenyans that they have numbers. Apparently, they have telephone numbers only, but they do not have numbers to object to this God-sent Bill.

I agree that all these issues that the courts have raised, we have captured and the aspect of affordable housing was there. You even heard the opponent of President William Ruto in the last election agreeing that this issue of affordable housing was part of the cornerstone.

The issue is about interest; it is not even about the law-making process. The stakeholders were satisfied; I remember and you know Parliament has been defined to be one under Article 93 of the Constitution of Kenya.

When the National Assembly Housing Committee moved around the country conducting public participation. They went to Turkana, Kisumu and other parts of the country.

I can assure you that more than four to six million Kenyans do not have dignified housing in this country.

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

**Sen. Osotsi:** Mr. Temporary Speaker, Sir, I rise on Standing Order No.105. My good friend, Sen. Cherakey, has stated that the stakeholders who appeared before the Committee were satisfied. That is contrary to the report by the Committee that showed that nearly all the stakeholders who appeared before the Committee had a problem with this Bill. The Committee, in its own wisdom, went ahead and rejected what the stakeholders said. The report is there

**Sen. Thang'wa:** On a point of information, Mr. Temporary Speaker, Sir.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, if the Chair can inform me, kindly.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, you have the Floor.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir. I am the Chairperson of the Committee on Roads, Transportation and Housing. I want to state that we received 29 memoranda from Kenyans and majority of them were supporting this Bill.

Majority also gave some very important recommendations that we have put into consideration. We have 40 amendments coming to the Bill to make sure that it is devolution compliant; money is going to the counties and houses are built in the rural areas. What else do you want when we build houses in Vihiga? You still want people to live in mud houses?

*(Loud consultations)*

**The Temporary Speaker** (Sen. Wakili Sigei): Order, hon. Members!  
Order, Sen. Thang'wa!

**Sen. Thang'wa:** We want to create and build some nice houses. I am informing--

Mud houses will be a thing of the past.

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Sen. Thang'wa! Kindly, resume your seat.

Sen. Cherarkey, proceed to conclude.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I do my research very well. I have the report of the Committee. It is the same Sen. Osotsi who misled this House that these reports were not signed. I have seen the signatures.

Mr. Temporary Speaker, Sir, you must vet some of these points of orders. I have in my phone a digital report. I can table it. Secondly, although Sen. Thang'wa has informed me, we are not in an ODM rally where you are used to heckling. Can you allow me to submit?

I want to table evidence that this report has been signed. To one of the Members who sit in this committee---

Sen. Sifuna, Nairobians need houses more than anybody else. It is embarrassing that he is opposing the building of houses, yet---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, your time is up. Resume your seat.

Proceed, Sen. Kavindu Muthama.

**Sen. Kavindu Muthama:** Thank you, Mr. Temporary Speaker, Sir. I strongly oppose this Bill.

*(Applause)*

This is because my peoples' homes at *Mavoko* were demolished.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

**An hon. Senator:** By who?

**Sen. Kavindu Muthama:** This was so that affordable houses could be built. I do not see why a house should be demolished, so that affordable houses are built. These people suffered so much working to earn money to build their homes, only for them to be demolished.

One of the people hanged himself. He literally killed himself when he saw his house going down. Very soon, I will bring a Statement here, so that I can be told who is responsible for the death of that man.

Another reason I oppose this Bill is because the people in Machakos County have told me to---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mandago, what is your point of order?

Sen. Kavindu Muthama, kindly just resume your seat.

**Sen. Kavindu Muthama:** *Unaniuliza kama nataka ku---*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Kavindu Muthama, kindly resume your seat. Your time is frozen.

**Sen. Mandago:** On a point of Order, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No.105 on statement of fact. Can Sen. Kavindu Muthama substantiate by way of providing an autopsy report that confirms that the person who hanged himself did so because his house was demolished?

Is there a report to that extent?

*(Laughter)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mandago, that is not a point of order?

Sen. Kavindu Muthama, proceed to conclude with your submission.

**Sen. Kavindu Muthama:** Mr. Temporary Speaker, Sir, *ni jibu ama niendelee.? Haya sawa. Wewe.*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Kavindu Muthama, you have been in this House for long enough.

**Sen. Kavindu Muthama:** Mr. Temporary Speaker, Sir, Kenyans are being taxed for the affordable houses to be built. Why then are the houses being sold to the same Kenyans who the houses are being built for? Where is this money they are paying going to? That is another reason I am opposing this Bill.

Mr. Temporary Speaker, Sir, the majority can have their way, but the minority have their say. We know we cannot oppose it because you will pass it as you are the majority, but let us have our say.

*(Applause)*

Give us time to have our say, so that our people can also hear how we are defending them in this House.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I strongly oppose.

*(Applause)*

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Wamatinga.

**Sen. Wamatinga:** Thank you very much, Mr. Temporary Speaker, Sir. Indeed, as I sat here listening to my colleagues, my heart pained at how deceptive the Minority side can be.

*(Applause)*

Mr. Temporary Speaker, Sir, when we get elected and come to this House, we take a mortgage as the first thing. It is high time we tell Kenyans the truth that we, as elected Members, qualify to get a mortgage, so that we can get ourselves decent homes.

It is the time that we must sacrifice for the rest of Kenyans. It cannot be that we will be going to foreign countries to borrow money so that we can provide them with houses.

Mr. Temporary Speaker, Sir, like our forefathers did, fighting for the independence of this country, it is our time now to pay taxes and build this country. We must look at sustainable livelihood where future generations will not be killed due to loans that we have taken as a Government.

We could have taken an easier route of telling people we would borrow money to build houses. However, that is self-deceptive because even the loans that were borrowed must be repaid.

We know and we want to thank the Government of the day because the President deliberately made a hard decision of taxing Kenyans, knowing very well that this is an unpopular decision.

Mr. Temporary Speaker, Sir, nonetheless, this is the only way to build an economy in what you would call sustainable livelihood.

I am listening to people here telling Kenyans that there is another option. Which other option? This is high time that we as Kenyans joined hands and say, we must build a country with our resources and means.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Wamatinga.

*(Loud consultations)*

**Sen. Wamatinga:** Let, the Minority side not lie to Kenyans. Now some of them will have counties that have so many slums.

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

**Sen. Wamatinga:** Mr. Temporary Speaker, Sir, as I finish, it is very important for our people to understand that we must remove the slums by building affordable houses for Kenyans.

I strongly support. Thank you.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

*(Laughter)*

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Gataya Mo Fire.

**Sen. Gataya Mo Fire:** Mr. Temporary Speaker, Sir, from the onset I wish to stand up---

*(Loud consultations)*

Mr. Temporary Speaker, Sir, can you protect me from Sen. Cherarkey?

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

**Sen. Gataya Mo Fire:** Mr. Temporary Speaker, Sir, I need to be heard.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Gataya Mo Fire.

**Sen. Gataya Mo Fire:** Thank you very much, Mr. Temporary Speaker, Sir. I am standing here to strongly support this arrangement because we campaigned on a very serious platform.

The Kenya Kwanza Government people campaigned on serious issues. One of that serious issue is to make sure that we create employment opportunities to our youths.

Mr. Temporary Speaker, Sir, if you look across the country, we have captured many young people in various sectors. We have our electricians, plumbers, masons, and everybody. Several youths have now been involved in many issues and that is the only way we can address unemployment in this country.

We also have a supply of materials. Those who are supposed to supply materials are very busy right now and that is the only way that we can grow the economy.

I am perturbed by the other side of the domain that they cannot see the essence of having this housing scheme in this country. We have been to so many countries across the world and seen beautiful houses. We cannot live in fallacy. We cannot just keep on borrowing in that any time when we want money, we have to rush to foreign countries to borrow money. This is high time we are supposed to sustain ourselves as a country and make sure that we engage our youths who are supposed to be busy doing what they are supposed to do.

I strongly support.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Veronica Maina.

**Sen. Veronica Maina:** Mr. Temporary Speaker, Sir, this is one of the most important and pertinent rights of every Kenyan under Article 43(1)(b) of the Constitution. If you ask any Kenyan where they would wish to live, you will discover that many Kenyans are living in places they would not wish to live. They live in houses where sanitation is poor, especially in the urban areas.

This housing right is now being pushed by the Kenya Kwanza Administration to ensure that what was contained in our manifesto is fulfilled, so that it does not just become a document for the shelves. This right is so crucial, especially in the backdrop of skyrocketing rent and property prices. It is sad to listen to some of the arguments that have been brought to this House.

I am thinking of the largest slum in Africa being Kibera and how challenging it was during the COVID-19 pandemic. It was impossible for people to even keep a safe distance from one another because of how those areas are congested.

I want to remind some of my fellow Senators about this right and the history behind the housing programme in Kenya. This is not the first time the Government has stepped in to attempt to build houses for its citizens.

Many Senators and Members of National Assembly have proudly spoken about how they were raised in Ofafa Jericho, Maringo and Jamhuri. These were housing estates that were developed by the Government. This is not the first time that the Government is building houses for its citizens.

The dream of every family is to have a bedroom for their children. You can imagine the kind of situations families find themselves in when a couple spends the night together with their children in the same room and are unable to dress up in the morning to go to work. These are some of the issues that the Affordable Housing Bill seeks to address.

If you look at some of the housing projects that have been undertaken, like the one in Pangani, I am happy to note that it is already sold out. You cannot get a unit in Pangani. If these houses are not needed, or if there is no deficit, then who is buying these houses?

We have the Starehe Project, which is a mixed-use development project. Every Kenyan would love to walk in, fill a form, and get an affordable schedule or programme where they can own a home.

I rise, first of all, to say that the Affordable Housing Bill gives a legal framework for implementation of social housing. If you look at a nation like Somalia, when many were turned into refugees---

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Veronica Maina. Proceed, Sen. Dullo.

**Sen. Dullo:** Mr. Temporary Speaker, Sir, I stand to support this particular Bill. We should not politicise everything in this country. It appears we politicise everything when some of the issues are important to Kenyans. I like the way the Government has moved with speed to formalise the housing issue.

I have been to many Government institutions. A good example is Langata Women's Prison. When I went there, officers at Langata Women's Prisons were living in a tent. I do not know the situation right now. You could get officers sharing space. It was common to get two or three families living in the same room divided with a bed sheet. That is embarrassing!

Mr. Temporary Speaker, Sir, this housing issue can help so many Kenyans, especially civil servants at that cadre. I have been to my county where the retired officers live in a deplorable housing situation. With this housing scheme, you will get most of the officers buying houses for themselves and live decently. I do not see the reason this housing issue is being challenged.

In my county, I have even seen people sell their land that has been idle for a long time to the Government for the purposes of this housing programme. That is an earning for Kenyans, which they can use to even start business.

Where I come from, especially in Isiolo, you will see so many youths sitting outside hardware shops. With this housing scheme, they will be able to get employment that they do not have now.

Number two, the hardware shops that are run by so many Kenyans today without sales, will be able to sell their goods if housing is introduced in our counties. We should restrict those who are awarded contracts to only give jobs to our people and buy materials from our people in those counties.

Mr. Temporary Speaker, Sir, I stand to support.

Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Dullo.

Sen. Ali Roba, you may have the Floor.

**Sen. Ali Roba:** Thank you, Mr. Speaker, Sir. I rise to support this Affordable Housing Bill. As I rise, the unfortunate business of being in the Senate or Parliament as a whole, has exposed me a little bit to the hypocrisy of Parliamentarians sometimes. Why do I say that? If the tables were turned and our colleagues on the Minority side happened to be on this side, there will be emotional support for this programme on the basis of the fact that it is a Government agenda.

May be I am one of the leaders on this side that did not vote for Kenya Kwanza Government, but joined it after election. Having been in Azimio la Umoja-One Kenya Alliance at that point, I bear witness that, the Kenya Kwanza Government campaigned on the platform of affordable housing for the population of this country.

Mr. Temporary Speaker, Sir, this is a transformative agenda. It may have gaps, but there is opportunity to remedy over time. However, this ship has already left the dock. It is in the high seas as it is because this implementation has gone very far.

As I support, I want to make sure that the Committee also takes care of issues of critical concern within the Bill. I draw the attention of the Committee to provisions of Article 32(1) (2) and (3) in particular, where it talks about;

“(1) Every person has the right to freedom of conscience, religion, thought, belief and opinion.

(2) Every person has the right, either individually or in community with others, in public or in private, to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship.

(3) A person may not be denied access to any institution, employment or facility, or the enjoyment of any right, because of the person’s belief or religion.”

When I read this, I mean, the Muslim population in this country must also benefit from this housing programme. I implore upon the Committee to make sure that they do the necessary amendment of Section 41 of this Act in order to make sure that, the issue of payment of interest is defined further in order to cater for the larger Muslim population in the country.



For now, Majority side will have their way and the Minority side will have their say. However, in the context of the four minutes that were decided, everyone has managed to contribute, but this is the position we hold.

I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mandago.

**Sen. Mandago:** Thank you, Mr. Temporary Speaker, for this opportunity. I first register my support for this Affordable Housing Bill and to make two or three statements.

Firstly, I take great---

*(Several Senators consulted loudly)*

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Members. Sen. Kinyua and Tobiko, take your seats and allow Sen. Mandago to be heard in silence.

**Sen. Mandago:** Thank you, Mr. Temporary Speaker, Sir, for that protection.

Housing is a fundamental need for every Kenyan, especially at the family level. It is our responsibility as the leadership of this nation, regardless of political affiliation to ensure that Kenyans across who cannot afford be given an opportunity to live in decent housing.

It is unfortunate that elected leaders and people who are working, earning a lot of money, who take mortgage from taxes paid by Kenyans can stand in this House to oppose the opportunity that has been created by the Government to make sure that citizens living in deplorable conditions access housing.

Mr. Temporary Speaker, Sir, the Constitution is clear in Article 43. It does not just talk about housing, but also sanitation. For how long should the people of Kibra live there with flying toilets, while elected leaders who represent them, take a mortgage of Kshs25 to Kshs30 million from taxpayers, while living in good sanitation?

They want the people living in Kibra to continue with flying toilets. Allowing the people of Kibra to continue using flying toilets is unconstitutional because the Constitution requires us to provide proper sanitation.

This Bill because will not only provide affordable and social housing. It will also create employment for the many trained young people of this nation who have gone through Technical and Vocational Education and Training (TVET) training and will give them opportunity to utilize their skills.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you. Sen. Korir.

**Sen. Korir:** Thank you, Mr. Temporary Speaker, Sir. I also thank the Committee for coming up with this Bill. This is one of the Bills that the Government has been waiting for because affordable housing is one of the promises made during campaigns.

This Bill is trying to cure the criteria on how these houses will be allocated. This Bill also establishes the board that will oversee the management of the fund and ensure efficient utilization.

I will not labour much, but this Bill has given room to a number of youths who will get employed in several areas and this will enable the country to grow economically.

Mr. Temporary Speaker, Sir, I therefore, request our colleagues from the other divide that we should hold hands together and see things positively. Our critics should embrace the change because change is always painful.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Nyamu.

**Sen. Nyamu:** Mr. Temporary Speaker, Sir, we are forgetting the objective of this piece of legislation. The main object of this legislation is to give effect to the provision of the Constitution to access to decent housing to every Kenyan. We know legislation does not exist in a vacuum.

If we legislate on affordable housing, we need to know how we will fund this project. That is why the Government proposed the 3 per cent levy. The Kenyans complained and the levy went down to 1.5.

It is our honour. We are privileged as the Senate and Parliament to be the ones who oversee the creation of this law, the implementation of this law and the provision of affordable houses to Kenyans. I am surprised that Sen. Sifuna does not support this. If there is anybody who needs this affordable housing, it is Nairobian.

The other day I went to a *matanga* in a slum---

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

**Sen. Nyamu:** I went to a funeral preparation in a slum that I have never been to before. I almost cried. It is called Kinyago. I want to take Sen. Sifuna there. We will take a walk there and I am sure he will change his mind at the end of the day.

*(Applause)*

Mr. Temporary Speaker, Sir, this is also an opportunity to spur the economy. When our youth have money and spending power, it is the country's economy that is growing. Let us not be one-sided about this programme, but look at it wholesomely. Leadership is not about making popular decisions.

That is why you were elected to make decisions on behalf of the people in your county. Do not go listening to the voices of your county residents who do not fully understand. You are the ones who are supposed to guide them. Let them know what this entails, so that they all benefit from this.

You know very well that even as you oppose it, you will be the first ones to want your people to benefit from it. Let us not be hypocrites.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Nyamu, Standing Order No.92 requires you to address a point in one language. If it is Kiswahili, start and end in Kiswahili. If it is English, start and end in English.

Proceed, Sen. Cheptumo.

**Sen. Cheptumo:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill. I would say two things: One, this is the fulfillment of social and economic rights as per Articles 41 and 43 of our Constitution. Allow me at this point to thank the President because he has been firm and determined about the implementation of the Affordable Housing programme.

Apart from this being a fulfillment of Article 43 of the Constitution, the Committee on Recommendation No.41A was able to appreciate the fact that the policy of this programme; that every sub-county shall have an opportunity to build affordable houses, hence creating employment for our young people. Therefore, it has an effect in terms of enhancing our economic viability as a country in engaging the youth and offering decent and affordable housing to Kenyans.

I want to call upon all of us in this House that a time comes when we need to distinguish politically what is critical for the nation and what is convenient.

I would like to appeal to this House of great leaders of our country to reduce the political engagement on national matters, which are of great value to our people.

I am certain in my mind that as much as Members of the Minority side are opposing this Bill, deep in their hearts, they know that this is a very important programme.

As we move forward and discuss the issues of our counties and our country, it is important that we put our country's interest ahead of us and then politics later.

Again, I thank the President for being forthright about this issue. He has been very clear about it. That is what leadership is all about; standing for the country to do the right thing for our people.

Mr. Temporary Speaker, Sir, I support.

**Sen. Kathuri:** Thank you, Mr. Temporary Speaker, Sir. As a delegate from Meru, from the onset, I support this wonderful Bill. Housing is one of the basic rights that any individual should have. If you look at the recommendations of the Committee, it has identified key reasons why we need this affordable housing.

One, we are short of good houses for our people. Two, we are creating thousands of jobs for the youth who are out there. We have artisans, masons, plumbers and electricians who will directly benefit from this affordable housing.

We should not be hypocritical or close our eyes and assume that everything is okay out there. Sometimes, it is good to close ranks and support these Bills and programmes that the Government is coming up with because we are benefitting our people.

I heard one of my learned friend's say that we should not because of Article 43(1) (b) on economic and social rights. It talks about accessible and adequate housing for our people. That is just an economic and social right. So, one of the learned friends was asking, from the other side, why should you go out to housing before you avail food.

The Kenya Kwanza Government, I went to a church---

*(Sen. Cherarkey consulted loudly)*

Sen. Cherarkey, I do not want your support on this thing because my mind is clear on what I want to put across.

*(Applause)*

I was in a church service two weeks ago. One of the elders there told me that when I go back to Nairobi, give our thanks to His Excellency the President. The reason is they were given affordable fertilizer and now they have a lot of food in their galleries.

Mr. Temporary Speaker, Sir, the Government is giving food and now housing. What else are we expecting? When I go through this Boma Yangu Website from the Ministry of Lands and Housing, the ongoing projects are in the key counties, including Nairobi, Migori, Homa Bay and Machakos. However, Senators from these counties are opposing this Bill. That is very shameful indeed.

*(Applause)*

We live in Nairobi. We know the problem of housing in this city. If there is anybody who should allow this project to run day and night is none other than the Senator of my children, Sen. Sifuna. My children live and go to school in Nairobi.

Sen. Sifuna, on this one, moving forward, you should change your mind. It is helping our people. Let us all support this programme. Definitely, at the end of these four years, you will see that everybody will be very happy.

Maybe, it is not in the Azimio Manifesto, but at some point, the leadership of Azimio was happy with 1.5 per cent. When this Bill was at 3.5 per cent, they opposed. Then the President and the Government put it at 1.5 per cent.

With those many remarks, I support this Bill. I am ready the next minute if Members will allow.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Wafula, you have the Floor.

**Sen. Wafula:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity for me to add my weight to this housing matter. When you look at the value chain of the stakeholders involved in this housing project, plumbers, masons, carpenters, electricians and engineers--- we have young people in the villages whose talent is to make bricks that are going to tap directly into this project.

Those who are not in support of this affordable housing project need to understand that when you are putting on shoes, you may not know that there are people who do not have shoes out here. We must have sympathy and empathise with them. When an opportunity has come in this country for us to embrace these Kenyans, let us do so with the speed that it deserves.

The President of the Republic of Kenya was in Bungoma to launch this project. I was there and other stakeholders were there. It would be against my moral standing to sit here and see this noble project being shut down by my good friends, who do not understand what housing is.

Mr. Temporary Speaker, Sir, I support this and plead with my good friends, from Vihiga County and Busia County to join the winning team; to join us to shelter our great people from *Mulembe* nation. The time has come to move from the grass-thatched houses and to live in the confines of cool and permanent structures in this country.

We pay taxes, like other Kenyans, understand the political affiliation of Homa Bay, Migori, and Kisumu. However, as we build for them, let them allow us also to enjoy the same infrastructure that they are enjoying.

I want Sen. Osotsi to inform our people at home, not me here on the Floor of the House.

I, therefore, support it.

*(Laughter)*

**The Temporary Speaker** (Sen. Wakili Sigei): Lastly, Sen. Methu, please, proceed.

**Sen. Methu:** Thank you, Mr. Temporary Speaker, Sir. On my own behalf and on behalf of the people that I represented, the people of Nyandarua County, I rise to support this particular Bill. I am persuaded that as a people, I would want to borrow the words that have been used by my colleagues here, for us it is not necessary to make popular decisions; it is to make the right decisions.

If we cannot as a people and as elected leaders, speak about ensuring that we create employment opportunities for our people, then we shall have been very unfair to them because they voted for us and we expect we shall go back to them and ask for votes.

As a young person, the young elected Senator in this particular House, it would be morally wrong for me to vote to deny my agemates and my colleagues who have given me an opportunity to come to this House, a job opportunity.

It would hurt my heart if I were to vote today to tell the 200 young people who are in the construction site in Ol Kalou, Engineer and in Kinangop, the Constituency where I come from, to go home whereas I went to them and asked to be given a job by them.

Secondly, and finally, because I do not want to take a lot of time, look at the effect of this particular Bill that we are speaking about. Look at the economic effect of this particular Bill that we are speaking about.

The Deputy President of the Republic of Kenya, Hon. Rigathi Gachagua, is very passionate about fighting alcoholism. If we fight alcoholism and we are not able to provide job opportunities to our people, why then should we fight alcoholism.

**Sen. Thang'wa:** On a point of information, Mr. Temporary Speaker, Sir.

**Sen. Methu:** Mr. Temporary Speaker, Sir, I will be happy to be informed by the Chairperson of the Committee.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang'wa, what do you want to inform the Senator for Nyandarua County?

**Sen. Thang'wa:** Mr. Temporary Speaker, Sir, I would like to inform my good friend, the Senator for Nyandarua County. He has pointed out that these projects will create jobs.

We listened to stakeholders, some of who are *Jua Kali* artisans. One was from Kitui County. He told us that they got a contracts for affordable housing worth Kshs120 million. They are from Kitui, but they own houses in Pangani in Nairobi City County.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I would like the Senator to know that is the real picture. It is benefiting even the people from the other side of the divide.

**The Temporary Speaker** (Sen. Wakili Sigei): Having been informed, kindly proceed, Sen. Methu.

**Sen. Methu:** Mr. Temporary Speaker, Sir, that is important information. I would not have imagined that you were that informed.

For the sake of a person operating a hardware in Ol Kalou or a mason who graduated from Kinangop Technical and Vocational College and they can get employment, it is for that reason that I support this Bill.

All the 67 Members of the Senate live in decent houses and environments. It would be selfish of us to deny other Kenyans the same privilege we are enjoying. Some of us are enjoying good living conditions out of the sweat of the people of Kenya because we are paid from their taxes. If a certain percentage of my salary can ensure that another Kenyan will get good and decent housing like mine, then I will vote for this particular Bill.

Therefore, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Methu.

Hon. Senators, there being no other Senator interested in contributing, I call upon the Senate Majority Leader to reply.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I thank all colleagues who have taken time to speak to this Bill, either in support or opposing it. In their thoughts, we have bettered a good idea. I appreciate all those who have taken time to read through the Bill, have informed debate and spoken passionately about the reason they feel this is a good idea for Kenyans.

I said earlier in my moving notes that while I have moved many Bills before, it gives me tremendous pleasure. This has been a great honour to move a Bill that I know will change the lives and history of our country for eternity.

I am shocked that there are colleagues who are terribly misinformed about the provisions of this Bill. On the question of morality, many colleagues are asking why their money is being deducted to build houses for other people.

Perhaps many of them were not in the House when I moved the Bill. I would like to remind you that the reason you sit in this House educated is because there is a Kenyan who was taxed to fund your education. If they had reasoned like you at that particular time and say they are educated and ask why their money is being deducted to pay for somebody's education, you would not be in this House.

Kenya is built on a culture of selflessness. We must discourage this selfish behaviour that is creeping into our country. People are beginning to preach or speak boldly about it that it is their money and ask what they can do about it.

We are almost a quasi-socialist state because many times we rely on each other. It is the spirit of African Ubuntu. That is the word I was looking for. Every day we do *harambees* to try and make our lives better.

I have heard people ask why the houses are being sold, yet Kenyans are being taxed. I think it was Sen. Kavindu Muthama. There is a reason it is called "affordable

housing”. This is because the amount you are being taxed is not equivalent to the value of that house. If you are to pay for the value of the house, it would mean going with your entire salary.

Mr. Temporary Speaker, Sir, I urge colleagues to take time and read, appreciate and understand this Bill before wrongly critiquing it.

Finally, because I know colleagues are yearning to pay, is that I hear people tell us that this programme is extremely unpopular. I challenge all of you that are opposed to this Bill, that let us meet at the sites of these affordable housing projects in your own counties and you come and tell the things that you are saying in this House before the young people that will be benefiting from this project.

You have never been to Undugu where this project is ongoing.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Members. Hon. Senators, order!

*(Sen. Sifuna, spoke off the record)*

Order, Sen. Sifuna!

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, the gentleman who is shouting has never been to any affordable site.

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Sen. Sifuna and the Senate Majority Leader.

*(Sen. Sifuna spoke off record)*

**The Senate Majority Leader** (Sen. Cheruiyot): Hon. Senator, have I mentioned any one? Why are the guilty afraid?

**The Temporary Speaker** (Sen. Wakili Sigei): Order, the Senate Majority Leader. Conclude your reply. Let us allow the Majority Leader to be heard as he concludes his reply in silence.

**The Senate Majority Leader** (Sen. Cheruiyot): I never mentioned anyone, but you know what they say about the guilty. They are always afraid.

Mr. Temporary Speaker, Sir, the Committee has proposed 40 amendments and I want to commend the Committee because I heard Sen. Osotsi say; you never considered the views of stakeholders. If they did consider the views of stakeholders, why are they doing 40 amendments to the Bill? That is diligent work by this Committee, they need to be commended.

*(Applause)*

They took time to listen to people. In fact, even the title of Bill is being changed on account of a young man who came and explained the issue of rural affordable housing and they decided to agree with him.

As we speak in this House, let us be honourable enough even as we disagree to agree with facts. Since, in any case, affordable housing as a concept featured prominently in both manifestos of Azimio La Umoja– One Coalition Party and Kenya Kwanza. We do not understand why all of a sudden it becomes a problem.

Anyway, because I know that there is nothing that you will do to convince some people that an idea is good, the only wrong thing about affordable housing is who is implementing it. There is no need to waste time about it.

I want to urge hon. Colleagues that let us support this Bill, we conclude on the Second Reading today, we meet on Tuesday, next week, and conclude on the Business. We want to see millions of young people accessing employment opportunities and we build a decent country.

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

**The Temporary Speaker** (Sen. Wakili Sigei): Now, hon. Members, having heard the Mover reply, I direct that we go to Division. I will direct that the Division Bell be rung for five minutes.

*(The Division bell was rung)*

I now direct the Serjeant-at-Arms, to draw the Bar and close the Doors and the Quorum Bell be stopped.

*(The Bars were drawn and the Doors closed)*

Hon. Senators, I now put the question, that the Affordable Housing Bill (National Assembly Bills No. 75 of 2023), be now read a Second Time.

Hon. Members, we are going to vote electronically. I ask hon. Members to log out from delegates units. Serjeant-at-Arms, pull out cards, which are not attended.

Hon. Members, you can log back into your delegates unit. You may proceed to vote.

*(The Senators proceeded to vote)*

## DIVISION

### ELECTRONIC VOTING

*(Question that the Affordable Housing Bill (National Assembly Bills No.75 of 2023) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*



**AYES:** Sen. Abbas, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo-Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Tobiko; Sen. (Prof) Tom Ojienda Odhiambo, SC, Kisumu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

**NOES:** Sen. Crystal Asige, Mombasa County; Sen. Omogeni, Nyamira County; Sen. Kavindu Muthama, Machakos County; Sen. Okiya Omtatah, Busia County; Sen. Osotsi, Vihiga County; and, Sen. Sifuna, Nairobi City County.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, we now have the results of the voting.

**AYES:** 31

**NOES:** 6

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 31 votes to 6)*

*(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)*

**The Temporary Speaker** (Sen. Wakili Sigei): I now direct the Serjeant-at-Arms to draw the Bar and open the door.

*(The Bar was drawn and the Door opened)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, having concluded the business on Order No.13, the Senate, therefore, stands adjourned until Tuesday 12<sup>th</sup> March, 2024, at 2.30 p.m.

The Senate rose at 8.00 p.m.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*