

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 24th July, 2024

Afternoon Sitting

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

(The Quorum Bell was rung)

Order, hon. Senators! Kindly take your seats. I am informed that we now have quorum. We shall proceed with the afternoon business.

Clerk, proceed to call the first Order.

Next Order.

PETITIONS

COMPENSATION OF POLICE OFFICERS INJURED IN THE LINE OF DUTY

Sen. Okiya Omtatah: Mr. Speaker, Sir, I rise to read a Petition to the Senate concerning the compensation benefits for police officers injured in the line of duty.

“We, the undersigned citizens of the Republic of Kenya, and affected police officers serving in the National Police Service Commission (NPSC), draw the attention of the Senate to the following-

(i) That the Work Injury Benefits Act (WIBA), provides for compensation of an employee by the employer in cases where the employee is involved in an accident or dies while in the line of duty;

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(ii) That police officers, just like any other civil servants, are also beneficiaries of this provision of the law;

(iii) That the National Police Service Commission (NPSC) contracted the National Health Insurance Fund, (NHIF) to insure all police officers between the years 2021 and 2022;

(iv) That once a police officer reports an injury incident to the station commander, due assessment is undertaken by both a personal doctor as well as doctors at the Directorate of Occupational Safety and Health Services (DOSHS);

(v) That after assessment of the injury, the Director of WIBA at DOSHS generates a demand for payment based on what the officer is awarded by the DOSHS doctors;

(vi) That a demand from WIBA form is sent to the police headquarters for the injured police officer to sign if he or she agrees with the benefits awarded. The signed WIBA demand form is then referred to the National Health Insurance Fund, which provides the WIBA cover for police officers for payment;

(vii) That payment ought to be done within 90 days from the date the WIBA IV demand form is generated and submitted for processing;

(viii) That since the year 2021, more than 400 injured police officers have not been paid their injury benefits after being assessed and awarded benefits in accordance with the procedure set above;

(ix) That some police officers have been totally incapacitated due to injuries sustained in the line of duty;

(x) That some of these officers lost their arms and legs, which negatively impacted their lives and the lives of their families and dependants;

(xi) That added to the low pay, poor housing, erratic career progression and hostile public attitudes and other occupational hazards that the police officers endure daily, the disregard of the injuries sustained in the line of duty makes it unbearable;

(xii) That both the National Police Service Commission and the National Hospital Insurance Fund have not explained why no officer out of the more than 400 victims has ever been compensated;

(xiii) That to make matters worse, some injured police officers cannot access their files;

(xiv) That cases of corruption have been cited, including worse, some officers were asked to be reassessed and others were asked to part with a percentage of their benefits before they could be paid;

(xv) That the injured officers have tried and failed to get the National Police Service Commission, the WIBA Director, the DOSHS and NHIF CEO to intervene for the payments to be made;

(xvi) That Mr. Dunston Kinyanjui, who was appointed as a representative of the police officers, has not given any coherent reasons why the benefits have not been paid;

(xvii) That none of the issues raised herein are pending before any court of law or any other legal entity.

WHEREFORE, your humble petitioners pray that the Senate of the Republic of Kenya intervenes with a view to-

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(i) ensure that all the injured police officers are given fair treatment in terms of benefits payment, just like all other civil servants;

(ii) recommend that the WIBA and the DOSHS produce the list of all the injured police officers since the year 2021, detailing the name of each officer, nature of injury, time of injury and the amount of compensation awarded;

(iii) recommend that the National Health Insurance Fund compensate the affected officers immediately.

And your petitioners will ever pray.”

Thank you.

The Speaker (Hon. Kingi): Now, hon. Senators, pursuant to Standing Order No.238(1), I commit the Petition to the Standing Committee on Labour and Social Welfare for consideration.

Now, in terms of Standing Order No.238(2), the Committee is required, in no more than 60 calendar days from the date of reading this prayer, which is today, to table its report in the Senate for consideration. The Senate shall thereafter consider the report of the Committee.

I thank you.

*(The Petition was committed to the Standing Committee
on Labour and Social Welfare)*

Next Order.

PAPERS LAID

The Speaker (Hon. Kingi): Sen. Faki, you are out of order. Why are you seeking a point of order when there is no Senator on their feet?

(Sen. Faki spoke off record)

The Senate Majority Leader, you may proceed to lay the Paper.

ANNUAL COB REPORT AND FINANCIAL STATEMENTS FOR FY 2022/2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 24th July, 2024.

The Office of the Controller of Budget, Annual Report and Financial Statements for the Financial Year 2022/2023.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

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QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker Hon. Kingi): Statement pursuant to Standing Order No. 53(1).
Sen. Kavindu Muthama.

REPORTED CASES OF BODIES RETRIEVED IN
KWARE, NAIROBI CITY COUNTY

(Statement dropped)

Sen. David Wafula Wakoli.

Sen. (Prof.) Tom Ojienda, you have four Statements. You may read all of them.

Sen. (Prof.) Tom Ojienda Odhiambo, SC: Thank you, Mr. Speaker, Sir. I have four Statements this afternoon. The first Statement is on the employment of persons above the mandatory retirement age in Kisumu County.

EMPLOYMENT OF PERSONS ABOVE MANDATORY
RETIREMENT AGE BY KISUMU COUNTY GOVERNMENT

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding employment of persons above the mandatory required retirement age in Kisumu County.

The Constitution of Kenya and the County Governments Act, 2012, establishes the various apparatus and modalities a county must consider in employing persons in various positions.

Further, according to the Policy of the national Government, except for a few exemptions such as the Judiciary, the retirement age for categories of various civil servants was revised in 2009 and set at 60 and 65 years for different categories.

The Public Service Commission (PSC) also provides that once a public officer has attained the retirement age, the officer shall retire from the service with effect from the date of attaining the age.

Despite all these provisions, the Kisumu County government has proceeded to employ in its ranks persons who are above the mandatory age in contravention of the law.

In the Statement, the Committee should-

(1) State the county's policy on employing retirees, disclosing the number of individuals employed under this category, providing details of their contracts, job descriptions and remuneration.

(2) State the justification for hiring retirees over potentially more resourceful younger candidates and Gen Z, the process used for selecting the retirees and measures put in place to ensure that employing retirees does not hinder career advancement for

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younger employees or hinder effectiveness and impact service delivery on the organisation performance.

(3) Table a report assessing the retiree skills, experience and suitability of various positions.

FLOOD MITIGATION AND COMPENSATION TO VICTIMS IN KISUMU COUNTY

Mr. Speaker, Sir, my second Statement is on the level of disaster preparedness in Kisumu County.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the level of disaster preparedness in Kisumu County.

Kisumu County has been severely affected by floods, impacting over 5,000 residents in the most recent incident. The County Government should prioritise disaster preparedness in its plans to safeguard the lives and property of the citizens.

In the Statement, the Committee should-

(1) Provide an overview of disaster preparedness mechanisms in Kisumu County, including plans, policies, resources, verifying whether at least 2 per cent of the budget is allocated to the County Emergency Fund as per the Public Finance Management (PFM) Act and explain the utilisation of funds from 2017 to date.

(2) Assess the existence and effectiveness of early warning system for floods and landslides in Kisumu, stating whether flood mitigation measures such as drainage systems, flood barriers and dike construction have been implemented in flood-prone areas and provide a breakdown of the cost incurred.

(3) Describe how the county government coordinates with the national Government, Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) to enhance disaster preparedness and response efforts.

(4) Evaluate the technical capacity and availability of trained personnel, equipment and emergency shelters for flood-related incidents and clarify whether there are measures in place to address the needs of vulnerable populations such as children, elderly persons and Persons with Disabilities (PWDs).

(5) Explain how the county government coordinates with the national Government and other stakeholders to enhance preparedness.

(6) State the capacity of the County Emergency Response, including the availability of trained personnel and rescue teams and emergency shelters, if any, to respond to flood-related incidents.

(7) State whether there are deliberate measures in place to address the needs of vulnerable populations and how the county intends to integrate risk reduction and resilience building measures into the County Integrated Development Plans (CIDPs) processes, particularly, in areas prone to flood.

(8) State how often the disaster preparedness is reviewed and updated to reflect the changing environmental regime caused by climate change.

STATE OF STADIA FACILITIES
IN KISUMU COUNTY

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

I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the state of stadia facilities in Kisumu County.

Article 186(1) of the Constitution of Kenya, read together with Article 4(h) of Part 2 of the Fourth Schedule of the Constitution, devolves sports activities and construction, and maintenance of facilities, including stadia, to the county governments.

The Sports Act 2013 further provides that county governments shall establish, manage, and develop sports facilities within the county.

In the Statement, the Committee should-

(1) Report the current state of stadia and sports facilities in Kisumu County and state whether there are plans to upgrade the existing stadia facilities to meet national and international standards and, if any, state the specific steps taken.

(2) State whether there are ongoing maintenance and rehabilitation projects aimed at improving infrastructure of existing stadia and provide details of the scope and progress of these projects and any budgetary allocations, projected timelines, completion and tenders.

(3) State the funds allocated to the county budget for maintenance and improvement of stadia in Kisumu County from Financial Year (FY) 2013/2014 to date.

(4) Provide details of any plans underway to construct new stadia.

(5) Outline the measures in place to ensure transparency and accountability in the utilisation of resources.

UPGRADE OF JOOTRH TO
LEVEL 6 FACILITY

Mr. Speaker, Sir, my last Statement comes against the background on health facilities. This is on the upgrade of Jaramogi Oginga Odinga Teaching and Referral Hospital (JOOTRH) to a Level 6 facility. This is important given that now we are in Government.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health on the need to upgrade JOOTRH in Kisumu County to a Level 6 Teaching and Referral Hospital.

JOOTRH is currently classified as a Level 5 Hospital and is under the stewardship of the County Government of Kisumu, providing vital medical and health services to residents across more than 10 counties. It is, therefore, time that this facility was upgraded. The facility serves a combined population exceeding 10 million people.

In the Statement, the Committee should:

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(1) Initiate the necessary measures and steps needed to upgrade JOOTRH from a Level 5 to a Level 6 Teaching and Referral Hospital.

(2) The hospital be accorded access to vital resources, medical equipment and human resources attached to that status.

(3) Recommend policy and legal framework needed to facilitate and realise the upgrade of JOOTRH to a Level 6 facility.

I thank you, Mr. Speaker, Sir, noting that the Orange and Democratic Movement (ODM) is in Government.

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

RECENT ATTACKS ON JOURNALISTS COVERING PROTESTS

Sen. Kibwana: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of National Security, Defence and Foreign Relations on the recent attacks on journalists covering the “Occupy” protests organised by Gen Z in Kenya.

In the Statement, the Committee should-

(1) Provide detailed accounts of the reported attacks on journalists, including any physical assaults, verbal threats, arrests and detention, destruction of equipment and other forms of intimidation that have taken place during the protests, including also alleged attempts to muzzle media houses from covering the protests.

(2) Conduct an investigation into the role of the police in these attacks, including any evidence of excessive use of force or failure to protect journalists in the line of duty.

(3) Highlight steps that the National Police Service has taken to ensure the safety and protection of journalists covering protests and other public events in the future.

(4) State the actions being taken to hold the perpetrators accountable for their actions against journalists, including the legal proceedings or disciplinary measures.

I thank you.

STATE OF CHWELE CHICKEN SLAUGHTER HOUSE IN BUNGOMA COUNTY

Sen. Wafula: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of Chwele Chicken Slaughterhouse in Bungoma County.

In the Statement, the Committee should-

(1) Report on the current state of Chwele Chicken Slaughterhouse in Bungoma County, providing a detailed inventory of all county government assets at the slaughterhouse.

(2) Provide details on the revenue from the slaughterhouse that has accrued to the county government since its operationalization, as well as the average number of poultries slaughtered per day.

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(3) Evaluate the socioeconomic impact of the slaughterhouse on the residents of Bungoma County, stating the number of residents employed as well as the number of farmers that supply poultry to the slaughterhouse.

(4) Clarify whether the leasing process of the slaughterhouse was competitive and, if not, provide a justification for the same.

(5) Provide details on the lease of the slaughterhouse to include the details on the company that was awarded the lease, the cost of lease, the handing-over process, as well as the memorandum of understanding signed between the county government and the said company.

SUPPLEMENTARY BUDGET FOR MADARAKA DAY CELEBRATIONS IN BUNGOMA COUNTY

Sen. Wafula: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding the supplementary budget of over Kshs148 million approved by the County Assembly of Bungoma County for the Financial Year (FY)2023/2024 that allocated funds towards hosting of the 2024 Madaraka Day celebrations in Bungoma County.

In the Statement, the Committee should-

(1) State the total amount budgeted and allocated for the 2024 Madaraka Day celebrations held on 1st June, 2024 in Bungoma County, providing a breakdown of contributions from the national Government and county government towards facilitating the event.

(2) Explain why Bungoma County Assembly approved a supplementary budget of over Kshs148 million to fund a national Government event and provide a breakdown of how these funds were utilized.

(3) Explain how procurement towards facilitating the event was conducted, stating the procurement method used and further, provide the details of the companies that were awarded tenders, the tender sum of each tender awarded, as well as the Bill of Quantities (BQs) for works procured for the national event.

I thank you.

The Speaker (Hon. Kingi): Sen. Kavindu, your Statement has been brought back after having explained yourself.

Proceed to read your Statement.

REPORTED CASES OF BODIES RETRIEVED IN KWARE, NAIROBI CITY COUNTY

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee of National Security, Defence and Foreign Relations regarding cases of reported bodies dumped and retrieved in Kware area in Embakasi South Constituency, Nairobi County.

In the Statement, the Committee should-

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(1) Conduct investigations into the cause of the deaths of the 42 women whose bodies were dumped and retrieved in the Kware area, Nairobi South Constituency, Nairobi County.

(2) Provide information on the identities and origins of the 42 women, including whether their families had reported them missing.

(3) Explain why the alleged serial killer's heinous acts went unnoticed and why the identity remains unknown to the residents of the neighboring Kware area, despite the murders being committed from the year 2022 to date.

(4) Clarify why the Government was not aware of the matter until it was reported in the media.

(5) Provide an update on the status of the investigations and outline how the families of the victims will obtain justice.

I thank you.

The Speaker (Hon. Kingi): Next Order.

*(Sen. (Dr.) Khalwale, Sen. Wambua and
the Clerk-at-the-Table consulted the Speaker)*

The Speaker (Hon. Kingi): Hon. Senators, allow me to rearrange today's Order Paper for the convenience of the House pursuant to Standing Order No.45(2). We shall move to prosecute Order No.16. After that, we will move to Order No.27. Once we are done with those two Orders and still have time, we will prosecute any other Order that will be available.

Clerk, proceed to call that Order.

MOTION

ADOPTION OF REPORT ON SENATE NOMINEES, ON BEHALF OF COUNTY GOVERNMENTS, TO THE POSITION OF SRC MEMBER

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23rd July, 2024, and further pursuant to Article 230 (2) (b) (vii) of the Constitution and Section 7 (2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

Mr. Speaker, Sir, before I proceed, I wish to seek clarification from the Chair. In our Report, which we laid earlier yesterday, we indicated the three nominees, Madam Lynette Washiali Muganda, as number one in the score, followed by Mr. Mohamed Aden Abdi, as number two.

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Before coming to this conclusion, we had been confronted with a challenge in the Committee. One of the candidates was knocked off and the reason for being knocked off is not because he did not qualify. He was actually candidate number one. However, we were forced to knock him off because when due diligence was done on his testimonials, a letter came from the University of Nairobi stating that the degree that he had uttered to the Committee was not genuine.

Mr. Speaker, Sir, for that reason, we dropped the name of that candidate and proceeded to do the report on which we agreed with the majority. Minutes before I prepared to move the Motion, we received yet another report from the office of the Clerk marked to us. I have found that it is a letter from the University of Nairobi, which is now rescinding its earlier letter to the Committee and is now confirming that the degree certificate from the University of Nairobi is indeed genuine.

For this reason, I would like you to guide us because if then the certificate is genuine, it means we have no grounds to knock that candidate from the list. Therefore, his name should be before the House.

I appeal to you Chair, to guide us because the matter has since left the Committee. There is nothing the Committee can do. The matter is now in Plenary.

Thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you may proceed to table that letter before I give guidance on the same.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I hereby table a copy of the letter from the University of Nairobi, being a letter in reference to Abdirahman Hassan and signed by Mr. Emmanuel Mumba, Registrar of Academics, University of Nairobi.

Thank you.

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

The Speaker (Hon. Kingi): Sen. Mungatana, what is your intervention?

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. As you consider giving us direction on this matter, I feel that an injustice has been carried out on a person who qualified and was left out because of a mistake that was caused by an institution.

Logically, the institution has tried to restitute this by correcting the injustice that was visited upon that applicant, whom I do not know because the name has not been given to us.

I would propose that you consider allowing the very Sen. (Dr.) Khalwale, to move the Motion that is on the Order Paper in an amended form, so that the other name can be included, and then the three names can be forwarded if the Senate approves the Motion. The three names can be forwarded for consideration for appointment by the other authority. I think that would serve justice, so that we do not visit injustice twice by the institution and then another institution to exclude the same person.

I submit for consideration.

The Speaker (Hon. Kingi): Proceed, Sen. Onyonka.

Sen. Onyonka: Mr. Speaker, Sir, as much as I support what Sen. Mungatana has said, the only request I wanted to make is your guidance on what Sen. (Dr.) Khalwale has

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said. What does that letter say? Is the University making the apology that they made an error or was the document just produced as evidence?

Sen. (Dr.) Khalwale: Both.

Sen. Onyonka: Okay, then I understand.

The Speaker (Hon. Kingi): Proceed, Sen. Wambua. What is your intervention?

Sen. Wambua: Thank you, Mr. Speaker, Sir. Where I sit, this is also a very serious issue. It is serious because I do understand that the Committee had already tabled its report and that the moving of the Motion was subsequent to a report. If that letter is admissible, although I have not seen the letter, then it would follow that the Committee made a decision on account of misleading information.

The source of the misleading information has attempted to correct that position. Nevertheless, from our traditions, customs and practices, once a committee tables a report, I do not know what avenue is available to reopen the report. The only window that I see is in the Motion.

Sen. Mungatana is proposing something, and I do not know how possible that is in the immediate, that Sen. (Dr.) Khalwale can move the Motion in an amended version. My understanding of the practices is that the decision to amend the Motion cannot be made on the Floor; it has to be a Committee decision with guidance from the Speaker.

I am not helping the situation in any way, I am also getting confused about it, but your reasoned ruling is needed on this. Perhaps, you give us a date that you are going to rule on this after determining the authenticity of the letter that has come. You can do a reasoned ruling and guide the House on how to process this matter.

I submit.

Sen. Kisang: Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Yes, Sen. Kisang'.

Sen. Kisang: Thank you, Mr. Speaker, Sir. I also concur with Sen. Wambua. I believe that in all our universities, including the University of Nairobi where I did my Masters, the letter can only be admissible if it is accompanied by the graduation booklet from the university.

Otherwise, the letter can be done by anybody to purport that it is coming from the university. The booklet with the name of this particular candidate should accompany the letter.

The Speaker (Hon. Kingi): Hon. Senators, I will give my ruling on this letter on Thursday, next week. The procedure to adopt will depend very much on the ruling that I will be delivering on Tuesday next week. Let us rest the matter at that. We now move to Order No.27.

The Speaker (Hon. Kingi): Proceed, Sen. Abass.

BILL*Second Reading*THE FIRE AND RESCUE SERVICES PROFESSIONALS
BILL (SENATE BILLS NO.55 OF 2023)

Sen. Abass: Thank you, Mr. Speaker, Sir. I beg to move that the Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023), be now read a Second Time.

Mr. Speaker, Sir, the principal objective of the Bill is to ensure the delivery of high-quality, professional and standardized fire and rescue services across all counties through the regulation of fire and rescue services professional in Kenya.

This is geared towards reducing public safety, protecting lives and property. The importance of the Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023) cannot be overstated. These men and women risk their lives every day to protect our lives and minimize the devastation impact of fire accidents and emergencies.

As you are aware, this country has faced many incidents of fire. A few months ago, we had the worst fire incident witnessed in Kenya. It was the most tragic fire disasters occasioned by a gas explosion in Embakasi. Had we enough people trained and regulation in place, we would have minimized that disaster. If we had well-functioning fire and rescue services sector, then things would have been minimized. This calls to action for us legislators to put in place the necessary framework and resources to ensure that all incidences can be prevented, and that they do not occur or be minimized fully.

Mr. Speaker, Sir, having said that, as you are aware, the fire and disaster issues are devolved. However, facilities are foretaste in most of the counties. Emergency preparedness is not there. If you look around Parliament today, God forbid, but if there will be any fire, you can see there are no vehicles or no facilities available within reach of this Institution.

In the past, we used to have fire vehicles stationed next to the administration and rescue services and small tanks for fire extinguishers in every place. However, you will hardly see anything to do with the fire services or anything for rescue services or emergency issues as you approach this building.

Mr. Speaker, Sir, there is also no properly trained personnel in this country. We have a small training institute for the Nairobi City County. However, that is not fully functional. Therefore, this Bill will ensure we have regulated services and be able to control emergencies on fire.

Some of the most ugly incidents that took place in this country beside the one in Embakasi, in 2001, there was a fire outbreak in a certain school in Ukambani called Kyanguli Secondary School where 60 students lost their lives. Similarly, a fire occurred in Bombolulu Girls in Kwale, where 25 students lost their lives. In 2011, massive fire at Mukuru-Sinai caused by oil leakage from a Kenya Pipeline Company tanker resulted in over 100 deaths.

In Nakumatt Downtown in 2009, there was an uncovered generator that led to a fire and loss of 25 lives. The fire also destroyed properties worth millions of shillings. In

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the same year, a fuel tanker overturned at a place somewhere in Molo called Sachangwan, causing fire that claimed the lives of 113 people and many people were injured. Most of the Kenyans are still living with injuries today, while some of them died. In Gikomba, almost every year, we have fire that destroys a lot of property. However, at any given time, there are disasters or fire outbreaks, we have no prepared interventions.

Mr. Speaker, Sir, the above fire disasters, coupled with the recurring fire incidents in the secondary schools and markets, underscore the urgent need for improved fire safety measures in emergency response plans in Kenya. We, however, can only achieve this as a country with proper trained and regulated fire and rescue services professionals, which is what the Bill seeks to provide.

Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023) establishes a Fire and Rescue Service Board, which will be charged with overseeing the regulation and setting of standards for fire and rescue services professionals. The establishment of the board will ensure the highest standards of professional conduct, training, service deliveries in the fire and rescue service sector.

The board will be composed of representatives from key stakeholders, including relevant Government Ministries, the Council of Governors (COG) representatives, as well as representatives from fire and rescue services professionals associations and rescue associations. This diverse membership will ensure broad benefit from a well experienced expertise to save Kenyans from these disasters.

One of the board's primary functions will be to develop and enforce a Code of Conduct for fire rescue service professionals. This code will set out clear standards of behaviour, ethics and professionalism that all personnel must adhere to in the course of their duties.

It will also provide a framework for the disciplinary action in cases where the standards are breached, and ensure that the integrity of the professionals is maintained and the public can have full confidence in the service provided. The board will also play a crucial role in advising both the national Government and county governments on matters related to fire prevention and rescue services. This will promote greater collaboration between different agencies and stakeholders enabling effective and efficient agencies.

Mr. Speaker, Sir, you aware that there is no place we can refer our problems currently. When vehicles collide in this country, especially the Passenger Service Vehicles (PSVs), many people have perished. The buses get paid by the insurances, but the passengers that die or get injured are never compensated. When institutions like Kenya Power Company (KPC) have a power surge, many people lose their properties and nobody is compensated.

The registration process will help to ensure that only qualified and competent individuals and firms are permitted to operate the sector providing public safety. It will also enable the board to maintain a comprehensive database of all registered professionals and firms facilitating better oversight, monitoring and enforcement of standards.

In addition to the registration, the Bill will also set out a robust framework for the training and professional development of fire and rescue service personnel. The board will also be empowered to develop and oversee training programmes and curricular

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standards, ensuring that all personnel have access to high-quality relevance and up-to-date training opportunities. These will help to build a more skilled, knowledgeable and capable workforce, better equipped to respond to disasters of fire.

The Bill also contains provisions of discipline of professional misconduct, malpractice by fire and rescue service professionals. The board will also have the power to receive and investigate complaints against registered professionals and firms, and to take appropriate disciplinary action where necessary. This will include the ability to suspend or revoke registration, impose fines, and refer cases to relevant authorities for criminal prosecution.

Mr. Speaker, Sir, disciplinary provisions are essential for maintaining public trust and confidence in the fire and rescue service sector. This will ensure that professionals and firms are held to the highest standards of conduct and performance, and the breach of this is dealt with swiftly and effectively.

The benefits of this Bill extend far beyond the immediate confines of the fire and rescue service sector by establishing a more professional, accountable and a responsive sector. This will create a safer and more resilient, prosperous society for all. Effective fire prevention and emergency responses are essential for protecting lives and property and livelihoods, and minimizing the social and economic cost of these disasters.

A strong and a well-regulated fire and rescue service sector is a significant driver of the economy, growth and job creation. As the sector expands professionalism, it will create new opportunities for employment, entrepreneurship and inventions committed to the overall development and prosperity of our nation.

Mr. Speaker, Sir, I am confident that with the passage of this Bill, we will take a major step forward and have more resilience and a prosperous future for this country. By investing in the professionalism and regulation of the fire and rescue service sector, we are investing in the safety and wellbeing of this nation at large.

As you are aware, this country does not have an institution that trains people and fire and rescue services are decentralized. There is also no coordination in this important institution, and by having this Bill, we will have a robust fire control services and fire interventions that occur in this country, and which cause a lot of problems. Every time fire outbreaks happen, people die and property is lost. I hope this Bill will give us professionalism that will guide on how to manage fire.

Mr. Speaker, Sir, in conclusion, I urge all Members in supporting the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023). Let us all seize this opportunity to create a more professional, accountable and responsive fire and rescue service sector and build a safer, resilient future for all Kenyans.

With those few remarks, I call upon Sen. Seki to second the Bill.

Sen. Seki: Thank you, Mr. Speaker, Sir. I thank the Mover of the Bill, Sen. Abass, for coming up with this important Bill; the Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023).

I support this Bill because there will be boards nationally and in the counties, and where we will focus on the disaster, nationally and in the counties. These problems occur in our counties. These boards will look at issues of discipline by those handling the fire.

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They will also focus on training where counties and the relevant Ministry in the national Government will budget sufficient money to train on fire.

The boards will come up with policies that will help in issues of fire and rescue services. It is true that we have been having issues and problems in our counties on the breakdown of fire equipment. It is something that is there. It is not history to us. However, the way we have been handling recoveries or paying those affected has never been in place.

Mr. Speaker, Sir, this is a Bill that at least puts some structures in place, so that counties know they will be handling the fire disasters. I thank the Mover for coming up with this Bill because in every financial year, counties will come up with plans on how to budget and put money on their vote-heads. This is so that in case of fire, there is good management and the affected people will recover their properties.

We have seen fire in schools and there has been a lot of damage in our schools. We have seen electricity causing many fires in our major towns and people have lost properties. Therefore, this Bill will assist the country manage this disaster.

It is also coming at a time where the Committee on National Security and Foreign Relations, of which I am a Member, is coming up with a Bill on disaster management. This will go hand in hand with this Bill. I am sure it will also be an important Bill to our county governments.

Mr. Speaker, Sir, I will come up with proposed amendments.

I second this Bill. I thank you.

(Question proposed)

The Speaker (Hon. Kingi): Hon. Senators, the Floor is now open for debate.

Sen. Faki: Asante Bw. Spika, kwa kunipa fursa hii kuunga mkono Mswada wa wazima moto na uokoaji wa waathiriwa wa mambo ya moto. Majanga ya moto yamekua mengi katika nchi yetu. Tunaona kaunti zetu hazijakua na mipango mahususi ya kupambana na majanga haya.

Tumeona visa vya moto vinapotokea, mali na maisha hupotea wakati wa majanga kama haya. Mswada huu umekuja wakati mwafaka kabisa ili kuweka msingi sheria itakayosaidia mambo haya kwa siku za usoni.

Tukianga kabisa, ukiangalia kaunti zetu zote, bajeti zao za zima moto ni ndogo sana, wakati huduma inasaidia pakubwa kukitokea dharura, kuokoa maisha na kuokoa mali. Tukiangalia bajeti zetu zote, si Mombasa na Nairobi, hata kuna kaunti zingine hazina wazima moto.

Bw. Spika, sheria hii itatoa nafasi nzuri ya kuhakikisha kwamba mambo ya moto yanaangaliwa kwa undani zaidi.

Kuna vipengele vingi ambavyo vinatia moyo katika Mswada huu. Ningependa Maseneta wavisome kwa sababu vinaathiri nchi nzima. Sehemu ambazo moto hutokea kwa mara nyingi huwa hazina magari ya kuzima moto ya kutosha.

Hapo awali, Kaunti ya Mombasa ilikuwa na gari moja la kuzima moto peke yake. Lakini sasa kumekuwa na maendeleo kidogo na kuna magari zaidi ya sita. Pia, kuna *substation* sehemu ya Likoni. Moto ukitokea pale au katika pande za Kisauni na

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Changamwe, magari yamo. Hili ni jambo muhimu na ni lazima tuliangazie ili tuweke sheria ya msingi ya kuhakikisha kwamba tunapambana na matatizo kama haya. Bali na kuwa na vifaa, vile vile ni muhimu kuwa na wazima moto ambao wanaielewa kazi hii. Hii si kazi ya kawaida ambayo kila mtu anaweza kufanya. Mhusika ni lazima awe *physically fit*, anaweza kupanda ngazi na kukimbia pia. Sehemu nyingi hazina wafanyi kazi wa kutosha wa kuhudumu katika kitengo hiki.

Bw. Spika, bali na vifaa tunahitaji kutekelezwa kwa mafunzo ya wazima moto na pia malipo yao yawe tofauti na wengine. Wanafanya kazi kwa mazingira magumu sana. Wanaingia sehemu zina moto pengine bila hata vifaa sawa sawa vya kupambana na moto huo.

Ningeomba Maseneta wote waunge mkono ili tupate sheria ya kimsingi ya kuhakikisha kwamba mambo ya wazima moto yanahudumiwa kikamilifu yanapotokea.

Naunga mkono Mswada huu.

The Speaker (Hon. Kingi): Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice on The Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023).

First, I start by congratulating Sen. Abass for the industry and the work that went into putting this Bill together. This Bill is relevant, and it gives us an opportunity to discuss the status of fire and rescue, not only for the professionals, but also for the fire and rescue departments within our counties.

Mr. Speaker, Sir, I would like to talk about Tana River County. We are not doing well when it comes to the fire and rescue disaster department. In fact, all the vehicles that were procured for dealing with fire disasters are all stationed at the County Headquarters in Hola.

Tana River County is one of the largest counties in this country with over 35,000 square kilometers. If you station all the fire rescue trucks in the county headquarters, which is in Galole Constituency, it is virtually impossible for those vehicles to respond to emergencies in Bura or Garsen constituencies.

Mr. Speaker, Sir, there is also lack of a proper fire policy. What should people do when this disaster comes knocking? We never pray nor do we plan for these disasters and when they come knocking, they have devastating effects. I have attended to many situations where you go to console victims of fire that occurred because the fire services did not reach on time. The people have been left to their own devices. Neighbors are the ones who now carry the responsibility of trying to save their neighbors. This kind of situation should not be allowed.

Under the Fourth Schedule, Section 14 of the Constitution, fire and rescue services are devolved to the counties. Any governor who is elected into office knows that this is one of the things that they must do. However, many are not budgeting or looking after this critical department. It only becomes relevant when you hear that people died or have been injured, then we have to go there and give *pole*.

Mr. Speaker, Sir, it is time that we focus more on what we can do to help our citizens, our counties and those who voted us into office. A lot goes wrong in this profession because it is not regulated nor is it given the respect it deserves. Many people

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do not think that this fire department should even exist. This is the attitude in the counties. It is my prayer that this Bill will put a change in this attitude so that our governors can start looking at this as a profession, the same way they look at police officers.

In more developed economies, people are proud to be firemen. Someone will tell you: "My father was a fireman and I am also following in the family tradition to be a fireman". It is the same way people are proud to be in the lineage of soldiers and police officers. There is no doubt that this Bill has come at a good time when people can start bringing to the attention of our counties that, indeed, we need to do something about our various fire departments.

The only thing I would like Sen. Abass to look at is the board that he has created. In the proposed clauses, they have created a Cabinet Secretary in charge of fire and rescue. To the best of my knowledge, this Cabinet Secretary does not exist. This Bill seems to creating a board - it is a good step but I think we need to change some of the things - that puts a Principal Secretary (PS) responsible for matters of fire and rescue as a member of the board.

It also puts the PS for Finance and the Ministry responsible for internal security on the board as well. This is a devolved function. As a standard procedure for us in the Senate, we must create or develop a legislation that will help our counties take charge of their destiny.

Mr. Speaker, Sir, we seem to have surrendered the Board's power to the national Government. We have several Principal Secretaries in a board that is supposed to function for the county governments, and then the governors are only having two positions to nominate people. I feel that we can restructure this Board so that it reflects the fact that Fire and Rescue is actually a function of the counties.

We must create a law that is going to help our governors to manage their functions, and not to give excuses so that they say, "Look, the Board is the one, and it is the Principal Secretaries of Nairobi, who have not assisted us to do the work. There is no legal framework for us to be able to execute our duties."

We laud the fact that this Board actually has been created and through this legislation, it will come into existence. However, the Board does not seem to have any person or even powers to recognize experience learning.

I would ask Sen. Abass to find a way in which they can recognize people who are already practicing this fire and rescue, because there are people who are already doing this work, but they do not have any serious qualifications. So, this law should give an opportunity to recognize those who have experience as professionals as a beginning.

At the same time, it will be important for this law, because it is talking about professionals, to clearly state that for one to be a professional, he must have trained for six months, one year, two years or something, for him to be recognized as a professional.

In the Law Society of Kenya (LSK) or even in the Accountants Profession, or the Marketing Profession, or the doctors, and the clinical officers, and those engineers' board, they have clear requirements for one to be recognized as a professional. So, it cannot be that we are just creating a Board that is talking about professionals, yet we have not defined who is enough to be called a fire professional.

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If we take the Law Society of Kenya, where I am a member, it is clear that for you to be considered a professional in that area, you must have a degree in law, and then you have the postgraduate training. Here we are not providing any form of training requirements.

At the stage of public participation, it will be necessary to bring, for example, the Fire and Rescue Training Center here in Nairobi. They have a fire and training center here. It has been training some people, including some people from Tana River County, so they can come and give some input. What is the minimum amount of training that is required so that one can be considered a professional?

On the issue of the registrar, there must be some form of charges that are clearly stated for you to be registered. You cannot be a professional, and they cannot process your professional certificate if there are no charges. Everyone then knows that for them to be a practicing fire and rescue practitioner, they must have a certificate, and this certificate is renewed maybe every year, and pay, say, Kshs1,000 or Kshs500 to be considered an active person.

Mr. Speaker, Sir, the Bill is a good thing because it is creating another level of professionalism; something that can make people be proud of their profession. They are developing another category of professionals that we require in this country.

It is also a sign that Kenya is coming into another level. I know that in more developed communities and countries, they have this as a very serious profession, and many people are proud to belong to this profession.

I would encourage the very able Sen. Abass to also look at some of the thoughts that we have proposed, so that we can make this a very strong law and help the development of this profession to the levels that is required.

I beg to support.

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

Sen. Olekina: Thank you, Mr. Speaker, Sir for giving me an opportunity to make some brief comments on this proposed legislation by my good friend, Sen. Abass.

From the onset, I am not sure if I support this legislation because we seem to be on a trajectory of over-legislating in this country. We are talking about austerity measures, reducing expenses and fidelity to the rule of law.

If you look at the Fourth Schedule of the Constitution, Part 2 (12), you will see that firefighting is a devolved function. I have taken a few minutes to search through the net to see whether there is any one particular county that has established a piece of legislation to deal with firefighting. Machakos County, in 2023, did have a piece of legislation that deals with firefighting.

I have perused the objects, memorandum of this Bill and reasons. I am a bit perplexed that Sen. Abass has not focused on how firefighting is going to be dealt with. I want to persuade him to relook at the Bill and think it through in a way that it cannot take over devolved functions.

Clause 2 says-

“In this Act, unless the context otherwise requires, Fire and Rescue Services Consulting Firm means registered private organization engaged in the provision of consultancy and advisory services pertaining to fire and rescue services.”

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

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

Mr. Temporary Speaker, Sir, that is creating jobs for people, for private companies. It is just like we saw the hurdles in the Social Health Fund Bill, where one section was put there to channel all administrative services of health in this country to a private company.

Mr. Temporary Speaker, Sir, I want us to be very careful when it comes to dealing with matters that affect county governments. We are in this House to protect county governments. When we now invite the national Government, we must be very careful and ask ourselves very serious questions.

I know there was a Bill that we passed here, and it is now law in terms of own-source revenue pertaining to health facilities that has brought in a conflict between the County Executive Committee Member (CECM) Finance and the CECM, Health. The PFM Act is quite clear that the Head of Treasury in county government is the CECM for Finance.

The new piece of legislation that we passed in this House, essentially allowed county governments to spend their hospital funds, locally, without having to swipe the money to the county revenue fund and so, brings in a conflict between the two departments.

Now we have the Fire and Rescue Services Professionals Bill, 2023, that is sponsored by my dear brother, yet, Part 2(12) of the Fourth Schedule of the Constitution delegates firefighting services and disaster management to county governments.

We need to ask ourselves two straightforward questions. Do we want to provide fire services and disaster management regulations to county governments, or do we want each county, based on its own environment, to develop its own legislation on how they are going to manage fire services and disasters, just like the framers of the Constitution had in mind?

I am not happy with Bills that create boards. You create a board and thereafter, people are appointed and they need money, yet we are here saying that we do not have money. You go ahead and say that there will be a chairperson who shall be appointed by the Cabinet Secretary.

I heard my brother, Sen. Mungatana, asking whether we have a Cabinet Secretary in charge of fire. I do not know whether this is the kind of Bill we should propose and pass in this House. We must be critical on any piece of legislation.

Mr. Temporary Speaker, Sir, I am going to be very candid to my brother because I want to support him on this Bill. I am a little bit handicapped because if you read the Statement of Objects and Reasons for the Bill, Part IV is about financial provisions. It sets out a Fund of the Board, preparations of annual estimates and keeping of books of accounts and audit. Who is going to fund this Board? That is my biggest question.

When you come to the last statement which every Bill must have, especially Bills that originate from the Senate, it is about whether this Bill relates to Article 114 of the

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Constitution on whether it is a Money Bill. They are saying that this is not a money Bill, within the meaning of Article 114 of the Constitution.

We have issues that deal with intergovernmental agencies such as control by the national Government through the Executive and its operationalisation through county governments. What happens then to the existing pieces of legislation that have been passed by county governments? We know well that a national law supersedes that of a county government. We must ask ourselves very serious and critical questions.

I invite my brother, Sen. Abass, to relook at this and ask the same questions I am asking; whether it is time we looked at other existing legislations to see how we can embed a few of his very good ideas here. Some of his ideas are important.

We should be asking ourselves how to ensure we send more monies to counties through conditional allocations, so that county governments can set up fire departments in all the sub counties. When we create a board that will take money, I think we are over-legislating. We need to rethink seriously.

Mr. Temporary Speaker, Sir, finally, since I do not want to re-emphasize the fact that I think this is not the correct Bill to be debated in this House or this is over-legislating---

To the Secretariat, you know I support you a lot, but today, I am going to give positive criticism. I think you should look at legislations that we bring here and advise us more. For once, can we bring legislations that do not end up being punitive to the public? We are already complaining that we are broke. Remember, every piece of law that passes ends up penalizing Kenyans because you have to pay for that.

There is no manna from Heaven, which will pay for that board and those regulations to be put in place. Let us endeavour to support and work with our county governments by looking for more money.

Mr. Temporary Speaker, Sir, I would like to end there by making those candid comments. My brother, I am neither going to support nor oppose your Bill. However, from my presentation, you know where I stand.

I thank you.

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

Next is Sen. Ali Roba.

Sen. Ali Roba: Mr. Temporary Speaker, Sir, I rise to support the Fire and Rescue Services Professionals Bill. I would like to start by saying that it is about time. As shared by my colleague, Sen. Olekina, there are observations that we can make to improve the current Bill to be of critical value to the 47 county governments.

I wish to state that not all the 47 counties have built the right capacities for fire and rescue services. Counties are crippled when it comes to proper establishment of fire services.

I would have wished for the Bill to go further in trying to set standards to be accomplished by each of the 47 county governments. It should provide what a constituency, county headquarters and even bigger towns are supposed to have as a bare minimum requirement to compel our 47 county governments to comply by making sure they prioritise investment in the fire and rescue services.

I am saying this because having been a governor for 10 years, with that experience, I noticed the critical functions needed such as fire services in the expanding urban centres that are coming up.

Mr. Temporary Speaker, Sir, in support of the Bill, I wish to propose that when it comes to establishment of the Board, the chairperson should not be appointed by the Cabinet Secretary but the entire board should be competitively sourced as required. Secondly, the representation from counties should not be two because we have 47 county governments and this is a devolved function.

You should not have principal secretaries responsible for matters relating to prevention and the one for finance. They ought not to be there completely. Those positions need to be moved to the representation of county governments. Instead of the two, they should be four positions in that requirement.

Due to the other gaps in existing regulation on fire and rescue services, the Bill also needs to go deep into the establishment of the standards to be accomplished by each county government because Kenya is comprised of 47 county governments. Each of these county governments must have certain standards that they must meet in terms of fire and rescue services.

The Bill also needed to address the need for the establishment of a regional fire and rescue training center that will train fire and rescue personnel to the basic standard required with certification from an institution accredited in the country. It will not only serve Kenya but also other neighboring governments within the greater East African region will be able to use this entity.

There is also the need for the establishment of a regional fire and rescue training center that is sort of a college and a university for purposes of making sure that our workforce in terms of discipline acquire the expertise in fighting different types of fire and the first aid requirement. Since they will be the first line of defense against fire, they need to be properly trained. That is something that needs to come out.

The issue that my colleague, Sen. Olekina, has shared is very pertinent. The funding for this board and this entity needs to be explicit and clear. Where is the source of funds that will help in establishing this? Other than that, the Bill is generally good. We can improve it by ensuring that the gaps are addressed. Sen. Abass, this also requires that we set a timeframe for compliance.

Within what period are county governments required to comply with the requirements of this Bill once it is passed? With such improvement, this Bill will be extremely valuable for our 47 county governments.

Mr. Temporary Speaker, Sir, I support. Thank you.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika wa Muda.

Kwanza, ningependa kumpatia kongole ndugu yetu, Sen. Abass, kwa kutengeneza sheria ambayo ni ya kuzima moto na kuokoa watu wakati wa janga la moto. Sheria hii inaleta mwelekeo mpya. Tumekuwa kwa muda mrefu na nafasi ambazo hazingeweza kukamilika kutengenezwa kwa sheria ambayo itahusikana sana na uzimaji wa moto.

Kama tunavyoelewa, kazi ya kuzima moto hivi sasa inafanywa na magavana wa kaunti. Lakini kuna kasoro, ikiwa nitakosoa kidogo, upande wa magavana wetu wanaohusika na kuangalia jukumu hili muhimu sana.

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Magari ambayo yameletwa katika kaunti zetu ili kutumika kwenye kazi ya kuzima moto yanaonekana yalinunuliwa kitambo na kupakwa rangi kuonekana mapya. Haya magari yaliletwa na kupakwa rangi kwa ofisi za kaunti.

Hakuna hata moja iliyojengewa mahali pazuri isipokuwa Mombasa ambapo wako na stesheni ya magari ya kuzima moto pamoja na staff wenye taaluma ya kupigana na moto. Wamewekwa pale ili waweze kutambuliwa mahali wanaweza kupatikana kwa kazi ambazo wanafanya.

Bw. Spika wa Muda, mara nyingi tunaona - kwa mfano katika kaunti kama yangu, Kilifi - kwamba wale wanaofanya kazi ya kuzima moto lazima wawe na training. Sio training tu, lazima wafunzwe ili hiyo kazi iwe ni taaluma yao. Wanafaa wapelekwe college inayohusika na mambo ya kuzima moto. Vitu kama hizo vinakosekana.

Mtu anaajiriwa kazi na kuambiwa: Utakuwa unazima moto, ukishika pipe unamwaga maji namna hii. Utapata kwamba mara nyingi taaluma ya kuzima moto sio kushika pipe na kumwaga maji tu pale pana moto. Unatakikana ujue upepo unapiga upande gani; unatakikana ujue utasimama wapi ili kutekeleza shughuli iliyokupeleka pale ya kuzima moto au kuokoa maisha ya wale watu ambao wameathirika.

Sisi tunajua kuwa kuna hasara hutokea mara kwa mara. Sheria hii imeweza kuangalia matumaini hayo. Kwanza ni kwamba wale tunaowakabidhi kazi hizo katika kaunti, ni jambo la kusikitisha kwamba hatujapata wale wenye taaluma. Tunaajiri tu vijana na kuwaambia mtakuwa mkizima moto.

Ningependa kumuuliza ndugu yangu kama tunaweza kugeuza vipengele fulani hapa ndani kuona ya kwamba hawa watu wote ambao wanafanya kazi katika eneo ile wawekwe katika insurance cover kwa sababu ile kazi wanaofanya ni hatari.

Unaweza kupanda ngazi ili uende juu ya nyumba kuzima moto ukaanguka na kupata hasara fulani. Ama unaweza kuteleza ukaingia ndani ya huo moto ambao ulienda kuzima. Kwa hivyo, lazima hawa watu wapewe insurance cover ambayo ni kitu muhimu sana kwa wale wanaofanya kazi hii ya kuzima moto.

Vile vile, kuna wale wanaofanya hii kazi ambao ni wazembe. Mtu anakuja kazini na kuketi pale anapotakikana kukaa kama dereva. Notisi inapotokea kwamba mnaenda kuzima moto mahali fulani, unapata kwamba huyo mtu havezi kupeleka ile gari kwa sababu jana alikesha kwenye kilabu akiwa mlevi.

Kwa upande mwingine, anaweza kukosa kuja kazini kwa sababu ni mgonjwa. Sababu kama hizo tunazielewa lakini hali ya uvunjaji sheria sio sawa. Unafaa kuwa mtu ambaye watu wako na matumaini kwako kwamba wakati wowote kukitokea janga la moto, wewe unaweza kutokea kwa haraka na kusaidia kuokoa maisha ya watu waliokumbwa na janga hilo.

Bw. Spika wa Muda, mara nyingi, moto ukitokea, matumaini ya watu huwa kwa hao wazima moto. Nataka kuzungumzia experience yangu. Miaka mbili iliyopita, nyumba yangu kule upande wa Mtwapa, ilishika moto na kuchomeka.

Nilipiga simu, mimi kama Seneta na kusema kwamba ninataka gari ya kuzima moto ije inisaidie lakini hakuna gari hata moja ilikuja. Ilibidi tuende mpaka Mtwapa kuitisha gari na kusema ije haraka sana; hiyo ndio gari iliyofika pale kwangu. Wale vijana walikuja na gari bila kuangalia kama iko na maji. Gari ya kuzima moto ilikuja na iliipofika pale ikawa haina maji.

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Magari haya huwa yamenunuliwa mamilioni ya pesa. Lakini, utapata gari limekuja mpaka pale bahari, wakijaribu kufungua, gari lenyewe halifanyi kazi na halina nguvu ya kutoa maji ya kuzima ule moto. Kwa hivyo, jambo kama hili sio la kuchekesha kwa sababu itakuwa hasara. Mimi nilipata hasara kwa kuchomekewa na nyumba. Lakini, nashukuru Mwenyezi Mungu kwani hakuna mtu aliumia.

La mwisho, magari haya pia ni lazima yaangaliwe. Mara nyingi utapata katika kaunti zetu, magari ya watu kwenda kutembea au kufanya kazi zao mbalimbali za kaunti, yanapatikana. Lakini, lazima kuwe na sheria mwafaka ambayo ndugu yangu, Sen. Abass, anaweza kuangalia. Magari haya yakitengenezwa, yapewe muda ule yanaweza kutumika kama ni miaka miwili au mitatu ili yaondolewe na magari mengine yaletwe. Hii itawezesha magari yaliyo sawa kufanya kazi.

Pia, tuhakikishe magari hayo yako na mafuta na katika hali nzuri. Wakati wowote ukipiga simu usiku ama mchana, yanaweza kupatikana. Naona ugonjwa huo uko katika kaunti zetu. Katika kaunti zetu, unaweza kupiga simu ukaambiwa ungoje wanakuja hadi ule moto uhome na kuteketeza kila kitu kabla ya magari kufika.

Itakuwa vyema ikiwa sisi tutazingatia sheria hii ambayo itakuwa na bodi itakayohakikisha sheria zake zimefaulu. Wale wanaohusika na mambo watazingatia sheria hizi za kuzima moto na kuokoa jamii, wananchi ama mali iliyokuwa inapatwa na hasara ya kuteketezwa.

Asante.

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

Proceed, Sen. Mutinda Tabitha Maureen.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. Let me start by appreciating Sen. Abass for this Bill, which I support.

I support this Bill because most of our residents, particularly in Nairobi, have been affected by the issue of fire. The fire tragedy affects the urban sector very much. Not to say, of course, the other areas do not get the same effect. However, percentage-wise, Nairobi, being the Capital City, is highly affected by this.

I have looked at the Bill and realized key issues that I want Sen. Abbas to note. I have not seen any association for the firefighters. If it is in place, well and good, but an association is very important. In the Bill, it talks about membership of the people in the profession of firefighting. However, a step further of an association would be a bigger plus to the team. The team of firefighters play a very key role to rescue people and their properties. At that particular time, it is a matter of life and death.

Before I proceed, let me take the opportunity to appreciate our firefighters in this country. They do a great job of going out of their way to save lives. The association, as I have said earlier, will bring them together, allow them to modify their skills and look at the modern ways of the profession.

It will also be a platform for them to air their concerns among many other things that any association can do. They will also have representatives. In case of issues, they will be able to air and iron them out.

Most of the time when I look at the Bills, I am keen on qualifications. Clause 18(a) states that-

“A person shall be eligible for registration as a fire and rescue services professional if such a person-

(a) has a degree, diploma or certificate in a fire and rescue services course from a recognized institution in Kenya or equivalent qualifications from a recognized foreign Institution”

It is good that the qualification is specific to the role of the service that is supposed to be offered. It is specified that it is supposed to be a fire and rescue services course from a recognized institution, which is very important. I am citing Clause 18 of this Bill because we have seen and heard that even in Nairobi, the people in the fire department have a different line of professionalism. For example, we have people who have done theology and librarian work and they are in this profession.

When this question was posed by the Senator of Nairobi, the feedback was that we need someone who has done theology to offer guidance and counselling. However, you agree with me that also there is a psychiatrist certification, either a degree or diploma level, that offers the same counselling services for the victims who have been affected.

So, what is the business of someone who has done theology or a librarian in the front line of rescue services? You cannot compare that person with someone who qualifies for a fire and rescue services course that has been attained in the right and recognised institution. So, Clause 18 (a) is great and well put.

I have also seen there is a clause for funds. It raises questions because of where we are in terms of having more money in different institutions. Today, the National Assembly is on the Supplementary Budget of extreme budget cuts after the Finance Bill 2024/2025 failed to go through. Therefore, if we advocate for more bodies and more funds, where will these funds come from? With the massive budget cuts, as a country, the focus is less on lessening the budgets that are in place.

We have these departments within the county levels. We should tell the county governments to work on increasing their Own Source Revenue (OSR). It is something that we have spoken about. Soon, the Committee of Finance and Budget will be amending the Division of Revenue Bill. It cannot be Kshs400 billion. Yes, it can be depending on the decision of the voting of the Members, but if we are at a point of budget cuts, then even the Division of Revenue, there is need to accept that counties will be affected.

Therefore, OSR should be the main focus for the county governments, so that even the fire department, can have the resources that they need. What are some of these resources? A skill is a resource. When the personnel in this particular department have continuous training, it sharpens their skills and makes them offer better services. Apart from the tangible assets like the machinery, skills are very key.

It is one thing for someone to have the machinery, including the big lorries that we equipped with the materials like the water, among others that are needed. However, the personnel handling that particular machinery needs to have the prerequisite skills. We have seen in other service professions, whereby there is always certification of the different courses or specializations that require continuous training.

I am just a bit disappointed because the sponsor of the Bill has just left the chamber and I do not know who will take notes of the amendments to this Bill.

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Therefore, in this particular continuous training, the Bill should include continuous certification after a duration of maybe six months, one year or depending on the level, so that people continue to have knowledge and skills. Also, we need to encourage appreciation by offering different levels of certification that will help the firefighters embark on their roles and achieve what is needed.

Clause 17 states that-

“No person shall practice as a fire and rescue consultant, a fire rescue service professional or operate a private fire brigade firm in Kenya unless registered and licensed in accordance with the provisions of this Act.”

Mr. Temporary Speaker, Sir, when I compare this with the agents who have been doing recruitment work and taking our young people to the Gulf countries for job opportunities, we have seen situations whereby rogue agents or cartels, who have used their platforms to take these young people who are so willing to go and make a living, but they are diverted to contracts which they did not even sign for.

Therefore, the emphasis of Clause 17 whereby they should be registered and licensed in accordance with the provisions of the Act is very important. Since then, you cannot operate a fire and rescue service consultant if you are not registered. It is very key. This is what is going to help us not have rogue people who are always money-oriented and not the service they need to offer.

Clause 20 also talks about registration in terms of who are the owners of the firms.

Clause 20 (c) states that –

“At least fifty-one per cent of the shares in the firm is held by Kenyan citizens”

This is positive as it gives our people a platform to open their firms and have a majority of the shares. At times, you might not have enough capital to start but you might have a partner who is willing to come in, and you co-join and start the consultancy services. Nonetheless, at least, it gives the Kenyan citizen an advantage to have the majority shareholding, hence much more shares and control.

As I conclude, Mr. Speaker, Clause 7(e) discusses the registered fire and rescue services professionals in Kenya. Regarding the Employment Act, we have the agents I talked about earlier, who are registered with the National Employment Authority (NEA). All these consultants must still be registered and be within the database.

It is one thing to be registered and it is another to have all the prerequisites, including the right dimensions of the office and the personnel that you are recruiting. It should be qualified personnel and also there should be enough machinery for you to be licensed to have the consultancy. It comes in handy.

Early this year in Nairobi, we had the fire tragedy. We have had so many of them, especially after these gas explosions, and the issues of the oil spillage, and it affects our people in the city. At times, there has been no compensation to the victims even after they have been promised. However, I am sure with the board in place, they are going to ensure that the people who are affected are also compensated. It is not only compensation but timely compensation.

I have seen the Board will develop many other things such as the code of conduct and what comes with it. It is good and well-articulated. It is going to take care of what needs to be done moving forward.

Just an emphasis as I conclude, the governors should take the Department of Fire very seriously. This is a life that is in danger and this is a time that the service is highly needed. I believe this Bill in conjunction with the national Government on many other risk management issues will provide the service and the need that is required.

Lastly, every county should also prepare to have a risk management policy that guides and takes care of these matters moving forward.

With those many few remarks, I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Tabitha Mutinda. Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you very much, Mr. Temporary Speaker, Sir. I also rise to support this Bill.

Disaster management in all developed countries takes center stage, especially in urban development. It becomes an integral part of physical planning because increased population density per square kilometer comes with increased risks. Therefore, it is high time we, as a country and the county governments, start looking at the importance of having disaster management.

This Bill goes a long way in establishing a framework that can be used to set up this important infrastructure. However, it is important to note that the diversity of our 47 counties, both in terms of population and in terms of physical planning will mean that, it will not be possible to adopt a one-size-fits-all kind of solution.

Therefore, it is important for each county to come up with a policy framework and infrastructure that will address the issues. Counties that are more rural-based will have a less densely-populated population per square kilometer as opposed to capital or city-based counties. This will mean that even the approach we take in procuring the equipment that will be used must be adapted to suit the specifications of that particular county.

Mr. Temporary Speaker, Sir, as I say this, allow me to pass my message of condolences to a business person who passed on in Kiawara through a fire tragedy just a couple of days ago. Had we had firefighting equipment, that disaster could have been averted.

The problem is that we have heavily borrowed from Western countries. We buy huge expensive firefighting machines, which at times are not suitable to negotiate the narrow roads we have in rural areas. Hence, many times, we have had fire breaking out but the firefighters are not able to access the sites because the machines they are using have not been tailor-made to drive around the terrain that we have in our country.

As we pass this Bill, it is paramount and imperative that we look at the needs of every county. Some counties have smaller towns and lie far away from each other. Thus, it would be prudent instead of buying big, very expensive machines, we acquire smaller machines that can be allocated to these areas so that we shorten the travel times.

During the Gen Z demonstrations, some businesses were burnt down in Nanyuki, one of them belonged to the Member of Parliament of Kieni Constituency. They did not

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have a firefighting machine and had to get one from Nyeri County. When we got there, it broke down and therefore, it was not able to put out the fire. We had to get one from Kirinyaga County. You can imagine the total time taken for a fire engine to drive from Kirinyaga to Laikipia.

It is therefore imperative that as we come up with the framework, we also look at the needs of each county and ensure that the machines and equipment they are using are tailor-made to suit their own needs. It is also not lost on us that in our curriculum development, firefighting has not been taken up as a training to ensure that we have well-prepared firefighters.

In a developed country - I am saying this because I lived for over 20 years in Germany- firefighting is a three-year course that is offered to dedicated people, who are well-trained, not only to fight fire, but also give first-aid services, as well as basic medical care.

We know that most of the firefighters we have in our country are employed and given short-term training. They are ill-equipped and do not have the right Personal Protective Equipment (PPEs), and whenever they are confronted with fire, especially if the fire is hazardous like the one we had in Mradi or Sachangwan, we end up losing many lives.

Therefore, to avert such occurrences in the future, it is also important that we look at our curriculum and what we are offering in our Technical and Vocational Education and Training (TVET), and start considering embedding firefighting courses as one of the basic units that should be trained in schools.

I say this as Sen. Abass walks back, that it is the high time that we start addressing the issues that were raised by the Generation Z. We should have a solution-oriented kind of training that will not only create employment, but also enable the young leaders of tomorrow to take the leadership of this country. That includes the services offered, such as firefighting.

The Senator has come up with a good Bill and I commend him. There are austerity measures we were talking about on saving costs. When it comes to the issue of saving lives, there is no amount that can be justifiable to say it is too much to spend to save a life.

Therefore, some of these services are so important. We can look at leakages and wastages that occur elsewhere and establish such important services. I am saying this, as the Chairperson of the Committee on Energy, having been able to conduct an inquiry on the occurrence of the Mradi Gas Explosion. We know it is the laxity of the law enforcement officers, the loopholes and the gaps that have been left by the Energy and Petroleum Regulatory Authority (EPRA) as the regulator to ensure that the gaps are sealed, that led to such occurrences.

Mr. Temporary Speaker, Sir, we know that that can be avoided in future, if we come up with strategic measures. This is one of the few countries in the world where you will find a gas or fuel tanker parked alongside other vehicles.

It is high time we came up with policies to have designated parking spaces for those trucks that are ferrying hazardous, explosive and flammable substances to ensure that the risks of such accidents occurring are minimized. That will also go a long way to

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ensure that most of the disasters caused by carelessness or mishandling of those explosive or flammable cargo are avoided.

Another major cause of fires, especially in the rural settlement, is electrification. We know that we have a shortage of qualified electricians in this county, and whenever wiring is done, we find a lot of short-circuiting. In the process, we end up losing a lot of lives because of things that could be avoided. As we come up with this Bill, it would be important to ensure that we have policies in place to ensure that we maintain standards, which will ensure that these accidents do not happen.

As I console the family of Muchomba in Kavendera in Kiawara, who lost his life through fire tragedy, it is important to note that the county governments have not risen up to the occasion of ensuring that the fire services are moved closer to the people.

Therefore, I would advise Senators when conducting their oversight role to ensure that we enforce having firefighting equipment that can adapt to the conditions on the ground.

I have seen many counties buy ten wheelers as firefighting engines, but their roads are too narrow to allow these motor vehicles to pass. That has happened several times in the slum areas. Due to poor physical planning, those firefighters do not have access, and therefore end up coming too late when the fire has destroyed everything.

Mr. Temporary Speaker, Sir, as we look forward to passing this Bill, I request my fellow Senator, Sen. Abass, as he looks at the operationalization, to also look at the practicability of having standards put in place, and adaptability of the same in different counties, and the diversity of those regulations, so that each and every county can come up with minimum standards that are adaptable in their county.

I support.

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

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to also contribute to this Bill. I start by thanking Sen. Abass, the Senator for Wajir County, who has conceived the Fire and Rescue Services Professionals Bill (Senate Bills No.55 of 2023). That is a good industry from our senior citizen, Sen. Abass.

I commend him for being a very good representative of the people of Wajir County, which is one of the very expansive counties. If I recall, it covers more than 55,000 square kilometres, with a population of 781,000. So, for Senator Abass to conceive and present this idea, it shows that he really cares about the people of Wajir County. We thank you, Senator, and we will make some comments to enrich this Bill.

I begin by raising an issue with the way Sen. Abass has conceived this Bill to look like we are inviting the Cabinet Secretary from the national level to come and manage a function that is fully devolved. The last I checked, firefighting services, under Paragraph 12 of the Fourth Schedule of the Constitution, is a fully devolved function.

The way the national values in Article 10 of the Constitution were conceived, we want to share and devolve power to our counties. Sen. Abass, I will be making proposals that will do away with this idea of wanting to give our Cabinet Secretary powers to appoint the chairmen of boards on a function that is fully devolved.

My second comment is that fire disasters have caused a lot of pain and losses to very many business people in counties. Many counties have not adequately prepared to

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deal with fire disasters. Two weeks ago, I had a fire disaster in my own county, which is Nyamira County, in West Mugirango Constituency where I was born, in a market called Kebirigo. You will be surprised that our county government was not able to respond to that fire disaster.

I am saying this with a very heavy heart and with vicarious embarrassment on behalf of my governor. He was not able to send a firefighting machine to go and stop that fire disaster because the only firefighting vehicle we have in the county government of Nyamira was lacking brakes. A firefighting engine lacking brakes! We had to seek help from Sasini Coffee Factory to send a firefighting engine vehicle to Kebirigo Market to put out the fire.

I am saying this to emphasize the fact that we need a law in place so as to guide our governors on how they need to respond to fire disasters.

Mr. Temporary Speaker, Sir, having said that, I would like to appeal to our governors, when we get conditional grants from donors and the money comes to us, it is not money for free but it is money paid with interest, using tax-payers money. It should be utilized for the benefit of people who reside in counties.

I am saying this because we were given Kshs50 million under a--- Grant to build a fire station in the County of Nyamira. This has been ongoing for the last two years and we are having serious audit queries in our audit reports. The Bill of Quantities (BQs) were not followed.

The Auditor-General is questioning that one of the floors was omitted. Some things you cannot understand how a Governor can be given money from a donor with specifications that, use this to build a fire station and you are not able to deliver.

Mr. Temporary Speaker, Sir, two years down the line, my good friend, the Governor for Nyamira, hon. Nyaribo, has not finalized the completion of that fire station. It is a big shame and we continue appealing to our governors to utilize donor money given as conditional grants to our counties.

To the people of Kebirigo, we say pole for those who lost property, whose buildings were damaged and who were subjected to loss because the county government through our Governor was not able to respond timely. We hope that in future, these are things that can be rectified by our Governor.

I propose that this board we are proposing to set up in Clause 4, Sen. Abass, because firefighting is a fully devolved function, this board should be a board created in each county. We do not make a board that has a national Government approach character but we make it domiciled in each of our 47 counties.

Mr. Temporary Speaker, Sir, when you go to the composition, let the chairperson be a person from each respective county. We do not need a Cabinet Secretary to pick a board to be in charge of firefighting. These are devolved functions. Let the boards be domiciled at counties so that we have transparency.

We do not want governors to be given powers to pick their cronies. We want a professional, someone who has knowledge in this field. I propose that this chairperson be someone picked competitively by the County Public Service Board (CPSB) at each of our respective counties.

Then the composition, we do not need all these Principal Secretaries (PSs). They are not executing any function of firefighting. Why are we then proposing that we pick principal secretaries responsible for matters dealing with fire prevention? I am not sure that we have a principal secretary that has been assigned these duties.

Sen. Abass, I have my serious reservations that there is a PS who is running a department called fire prevention and disaster risk management. I have my doubts. However, we can replace that with a County Executive Committee Member (CECM) in our counties whose docket will include fire prevention and disaster. I am sure that in a county, there must be a CECM who is in charge of such a docket.

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

Sen. Omogeni: Mr. Temporary Speaker, Sir, I would like to be informed by the Senator for Kakamega, Sen. (Dr.) Khalwale. He should not inform me of the Cabinet Secretaries who have been nominated this afternoon. I am giving him a caveat.

(Laughter)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Omogeni, if you have accepted to be informed, it is the prerogative of Sen. (Dr.) Khalwale to inform you.

Sen. Omogeni: Mr. Temporary Speaker, Sir, he must inform me what is relevant to the contribution I am making on the Floor but not on the Cabinet Secretaries.

The Temporary Speaker (Sen. Wakili Sigei): Take your seat to be informed. I was indicating that as long as you have allowed Sen. (Dr.) Bonny Khalwale to inform you, it is within his powers on what information to inform you but, of course, relevant to what you are speaking.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I want to thank the Senator for Nyamira for this opportunity to inform him and he should not fear. If I was to inform anybody about what he alluded to, it would be to Sen. Gloria Orwoba. She is the one who was harbouring hopes of landing the Ministry of Gender.

(Laughter)

Mr. Temporary Speaker, Sir, please, allow me to inform Sen. Omogeni that the purpose of making laws is not just to legislate for the present. Whereas he is right that, that kind of docket does not exist but going forward, another president will come and constitute his Cabinet in such a manner that his concerns would be accommodated in that particular docket.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Proceed, Sen. Okong'o Omogeni.

Sen. Omogeni: Mr. Temporary Speaker, Sir, my sympathies with Sen. Gloria who has suffered a terrible loss of expectation this afternoon from the ambitions she was harbouring of joining the Cabinet. However, I assure her that when we form our Government in 2027, we will consider her.

The point I was making, Sen. (Dr.) Khalwale, under the Fourth Schedule, paragraph 12, firefighting services are fully devolved. I do not think there is any future

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president who will create a department for a function like firefighting that is fully devolved. The point I am also making is that this Bill is too heavy on membership. If you read through, this Board has three PSs sitting in that board. That is too heavy. Remember that somewhere, we have said that they will be paid some allowances.

Other than that, you have a PS for Finance and they may not give us any money. They will tell you that you have already gotten your allocation. You have a PS Interior. We do not need policemen to help us in firefighting. The point I am making is that we should have CECMs from the relevant dockets in our county governments.

Mr. Temporary Speaker, Sir, I have no problem with the Red Cross. They do good work in responding to some of these disasters. I am not sure that we need the CoG, which is domiciled in Nairobi. We can pick traders because they are the ones mostly affected when firefighting comes in. They are the ones who can bring concerns to our counties and tell them how they have suffered before.

I, therefore, propose that instead of looking at the CoG, we should look for the business community to nominate someone to sit in this board. It is okay to have someone from the national fire brigade.

The Kenya Medical Association (KMA) is a national body based in Nairobi. We can have a body of medical practitioners domiciled in our counties. When you send a firefighting station, you also send an ambulance. We can get good input from any organization at the local level that represents the medical practitioners. While on the same point, the appointments should now be done by governors if my proposed amendments can carry the day.

Mr. Temporary Speaker, Sir, we do not need a Cabinet Secretary in a gazette notice to pick our board for fighting fire at our counties. The Constitution is telling us that we want power to be devolved. Let power be devolved. Once we have picked these people, our governor can issue a gazette notice appointing the Board from our respective county. We do not need the Cabinet Secretary to appoint this Board.

With regard to Clause 7, I do not know if we can render any advice on firefighting to the national Government. I propose that the advice be restricted to our county governments because they are the ones we want to advise, so that they can put in place adequate measures to respond to any fire disaster.

I propose that we do away with this issue of national Government. This is a function of counties and we want to empower them. We want to ensure that this function that is fully devolved can also be done adequately and ably by our county governments.

It is a good thing to recognize that there is a professional body. I did not know that there is a professional body that deals with people who are in the fire and rescue services. I am not sure which university offers this degree or diploma, but it is good to recognize it. If this professional body is there, then we should give it the prominence it has been given in this Bill. Sen. Abass, that is a very good proposal.

I have no problem with the powers of the board in Clause 8 neither do I have no problem with the committees of the board if we get the composition right. I have no problem with Clause 9. However, I may have to comment on Clause 12, which says that if you resign the letter of resignation should be addressed to the Cabinet Secretary.

Let the resignation letter be addressed to the governor. You are a board member of the county so you should tender your resignation to the governor if you want to resign. You do not need to address that resignation to the Cabinet Secretary. This is a devolved function. A county governor is the Chief Executive Officer (CEO). He is a mini-President.

Payment of allowances can be restricted to the Salaries and Remuneration Commission (SRC). There is nothing much the Cabinet Secretary will do to set remuneration. Under the Constitution, this is a service that is reserved for SRC. Therefore, we can delete reference to the Cabinet Secretary and just leave SRC in consultation with respective governors to set the remuneration.

Mr. Temporary Speaker, Sir, Part V is on penalties and fines. I am of the view that the penalties are too huge. You are saying a person who willingly processes or attempts to procure registration fraudulently, if convicted, will pay a fine of Kshs500,000. I propose that we make these penalties reasonable and in tandem with our economy. If we set it at Kshs500,000, that is too high. I propose that we put it at Kshs100,000 which is reasonable.

There is another one created under Clause 31; Offenses by persons or training institutions. Again, you are saying that any person who issues any document or statement certificate in a fraudulent manner, if convicted, will pay a fine of Kshs2 million. Sen. Abass that is too high. I propose that we reduce this sum to a reasonable figure of around Kshs200,000.

Finally, Clause 36 on making of regulations; I am also not sure whether we want to give this power to the Cabinet Secretary. This can be done by our county attorneys. We do not need to pass over this to the national Government.

In total, I fully associate myself with this initiative by my good friend, Sen. Abass. Let us support it. Let us create a framework to guide our governors on how to respond to fire and rescue services.

Mr. Temporary Speaker, Sir, I support the Bill. I was just reading the communication from the President on the vetting of Cabinet Secretaries. As a House, we need to have a conversation on the framework we have in place of virtually vetting all appointees of the Executive because, currently, it is done by the National Assembly. In most countries where you have a Senate, even the United States of America (USA); the House of Representatives can generate a budget, deal with its issues, but vetting of Cabinet Secretaries should be done by the Senate.

My time is up. *Kudos* Sen. Abass. I support this very progressive Bill.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Omogeni, Senior Counsel.

Proceed Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to weigh in on this necessary and informative Bill. I would like to make a few remarks and tell my colleagues, Sen. Omogeni and Sen. (Dr.) Khalwale, that I accept their concerns. I want to remind them that I am 38 years old and literally an amateur in politics. I have a long journey ahead.

I should let them know that I have such high confidence in the nominee for the Ministry of Public Service, Gender and Affirmative Action. In fact, people should know that she has an extensive administrative background. Part of it is that she was a Deputy County Commissioner (DCC) in my Sub County of Sameta. As fate would have it, I believe we will have very good chemistry and she is competent enough to push the gender agenda.

I am happy with that nominee. I hope that once she is vetted by the National Assembly and she passes, we will continue with the good work that we have been doing in this gender space.

I want to add my voice on this Fire and Rescue Services Professional Bill. Finally, we are trying to professionalize and clean up that industry. I have been listening to my colleagues talking about the standards that are out there in terms of fire and rescue services globally.

One of the things you will notice in Kenya is that you only need to take a course for two to three days, then you are certified as a fire safety professional. Other industries have professionalized these skills and have turned it into an industry that many people actually aspire to be in. If you ask children out there what would you like to be, some of them say they want to be a fire safety and rescue professional, but not here in Kenya. In Kenya, nobody thinks about that.

We have thousands of youths going out there because they only know of desk jobs. The only jobs we are promoting are lawyers, medical practitioners and those kind of crafts and skills. We look down upon our Technical and Vocational Education and Training (TVET) industry, yet we have an opportunity here to be intentional about professionalizing the fire and safety services industry, so that people can aspire to join that space.

I congratulate Sen. Abass for bringing this Bill. This is because one thing it does, is clean up the mess that we have. Every single time we have an issue in terms of a fire, we are always looking at each other. People usually say: "Oh, but there is a fire and rescue from the county government. The national Government also has a budget to deal with this kind of catastrophic issues". However, it has never been clear.

Finally, this is one of the Bills; pieces of legislation that brings foresight, so that we can start understanding how to organize this space.

Mr. Temporary Speaker, Sir, as we are talking about how to organize the board and the technicalities of even the asset management and making sure that we have the proper equipment, I want to pay attention to certification skillsets and how we are promoting that industry.

Unfortunately, not much is in the Bill about that, but I want to just highlight that, in Kenya, I think there are only four or five institutions that are offering this kind of technical skills expert training. We have the ICT college in Thika, the Eldoret Technical Institute and three others or so. They are offering a certificate course. Some that take a month, just short courses. Yet, in the global industry standards, we have people out there, fire safety professionals who take up certification in fire science, degrees in emergency management, which now has a sort of holistic approach on the issue of fire safety.

This is something that we need to talk about. We cannot keep trying to churn out lawyers, medics and teachers. At one point, we have to understand the supply-demand is not working. The maths is not "matching." How many teachers can you have and how many lawyers can you have?

I think in this House itself, 70 per cent of the people sitting here have a background in law, but when you look on the other side, like the Fire and Rescue Services, literally a handful. That is why on the county governments, when they are even trying to pick people who are going to work in that department, they end up calling their cousins with a background in plumbing, or other relatives with no certification in anything because we have simply not professionalized that space.

I hope we pass this Bill, clean up this space and devolve this to all the 47 counties. If we are truly intentional about what we are doing in this House, this is one of the huge avenues where we can have many of our youth employed in dignified jobs.

When I talk about dignified jobs; it is jobs that you are proud to stand and say, by the way, "I am Gloria Orwoba, I am a fire and safety service professional." You can even register yourself in an association because you are proud to be part of that industry. This is what this Bill is trying to do.

One of the things that I have noticed is that when we are legislating, we pay so much attention to who is sitting in the committee or who will be the chairperson or secretary. That is very good because those are roles that we need. However, when we look at the responsibilities of those committees, sometimes we forget the very important things such as asset management.

I can see that we have talked about procuring the equipment that we need for fire safety, but we never talked about asset management and the lifespan. I have a diverse background. I do not know why my fellow Senators such Sen. (Dr.) Khalwale only assumes that I am a gender expert.

I have a background in Architecture; that was my diploma. I have a background in community work. I am a senior critical facilities manager who did not just manage a small hospital here, but a huge data centre that employed over 1,500 people all under my command.

In my diverse background, I will tell you that one of the things that we need to pay attention to is assets management and the lifespan. What happens once you have bought that fire safety truck? What is the lifespan?

Once we are done with that track, if the lifespan is 5 years or 10 years, how do we get rid of it or other equipment? How do we then reinvest whatever little gains that we get from that, back into the business of these fire and rescue services?

I would wish that in that particular spirit, we would be able to elaborate within this law. I know that maybe that can be anchored in the regulations, but I wish that we would be able to register some of that information within parts of the amendments.

I will seek Sen. Abass's guidance on that because that is something that we do not necessarily look into. That is why, as Sen. Omogeni has said, when there is a fire suddenly in Nyamira County, the track cannot go on because of an issue of maintenance, or the lifespan of the assets that we have there. That is something that we need to consider when we are legislating.

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Professionalizing the industry also requires that we acknowledge the associations. I believe Sen. Tabitha Mutinda has pointed that out. In the spirit of ensuring that this Bill is welcomed and has the goodwill of those already in the industry, I urge Sen. Abass to call some sort of public participation or engagement with the associations that already exist within the fire and rescue services.

With my background in critical facilities management, I would like to add my voice on resiliency planning. I will see on what level, either through an amendment or something in the Bill. This country, both on a national and county platform, does not have any framework or institutions that are mandated to just sit down and plan on resiliency planning.

This is the reason up till today, even in the Parliament buildings, we do not have a resiliency plan after the Gen Zs came to visit us here. That is the reason we go back to talking about insurance. Insurance is there to take stock of what they are going to recover or not, or what they are going to repair but where is the resiliency plan after a fire.

Resiliency plan just to break it down to basic English is the capability of bouncing back to business as usual. Even within our buildings here, after we were paid a visit by Gen Zs, we still do not have a plan in terms of what is the protocol. For instance, I would like to bring in a group of 25 people, but the security has been heightened and we do not know what to do. We are just operating as if we are hoping for the next thing.

There is no plan on how and who will replace some of the assets that have been damaged. We are sort of just in limbo. Most of the time, when there is a fire emergency, we will be quick to deal with the emergency. However, immediately after the emergency, we then realize there is no resiliency plan.

How do we go back to business? What happens between the time of the fire, the rescue and now when we want to continue with our business? What is the transition plan? Who is involved? That is also an opportunity to employ so many of our youth because resiliency planning in itself is a whole industry.

Every time I hear legislators and people in leadership talking about, how we need to create jobs and take the youth to *kazi mtaani*. We have so many opportunities where if we are intentional, we can create jobs. We can start with a Bill like this one where we have the fire and rescue services as professionals.

Also, within this Bill, if we look at resiliency planning as an industry, then we will have so many professionals, including change management professionals after we have a crisis, whether it is a fire crisis or whichever other.

In the interest of time and so that the other Members in the House can contribute to this Bill, I am excited about being in the House and participating in this particular piece of legislation. This is obviously because of my background in critical facilities management. Also, because finally, we are thinking outside the box in terms of how we will create jobs for the youth of this country and in terms of how we will standardize and professionalize certain industries, which we have taken for granted for a very long time.

With those few remarks, I support this Bill. Going forward, I ask Sen. Abass to find time and sit with professionals as well in the facilities management industry. This is because there is a whole association on facilities management and also, as we have said, the association of the fire and rescue services.

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Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this critical Bill by our senior brother, Sen. Abass.

I would like to begin by congratulating His Excellency the President for nominations to Cabinet positions, which he has just done. In my home county, that is Homa Bay Town, I am told that people are excited that at least the President is beginning to show the face of this country. Going forward, I hope he will keep on with that spirit of ensuring that the face of Kenya is reflected in his Government in other nominations.

We all know there that there can only be 22 nominees for Cabinet positions and not everybody can be nominated. I encourage our young Senators, that is Sen. Orwoba and others, that there is always another time.

Going forward, we would like to see the face of the youth in the nominations to the Cabinet positions. A number of our young people, both women and men, should get a chance because there is something that they can bring to the Cabinet, which is the highest decision-making organ of the country.

Mr. Temporary Speaker, Sir, coming back to the Fire and Rescue Services Professionals Bill, this is a Bill that is crucial to us. In my sub county headquarters called Ndhiwa, which is a growing town with small businesses, we have had so many fire outbreaks.

I remember an upcoming businessman called Hope lost all the items in his shop and savings when a fire broke out. I also remember one upcoming young businesswoman in Ndhiwa Town called Mama Lucy lost all items in her shop. I do not know whether it is a coincidence. We have fire outbreaks on days when these shopkeepers stock their shops.

Some of it could be because of electric faults. However, from the goings-on in my town centre, I know it could be malice. The bottom line is that a number of businesses have been lost in my town and also in other towns.

It is so unfortunate that Mama Lucy lost her shop when she had invested all her earnings in it. Soon after that great loss, we lost Mama Lucy. These fire outbreaks are a great loss to our community. Other than Mama Lucy who lost a whole shop in Ndhiwa Town, we also have Hope and Japala. There is a great lady who has done business over the years in Ndhiwa Town called *Min Onyas*, a son called Onyas Owaga, Winston and Okumu. That shows you the magnitude of loss that fire causes in our urban centres.

Fire outbreaks are not only limited to the urban centres. We have also seen fire outbreaks in rural homes. Some of them are because of domestic items that people use such as lanterns. Fire affects people. We have had loss of life, property and livelihood. So, this Bill by Sen. Abass is timely.

I also want to talk about physical planning of our areas. Since fire outbreaks are majorly in urban areas, one of the major requirements in the Urban Areas and Cities Act in uplifting an urban centre to a municipality level, town or a city like Nairobi is the presence of a fire station.

At this juncture, it is important to say this. In the past few years, a number of our towns have been upgraded to municipalities through the World Bank-initiated projects with the State Department of Housing and Urban Development yet they do not even have established fire stations. That is very dangerous because of the populations in our towns and urban centres.

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Due to the activities that they are involved in; a number of times, there are fire outbreaks. You will find pathetic situations where members of the public have to fetch water in order to put off the fire.

If a fire station is far away from a town or a municipality, by the time the authorities assemble the fire engines and go, a lot of property and sometimes life is already lost. So, this Bill is timely.

I can see there is a mention of standards that must be met. The fact that urban centres must be within some established physical plans will also help to reduce effects of fire. So, in talking about fire, we must also talk about the physical planning of our towns. The planning authorities, which are the county governments, must ensure that in planning our towns, aspects of access are taken care of because that also brings up a big challenge when there is a fire outbreak.

Sometimes there are no proper access roads to residential areas in urban centres due to poor planning. Sometimes when there is a fire outbreak, even though a fire engine might be procured to go and rescue the situation, when there are no roads, then that is another disaster. Most of properties are burnt down and people lose their lives because fire services are not able to reach them.

I still want to talk about my town Ndhiwa. That is a major problem. The municipality must deal with the issue of planning and opening up of access roads within the municipality. If that is not done even if there is a fire outbreak and we are able to procure a fire engine, it will be very difficult to reach our people wherever they are living because of lack of access.

Mr. Temporary Speaker, Sir, I pray that the Mover of this Bill considers counselling services as an aspect to include in this Bill. We have often seen situations where fire breaks out and there is massive loss of property, lives and livelihood.

People are so affected soon after that. So, counselling may not be directly linked, but I pray that this is brought as a component of the kind of services that should be offered by the county governments in the provision of fire services. I say this because back in my own town, we lost one great lady, Mama Lucy, amongst others.

A number have broken down and sold those plots after their property was burnt down because they were not insured. They have probably lost all their earnings yet they have children going to schools and families to take care of.

When they lose all this property, it is always too demanding on them and a number of them go down psychologically. That is why I say that the Mover needs to find a way in which we can also bring in the issue of counselling services.

Regarding the issue of fire and rescue services, we must also think about the issue of compensation. A number of these people have lost their property. Some of them are businesses where loans were taken either from banks or other means. Once their businesses are destroyed, it becomes so demanding on these people.

The county government can either incorporate in other sectors the issue of educating the members on insuring their businesses. The issue of compensation of loss of property should also be considered. I say this because sometimes a property may burn due to an electrical fault. For that matter, the business can be compensated by the Kenya Power.

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Mr. Temporary Speaker, Sir, I must also mention the issue of the boards. One of the previous speakers had talked about leaving the Council of Governors (CoG) out of the boards. However, I want to say that it is important that the CoG is represented because fire services are devolved functions in Schedule 4. So, it would be prudent that the CoG are involved because it is the county governments that deal with most of these fire incidents.

I am impressed that the Mover of the Bill has singled out the Red Cross Society to be in the board. They were given one slot. In an ideal situation, when we see fire outbreaks or disasters, some entities are always very active on the disaster scene. One of them is the Red Cross Society. I would have loved a situation where we can have even two representatives of the Red Cross Society in that board.

The second team I would want to see is the Kenya Medical Services (KMS). I am happy that Sen. Abass has mentioned one slot for KMS, but I would love to see KMS even having two slots. I say this because in all disasters, the people we see on the scenes of these disasters are the Red Cross and the medical fraternity. If there was a chance, I would have loved to see members of the media included as members of that board.

Let us flash back on the recent occurrences we have had in this country. They were painful occurrences because of the loss of lives; that is the demonstrations that we have seen in the recent past. Some outstanding professionals came out to stand with the demonstrators. If they were not there, we would probably have lost so many lives. We saw the medics, the Red Cross, the media and lawyers being very active.

We would like Kenyans to view the occurrences we have had, even though there were great losses, we must also begin to think about the good side of these occurrences. People were able to come out to exhibit humanity.

It is on that note that I suggest that the Mover should think of increasing the membership of the Red Cross and the KMS from one to two and, probably, have members of the media.

The media is very critical. They are able to pass information across the country. When there is a fire outbreak, all you need is for the right people to get the information at the right time and the right speed. Once that happens, rescue can be mobilised in a very short time.

I also want to suggest that we should begin to think about the curriculum in this country. Due to humanity, our habitation, the nature of our stay and the rise of urbanisation, issues like fire and fire rescue will be part and parcel of our livelihoods.

As our children go to school, we should include aspects of disasters like fire in the school curriculum because a fire can break out any time. I must also bring that issue forward.

Lastly, as I support this outstanding Bill that talks about our livelihood and humanity. I am here grappling with an idea and I see in our urban centres now, services like water are privatised and probably that makes it even more accessible to people. Should we not also think about privatizing fire and rescue services so that we have partners that can also offer some of those services?

I say this because my main objective is the fact that when that finally happens, is there somebody available, even at some cost, to provide---

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The Temporary Speaker (Sen. Wakili Sigei): Give Sen. Ogola one minute to conclude.

Sen. Ogola: Okay, thank you. As I wind up my support to this great Bill, when a fire breaks out, how often or fast can we access services? We would like the county governments to up their game. We would also like the Committee on Devolution and Intergovernmental Relations chaired by Sen. Abass, when granting municipalities to town to be firm that certain services are available as prescribed in the Urban Areas and Cities Act.

Mr. Temporary Speaker, Sir, I support.

The Temporary Speaker (Sen. Wakili Sigei): There being no other Senator requesting to speak to this Bill, I will call upon the Mover, Sen. Abass, to reply.

Sen. Abass: Thank you, Temporary Speaker, Sir for your time. I request pursuant to Standing Order No.66 (3) that the putting of the question be deferred.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Abass, could you first reply before you make the application for deferment of putting the question?

Sen. Abass: Mr. Temporary Speaker, Sir, this is a very important Bill. It has developed a lot of interest from the Members. I am sure many Members would have liked to contribute. However, I want to take this opportunity to thank the 10 Members who contributed. I, therefore, beg to reply.

Since this Bill is generating a lot of interest among the Members, I beg to reply and pursuant to Standing Order No. 66(3), I request that putting of the question be deferred to a later date to allow more Members to contribute.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Abass, pursuant to Standing Order No.66 (3), the putting of the question to this Bill is deferred to the next sitting of this House.

Hon. Senators, earlier on, the Order Paper had been rearranged to have the Bill that we have just concluded its debate. I will further rearrange the Order Paper by first deferring Order Nos. 8 to 23 and Order Nos. 25 and 26 to the next sitting.

BILLS

Second Reading

THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(NATIONAL ASSEMBLY BILLS NO.44 OF 2023)

(Bill deferred)

Second Reading

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)
BILL (SENATE BILLS NO.40 OF 2023)

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(Bill deferred)

Second Reading

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

(Bill deferred)

Second Reading

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO.20 OF 2023)

(Bill deferred)

Second Reading

THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION)
BILL (SENATE BILLS NO.38 OF 2023)

(Bill deferred)

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2)
BILL (SENATE BILLS NO.52 OF 2023)

(Bill deferred)

MOTIONS

ADOPTION OF REPORT ON CONSIDERATION OF THE SOCIAL HEALTH
INSURANCE (GENERAL) REGULATION, 2024 AND THE SOCIAL
HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES, 2024

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024, laid on the Table of the Senate on Tuesday, 2nd July 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul -

(i) the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024);and

(ii) the Social Health Insurance (Tribunal Procedure) Rules, 2024, (Legal Notice No. 48 of 2024)

(Motion deferred)

ADOPTION OF REPORT ON STATUS OF PROJECTS FUNDED
BY THE CONDITIONAL GRANT FOR CONSTRUCTION
OF COUNTY HEADQUARTERS

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the status of implementation of projects funded by the Conditional Grant for the construction of County Headquarters laid on the Table of the Senate on Thursday, 28th March 2024.

(Motion deferred)

ADOPTION OF REPORT ON SENATE NOMINEES, ON BEHALF OF
COUNTY GOVERNMENTS, TO THE POSITION OF SRC MEMBER

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Senate nominees, on behalf of the county governments, to the position of Member of the Salaries and Remuneration Commission, laid on the Table of the Senate on Tuesday, 23rd July, 2024, and further pursuant to Article 230 (2) (b) (vii) of the Constitution and section 7 (2) of the Salaries and Remuneration Commission Act, recommends Ms. Lynette Washiali Muganda and Mr. Mohamed Aden Abdi to the Cabinet Secretary for the National Treasury and Planning for transmission to His Excellency the President for consideration for appointment to the position of Member of the Salaries and Remuneration Commission.

(Motion deferred)

COMMITTEE OF THE WHOLE

THE GAMBLING CONTROL BILL (NATIONAL
ASSEMBLY BILLS NO.70 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE TEA (AMENDMENT) BILL (SENATE
BILLS NO.1 OF 2023)

(Committee of the Whole deferred)

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COMMITTEE OF THE WHOLE

THE MATERNAL, NEWBORN AND CHILD HEALTH BILL
(SENATE BILLS NO.17 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE METEOROLOGY BILL (SENATE BILLS NO.45 OF 2023)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)

(Committee of the Whole deferred)

BILLS

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.46 OF 2023)

(Bill deferred)

Second Reading

THE WILDLIFE CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.49 OF 2023)

(Bill deferred)

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO. 53 OF 2023)

(Bill deferred)

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

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(Bill deferred)

I call upon the Clerk to call Order No. 24.

BILL

Second Reading

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

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wamatinga?

Sen. Wamatinga: Thank you very much, Mr. Temporary Speaker, Sir. I rise to move that the Local Content Bill (Senate Bills No. 50 of 2023) be now read a Second Time.

The Local Content Bill (Senate Bills No.50 of 2023) was published *vide* the Kenya Gazette Supplement No.224 on 25th November, 2023 and was introduced in the Senate in the way of the First Reading. Further on, the Bill was committed to the Committee of Energy, which I chair.

Pursuant to provisions of Article 118 of the Constitution and Standing Order No.145, the Standing Committee on Energy did public participation as required. On 10th August, 2023, the Committee published an advertisement of the national dailies and responses were received from various stakeholders.

The Local Content Bill (Senate Bill No.50 of 2023) seeks to provide a framework to facilitate the local ownership, control and financing of activities connected with the exploration of gas, oil and petroleum resources to provide a framework to increase the local value along the chain.

The Bill aims to enhance Kenya's economy by increasing the local content in the extractive industry through systematic development and the national capacity capabilities and investment in the local workforce by enabling technology transfer, services and supplies to maximise the benefits shared by the local community.

The Bill, therefore, intends to maximise the level of usage of local goods and services, people, businesses and enable a framework within which the local people can benefit. Specifically, the Bill focuses on the oil, gas and other petroleum resources sectors in Kenya. To this effect, the law shall apply to all commercial activities related to exploration, extraction and development of oil, gas and other petroleum resources in the extractive industry in Kenya.

It seeks to promote the maximisation of value addition and the creation of employment opportunities within the extractive industries along the value chain through the use of local expertise, goods, services, businesses, financing and retention in the country.

Having conducted public participation in the Bill, the Committee has come up with a few recommendations that will be proposed at a later stage as amendments to be

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introduced. The Committee observed that the current wording of Clause 7, particularly Sub-Clause (b)(2), (4) and (5) were problematic.

These sub-paragraphs were encroaching on the implementation functions vested in the county governments effectively taking away the county implementation responsibility. Therefore, the committee observed that the Bill lacked a clear funding model for activities in the local content development committee given that the functions of the committee were capital intensive and the absence of specific funding mechanisms and models could hinder the effective execution of its duties.

The committee further observed that the original requirements of the local content and development committee to develop a comprehensive register for all services and equipment needed for the extractive industries were to be conducted within six months. These are unrealistic given the complexity of the tasks involved, a six-month timeline was deemed to be insufficient.

Further on, the committee observed that the composition of the local content development committee did not include the Principal Secretary (PS) responsible for Mining, Blue Economy and Maritime Affairs. Given that the extractive industry comprises both the oil and gas sector as well as the mining sector, the absence of a PS for Mining, Blue Economy and Maritime Affairs could lead to inadequate representation and consideration of mining-related issues within the committee.

As a result, the committee observed that the original proposal to establish a technical and administrative unit from the Ministry responsible for petroleum as the sole secretariat for the committee raised concerns about how inclusive it could be. Therefore, it was the observation of the committee that some consequential amendments need to be undertaken in the Mining Act so that the Bill will become responsive and also address the issues that need to be raised.

We know that Kenya has struck oil mines in some regions in the Rift Valley. We know that we are still stuck in the field development plans. We know that this being a new field, it has and it lacks good frameworks, expertise, and most importantly, it is foreign country-driven. Therefore, the local communities may be disadvantaged if we lack a clear framework within which this can be anchored.

Mr. Temporary Speaker, Sir, it is imperative that as a country we come up with a standardized approach that will guide moving forward in any such exploration. We know that we still have a lot of potential in this country where we have several blocks that have not been explored. Therefore, we must come up with a framework within which the county governments can ensure that the local communities have benefited from the exploration that is being done by foreign companies.

Mr. Speaker, Sir, the committee, in its consideration of the Bill, was also important. Some of these exploration and exploitation leave a dilapidated environment. We know that environmental degradation in some of these activities can be quite detrimental to the local communities. Therefore, it is important to ensure that as the communities suffer the losses in terms of ecological and environmental losses, adequate measures be put in place.

These measures will ensure that the local communities are not only adequately compensated, but because of the advanced technology required to extract some of these

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resources, they do benefit in a way of technology transfer, so that, in future, they can be self-sustaining.

We know that oil and petroleum mining has become a curse to many African countries. For us, as a country, to avoid this curse that has befallen some of the major oil producers, be it Nigeria, Ghana and the like, we must come up with measures and a framework that ensures that the local community does not only become passive partakers, but are actively involved. This is by ensuring that there is not only technology transfer, but also direct and proportionate benefit in terms of the benefits accruing from such a prospecting oil mining.

Mr. Temporary Speaker, Sir, in the absence of a clearly defined framework, some of the county governments, for example, now the case of Turkana, we know it is one of the marginalized counties that may lack the capacity in terms of technical capacity and capital to undertake its training mechanism in the curriculum.

It is our observation that during the composition of the committee that will be ensuring that there is equitable distribution and sharing of resources between the national Government, the county governments and the local community, we put in place an elaborate mechanism that spells out how such resources will be shared. Let those guidelines be put in such a manner that they are easy to understand and implement.

Most importantly, when such resources are being exploited, the operationalization will not become as problematic and chaotic as it has become in many oil mining countries in Africa. As the committee to oversee this is being composed, we need to ensure that we do not only have the representation of the county government, but equally the local communities, so that they can get the benefits of the mines that are being exploited from their counties.

In line with the Bill that is proposed and before us, we must note that most local communities have been left out and have not benefited in great detail because the rules and regulations are not well spelt out. The accounting methods that have also been applied by these multinationals have ended up giving skewed results where the local communities have not benefited at all.

I want to bring to the attention of this House that during the exploration of oil in Turkana, there was an oil truck that was shipped to Mombasa with several barrels of oil. However, up to date, nobody knows what happened to the oil and its proceeds. Most unfortunately, the local community only saw the extraction and the transportation, but they have never gotten any feedback of what happened to the oil.

On the inquiry that was done by this committee about the whereabouts of the oil that was shipped to Mombasa, we could not come up with a conclusive answer because nobody seemed to know why or what happened to that consignment. To avoid such a reoccurrence, it is important that we put mechanisms in place to ensure that whatever has been extracted from a particular area, the local community stands to benefit.

As we talk about benefits, there are multifaceted benefits. One and the most important thing is to ensure that the local communities do not only partake, but also get to get the training so that there is some actual technology transfer in such a manner that the communities around will become involved in the extractive industry and they can create their livelihood along that.

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It is also important to ensure that the local communities who are the owners of the lands, do not only get the compensation they require, but they get commensurate compensation that will ensure that their livelihood moving on to the future, is assured. This cannot happen unless we put an elaborate mechanism in place that is easy to interpret, adopt and implement.

Further on, we also noted that most of the local communities in oil exploration countries live in abject poverty. This is attributable to two factors. One, they are deprived of their means of livelihood and we know most African communities live on subsistence farming. Once oil or gas exploration starts taking place, we know that the land is rendered unproductive and the level of pollution is very high.

The suffering of the local community is twofold. One is because of the environmental pollution, which ends up degrading the value of the land. Two, because of environmental pollution, we know that they suffer from health hazards that lead to many diseases mostly respiratory-related diseases.

This can be addressed as is envisaged in the Bill if we have adequate compensation that will ensure that where such mining, exploration and extraction takes place, there are adequate measures put in place. These measures will ensure that the local community will get an adequate supply of medical facilities so that when they suffer from such diseases, they can be treated.

This Bill is expected to facilitate the development of local economies through the creation of employment opportunities and by ensuring the procurement of goods and services that are locally produced do get market within these multinational companies that do the exploration and exploitation of the local resources.

It is also envisaged that through this Bill, the regulation and formation of this committee, the participation of the local communities will be enhanced and informed, especially through curricular development so that they can be empowered.

This Bill provides a framework through which the benefits relating to the exploration of natural resources will cascade to the local communities in which the resources are found. As a result, it is expected that the county governments' economies will directly be impacted by the exploration of these resources as opposed to what is happening now. When the exploration takes place, the local communities are left with a dilapidated or degraded environment, which they cannot reclaim because they lack the technology and capital to do so. Therefore, some of the exploration hazards are detrimental to the health of the local community.

The county government would be expected to be at the forefront in ensuring that the local content is realized under this Act. Therefore, the Bill concerns county government in terms of Article 110 (1) (a) of the Constitution.

This is also not a money Bill within the meaning of Article 114 of the Constitution. Therefore, I would urge my fellow Senators to support it. I also urge them to suggest amendments that they may deem to be necessary so that we make it a comprehensive Bill. We also need to ensure that the interests of the local communities have been taken care of and they are well informed about their rights and obligations.

We know most of the time when the multinationals come into the country; the local communities are left to be beggars. It is quite unfortunate if you go today to

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Lokichar, you will see the local communities lined up with jerricans of water, waiting for the water trucks that undertake the water trucking to provide them with water. If that was rightly conceptualized, it could have been that a water pipeline could have been installed.

As you are aware, in oil extraction, the extraction companies use these pumps to pump water into the boreholes so that they can displace the oil. As they pump in the water, the oil is pumped out. This could have been at a very small additional cost to provide additional water kiosks so that the local communities could benefit from the extraction of oil.

Mr. Temporary Speaker, Sir, as I request my colleague, Sen. Abass, to second, I would request that we come up with systems, frameworks and methodologies that will encourage the younger generations to take part in the exploration and value addition. It is also important that they look at the business opportunities that will arise from the same so that we can create employment, especially for the Gen Z.

We know the potential of this country in gas. We know that we are only using 16 per cent it. That leaves about 84 per cent of the potential that we have in terms of the downstream-end-to-end, or downstream-last-mile connectivity. We have a very big potential in the 86 per cent to ensure that our young people go into this business, especially in the modern digital gas trading, where you can sell gas as it is being consumed.

We also know that the potential in this oil and gas industry is quite untapped. This can only happen if we have a mechanism. This Bill will be able to assist in that, whereby the lack of capacity within the local communities to participate in this extractive industry and its connected activities is encouraged. It is also important to create incentives to enhance tangible returns in the yield of the investment.

Mr. Speaker, Sir, having spoken about the lack of technology, it is also imperative that as we look at this, we become quite intentional in creating training facilities that will ensure that the young generation and the Kenyans within those local communities are empowered in a way that they will get the technology and the know-how.

Most importantly, we should be in a position to subsidize the kind of machineries that they use so that they can take part exhaustively in this kind of extractive exploration and value addition. It is the lack of framework that has hindered the participation of the local community. It has also been the advantage the multinationals have of economies of scale and access to capital, that has rendered many Kenyans unable to access these extractive industries.

This Bill is quite intentional on creating an environment that will ensure that even the local communities as uneducated as they are, will be able to take an active part in the extraction industry. Their benefit will not only be on the wages they earn, but they will also be taking part on the value chain of the whole process.

I know this Bill will go a great way into aiding these communities, knowing that the potential of exploration in gas, oil and other associated utilities has not even been exploited. The potential we have as a country is quite enormous. Therefore, it is important that we have a legal framework that guides all the companies and multinationals intending to invest in the country. We must ensure that there will be a

standardized approach in all the counties on how the local communities will be assisted to take part in such an investment.

As I conclude, it is also very important to note that there is quite a huge potential of the gas. As we seek to move into green energy, it is important to note that most of the households in Kenya use firewood, charcoal and maybe other fossil fuel-based cooking means. This has landed many households to, not only have unsafe and unhygienic cooking methods, but has also been a major cause of respiratory diseases.

As has been put forward by the Kenya Kwanza Government, envisaging every household to be using green energy to cook, natural gas becomes one of the answers. Therefore, there is a very great potential for the young people and Gen Z in this country to take part in the last-mile connectivity of the gas, especially in the local communities.

Mr. Speaker, Sir, with the current technology, it is appropriate that we start coming up with models where we will be doing gas piping, especially on the affordable housing programme. We do not have the danger of using gas cylinders that are substandard and have been exploding from time to time.

Instead of having the trucks transporting the gas, we can also look at the possibilities of having piped gas, especially in the urban centres, schools and other infrastructures, so that we can manage the risks associated with it.

This is a very progressive Bill. I am sure it will go a long way into ensuring that the Kenyans, do not only utilise the environmental and natural resources to their benefit, but in a way partake and benefit from the same.

In addition, Article 66 (2) of the Constitution further provides that the Parliament shall enact legislation ensuring that investments in property benefit local communities and their economies. This Bill seeks to address that very same problem.

Moving forward, we know that there is a correlation between the remoteness of the area and the natural resources found. Gas and oil are found either in the deep oceans or marginalised areas. Therefore, as we seek to give equitable distribution of our revenue, it is also important to ensure that those communities, especially disadvantaged, get to benefit from the natural resources they have been endowed with. This cannot happen unless we put a sound and robust legal framework to ensure that there is no exploitation of the marginalised communities by the multinationals who come with the capital and know-how.

Mr. Speaker, Sir, with those remarks, I ask my colleague, Sen. Abass, to second.

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

Sen. Abass: Thank you, Mr. Speaker, Sir. As a Member of the Standing Committee on Energy, I wish to second the Local Content Bill (Senate Bills No.50 of 2023).

The Bill seeks to provide a framework for development and adoption of local content. In the past, we used to see multinationals coming and going all over Kenya doing explorations, but the local people were not so much involved because they were not even knowledgeable. It was only a few senior members or political leaders who knew what was going on, but the rest of Kenyans did not know.

Mr. Temporary Speaker, Sir, there were instances that alleged that some of these explorations have been producing some nuclear and hazard wastes, which is signified in

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parts of my county. The Bill gives a lot of responsibility to local content, like the experts in the country and the local communities within that area.

There will now be a thorough environmental impact assessment. This is to ensure that we know the kind of things they are carrying. They have big containers and nobody knows what they are carrying. They are so secretive and do everything exclusively that even the local people who work for them cannot access some of their accounts. That should not be happening anymore. The Bill will give powers to Kenyans.

The one other thing is the Local Content Bill (Senate Bills No.50 of 2023) will ensure the local communities receive 30 per cent of whatever income that will be generated from the resources. That will be divided between the community and the county governments. The only problem we have is the capacity. Kenyans have not had much knowledge on hydrocarbon and oil development. It is high time that our universities changed.

We need to develop the young men and women who are studying things to do with environment, engineering and all other things, so that they can have capacity on hydrocarbon development studies. Then we will know that we have experts who are able to safeguard our interests. When multinationals used to come in, they would do everything exclusively and mostly, undercover.

Mr. Temporary Speaker, Sir, this Bill will empower the technical team from Kenya and they will know what is taking place in the country. In instances where oil exploration has taken place, the environment is usually affected. There are times the soil completely changes, trees die and water dries up.

If you go to Marsabit, Wajir and other places where oil exploration has been done, there is total destruction of the environment. It is usually associated with many incurable diseases like cancer. It is time that the Kenyan Government becomes serious so that if anyone wants to do oil and gas exploration, inspection takes place before multinational companies are allowed to do these explorations.

We must ensure that the agreements being done because most of the local people do not understand what is going on, that the local content percentage should be enforced and members of that community benefit from those activities. What happened in Turkana County was that, in most parts, oil transported by vehicles, but nobody knew how much money was given to the locals. The last time the Senate Committee visited there, they said that they had not received any penny. Maybe, the county got a little money, but it did not trickle down to locals.

Mr. Temporary Speaker, Sir, as the Chairperson has said, communities cannot get even water from those camps where the explorers are. Corporate Social Responsibility (CSR) should be enhanced. We must ensure that before any exploration takes place, the community gets its benefits first.

With those few remarks, I beg to second the Bill. I thank you.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, the Bill is now available for debate. I will call upon, Sen. Beatrice Ogola to make her contribution.

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Sen. Ogola: I thank you, Mr. Temporary Speaker, Sir, for granting me the opportunity to contribute to the Local Content Bill (Senate Bills No.50 of 2023). I must appreciate Sen. Wamatinga for this Bill.

This is a Bill that speaks to my heart. In my earlier life, I served as a CECM in the County Government of Homa Bay from 2013 to just before the year I joined this honourable House.

One of the achievements I can attribute to my time as the CECM in charge of Energy and Natural Resources is that with the energy sector in Homa Bay County, working hand-in-hand with a number of sector partners in and out of the county and with the blessings of the then governor and the county cabinet, we developed a Clean Energy Act in Homa Bay County.

Mr. Temporary Speaker, Sir, in Homa Bay County, there is still great use of unclean energy. That is what drove my team to develop this Act. I am happy that amongst the aspect of consideration, we will be driving the people of Homa Bay to use of clean energy.

I find it very relevant here. That this is an Act of Parliament that is specific to the exploitation of gas, oil and other petroleum resources to provide for a framework to increase the local value capture along the value chain, in the exploration of gas, oil and other petroleum resources and for connected purposes. The key word – local content, is about adding value and I am impressed that this is a value that will enhance the economy of this country, specifically from the extractive industry, through a systematic development of the national capacity and capabilities of our people.

This Bill impresses me because the objects of this Act, talk about employment. Employment is an issue in this country. We can reflect to the recent happenings. In my contribution to the Motion on the State of the Nation, I indicated that in my generation, when we were winding up college and I am a trained teacher, we were graduating with posting letters to our stations.

Mr. Temporary Speaker, Sir, that is the big difference with this generation. A number of our graduates today, across all the professions, as they wind up university and college education, they come back to their homes with their degrees. They spend over five, six or over 10 years, looking for employment. This has been a major issue even with the Gen Z demonstrations that we have had.

That is why we feel for the Gen Zs; that they have gone through school. However, a number of them, if not most of them, are not finding employment anywhere. When you looked at the Gen Zs as they addressed the nation, some of them are outstanding brains. With their youth, the energy and agility and with no jobs, they are left with little to do, other than to call out the Government and all of us in leadership, because they are seeking the attention of this country.

Mr. Temporary Speaker, Sir, employment is a big issue in this country. That is why I am supporting this Bill. This Bill is out to create employment opportunities in the extractive industry. What impresses me is that in creating this employment, the value addition circle that is prescribed in this Bill talks about---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Beatrice Ogola, you will have a balance of 30 minutes to continue with your contribution when we resume tomorrow.

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ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 25th July, 2024, at 2.30 p.m.

The Senate adjourned at 6.30 p.m.