

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 25<sup>th</sup> September, 2024

#### Afternoon sitting

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

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

#### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have a quorum?

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

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

*(The Quorum Bell was rung)*

**The Speaker** (Hon. Kingi): Order! Hon. Members, we do have a quorum now. So, we will start the business of the afternoon.

Clerk, you may proceed to call the first Order.

#### PAPERS LAID

LEGAL NOTICES ON PROTECTION OF VARIOUS  
WETLAND AND CATCHMENT AREAS

**Sen. (Dr.) Lelegwe:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 25<sup>th</sup> September, 2024:

The Kamatargui Wetland and Catchment Protection Order, Legal Notice No. 139 of 2024.

The Fafi Wetland Catchment Management Plan, Legal Notice No. 141 of 2024.

The Eneyampui Wetland Catchment Protection Order, Legal Notice No. 142 of 2024.

---

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

The Mereroni-Mbaruk Wetland Catchment Protection Order, Legal Notice No. 143 of 2024.

The Siany Wetland Catchment Protection Order, Legal Notice No. 144 of 2024.

The Kibirong' Wetland Catchment Protection Order, Legal Notice No. 145 of 2024.

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

Reports of the Auditor-General on Financial Statements of the following hospitals for the year ended 30<sup>th</sup> June, 2022:

Report of the Auditor-General on Financial Statements of Bungoma County Referral Hospital - County Government of Bungoma for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Bumula Sub County Level 4 Hospital - County Government of Bungoma for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kimilili Sub County Hospital - County Government of Bungoma for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Sirisia Level 4 Hospital - County Government of Bungoma for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Webuye Hospital - County Government of Bungoma for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Siaya County Referral Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Rwambwa Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Yala Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Uyawi Sub County Level Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Got Agulu Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Ambira Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Sigomere Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Madiany Sub County Level 4 Hospital - County Government of Siaya for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Tigoni Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kigumo Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Lari Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Karatu Sub County Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

---

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

Report of the Auditor-General on Financial Statements of Thika Level 5 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Nyathuna Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Lusingetti Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Wangige Level 4 Hospital - County Government of Kiambu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Subukia Sub County Hospital - County Government of Nakuru for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Bondeni Sub County Hospital - County Government of Nakuru for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Langalanga Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Naivasha Sub County Level 4 Hospital - County Government of Nakuru for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Kisumu County Referral Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Nyang'oma Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Nyakach County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Muhoroni County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statements of Masogo Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statement of Rabuor Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on Financial Statement of Lumumba Sub County Level 4 Hospital - County Government of Kisumu for the year ended 30<sup>th</sup> June, 2023.

I beg to lay.

*(Sen. (Dr.) Lelegwe laid the documents on the Table)*

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

### NOTICE OF MOTION

APPROVAL OF SITTINGS OF THE SENATE TO  
BE HELD IN BUSIA COUNTY

We shall defer that particular Order.

*(Notice of Motion deferred)*

---

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

Let us move to the next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

The hon. Senator for Nairobi City County, Sen. Sifuna, you had sought time to substantiate certain claims that you made. You may now proceed to substantiate.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. If I remember correctly, the directive from the Chair was that the HANSARD would be produced so that I know what I need to substantiate.

**The Speaker** (Hon. Kingi): Very well, it shall be produced in a short while. In the meantime, we will proceed to request for statements pursuant to Standing Order No.53(1).

Sen. Mundigi, you may proceed.

### RISING CASES OF FIRES IN BOARDING SCHOOLS

**Sen. Munyi Mundigi:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education regarding the rising cases of fires in boarding schools countrywide.

I wish to convey my heartfelt condolences to the families who have tragically lost their children due to the recent fire outbreaks in various schools. I also wish a speedy recovery to the children that were injured during the incidents.

In the statement, the committee should-

(1) State whether all boarding schools have complied with Government building specifications and whether learners have any training on how to respond to emergency situations.

(2) Explain whether there is an appropriate age upon which a learner should be admitted into a boarding school and whether all boarding schools have matrons accommodated within the dormitories to help learners in case of emergencies.

(3) State any plans the Ministry of Education has put in place to make sure that all schools with boarding facilities are well equipped with emergency kit and equipment, emergency exits, security alarms and well-trained security guards.

(4) Outline any actions the Ministry has put in place to ensure all boarding schools are registered and that they have guidance and counselling experts at hand to attend to learners, their families and staff in the occurrence of a disaster.

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

### CLASH OVER COPPER AND GOLD MINES IN MIGORI COUNTY

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, thank you and good afternoon.

I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding a clash over the

---

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

copper and gold mines in Nyatike Sub-County, in Migori County which occurred on 14<sup>th</sup> September, 2024.

In this statement, the committee should-

(1) Investigate the circumstances that led to the clash at the Macalder copper and gold mines which resulted in multiple injuries and the destruction of vehicles, outlining any measures the Government has put in place to prevent recurrence of such incidences.

(2) Provide details of all local and foreign miners operating in the Macalder and Osiri copper and gold mines in Nyatike sub-county and in Masara Copper and Gold Mines in Suna West sub-county, all in Migori County and confirm whether they are licensed and compliant with the Mining Strategic Mineral Regulations of 2017.

(3) Ascertain whether there are any Corporate Social Responsibility, commonly known as CSR projects initiated by the foreign miners in the local community and determine how they are addressing environmental degradation.

(4) Establish whether the foreign miners are conducting CSR activities through the Copper Hill Exploration and Mining Resources Company Limited, or the Macalder Copper Hill Circle or otherwise and also clarify their role in protecting the mines.

(5) Establish whether the Copper Hill Exploration and Mining Resources Company Limited and the Macalder Copper Hill SACCO undergo regular audits. If so, provide their recent audited accounts and the list of officers in charge.

I thank you.

FATE OF CASUAL WORKERS IN BUNGOMA COUNTY  
GOVERNMENT HEALTH DEPARTMENT

**Sen. Wafula:** Thank you, 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 concerning the fate of casual workers serving in the Health Department of Bungoma County Government.

In the statement, the committee should-

(1) Explain whether there are any plans to regularize the employment of over 700 casual workers in the Health Department of Bungoma County Government, either by placing them on contractual or permanent and pensionable terms.

(2) Clarify whether the advertisement made in August, 2024, for various vacancies, including clinical officers, medical officers and pharmacists, to be filled by the County Public Service Board of Bungoma County was internal or external, and provide reasons why the nature of advertisement was not specified.

(3) Define the conditions and terms under which the casual workers are presently delivering services to the county.

Thank you.

STATE OF MENTAL HEALTH CLINICS AND AVAILABILITY OF  
QUALIFIED MENTAL HEALTHCARE SERVICE PROVIDERS IN COUNTIES

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53(1) to seek a statement from the Standing Committee on Health regarding the state

---

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

of mental health clinics and the availability of qualified mental health care providers in each county and in the country.

In the statement, the committee should-

(1) Detail the number and distribution of mental health clinics in each county, including any disparities in infrastructure and access to services in under-served regions, such as rural and marginalised areas.

(2) Present a report on the availability of qualified mental healthcare providers, including psychiatrists, psychologists, psychiatric nurses and counsellors in each county, highlighting any existing gaps in human resource capacities.

(3) Provide information on any ongoing recruitment, training and capacity-building initiatives by both national and county governments to improve mental health care service provision;

(4) Highlight current Government strategies, budgetary allocations and any collaborative efforts with county governments aimed to improving mental health services, particularly in counties facing shortages of clinics or qualified personnel.

(5) Explain whether there are plans to establish specialised mental health centres in each county to ensure equal access to care for individuals suffering from mental health conditions.

I thank you.

#### STATUS OF ALLOCATION OF HOUSING UNITS TO FORMER TENANTS OF BUXTON ESTATE

**Sen. Miraj:** Mr. Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of allocation of housing units to former tenants of Buxton Estate in Mombasa County.

The Standing Committee on Roads, Transportation and Housing, in its report on a petition to the Senate by Mr. John Tsuma and other residents of Buxton Estate regarding eviction from and the demolition of Buxton Estate in Mvita Constituency of Mombasa County, recommended among other things, that-

(i) The County government of Mombasa should allocate its share of 184 housing units to former tenants or petitioners,

(ii) the State Department of Housing and the County Government of Mombasa to develop a mechanism to ensure the remaining 336 tenants, petitioners, acquire units in Buxton Estate through tenancy purchase scheme under the National Housing Fund and submit a report to the committee within 60 days.

These recommendations are yet to be implemented.

I, therefore, request the committee to-

(1) State the number of housing units the County Government of Mombasa has received as part of its share in phase one of Buxton Estate, providing a list of beneficiaries of these housing units.

(2) Explain why the county government has not yet issued commitment letters of its share of the housing units to the 184 former tenants of Buxton Estate and the

additional 336 former tenants who are to acquire the units through the tenant purchase scheme.

(3) State reasons for the delay in allocating housing units to the former tenants past the timelines of the relocation action plan.

#### STEPS TAKEN BY CBK TO MAINTAIN BANKING HYGIENE

**Sen. Miraj:** Mr. Speaker, Sir, again I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Finance and Budget regarding the steps taken by the Central Bank of Kenya (CBK) in maintaining banking hygiene with specific reference to cases of accounts of deceased persons.

Many banks in Kenya subject the common mwananchi of Kenya to a lot of unnecessary anguish, especially whenever there is a death of an account holder or customer involved.

One such case involves Mrs. Noor Ali Islam Jeyzan, a widow of the late Anwar Muhammad Bayusuf. They owned a transport firm called Bayusuf Brothers Limited and operated an account with Diamond Trust Bank (DTB).

The widow was made aware of an overdraft transaction made by DTB on 6<sup>th</sup> June, 2011 to the tune of Kshs59,300,000 against the deceased's accounts. She confirms that she was not aware of the transaction, did not authorize it and said that the amount was never credited to the company's account as the account was dormant with zero balance during the period the overdraft was alleged to have been made.

On further enquiry, the bank claimed that the deceased issued the instructions. However, in the absence of any documentation, it is difficult to verify this transaction claim.

Mr. Speaker, Sir, DTB auctioned land Number 194, Section 6MN for cash of Kshs70 million as well as the company, following the due legal process and still claims an outstanding balance of more than Kshs17,628,748, yet the total outstanding amount of cash, Kshs52,371,252, has since been fully settled.

This prompted the widow to lodge a complaint with the Department of Banking Fraud at the Mombasa branch of the CBK to no avail since the information sought has not been forthcoming, contrary to Article 35(1)(B) of the Constitution of Kenya, 2010.

In the statement, the committee should-

(1) Outline any steps the CBK has taken to resolve the matter and furnish the Senate with an elaborate report detailing compliance with regulations.

(2) Explain specific measures the CBK took to sanction DTB for failing to provide its customer the information sought and disclose full information on who authorized the loan and the transactions therein.

(3) State the measures taken by the CBK to ensure that businessmen do not suffer from predatory lending.

**The Speaker** (Hon. Kingi): Sen. Miraj, you had another statement.

**Sen. Miraj:** No.

**The Speaker** (Hon. Kingi): Good. Proceed, Sen. Wakili Sigei.

USE OF EXCESSIVE FORCE BY POLICE AGAINST  
DEMONSTRATORS IN BOMET COUNTY

**Sen. Wakili Sigei:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the use of excessive force by police officers against demonstrators in Bomet County, which led to the death of one Mr. Robert Chepkwon and injuries to several others.

Some small-scale tea farmers in Bomet County came out in their numbers on 18<sup>th</sup> September, 2024, to demonstrate against perceived exploitation and low tea bonuses. However, the demonstrators were met with a brutal response from the police who deployed forceful measures, including the use of live ammunition to disperse them.

This tragic action led to the death of Robert Chepkwony, a 27-year-old resident of Chepkitach in Kimori Village and caused injuries to several others. Among the injured persons were Mr. Japheth Kipkirui Towet, a 32-year-old resident of Chepkesio Village who sustained a gunshot wound to his thigh, and Mr. Gilbert Kipyegon, a 17-year-old boy of Chemusore Village, all from Mogogosiek Ward, who still has a bullet lodged in his knee.

Mr. Speaker, Sir, this tragic incident has sparked outrage within the community, highlighting deep-seated issues between the tea farmers and players in the tea processing sector and raises serious concerns about the way law enforcement officers handle public demonstrations.

I, therefore, request the committee in the statement to-

(1) Provide a detailed account of the events that led to the killing of Mr. Robert Chepkwony and injuries to others during the demonstrations by small-scale tea farmers on 18<sup>th</sup> September, 2024, specifically highlighting the involvement and use of police.

(2) Explain the rationale for the use of force by police officers, stating whether they followed the established protocols for managing public protests.

(3) The committee should provide a status update on the investigations into the tragic incident, outlining actions taken against the police officers involved as well as measures put in place to guarantee accountability.

(4) Lastly, the committee requested to provide information on any support and/or compensation processes offered to the injured protesters and to the family of the late Mr. Chepkwony.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Okenyuri.

TRAGIC DEATH OF A MEDICAL INTERN  
AT GATUNDU COUNTY REFERRAL HOSPITAL

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement on the tragic death of Dr. Desree Mora Obwogi, a medical intern at the Gatundu County Referral Hospital, Kiambu County, in a suspected case of suicide.

In the Statement, the Committee should-

---

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



(1) Provide a comprehensive account of the circumstances surrounding the death of Dr. Desree Moraa Obwogi, at Gatundu County Referral Hospital, including any immediate and contributing factors identified during the investigations.

(2) Describe Dr. Desree Moraa's workload prior to her death, including the number of hours she worked during her last shift and how this workload compares to the existing labour laws and medical practice standards for medical interns in public hospitals.

(3) Indicate whether Dr. Moraa requested a transfer from Gatundu County Referral Hospital prior to her death. If so, provide details on the reasons for this request and why it was not acted upon, while also providing information on how many medical interns have sought or obtained transfers from the hospital in the past year, including the reasons for those transfers and any other patterns of dissatisfaction with working conditions.

(4) State the current number of medical interns and other health care personnel deployed at the Gatundu Referral Hospital and how these numbers compare with the established staffing norms and standards for a referral hospital of its size.

(5) State whether medical personnel at the hospital, including the deceased, received their salaries or their other compensation on time and address any issues related to delays or non-payment of dues.

(6) Finally, outline the steps taken by the Ministry of Health and the Kenya Medical Practitioners and Dentists Council to ensure the mental health, well-being and overall welfare of interns and medical personnel in public hospitals and the measures that are in place to prevent similar tragedies from recurring.

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No.56 (1) (b), the Chairperson Standing Committee on Energy, Sen. Kisang' on behalf of the Chairperson, Sen. Wamatinga.

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

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Sifuna? Certainly, it cannot be a point of order.

**Sen. Sifuna:** Mr. Speaker, Sir, I just want to remind you that I have now obtained the HANSARD. Perhaps, you can direct what you needed me to do.

**The Speaker** (Hon. Kingi): Once we are done with the statements, I will give you an opportunity to proceed.

**Sen. Sifuna:** Mr. Speaker, Sir, I request that this matter be dispensed with; it is causing unnecessary tension in the country.

**The Speaker** (Hon. Kingi): There is absolutely no tension, Senator. Proceed, Sen. Kisang'.

#### ACTIVITIES OF THE COMMITTEE ON ENERGY

**Sen. Kisang:** Thank you, Mr. Speaker, Sir. You know he is also my Member of the Committee. I do not know why he want to interrupt.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(b), to make a statement on the activities of the Standing Committee on Energy for the second quarter of the third session covering the period commencing 1<sup>st</sup> April to 31<sup>st</sup> August, 2024.

---

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

During the period under review, the committee held a total of 28 sittings, during which it considered and concluded on one Bill and one inquiry. Attached in the statement is a schedule of the legislative business undertaken by the committee during this period.

Mr. Speaker, Sir, during the period under review, the committee considered and concluded nine statements. Six statements are pending before the committee and we have scheduled to meet the Cabinet Secretary after his familiarization tour of the Ministry, because we have a new Cabinet Secretary in the Ministry of Energy who was appointed recently during formation of the broad-based system of Government.

In addition, the committee finalized its inquiry into the tragic Liquid Petroleum Gas (LPG) explosion that occurred in Mradi area of Nairobi County on 1<sup>st</sup> February, 2024.

In the previous session, the committee concluded an inquiry into the high cost of electricity in the country. We went around and met stakeholders.

There are recommendations that the committee has made, including unlocking a memorandum put in by the National Assembly on issuance of new Power Purchase Agreements (PPAs). There is a Motion before this House.

We will be requesting the Senate to resolve to unlock that memorandum so that the Ministry of Energy and Kenya Power (KP) will go ahead and unlock this issue. This will ensure we do not run short of electricity in the near future because with the Affordable Housing Programme that is going on, we anticipate there will be many people who would want to join the grid in the next one or two years.

As I conclude, I wish to highlight a significant challenge that has severely constrained the committee's operations. As you are aware, the Senate was hit by budget cuts. Since July to date, the committee has not been able to go for any retreat or even meet outside the precincts of Parliament because of lack of resources. I hope the Liaison Committee and the Senate Business Committee (SBC) will sit down and resolve these issues, so that we can undertake business outside the precincts of Parliament.

Mr. Speaker, Sir, I believe that is what we had. I wish to table the statement.

*(Sen. Kisang' laid the document on the table)*

#### ACTIVITIES OF THE COMMITTEE ON FINANCE AND BUDGET

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

**Sen. Tabitha Mutinda:** On behalf of the Chairperson, Standing Committee on Finance and Budget, I rise pursuant to Standing Order No.56 1(b) to make a statement relating to the activities of the Standing Committee on Finance and Budget for the second quarter of the Third Session covering the period between April to August, 2024.

During the period under review, the committee held 44 sittings, during which it processed 47 statements, six Bills and tabled seven reports. Attached to this statement is a schedule of legislative business pending before the committee.

In the reporting period, the committee held consultative meetings with the National Treasury and Economic Planning, Commission of Revenue Allocation (CRA), Society of Clerks at The Table (SOCATT), County Assembly Forum (CAF), Institute of

---

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

Certified Public Accountants of Kenya (ICPAK), Budget Hub, Office of the Controller of Budget (CoB) and the Council of Governors (CoG).

The committee also conducted recruitment process for nomination of a person on behalf of county governments to Salaries and Remuneration Commission (SRC).

During the reporting period, the committee carried out pre-publication scrutiny and examined two legislative proposals on proposed Public Finance Laws (Amendment) Bill, 2024 and proposed amendments to the Public Procurement and Asset Disposal Act, 2015.

In processing of statements, the committee adopted a mechanism where the response is availed to the Senator immediately it is received from the relevant agency or county. The Senator is required to provide any issues that need clarification within 14 days.

I have met colleagues who always questioned their statements in our committee, especially statements regarding pending bills. I repeat to state that the requirement is that the secretariat gives the feedback and requires the Senators to report back within 14 days. In the event that you have not reported back to the committee within the 14 days, the assumption is you are satisfied with the feedback or the response that you have received from the agency or the governor.

During the current quarter, the committee is scheduled to consider, among others, the Controller of Budget (CoB) County governments Budget Implementation Reports for Financial Year 2023/2024, the County Wards (Equitable Development) Bill (Senate Bills No.20 of 2024), the Public Finance Management (Amendment) Bill, 2024 (Senate Bills No. 27 of 2024), approval hearing of nominee, Mr. David Kibet Kemei, for the position of Director General, Competition Authority that we have winded up today and a report shall be tabled. It was a joint committee with the National Assembly.

Additionally, the committee is scheduled to consider the status of implementation of the House resolutions on county governments pending bills. On this matter, a meeting has been convened on 3<sup>rd</sup> October, 2024 with the National Treasury and Economic Planning and the CoB to apprise the House on the status.

Mr. Speaker, Sir, I emphasize that matters pending bills cut across the 47 counties. We saw it wise to invite all Senators, where the CoB and the Ministry of the National Treasury and Economic Planning will attend so that they bring to light and give more information in this regard.

In conclusion, I wish to thank your office and the Office of the Clerk of the Senate for the continuous support accorded to the committee in its work in executing its mandate.

I thank more sincerely our secretariat led by our lead clerk, Mr. Gitonga and the legal team. Our secretariat has been 100 per cent very supportive to this committee. I also wish to thank more sincerely all the Members of the Finance Committee. We have had teamwork for us to be where we are.

It is one of the busiest committees in the Senate and the commitment has been full. I thank all the Members of the committee led by the Chairperson, Sen. (Dr.) Khalwale, Sen. Faki, Sen. Shakila, Sen. Tabitha Karanja, Sen. Onyonka, Sen. Oketch Gicheru and yours truly.

That is the status. I wish to table the report.

---

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

*(Sen. Mutinda laid the document on the Table)*

#### ACTIVITIES OF THE COMMITTEE ON HEALTH

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

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.56 (1) (b) to make a statement relating to the activities of the Standing Committee on Health for the second quarter of the Third Session covering the period between April to August, 2024.

During the period under review, the committee held 28 sittings during which it considered one legislative proposal, 12 Statements, two Petitions and undertook county oversight and networking visits. Attached to this Statement is a schedule of legislative business considered by the committee.

During the period under review, the Speaker of the Senate conveyed to the Senate the message from the Cabinet Secretary for Health forwarding the name of Dr. Patrick Omwanda Amoth, EBS, for appointment to the position of Director-General for Health.

The committee, sitting jointly with the National Assembly Departmental Committee on Health, conducted approval hearing on the suitability, competence, experience and integrity of the candidate and consequently prepared and adopted its report, which was tabled on 1<sup>st</sup> August, 2024.

In the reporting period, the committee conducted county oversight and networking engagements in four counties. These are Kiambu, Taita Taveta, Kwale and Mombasa counties.

The objectives of these engagements were to assess the state and quality of the infrastructure, facilities and hospital equipment, the provision and decentralization of ambulance and emergency service and automation of health provision system for the patients, drugs and commodity management.

The committee further sought information into the adequacy of health care personnel in the counties, the gaps, the challenges, if any, the counties face in regard to the health care workers.

The committee also held consultative meetings with the Ministry of Health, the CoG and the health workers unions during the countrywide health workers strike in April.

Mr. Speaker, Sir, I am happy to report that some of our interventions culminated in an amicable return-to-work formula agreement signed between the national Government, county governments and the health workers unions.

In the report's period, the committee conducted pre-publication scrutiny on the on the Tobacco Control (Amendment) Bill, 2024, proposed by Sen. Catherine Mumma and recommended its publication.

The Bill, which seeks to regulate the production, sales, advertisement and the smoking of nicotine products, including the use of nicotine pouches and the electronic nicotine delivery, systems was consequently introduced in the Senate by way of First Reading on 6<sup>th</sup> August, 2024. Accordingly, during this quarter, the committee is scheduled to consider presentations received by way of writing memorandum, prepare and the table its report on the Bill.

---

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

Mr. Speaker, Sir, during the period under review, the committee concluded its considerations of a Petition by the Kenyatta University medical students on the management and use of the Kenyatta University Teaching and Referral and Research Hospital by medical students at Kenyatta University and tabled its report.

The committee also received a petition regarding the alleged medical negligence and staff incompetency leading to the death of Ms. Annitta Jepkorir at the Moi Teaching and Referral Hospital. The committee is scheduled to consider this Petition and, consequently, respond to the petitioners as stipulated in the standing orders.

During the period under review, 12 statements were referred to the committee for consideration increasing the tally of pending statements to 47. It is noteworthy, that the committee has also concluded consideration of 37 statements of the 84 Statements referred to it, representing a completion rate of 44 per cent. Whereas the committee has sought responses from relevant agencies, majority of the responses received have been unsatisfactory or contain inadequate information.

With the foregoing, the committee has categorized all the pending statements into broad thematic areas and scheduled meetings with the relevant agencies to deliberate on the issues raised on their specific mandate.

Mr. Speaker, Sir, in conclusion, I wish to thank your office and the office of the Clerk of the Senate for the continuous support accorded to the committee in its work in executing its mandate.

Lastly, I also thank Members of the committee for their diligence and contributions during the committee's activities.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Senators, before I allow comments on those statements, allow me to make the following communication.

### COMMUNICATION FROM THE CHAIR

#### SUBSTANTIATION OF UTTERANCES BY SEN. SIFUNA PURSUANT TO STANDING ORDER NO.105

**The Speaker** (Hon. Kingi): As you may recall, at the Sitting of the Senate held on Thursday, 19<sup>th</sup> September, 2024, the Senator for Nairobi County, Sen. Edwin Sifuna, MP, made utterances while contributing to a statement sought by Sen. Esther Okenyuri, MP; concerning the alleged killings of residents of Mobamba Ward in Kisii County.

The Senate Majority Leader rose on a point of order pursuant to Standing Order No. 105(1) seeking the intervention of the Speaker to require the Senator for Nairobi County to substantiate the claims made.

From the debate, there was a contention as to whether Sen. Edwin Sifuna, MP, made claims that necessitated a point of order from the Senate Majority Leader.

*(Sen. Madzayo walked into the Chamber)*

You may have your seat, Senate Minority Leader.

---

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

The Chair, thereafter, requested for the HANSARD report to be availed in the next Sitting. The requirement by the Speaker in this matter was to do the following:

1. Establish the connection between the point of order by the Senate Majority Leader and the utterances made by the Senator for Nairobi City County.
2. Make a determination on whether substantiation is, indeed, required.

Hon. Senators, from the HANSARD of that day, I have established the statement made by Sen. Edwin Sifuna, MP, which necessitated the point of order by the Senate Majority Leader to be the following:

“Even this young Member of County Assembly, MCA, from Wajir, was plucked from the streets of Nairobi. We would want all of us leaders to take a very strong position and ask William Ruto. We will not ask him about the other promises he will break, even if he does not build the roads and stadiums he promised us. Can he please stop killing us? Stop abducting people and bodies showing up in quarries”.

Now, hon. Senators, Standing Order No. 105(1) states as follows-

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such fact instantly.”

Having reviewed the HANSARD record, I rule that the utterances by Sen. Edwin Sifuna, MP, need substantiation pursuant to Standing Order No. 105. That being the case, I direct that Sen. Sifuna tables evidence to his statement.

Further, pursuant to the Standing Order No.105(2)-

“A Senator is required to substantiate the allegation instantly or not later than the next Sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121”.

To the Senator for Nairobi City County, you may proceed to substantiate if you are ready.

**Sen. Sifuna:** Mr. Speaker, Sir, this is a very familiar dance and I have agonized about the terms of Standing Order No.121; that in substantiating, I must make substantiation to the satisfaction, in the opinion of the Speaker, that it has been satisfied.

I tried to put together some material, but I suspected that I was not going to be able to persuade you. I also suspect that you also know that it might not be possible for me to withdraw those words or apologize.

Mr. Speaker, Sir, I request that I sit down and await judgment as shall be directed by the Chair.

I thank you.

*(Sen. Cheruiyot spoke off record)*

**The Speaker** (Hon. Kingi): Which point of order? How can he be out of order? He has declined to substantiate and, therefore, sentence shall follow further. Our Standing Orders are very clear. Standing Order No.105(2) says-

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121 (Disorderly conduct), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires”.

I rule that the Senator for Nairobi City County is disorderly and out of order. I order him to withdraw from the precincts of the Senate for the remainder of the day.

*(Applause)*

*(Sen. Sifuna withdrew from the Chamber)*

Nonetheless, to help other Members who wish to make some allegations touching on certain offices, let me read Standing Order No.101(1) so that it can help other Members.

Standing Order No. 101(1) states as follows-

“(1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the Senate shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.”

Hon. Senators, as you debate, have Standing Order No.101(1) in mind. We have had hon. Senators make allegations against judges and the President. So, please be guided by the Standing Order of this House.

I will now allow comments on the Statements that have been requested and made pursuant to Standing Order No.56(1) for a limited period of 30 minutes, starting with Sen. Maanzo.

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir. I would like to comment on Hon. Sen. Wakili Sigei's Statement about handling police, demonstrators, and others.

Our Constitution is clear as to how to handle any suspect in the country. That if you are suspected of any crime, you should be taken to court within 24 hours if one has been arrested. That has not happened.

There is nowhere in our law where abductions are a way of dealing with anyone or any extrajudicial matter, whether killing or keeping anyone in confinement, without the courts being aware. That is why a *habeas corpus*, at times can be given.

---

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

Secondly, on the statement by Sen. Okenyuri about the university doctor, a student also who passed on in circumstances, which were suspected to be suicide. The doctors have been demonstrating in the streets, particularly about interns. Nothing much was done about it, which is one of the results.

The health sector needs to look at the issue of interns. This is because interns are already doctors and have been in the university for seven years, so we do not have cases of frustration under investigations like those about that particular person.

Thank you.

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

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. The issue raised by the Senator of Bomet brings into focus the possibility of extrajudicial killings.

I never imagined that we would be witnessing extrajudicial killings after the exit of, with due respect, the late President Moi. Mr. Robert Chepkwony, at the prime age of 27 years old, while exercising his right on the matter of the economy of his county, namely tea farming, was shot dead. I do not understand what the police are doing in our villages.

As one of the most tear-gassed leaders in this country - I have been tear-gassed many times - and several life rounds shot around me--- It is becoming so easy these days to see the police in villages releasing tear gas. You and I, and many of you, used only to smell teargas whenever we would strike at the University of Nairobi.

Mr. Speaker, Sir, these days, police are following villagers into their homes. They are hardening the youth. I think the time has come to call the inspector of police who has settled into office. He acclimatizes us to the new way in which the police are using rubber bullets, teargas and life rounds. We must condemn this completely.

The issue raised by the Senator of Migori on gold mining and copper in Macalder. This only speaks for what is now a national problem. You go to Ikolomani, Rosterman, Masienze, and Lirhanda in Kakamega; this is the same story.

We have to emphasize to the new Cabinet Secretary in the Ministry of Mining, Blue Economy and Maritime Affairs that only companies licensed to do gold mining should be allowed to go to Nyatige, Kakamega, Marsabit, West Pokot and Taita Taveta, where we have rich mineral resources.

These white people, in the name of licenses for exploration, are exploiting our resources. Imagine a company called Shanta that has been in Ikolomani exploring for the last 21 years and the Cabinet Secretary is there.

I hope my good friend, former governor Joho, will live up to it so we can end this.

Finally, there is the issue of intern doctors. Colleagues, an intern doctor is not a student. He is a doctor who is working in his first year of medical practice and has already taken the Hippocratic Oath.

He can practice medicine anywhere and everywhere. Let the Government recognize medical intern doctors as doctors because that is who we are. By the way, whenever you go to The Mater Hospital or Nairobi Hospital, those young people you see who are treating you are on call. The first people to be on the first line of call in my profession are the young doctors, the interns.



The interns are there on duty, doing locum. They are the ones who are taking care of you. They invite us, the senior doctors, to step in when it is difficult. Let us give them their respect.

It is a shame that in a country like this, where the doctor-patient ratio is so terrible, any doctor should be finding it difficult to find employment.

Thank you.

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

**Sen. Oketch Gicheru:** Thank you, Mr. Speaker, Sir. I want to comment on Sen. Wakili Sigei's statement on the issue of police brutality. This House must fight police force misuse against citizens.

I was expecting that perhaps in that statement, another Senator could have requested that one of the biggest motions that we had in this House at the time that we were faced with the lowest moment of our country when the Gen Z movement was forced to visit this House to call Parliament to order.

Senators in this House, through the majority leader's Motion, expressed themselves overwhelmingly on the issues of police brutality, police mistreatment, abduction and extrajudicial killing.

It is disappointing that many months after this conversation, the resolutions of this House that were sent to the President of this country, not even a single one have not been taken seriously.

Mr. Speaker, Sir, we resolved in this House that the young people who were killed in that demonstration must be compensated. The police will never know the magnitude of their deeds if those young people are not compensated.

We said in this House that young people who have been abducted must be tried and released from those abductions. We said in our resolution in this House that those young people who were arrested and are in court for crimes that do not make sense must be forgiven. We said in this House that police who have meted extrajudicial killings and did things that are wrong to Kenyans must be brought to book.

Now you come to a situation where many months later, there is a statement that needs to go to a committee over the same actions of the same policemen. What are we doing? I think that committee must go to the resolution of this House that went to the President and make sure that every single issue that was in that resolution is implemented.

I felt bad the other day when Multimedia University students were demonstrating. Three policemen ganged up on this young man, beat him up and broke his legs. He could not move and they tried to drag him to take him to the vehicle. This young Kenyan; a student, was just expressing himself.

When he could not walk with this policeman to the car, a policeman said, "*tumpatie dawa kidogo.*" This *dawa* was taking a tear gas canister and throwing it on the face of an already beaten and battered young man on that campus.

This is an issue that, as a House, we must sit, work on it and finish it once and for all. It only starts by making sure that the resolution that we made in this House is implemented to the full.

My last comment will be on the issue of mental health. In a few weeks' time, we will have the Senate *Mashinani* in Busia. When we were in Turkana, we passed one of

---

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

the most important Bills on Community Health Promoters (CHPs). However, if you look at the status of some of the officers, of people who work even in Government, mental health has become a serious issue in this country.

In Eldoret, for instance, almost 11 per cent of cases of suicide are as a result of mental health. I think that in a place like Migori County, where I come from, it will be important to expand the CHP network to also include those that can help our people.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Mungatana?

**Sen. Mungatana, MGH:** Asante, Bw. Spika, kwa kunipa nafasi hii nitoe maoni yangu kuhusu ripoti iliyowekwa hapa na Mwenyekiti wa Kamati ya Kawi katika Seneti. Mimi na Kenya nzima tulishuhudia wakati Mhe. Chirchir alipokuwa Waziri wa Kawi, Kenya nzima ilikosa umeme usiku kucha.

Jambo hili lilijirudia wakati Waziri mpya Mhe. Opiyo Wandayi alipochaguliwa. Punde tu alipoenda kufanya sherehe, tena Kenya nzima ikawa katika hali ya giza. Nyakati hizi zote mbili, Kenya ambayo iko miongoni mwa nchi zilizo na uchumi mkubwa katika Bara la Afrika ilipata aibu. Tumeelezwa kuna shida ya *instability* ya kubeba kawi kutoka sehemu moja hadi nyingine.

Tumeambiwa KETRACO wanapata shida kwa sababu ya *instability* ya ile *system*. Juzi tumepata habari kutoka kwa vyombo vya habari na kwingineko kwamba, kuna watu wanaotaka kukeza katika idara ya kawi na kikundi hiki ni cha watu wa Bw. Adani. Tungependa sana Kamati ya Kawi wawaite hawa watu kuhusu uekezaji wa pesa zao na za wananchi wa Kenya katika idara hii ya kawi.

Tunataka kujua kama kuna ukweli kuhusu maneno ya KETRACO. Na kama ni ukweli, je, mipango hii iko wazi? Hatutaki kukaa kungojea halafu tuje kuambiwa baadaye kama haya yanayofanyika kwa upande wa uwanja wa ndege

Tunataka Kamati hii ya Kawi ya Seneti watafute ukweli. Wamuite Waziri wa Kawi, Katibu wa Kudumu, Kampuni ya KETRACO waelezee Wakenya kama kuna ukweli dhidi ya madai haya ya kwamba kuna uwezekano wa kuleta pesa ili *stability* ipatikane katika usambazaji wa kawi nchini Kenya.

Jambo la pili na mwisho, nimefurahi sana na ninampongeza Sen. Hamida kwa kuyashughulikia sana mambo ya afya ya akili. Ningependa kamati hii inapoangalia suala alilolileta hapa kwa Seneti, ikiwezekana, tunataka kujua kungewekwa pesa ama uekezaji katika kila kaunti ya Kenya kwa ajili ya wafanyikazi wa Serikali wanaopata shida ya kimawazo hasa wale wanaofanya kazi za usalama.

Ingekuwa jambo la maana kamati pia iangalie kama kaunti zote tungekuwa na vituo ambavyo wafanyikazi wa Serikali haswa wa idara ya usalama wanaweza kwenda na kupata usaidizi. Tumepata shida nyingi na habari za watu wetu wanaofanya kazi kwa vitengo vya usalama. Unasikia mfanyikazi aliwacha kazi kwa sababu ya yale mambo mazito aliyoyaona kule alikoenda kuhudumu. Watoto wanaumia baada ya mfanyikazi kurudi kwenda kazi za mjengo kwa sababu hawezi rudi huko tena.

Tunapoteza watu wengi ambao wangeendelea kutusaidia kwa vitengo vya usalama. Tunaomba kamati ya Seneti itakapokuwa inaangalia mambo hayo, iangalie pia uwezekano wa kutoa mapendekezo kwamba kila kaunti tuwe na mahali ambapo wafanyikazi wa Serikali wanaweza kwenda kupata usaidizi kwa mambo ya afya ya akili.

Asante sana.

---

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

**The Speaker** (Hon. Kingi): Sen. Orwoba.

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir. On behalf of the women of Kenya, particularly the widows of this country, I would like to add my voice to Sen. Miraj's statement.

For those who have been following, Sen. Miraj has highlighted a case where you have a widow who is following up on properties that were owned by the family, particularly the husband and a bank account was used to take an overdraft of Kshs59 million.

Mr. Speaker, Sir, in that instance, it appears as if the DTB, somehow colluded with people, according to her statement and ensured that they then auctioned properties worth Kshs70 million to allegedly claim back this Kshs59 million that was taken as an overdraft from an account of a deceased person.

Mr. Speaker, Sir, the reason I stand to add my voice on this is because, day-in, day-out, I receive so many complaints from women, particularly widows or daughters of men who have passed away and there is a lot of property that is up for grabs. More often than not, you will see that there are even discrepancies on how women are being dealt with at these banking institutions. They start asking you for all sorts of documentation just to ensure that you are unable to follow up on the unclaimed financial assets of the deceased persons.

I have been on record in this House talking about the Unclaimed Financial Assets Authority (UFAA) as well who are dealing with certain matters that touch on assets of those who have passed away.

It is very unfortunate now that Ms. Noor Ali Islam, who is the widow of Mr. Anwar Mohammed Bayusuf, has lost property worth Kshs70 million. On top of that, the bank is still claiming that there is a Kshs17 million balance that was accrued due to this alleged overdraft that was taken after the man had passed on.

Mr. Speaker, Sir, this kind of banking fraud is very common and the target, most of the time, is women; women who most of the time entrust their banking, finances and assets to the men who are their spouses. Unfortunately, when they pass on, they are found in these circumstances where things are up for grabs.

I want to particularly speak to the CBK because I am dealing with so many of these cases. Every time you go to CBK asking for certain things, inquiring on certain procedures or even when it comes to auctioning as a woman, it is so difficult. They almost force you to get money for a legal representative and it becomes a whole other affair.

On behalf of the women of Kenya, particularly the widows, I hope that when this statement, which has been referred to the Standing Committee of Finance and Budget—which is the same committee that I referred the statement of unclaimed financial assets—reaches there, it will be dealt with and not as they dealt with the UFAA. They have not come back to me on all the inquiries. Some of them were touching on issues such as this.

I hope that the Chair and the committee will take this matter seriously, because women are suffering. Some of us whose fathers who passed on are still dealing with issues of assets. The fundamental basis of this statement is that it is actually a form of Sexual and Gender-Based Violence (SGBV) that is targeted at women, in the assumption that we do not understand finances, banking issues or that we cannot fight for our assets.

---

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

I hope that that committee deals with it, as I will also be pursuing the issue of the unclaimed financial assets. I thank you.

**The Speaker** (Hon. Kingi): Sen. Ogola proceed.

**Sen. Ogola:** Thank you, Mr. Speaker, Sir. I rise to support the statement by Sen. Okenyuri. I feel for the family and the loss of life of a skilled officer; the intern doctor who supposedly committed suicide. As we go around selling the resources of our country; if it is not a delegation of an airport being sold, it could be a port, or any other major resource of this country; we should be paying attention to the challenges that the public sectors are experiencing.

Mr. Speaker, Sir, just a few days ago, the intern doctors were on the streets. If it is not the doctors, it is the lecturers running around on the streets. If it is not the lecturers, we have teachers demonstrating on the streets. This is not a death in isolation.

We have often seen or heard about police officers who shoot their whole families and kill themselves. We have had teachers who have committed suicide. We have had two teachers committing suicide in a neighbouring ward, where I come from, called Kanyikela Ward in Ndhiwa Constituency. If it is not teachers committing suicide, it is police officers killing themselves or killing their families.

Here we have a doctor intern. We all know what goes on in the training of doctors. It is an unfortunate situation. As a country, we must attend to the challenges that are bedevilling the public sector.

I now come to the statement by the Senator of Bomet County. I feel for the demonstrators, but it brings me back to the video we all watched - if not all - on the day the multimedia students were demonstrating. It was so unfortunate and so painful for me as a mother to see a young, helpless man being beaten brutally by police officers.

On this day in the evening, one young girl wrote to me and I invite all the police officers out there to listen to what she said. "These police officers are not seeing the future. Their own children and relatives will not be able to afford those school fees."

Mr. Speaker, Sir, this was a message from a young girl who is barely 19 years old. It tells all of us about the fear the young people have about their future. I condemn the killing of the demonstrators, along with the killing of other demonstrators in the past. Due to senseless killing that we saw on 25<sup>th</sup> June, 2024, we are still being told that a number of people are still looking for their lost children, brothers or sisters.

The question we are posing to the Government is: Where are these people? We last saw a number of bodies from some quarry and, incidentally, there were only from one gender. Who was this that was just choosing women or girls? Where are the bodies of the boys that they could have been with? As a country, we must attend to the challenges that the public sector is going through. If it is low investment, we must look into it. I feel for the intern doctor and for all the Kenyans who go through that suffering.

I support.

**The Speaker** (Hon. Kingi): Sen. Thang'wa, proceed.

**Sen. Thang'wa:** Thank you, Mr. Speaker, Sir. I want to comment on the statement that was requested by Sen. Miraj on the issue of Buxton Estate Mombasa.

It is true that the Standing Committee of Roads, Transportation and Housing looked into this matter and concluded the issue. However, it is very sad to hear that the Mombasa County Government of Mombasa has not implemented the resolutions or the

---

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

recommendations that we made which was to give a share of the housing units to the 184 former tenants of Buxton Estate.

Mr. Speaker, Sir, it is also sad to note that the same people who had petitioned this House - and that is why we investigated this issue - have not benefited from the ruling or the recommendations of our committee. We will be looking into this issue again by inviting the Governor of Mombasa County. It is sad that this House is taken for a ride by not taking our resolutions seriously when they come to the county governments.

I will join that statement with another statement that was requested by Sen. Okenyuri on the issue of Dr. Desree Moraa Obwogi. As the people of Kiambu, we have lost a doctor. It is said that she died of suicide at Gatundu Level 5 Hospital. I urge the Committee on Health to invite the Governor of Kiambu to come and explain the working conditions of doctors in these hospitals.

First of all, we realised that doctors in Kiambu County do not get their salaries on time. Secondly, they were moved from the National Health Insurance Fund (NHIF) that covers their medical expenses to a private insurance company called Motor Underwriting Agency (MUA). It is almost a year since I brought that statement here, but the Committee on Health has not responded or invited the Governor of Kiambu to come and explain.

The Governor should be here, so that the working conditions of doctors in Kiambu County are well taken care of. You cannot go to a doctor for treatment, yet he or she is sick or suffering from something else. They should be taken care of mentally, financially and even their working conditions.

Mr. Speaker, Sir, I support those two statements.

**The Speaker** (Hon. Kingi): Proceed, Sen. (Prof.) Tom Ojienda.

**Sen. (Prof.) Tom Odhiambo Ojienda, SC:** Mr. Speaker, Sir, I rise to support the statement on copper and gold mining in Nyatike sub county in Migori County because it mirrors mining in various parts of this country. We have heard about the mines in Kakamega with the same framework. We also have mining in other counties, including Siaya County.

This statement speaks to political interests in the mining industry and the need to ensure that those who engage in these activities under the Mining Act comply with the law. It will ensure that all and sundry who engage in mining, through subsidiaries and companies---

Mr. Speaker, Sir, there is a growing infiltration of Chinese miners who go to counties and make arrangements with some of our governors and county governments.

What we witnessed in Macalder Mines in Migori is an embarrassment. The Governor and a Member of the County Assembly (MCA) were involved in scuffles because of lack of understanding and clear compliance with the legal framework that governs mining in that area and interests that are palpable. Macalder is an area where gold and copper have been mined by individuals for a long time. I think many areas in Migori County have that problem.

The Committee on Land, Environment and Natural Resources needs to put to a halt sporadic problem that arise in various counties in this country because of unregulated mining. We have seen issues even in Kwale County touching on mining.

I call upon the Chair of the Committee on Land, Environment and Natural Resources to visit Migori County. In my view, it will help to have a clear framework

---

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

between the role that counties play and shares that counties get from mining. Such shares go to activities or Corporate Social Responsibility (CSR) that will ensure residents of a particular county benefit from mining activities.

We know, for instance, the ratios involving mining where both national and county governments ought to benefit. However, the activities must be regulated first.

I hope this statement by Sen. Eddie Oketch will make the committee to visit Macalder Mines. We need to ascertain the framework that governs mining of copper and gold in Migori County. That will help with the regulation of mining, so that other counties can also learn from the framework because the Migori one is a big embarrassment. It will expose this sector and the role that foreigners play in prospecting, mining and commercialisation of minerals that we know under the Mining Act which essentially belong to the Government.

According to the Mining Act, minerals and mineral oils belong to the Government. However, there is a delicate framework between the national Government and the 47 county governments.

Mr. Speaker, Sir, this is an important feat. I ask the Chair, Sen. Methu, to focus on this area aside from his other *murima* activities.

I thank you.

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

**Sen. Munyi Mundigi:** Bw. Spika, nataka kuchangia kuhusu mambo ya hela za kaunti. Asante sana kwa wale Magavana ambao tumeona---

**The Speaker** (Hon. Kingi): Sen. Mundigi, unachangia kuhusu *statements* ambazo zimeulizwa?

**Sen. Munyi Mundigi:** Hapana.

**The Speaker** (Hon. Kingi): Basi ngoja hadi tufikie Hoja ambayo unataka kuzungumzia.

**Sen. Munyi Mundigi:** Asante, Bw. Spika.

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

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

Hon. Senators, pursuant to Standing Order No.45(2), I will rearrange the Order Paper. We will move to prosecute Order No.16.

Clerk, proceed to call out that Order.

## BILL

### *Second Reading*

THE DIVISION OF REVENUE (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO.38 OF 2024)

*(Sen. Cheruiyot on 19.9.2024)*

*(Resumption of debate interrupted on 24.9.2024)*

---

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

**The Speaker** (Hon. Kingi): Hon. Senators, the Floor is open for debate on the Division of Revenue (Amendment) Bill (National Assembly Bills No.38 of 2024).

Proceed, Sen. Mundigi Alexander Munyi.

**Sen. Munyi Mundigi:** Bw. Spika, ningependa kuchangia Mswada kuhusu pesa ambazo zitapelekwa kwa kaunti zetu 47. Langu ni kushukuru magavana ambao tulisikia wakitajwa katika orodha ya waliofanya kazi nzuri. Kufanya kazi vizuri ni njia ya kutuonyesha utendakazi bora ili kusaidia ugatuzi.

Siungi mkono kupunguzwa kwa pesa ambazo kaunti zinafaa kupata. Mwaka uliopita, tulipitisha shilingi bilioni 385. Hata hivyo, magavana walikuwa wanataka shilingi bilioni 425. Tuliona kuwa tukiwapa zile pesa, hazitaweza kusaidia gatuzi zetu.

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

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

Bi. Spika wa Muda, mwaka wa kifedha uliopita, Kaunti ya Embu ilipata shilingi bilioni 5.2 kutoka kwa mgao wa kaunti wa shilingi bilioni 385. Hata hivyo, gavana na wawakilishi wa wadi, yaani MCAs, wanapoketi ili kupanga jinsi zile pesa zitakavyotumika, kunakuwa na shida kwa sababu gavana ambaye yuko sasa alipata *pending bills* nyingi na *wage bills* kubwa.

Hivi ndivyo zile hela zinavyofanya kazi. Utapata katika *wage bill* kila mwezi gavana analipa shilingi milioni 250 na county assembly wanalipa shilingi milioni 50. Hela zile zinabakia kidogo sana. Kwa hivyo, pesa hizi hazitoshi.

Utapata kuwa katika kazi ya kaunti kama katika Kaunti Embu, inafaa kila shule ya msingi iwe na madarasa ya Early Childhood Development Education (ECDE) lakini utasikia hakuna pesa za kufanya kazi hiyo. Hela hizi zinafaa kuweka maji ya ukulima na ufugaji katika kaunti lakini hazitoshi. Pesa hizi zinafanya mambo mengi sana ila hazitoshi.

Katika kaunti nyingi, haswa Kaunti ya Embu, pesa hizi zinafaa kushughulikia mambo ya hospitali kwa wananchi na wale watu ambao walituchagua, lakini pesa hizi ni kidogo na hazitoshi. Tunapompata gavana pesa zile, anakuta *pending bills* ya shilingi bilioni 200. Kwa hivyo pesa hizi hazitoshi.

Mimi ninaomba kuwa wale watu ambao tutawachagua kuenda kuongea kuhusu pesa hizo wawe na ushujaa wa kutetea kaunti zetu kwa sababu kaunti zetu zimeumia kwa muda mrefu.

Magavana wengi wamejaribu kusaidia kaunti lakini tunawapatia hela kidogo. Kama vile ilivyopitishwa, shilingi bilioni 380 inakuwa ni kidogo na shilingi bilioni 5 chini ya zile tulikuwa tumewapea mwaka jana. Kaunti nyingi hazitafanya kazi nyingi vile inafaa.

Ukiangali Serikali ya Kaunti ya Embu, katika miaka iliyopita, Gavana yule wa zamani alikuwa akikusanya zaidi ya milioni 400. Sasa hivi, serikali iliyoko imejaribu na kukusanya pesa shilingi milioni 750.

Kwa hivyo, sisi tukiwa Maseneta, tungeungana pamoja tupinge yale ambayo Serikali kuu na pesa ile ambayo MPs wametupatia; tuipinge zile pesa, shilingi bilioni 380, kwa sababu ni kidogo.

Wale MPs ambao wametupatia pesa hizi, wengi wao wamekuwa wakisema kuwa magavana hawafanyi kazi. Ningetaka kuwaambia MPs wote katika Kenya nzima kuwa, kuangalia mambo ya kazi katika kaunti sio wajibu wa MP, ni jukumu la sisi, Maseneta.

Hata tunapotetea kaunti katika mambo ya pesa, wamekuwa na shida hata ya kulipa mishahara. Wafanyi kazi wa kaunti nyingi ikiwemo Kaunti ya Embu, huwa wanakaa hata miezi mitatu kabla ya kulipwa mishahara yao. Kama saa hivi, kutoka mwezi wa saba, mwezi wa nane na sasa mwezi wa tisa, Wizara inayohusika na fedha haijatuma pesa kwa kaunti zetu. Magavana wanaumia sana. Ningeomba Serikali kuu iweze kuwapatia magavana pesa vile inafaa.

Tukiangalia katika constituencies, unakuta MP mmoja amepatiwa pesa shilingi milioni 150. Hapo hapo anaongezewa shilingi milioni 60 za miradi ya barabara. Pia tumesikia juzi kuwa wameongezewa shilingi milioni 150 za kuweka stima na Uwezo Fund. Sasa unakuta kuwa wamepatiwa pesa nyingi ilhali sisi ambao tunatetea ugatuzi na magavana wetu tunanyimwa pesa.

Mimi nikiwa Seneta wa Kaunti ya Embu, ninapinga mara 100 mambo ripoti hiyo. Kaunti zipatiwe zile pesa ambazo tulipitisha ya shilingi bilioni 400 kwa sababu sisi tuko hapa kutetea mwananchi ambaye yuko mashinani.

Itabidi sisi Maseneta; 67, tuamke na tutetee ugatuzi kwa sababu pesa nyingi tulizowapatia tulitarajia zifike shilingi bilioni 425. Lakini tuliwapatia shilingi bilioni 400. Ningetaka kupinga zile pesa ambazo zimetengewa gatuzi zetu.

Mimi ninaunga mkono magavana wote. Hata kama wengine wako na shida kidogo lakini nawapa heko, haswa magavana wa kike. Kuna Gavana wa Kaunti ya Embu na Gavana wa Kaunti ya Homa Bay. Gavana wa Homa Bay amefanya kazi nzuri sana. Ametusaidia kwa kuinua akina mama. Endelea hivyo na tunaunga mkono kazi ambayo mnaifanya.

Magavana waangalie kazi ile ambayo imefanywa na Gavana wa Kaunti ya Homa Bay na Gavana wa Embu; wao wanaendelea kufanya kazi nzuri. Mimi ninapinga kabisa Mswada huu. Gatuzi zipewe pesa za kutosha.

Hii pesa ya NG-CDF sina shida nayo, lakini MPs wanafaa waangalie ile kazi ambayo inafanywa mashinani. Shida ya gavana, kama ni mama amepata mtoto, anapelekwa hospitali; kama ni watoto wa ECDE, hakuna shule, na vile vile mambo ya maji. Kwa kweli pesa hizi hazitoshi.

Utakuta magavana wengi wako na vita ati wafanye kazi, hawa magavana wako na shida nyingi. Mimi ningeomba kaunti ziweze kupewa pesa zile ambazo tulipitisha; shilingi bilioni 400.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Sen. Munyi Mundigi. Sen. Chimera, you have the Floor.

**Sen. Chimera:** Asante, Bi. Spika wa Muda, kwa fursa hii ili niweze kupeana changizo langu katika Mswada huu. Ninaunga mkono Mswada huu lakini kwa masikitiko makubwa sana. Hii ni kwa sababu Bunge hili lilipata fursa hapo awali kupitisha zile fedha ambazo zinaenda katika kaunti zetu, ikiwemo kaunti yangu ya Kwale.



Katika Mswada huu, tumepoteza takribani shilingi bilioni 20. Tulipitisha shilingi bilioni 400 hapo awali na ninaona, katika ile orodha ya fedha inakwenda kwa kaunti zetu katika mwaka huu wa kifedha wa Serikali, ni shilingi bilioni 380. Tunaona kuna upungufu wa shilingi bilioni 20.

Ni bayana kwamba magavana wetu wanapata dhiki na taabu sana katika utendakazi wao kwa sababu ya zile shida zote za fedha nchini. Miradi mbalimbali imeweza kusimama. Jana Seneta wa Kaunti ya Machakos alileta Hoja hapa Bungeni kuhusu hali halisi ya utadhimini wa miradi mbalimbali katika kaunti zetu.

Ni jambo la kusikitisha kuona kwamba kila siku na kila kukicha ukimwuliza gavana ni kwa nini mradi fulani umekwama, kwa mfano, kwetu, katika Kaunti ya Kwale, utapata kuwa kuna miradi ya basari ambayo tunapeana hundi ya fedha kwa wanafunzi wetu katika ule mpango wa Elimu Kwanza Initiative. Kwa sasa, mradi huo una hatihati. Wanafunzi wetu hawawezi kuenda shule kwa sababu Serikali yetu ya kaunti haina fedha.

Vile vile tumepatia miradi tofauti tofauti ikiwemo kuweza kuboresha barabara zetu, kuhakikisha kwamba huduma za afya; hususan tunayo hospitali yetu ya Kaunti ya Kinango ambayo imeleta joto sana katika Kaunti ya Kwale.

Utapata huduma pale zimesambaratika, huduma pale zimedorora, wagonjwa wanapata taabu, madaktari pia morali yao imekwenda chini. Sio kwamba ni mapenzi ya wale ambao wako katika uongozi katika kaunti zile, lakini ni hali hii yote ya fedha. Ninaona kwamba tunapatia serikali zetu gatuji fedha kidogo.

Niweze tu kuomba ombi kwa Serikali kuu ya kwamba ugatuzi ni kitu ambacho kinatufaidi sisi kama Wakenya. Sisi sote tulikubali kama Wakenya ya kwamba tutaleta ugatuzi ili Mkenya aweze kupata faida mara dufu pale mashinani.

Siyo jambo sawa; ni jambo la kutisha ya kwamba Serikali kuu inazinyima serikali gatuji fedha. Hata kama hamna fedha, nina imani ya kwamba uongozi wa sasa unaweza kutafuta suluhu na namna gani watakavyohakikisha kwamba serikali za ugatuzi zinapata fedha zaidi na fedha za kutosha kulipa madeni yao, na kuendeleza miradi nyanjani.

Sio sawa kuwanyima fedha. Mimi nina imani ya kwamba tukipunguza haya masuala yote ya ubadirifu wa fedha, masuala yote ya kuhakikisha kwamba pesa zinaibiwa katika Serikali kuu, na kuhakikisha ya kwamba wale ambao wanachukua ushuru na wanatafuta fedha za kitaifa na umma inapatikana kwa haraka iwezekanavyo na tumeweza kuhakikisha kwamba imepatikana na magavana wamepewa fedha.

Kwa sababu ikiwa tutanyamaza hapa kama Maseneta, hatupigi kelele na kila saa tunapitisha sheria ambazo zinawahujumu magavana, nafikiri sio sawa. Hawa magavana tunawalaumu lakini wanahitaji kupewa fedha za kutosha ili ugatuzi uweze kuonekana unafanya kazi kweli katika kaunti zetu.

Asante sana, Bi. Spika wa Muda, kwa fursa hii. Mimi ninaunga mkono Mswada huu lakini bado pia nina ati ati.

**The Temporary Speaker** (Sen. Veronica Maina): Proceed, Sen. Ogola.

**Sen. Ogola:** Thank you, Madam Temporary Speaker. From the word go, I want to emphasize that more money should be taken to our counties. The proposal to reduce the Khs400 billion we had voted for as a Senate to be taken to the counties does not arise.

Devolution was supported massively in this country because its basis was for services to be taken closer to the people. Our people at the grassroots level do not care whether services are going to be given by counties or the national Government. All that

---

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

the people of Kenya want are services that range from health, provision of water, access roads and all other services.

As we debate this, we must take into consideration that over 80 per cent of the monies we have in this country remain at the hands of the national Government. The little that is taken to the counties; for this matter, the Kshs400 billion that was discussed, should never, ever be touched.

Madam Temporary Speaker, from the word go, at the onset of devolution, the services that were devolved to the counties under the Fourth Schedule were not costed, but they remain to be very heavy services. For example, health and the investment that should be made given to it, is so much.

Provision of water to our people is at a cost. We are not looking at small investments of water that even counties do at the level of Kshs2 million or Kshs1 million. The water investment that the national Government does leaves out the idea of distributing this water once an investment has been done. Therefore, the only infrastructure of distributing this water to our people is left to the counties.

When no monies have been taken to the counties, our people get stranded at the health centres, dispensaries and at the hospitals for lack of medicine. That is the why I rise here to support the fact that the Kshs400 billion that we debated and approved here should not be touched. If there is a shortfall as there is, the national Government must meet it.

Recently, we have had disasters. Just a few months ago, we were confronted with massive floods in this country. Attending to the issue of this disaster was not only limited to the national Government. Where there were flood challenges, we saw the contribution and our people expected the counties to reach them faster because the counties are closer to our people.

The Kshs400 billion we are talking about is not enough for the counties. Therefore, if the counties are not given adequate money, how will our people be attended to when there are such disasters as floods? Besides, in this country, we know that as soon as we deal with floods, then in the next few months, we will deal with drought.

A number of challenges come with drought because there will be no water for domestic use or livestock keepers and that calls for the counties to have money to attend to these disasters. These disasters are not only limited to floods or drought. The other day, we saw the matter of fire outbreaks. With the upcoming urban centres and fire outbreaks, it is within the mandate of counties to deal with fire outbreaks.

Madam Temporary Speaker, some of the services that the counties have to perform, for example, is to open and maintain county roads. Historically, we know these are the roads that have been undeveloped for a number of years since Independence.

These are the key roads that our people use in the wards and villages. If they are not opened, then our counties cannot grow. As a people and leaders, we need these counties to, not only open these roads, but also maintain them.

When you come to education, we all come from some village and we have a picture of the state of our ECDEs. As a country, we should be proud of how our ECDEs centres look. All these require some investment and development that can only be done by the county governments.

In our counties, there are upcoming markets, towns and municipalities. In my own county, there are almost over two municipalities that were conferred the status of municipality, but there is no money that they receive from the World Bank as other municipalities do.

This means that the County Government of Homa Bay has to get resources to sustain this municipality. One of them is Ndhiwa municipality, which is my home municipality.

We need access roads in that municipality, running water and sewerage system in Ndhiwa Town, as it was upgraded to a municipality. We need street lights in Ndhiwa Municipality and to have the right investment that makes it compete with other municipalities, not only in the County of Homa Bay, but in other counties as well. All this can be done by the county government only if they have money as those services are at a cost.

Madam Temporary Speaker, I want to go on record that the counties must be given their Kshs400 billion that we approved here. If there is any shortfall, the national Government must meet that shortfall because they keep over 85 per cent of the revenue of this country.

Thank you, Madam Temporary Speaker.

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

Sen. Dullo, proceed.

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

There is no other Senator wishing to contribute. So, I will ask Sen. (Dr.) Khalwale to reply to the Motion. You may proceed.

**Sen. (Dr.) Khalwale:** Thank you, Madam Temporary Speaker. I rise to reply.

I thank the House for standing with the committee. Several people have spoken. It is instructive that only one Senator has disagreed with the committee. That is Sen. Chimera. I would like to appeal to him that when it comes to voting, he should join the rest of the Members of the House because we cannot, as a Chamber, entertain any possibility of taking away money which has been granted through law to the counties of Kenya.

Many Senators have truly enlightened the committee. I applaud the contribution of the Senator for Nairobi City County. He said something that I had not reflected on. He said that according to the Constitution, there shall be an annual Division of Revenue Bill. That means this Bill can only come before this Chamber once every year as he said. Therefore, if we attempt to entertain this amendment that amends Section 5, we shall, in effect, be bringing the Division of Revenue Bill twice before this Chamber.

Madam Temporary Speaker, we would be opening ourselves up to the possibility of litigants Kenyans and they are many these days. They will take our decision to the High Court and we shall lose. Their position will simply be that the Constitution says there shall be an annual Division of Revenue Bill, and the court will agree with them that we have made it twice and, therefore, contravened the Constitution.

I would like to request the Members of the National Assembly to bear with this reality and allow the Kshs400.16 billion to pass. There are many areas in Government's Ministries, Departments and Agencies (MDAs) where rationalization can be done so that this Kshs20 billion can be found. Members of the public might not be knowing that Members of Parliament (MPs) are given a whopping Kshs80 million to attend to roads. If you multiply Kshs80 million by 290 constituencies, it provides a colossal sum of money that would be room for a saving.

They are similarly given money as bursaries where, again, if this is reversed, it can create room during this difficult year. Members of the National Assembly have now faced the consequences of perpetuating the NG-CDF, which the courts found unconstitutional last week. We need to reflect around this. My take is that we should empower the constituency offices of MPs for oversight, but not for discharging executive roles.

Madam Temporary Speaker, I wish to reply and request that pursuant to Standing Order No. 66 (3), the putting of this question be done at a different time for reasons operational.

I thank you.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, hon. Senator. I direct that the putting of question in respect of the Motion that was being debated be deferred to tomorrow's sitting at 2.30 p.m.

*(Putting of question on the Bill deferred)*

Next Order.

## **BILL**

### *Second Reading*

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

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Mwaruma is not here, so this Bill will be deferred.

*(Bill deferred)*

Next Order.

## **BILL**

### *Second Reading*

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

---

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

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Seki is not here, so this Bill will be deferred.

*(Bill deferred)*

## **BILL**

### *Second Reading*

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

**The Temporary Speaker** Sen. Mariam Omar, you may proceed.

**Sen. Mariam Omar:** Thank you, Madam Temporary Speaker. I beg to move that The Cooperative Societies (Amendment) Bill (Senate Bills No.53 of 2023) be read a Second Time.

Under the Constitution of Kenya, the regulation on cooperative society is a concurrent function of the national and county level of Government. The Fourth Schedule to the Constitution, Part 2 No.7 (e) of provides that trade development and regulations, including cooperative society, are functions which fall under county governments.

This means that the governance of the primary cooperative society is bestowed upon the county governments. On the other hand, the national Government is mandated to come up with national policy on regulation of cooperative societies. It is also prudent that the national Government be responsible for regulation of the cooperative societies and unions because of their nature and better role in the economy of the country.

The Cooperative Society Act No.12 of 1997 was enacted in 1997 and came into operation on 1<sup>st</sup> June 1998. Clearly, enactment and commencement of this Act preceded the Constitution of Kenya 2010 dispensation. This necessitates the amendment of the Cooperative Society Act No.12 of 1997 to align it with the Constitution of Kenya 2010. This was to set out the respective function of the national Government and county governments regarding the governance of the cooperative societies.

Madam Temporary Speaker, Clause 2 of the Bill seeks to amend Section 2 of the Act to broaden the definition of a cooperative society to include provisionally registered cooperative societies. It also seeks to update the terminology by removing the definition of the term ‘ministry’ and insert a new definition as cabinet secretary, the county executive committee, committee members and director to align with the current administrative and structural change in the Government.

Clause 3 of the Bill seeks to introduce Section 2A into a principal Act which relates to the guiding principles of a cooperative society, including non-discrimination, voluntary and open membership, democratic member control, autonomy and independence. It also emphasizes on public participation, continuity training and cooperation among the society, concerning greater community responsibility, commitment and equity in income distribution; all of which are designed to uphold the core values and effective governance of a cooperative society.

---

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

Madam Temporary Speaker, Clause 4 of the Bill introduces a new Part 1A to the principal Act specifying the function and obligation of the national and the county government in promoting the development and effective management of cooperative societies in accordance with constitutional mandates.

Clause 5 of the Bill introduces a new Section 3A into a principal Act after Section 3, establishing the office of the county director of cooperative as an office that should be within the county public service.

The clause designates this office with a direct appointment by the county's executive committee member from the existing public officer in the county service. Additional personnel may be designated as necessary for the office's efficient performance. The appointee of the director's role must have knowledge and experience in the administration's and the management of a cooperative society.

Madam Temporary Speaker, Clause 6 amends Section 4 of the principal Act revising the registration process for a cooperative society to align with the cooperative principles and regulations standard.

Clause 7 legislates detailed registration protocols for primary societies with defined steps, timelines and ensuring transparency and efficiency for a new applicant seeking registration.

Clause 8 updates the Act by stimulating a clear registration process for a cooperative union and epic society with a definitive 30 days decision period from the Commission.

Clause 9 introduces a new Section 6A specifying the ground for rejecting a cooperative society's registration and enhancing the governance and compliance standard.

Madam Temporary Speaker, Clause 10 amends Section 7 permitting the provisional registration of the society for up to a year, the specific condition aimed at facilitating their path toward full compliance.

Clause 11 adds a new Clause 7A section in the principal Act enabling the commissioner to suspend or cancel registration for not having serious infrastructures that implement robust oversight mechanism.

Clauses 12 and 13 reverse the amendments procedure for society by-laws and establishes a structured appeal process for a cooperative society dissatisfied with an administrative decision. Clause 14 to 20 enhance the director involving in the management and the administrative decision ensuring that roles are recognized alongside with those of the commissioner in the Act.

Clauses 21 and 22 streamline the approval process for a society's amalgamations and divisions with focus on compliance and timely decisions. While Clause 23 proposes increased penalties within the Act to deter effect aiming to ensure adherence to the cooperative guidelines.

Clauses 24 to 30 empowers the commissioner or the director to intervene in various operational aspects of the cooperative society, including liquidation, inquisite and financial inquiries in reinforcing governance and accountability.

Clauses 31 to 33 further integrate the director's role into the existing framework of the Act, affording them the joint responsibility with the commissioner in a specific context.

---

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

Madam Temporary Speaker, Clause 34 reformulates the condition for dissolving a cooperative society, while Clause 35 and 36 repeals the outdated section of the principal Act.

Clause 37 amends the principal Act by replacing Section 64 with a new provision that applies a specific section of the Insolvency Act as modified by the schedule in the Act, to the liquidation of a society in the same way it applies to registered companies. The Cabinet Secretary is given authority to amend the schedule by order at Clause 38 and Clause 39 gives a commissioner or a director the authority to appoint liquidator.

Clauses 40 to 43 address the liquidation process and the authority vested in the commissioner and the director over this procedure, emphasizing their regulatory roles.

Clauses 44 to 47 introduce penalties for malpractices and outlines the accountability measures for individuals managing a cooperative society. While Clauses 48 to 53 discuss the establishment, functions and the flexibility of the cooperative tribunal enhancing its capacity to handle disputes and appeal effectively.

Madam Temporary Speaker, Clauses 54 and 55 detail the remuneration of the tribunal members and the appointment of a secretary to ensure the body's effective operations.

Clauses 54 and 57 empower the Judicial Service Commission to establish tribunal branches in the counties, while Clauses 58 through 63 update terminologies throughout the Act. These amendments reflect the shift toward gender neutral language on the title. It also replaces the word minister with cabinet secretary and the word chairman with chairperson.

Clauses 64 to 66 clarifies the role of the director and the transition to power to the Director of Public Prosecution. As you noted from the remarks on the Bill, the proposed amendment to the Cooperative Society Act No.12 of 1997 is vital to align with the statutory framework with the Constitution of Kenya 2010 and enhance the governance of the cooperative societies.

This change clarifies the concurrent roles of the national and the county Government, streamlines the registration and regulation process, and promotes standardised tribunal procedures with this amendment.

We aim to strengthen the cooperative sector-level structure, allowing it to better contribute to Kenyan socio-economic growth within a robust, transparent and accountable framework.

Madam Temporary Speaker, with those few main remarks and amendments to the Cooperative Society Act of 1997, I now beg to move and request Sen. Cherarkey to second.

Thank you, Madam Temporary Speaker.

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

**Sen. Cherarkey:** Thank you, Madam Temporary Speaker. From the onset, I want to congratulate Senator Mariam Omar.

She continues to distinguish herself as one of the prolific legislators of this Session. I am happy she has brought a serious Bill. As a House, all of us 67 Senators should be here because most of our farming community and most Kenyans, even here in the Senate, depend on the livelihood of cooperative societies.

---

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

I am a member of the Law Society of Kenya SACCO Society. I went to school, both primary and secondary, in the great schools of African sons and gentlemen of Kapsabet Boys High School, which produced the two presidents, the late retired President Daniel Toroitich Arap Moi and the current President of the Republic of Kenya, Dr. William Samoei Arap Ruto. Of course, you are truly the products of the great Kapsabet Boys and Gentlemen High School.

My school fees were paid largely through Mwalimu SACCO because my mother was a teacher for a very long time. So, I can imagine that if we did not have societies, I might not have had the privilege or honour to attend high school. Therefore, it is also worth stating on the House's Floor that I have been the immediate former Vice-Chairperson of the Parliamentary SACCO Society for the last two years. The other day, in the principle of democracy, I allowed another Vice-Chairperson to take over.

Currently, I sit as a director of the Parliamentary SACCO Society. Members will tell you that the SACCO we run here in Parliament, both the Bunge SACCO and Parliamentary SACCO, is critical to our Members' welfare and economic and social interests. I do not think there is any other efficient SACCO in the Republic of Kenya, Africa, or the world where your financial request, is processed within two hours.

My colleagues and I have made reforms on the Board of Parliamentary SACCO, which is the basis of my argument for seconding this wonderful Motion. SACCOs are integral to every Kenyan in this Republic, from farmers to professionals.

Although I saw a story, I do not know whether they picked it from the SACCO Societies Regulatory Authority (SASRA), the regulatory authority that regulates cooperative societies. The story is that our loans as Parliamentary SACCO are exposed to the tune of Kshs64 billion, which is unsecured.

Many people do not know that Parliamentary SACCO loans are tailor-made to be secured within five years and we do not give them below the deposit you give as a member. I have told you that I sat as director and was the former Vice-Chairperson of the Board.

*(Sen. Omogeni entered the Chamber)*

I am happy the Commissioner walking past the House Floor is a Member of the Parliamentary SACCO. The Parliamentary Service Commission should not allow Members to take-- or not allow loans to be deducted from their payroll to enjoy the privilege of Parliamentary SACCO.

What I saw in *Business Daily* is misleading. They should get their facts right. As a society, we assist Members. This is a Parliamentary SACCO. Within two hours, you can have your cash in your bank account. I have not come across any other.

Madam Temporary Speaker, I know you come from a farming community. Where I come from, we rely heavily on SACCO. From Dairy, Tea and Coffee SACCO, Kipsiele Cooperative Societies in Tinderet. I have Lelchego SACCO Cooperative Society in Chesumei Sub-county. I have Kabiye Dairy Cooperative Society and Koilot, which runs dairy farming in Nandi County.

I have Mwalimu and Boresha SACCOs who run and assist our profession. I am a member of the LSK SACCO Society, which you, Senior Counsel, Sen. Wakili Sigei, are

---

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



members. Sen. Wakili Sigei looks wealthier, so I do not know whether he needs a SACCO since a SACCO always comes in handy. You and I know that SACCOs have always been our last resort, especially when you are facing financial problems. Therefore, SACCOs are very critical.

I can give the House brief statistics as I second and celebrate Sen. Mariam Omar's good work. I hope to see her elected from the region she comes from next time. She is a committed Member. I am the Vice Chairperson of the Senate County Public Accounts Committee. She is one of my committed Members of the Public Accounts Committee.

According to the latest report, the cooperative societies we registered in Kenya had a membership of 25,050. We mention the Cooperative Societies Act of Cap 490, revised in 2012.

The membership of these SACCOs across the country is 14 million. How many are we? We are around 50 million Kenyans. So, it is good to note that almost half of Kenyans are members of SACCOs across our country.

What is the effect on the economy? Thirty per cent of national savings come from SACCOs, close to Kshs7.3 billion, or US\$700 million. This means that if 14 million Kenyans save Kshs7.3 billion through SACCOs, we can achieve astronomical growth in terms of increasing both primary SACCOs in our villages through the farming sectors.

I have told you I am a beneficiary of Mwalimu SACCO, which has assisted teachers. I think teachers are doing well. I am surprised that the Police SACCO is one of the best-run SACCOs in the country. While at it, I saw the communication by the new Cabinet Secretary of Education. I do not know his name. Is he called Julius 'Mikosi' or somebody?

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, do you wish to be informed by Sen. Omogeni?

**Sen. Cherarkey:** Yes, Madam Temporary Speaker, on the name of the Cabinet Secretary.

**Sen. Omogeni:** Madam Temporary Speaker, it is embarrassing to the legal profession that Sen. Cherarkey, a lawyer, does not know the full names of senior lawyers, like the Cabinet Secretary for Education. The Cabinet Secretary for Education is Julius Migos Ogamba. He is your senior in the profession; you ought to have known his full name.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you. I assume Sen. Cherarkey was having a problem with the pronunciation. I heard him speak out the name, but the pronunciation was all upside down.

Sen. Cherarkey, proceed.

**Sen. Cherarkey:** My apologies. I am well informed. You know, the reason I might not know him is because he has never represented me in my legal troubles. If I had legal troubles mentioning Sen. Wakili Sigei and Sen. Okongo Omogeni, then it would be a big deal. However, I am happy to be informed that the new Cabinet Secretary of Education is Julius Migosi Ogamba, a lawyer. I was disappointed by his statement yesterday at the University of Nairobi.

I was a bit jittery and uncomfortable over the statement he made yesterday. I am informed he is also a classmate of Sen. William Cheptumo. I was wondering because of the statement he made yesterday. While teachers depend on SACCOs, 46,000 Junior

---

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

Secondary Schools (JSS) need to apply afresh to the Teachers Service Commission (TSC) for employment.

That was a divisive statement. When the Appropriation Bill was passed in the National Assembly, we agreed that Kshs18 billion to Kshs19 billion should be allocated to confirm - not to apply - JSS interns to transition from contract to Permanent and Pensionable. So, I hope the Cabinet Secretary can clarify, because I am not having peace.

My colleagues Senators are not having peace. They are asking us as JSS, they want to transit to PnP. I hope since they come from the same community as Senior Counsel Sen. Okongo Omogeni, kindly whisper to him as you discuss that the statement did not come out very well. I hope he can rectify that. We know TSC is the epitome of corruption and we would not want to go in that direction.

The agenda of SACCOs is to protect members' interests, social and economic welfare. Many members who apply to PACOSO have seen my signature on their cheques. I am proud to rescue them in their financial distress and their problems sometimes as PACOSO.

I want to encourage more Members to join PACOSO because I have told you in two hours, if the ground is on fire, it can always be your best option.

Even when the Parliamentary SACCO delays exchequer releases, we always come to the rescue and assist. For the information of the House, because we are discussing cooperative societies, the first cooperative society that was registered in February 1931 was Kenya Creameries Cooperative Society (KCC). Nowadays, they call it the New KCC.

While KCC is facing a lot of troubles, it was one of the first registered. When I was growing up, there was a lot of milk and payment by KCC. Our fathers, mothers and grandfathers used to work as marshals and they would buy brand new 504 Peugeot when farming was rewarding.

Nowadays, brokers and middlemen are eating more than farmers. Farmers are suffering. I want to celebrate what we have done as a Parliament. In this financial year, we have appropriated Kshs1.5 billion as a Revolving Fund to the New KCC to ensure we pay Kshs53 per litre to the farmer.

I am happy the President has said, that out of Kshs53, Kshs3 will go to cooperative societies that are used to run farmers dairies. I am happy because the Kshs3 shillings will be very critical in running the SACCO across the country.

One of the challenges that you face, both in Mount Kenya and Rift Valley over the coffee issues, is also the running of the Kenya Farmers Association (KFA). My people call it KEFA. KFA was very instrumental in the growth of farming in our community.

You would see KFA on everything, everywhere. KFA used to pay school fees and what have you. Even as we talk, another critical one was the collapse of the Coffee Cooperative Society (CCS). In 1937, there was formation of the Kenya Planters Cooperative Union (KPCU), which was critical.

I have told you, for example, we have one in the Kipchele Cooperative Society in Tinderet Sub-County. These societies are facing financial challenges and troubles simply because of mismanagement, corruption and also the limited liability of some of these SACCO.

---

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

That is why I expected, by now, the Directorate of Criminal Investigations (DCI) to tell us who has been eating the money for cooperative societies. They should be arrested and prosecuted.

While I appreciate it, we have seen Mumias Sugar Company and other, cooperative societies, outgrowers of sugar cane. Whenever there is a bailout of millions of shillings, where does this money come from? It is you and me who pay taxes to bailout cooperative societies, yet the directors who 'ate' the money have stashed their money in the Cayman Islands and in Switzerland, in some tax havens that we do not know in this Republic.

I want to thank Sen. Sheikh Omar because the gist of this Bill is to clean up the Bill of cooperative societies as was revised in 2012 and ensure the cooperative societies law is aligned with devolution.

I am happy with the introduction of new chapters that have tried to align because a cooperative society is a co-shared function. I know for information, when we talk about apex society, it is a national level. We have cooperative unions which means that its membership is restricted to primary societies. Primary societies mean it is restricted to individuals within the society. All this will ensure there is accountability.

I am happy that there will be a county director of cooperatives. Therefore, I agree we need to do a clean-up of legislative interventions in the country because now cooperative societies are in *Mashinani*. Therefore, the introduction of the County Director of Cooperatives is very critical because issues of agriculture are more devolved and others are SACCO.

We know there are Matatu SACCOs in various places like in Kapsabet. However, it is sad to say that Kapsabet Matatu SACCOs which operates between Eldoret-Kapsabet-Chavakali-Vihiga- Kisumu, do not have a good bus terminus. When you go to Kapsabet, it has not been put at a standard.

The Governor has refused to ensure that there is a ultra-modern bus terminus within Kapsabet Town. It is sitting next to the Kapsabet Market. Where that market is there are no sanitary facilities, there are no toilets, it is very dirty, there is no electricity, and *mama mboga* are putting their produce on the ground which endangers our people from communicable diseases.

So, the appointment of a cooperative society director of the county is very critical and will ensure the registration of primary societies.

I know the region you come from, they have known the secret of SACCO in Matatu, farming, and many others. When you go to the Mount Kenya region, even where Sen. Mundigi, the spokesperson in Mount Kenya East, will tell you there are so many SACCO that belong to tea and coffee farmers.

Those regions that have SACCOs, especially people from Mount Kenya, have known the essence and the importance of SACCOs. That is why they are able. We used to have Sirgoek Cooperative Society. When you go to Eldoret Town, the *wazees* that started it 40, 50 years ago, own serious buildings.

Even our communities from the northern part of Kenya and even the Indian community, normally run generational wealth at a level like the SACCO. For example, the Cooperative Bank of Kenya started as a society and transited to a bank. I think that is very important.

---

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

I am happy that the primary society has been simplified, because I will make four comments. The primary society has been simplified for registration for any person, especially even for *wakulima* who understand. The average age of a farmer is 50 years.

*(Sen. Okiya Omtatah took his seat)*

*Kumbe*, I was right, I had seen Senator Okiya Omtatah. I thought he is in court challenging the appointment of Inspector General (IG) of Police, Douglas Kanja.

If you look at Clause 7 on compliance, this is just a matter of procedure to clean up the Bill.

Madam Temporary Speaker, on the issue of certificate of registration or provision, I think that is very critical in issuance of those to primary societies. In fact, I am happy that the timeline that has been given to the director of co-operative societies, to ensure a limit in terms of issuance to the certificate under the provision of that clause. The role of director of co-operative societies in counties is to create civic education. This is to ensure that all farmers are given the proper accountability.

We need to ensure oversight. I have insisted the biggest soft underbelly—

*(The Red light was switched on)*

Madam Temporary Speaker, kindly give me 30 more seconds to Second this Bill properly. The biggest threat to cooperative societies---

**The Temporary Speaker** (Sen. Veronica Maina): You have one minute, Senator.

*(Loud consultations)*

**Sen. Cherarkey:** Thank you. Who is saying no? The biggest threat to cooperative societies is corruption and mismanagement by the people who manage them.

With those very many remarks, while I congratulate Sen. Mariam Omar for providing this very prolific, concise and precise Bill towards cleanup and enhancement of co-operative societies, it is my honour, pleasure, single duty, and privilege to, therefore, second the Cooperative Societies (Amendment) Bill (Senate Bills No.53 of 2023).

I thank you.

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

*(Question proposed)*

Hon. Senators, this Bill is now open for debate. I want to give the first chance to Sen. Wakili Sigei to contribute.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, for allowing me to contribute to this very important amendment to the Bill. Before I speak to the Bill, I applaud my sister, Sen. Mariam Omar, for taking the bold step and seeking to amend this very old Act to align it with the Constitution.

Madam Temporary Speaker, you will note that at the point of introduction by the Senator, she indicated that the Principal Act was first enacted in 1997. It came into force

---

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

in 1998, and that was prior to the enactment of the 2010 Constitution. Therefore, the present proposed amendments by the Senator are first to align the provisions of that Act with the Constitution 2010 that brought in, among other things, devolved governments.

This is one of the very critical Bills that will enhance the support and coming together of various co-operatives of farmer societies at every smallest county level, leading to the enactment of the apex society. The earlier provisions which I would like to highlight in this particular amendment is the introduction of Part 1A to the Bill.

This section provides for the mandate of the national Government and county government. In particular, the requirement that at the national level there is a need for the national Government to establish national policy on the framework and standards for the development and growth of cooperative societies. This will include maintaining a register of approved audit firms in the cooperative sector and further the development of intergovernmental relations among others.

Madam Temporary Speaker, when you look at the role that the former commissioner of co-operatives--- Now there is an amendment to replace commissioner with director, particularly because of the devolved government. The aspect with which we would require co-operatives to be managed is something that this Act has tried to break down by sharing the roles in that particular part.

Introduction of New Clause 2D also gives a breakdown of the roles of the county government, which was not there before. This will ensure that at any given level of government, whether county or national, members who come together, farmers who have decided to coalesce and set up an entity to support their businesses, enterprises or their farming activity have got a place to manage those resources in form of a society governed by law.

The introduction under the new Clause 3A, which creates the office of a county director of co-operatives is very critical in the sense that this particular office, though it currently exists; I am aware of the position of a county director of co-operatives who reports to the County Executive Committee Member (CECM) of the relevant department at the county level.

The office of the county director under this amendment has been given specific roles. It has been provided with who to report to, what role they are supposed to undertake, especially with regards to the registration of co-operative societies, in this case, the primary cooperative society.

The introduction of this particular position and also renaming it will ensure that the management of co-operative societies at the county level is streamlined to the extent that if there are issues in regards to registration, management or any aspect that requires intervention at the county level, the members of a society generally will have a place to go to report. Certain timelines have been provided for purposes of action that were not in existence in the previous Act.

Section 7 seeks to amend the Act by introducing Clause 6A, which is relevant for the registration of a primary society. In this case, it gives a requirement that for a society to be registered as a primary society at the county level, it must comprise of not less than 10 members. They will be required, among other things to provide for the minutes, prescribed fee, copies of the bylaws that will be required to have information on the

names, addresses, signature of the 10 members or more, and that these members have met the requirements to come together and form a primary society.

Of critical importance is the requirement that the director is given specific timelines within which he or she is required upon receipt of the application to undertake the registration. In this case, there is an introduction of Clause 6A (3), that gives the director a maximum of 20 days within which he or she is required to do what is described as pre-registration procedures.

The director is given a limited timeline for purposes of efficiency in terms of registration. I know that various societies would always have challenges upon putting in an application, such as not getting any response or the registration taking longer than is ordinarily expected or reasonable.

This law will ensure that the director undertakes pre-registration procedures within a maximum of 20 days. That will enhance efficiency and encourage members to reduce the waiting period for purposes of registration. After pre-registration procedures, that is up to 20 days, the director will be required to submit that particular application to the commissioner within seven days.

The commissioner, thereafter, under the provisions of New Clause 6A(6), will be required within a period of 14 days to ensure that a society is registered. In total, a society that is seeking to be registered will have a certificate of registration within a maximum of 31 days.

That is an important provision in law. Besides efficiency, it will encourage members to formalise their caucuses and registration processes and ensure that they get benefits of having a registered entity. The 31 days are now cast in law, which I fully support.

Regarding the provision of an apex society, there is also a time limit within which the commissioner is expected to undertake the registration. The introduction of New Clause 6A (3) states that where the commissioner is dissatisfied with the document submitted that a society is not fit for registration as applied, communication must be done in writing within 30 days from the date of receipt of an application.

That will also limit the delay processes that we normally subject registration applications by cooperative societies. In this case, if there is a requirement that has not been met by a society seeking to be registered, it will only take the commissioner a maximum of 30 days to write back for purposes of that particular cooperative society to comply with the requirements.

If the commissioner fails to register a cooperative society or give reasons for rejecting that registration within a period of 30 days, the law says that society shall be deemed to have been registered. This is sort of a default position that the law is setting on the function of the Commissioner of Societies.

If the commissioner delays the registration process or if there are delays in communication, the law has given a default position. That is an important provision that safeguards the interest of societies that seek to formalise their registration process.

Clause 10 that seeks to amend Section 7 of the Principal Act provides a very interesting requirement. In the event that certain boxes have not been ticked by a society seeking to be registered, the director or commissioner will be allowed by law to give a provisional registration. In the provisional registration, a society will be directed on areas

---

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

they have not complied with. So, the law gives them a period within which they are supposed to do that and that is 14 days.

Sorry, it is not 14 days. The law gives them a period not exceeding one year to ensure that they comply with requirements they might not have met at the time of registration. That provisional registration is also an important step in facilitating a cooperative society to perform the functions of a society, one of which is to protect interests of members and of those who trade with the society.

As long as they have achieved a certain threshold, that provisional registration period of one year will allow them to comply within that one year, failure to which the law also sets a default position, which will require them to be de-registered.

Madam Temporary Speaker, this is a very important law. We come from counties where farmers with common interests come together, such as those involved in milk production. I come from Bomet County where in almost every division, there is a cooling plant for collecting milk from farmers and moving it to the next step. It is the societies that help them to do that.

There are also tea growing areas where we have tea factories. Most farmers who take their produce to those factories have a number of cooperative societies or groupings that coalesce to ensure that they collect resources. That includes funds that they utilise because they facilitate financial capacity of farmers and members who are not necessarily farmers but trade with the farmers.

For instance, we have Imarisha SACCO, one of the national SACCO that support farmers. The SACCO supports business communities, teachers and every other person who trades as a society, individual or farmer. We have got a number of them in my county.

This law will support enhancement of the farmers in terms of giving them capacity to get loan facilities or save the little they get. It will also enable them get to places where they will supply their produce and get payment within time. Apart from that, the law will also help them appreciate the need to come together.

Madam Temporary Speaker, in further amendments to the Principal Act, Clause 25 provides for charges. This is an area where once most members have taken a facility, for example, without security, they are supposed to be registered in a way. This clause seeks to introduce a requirement of a society to register charges. That is important in protecting the assets of members as well as those of the society.

Clause 25(4) states that failure to do so, it becomes an offence. I propose that Sen. Mariam relooks at the penalty. It states that an officer of a cooperative society will commit an offence in the event they fail to register a charge. The penalty provided in this law is a fine not exceeding Kshs5,000 every day. I propose that we enhance that to have a penalty that is payable for three reasons.

Firstly, it will act as a deterrent for purposes of non-compliance on the part of those who are responsible. Secondly, it should be a little bit punitive. The amount of Kshs5,000 is too little to act as a deterrent for someone who breaches that requirement of the law. If we enhance that, it will serve the purpose for which the law is enacted.

Madam Temporary Speaker, as I finish, this law seeks to align its provisions with the Constitution. I am sure that at the end of this debate, there will be a number of proposals that will be made by Members.

---

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

As we seek to align it with the Constitution, we should also update it to the latest developments in law, especially in the sector of cooperative societies. We should ensure that the objectives as laid out in New Clause 2A of the Bill are fully complied with.

Madam Temporary Speaker, as I support, I once again congratulate the Senator, for taking this very important Bill to ensure that our farmers, our societies and our SACCOs are fully aligned to the provisions of our Constitution.

Madam Temporary Speaker, I support and thank you.

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

Sen. Omogeni, you have the Floor.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker. I first want to thank the sponsor of this Bill, Sen. Mariam Omar, for thinking about the welfare of the farmers and business people of this country.

The main beneficiaries of this Bill will not be just members of the Parliamentarians Regulated Non-WDT SACCO (PACOSO), but our farmers, business people and bosses, who have elected us into this House.

I want to begin by joining Sen. Cherarkey in giving my hearty congratulations to Sen. Mariam Omar and also to encourage her that she has demonstrated her ability as a very good legislator and sponsor of the Bill. I hope the people of Mandera County have taken note, and in 2027, they will think about her positively. We wish you well.

The story that was in *The Business Daily* today is alarming and misleading, especially on the financial status of PACOSO. PACOSO is one of the strongest cooperative societies that we have in the country and one of the healthiest financially. Any member of Parliament will tell you that if you go to PACOSO, you apply for a loan, you will get that loan in a record two hours. Everybody who is a member here can bear me witness.

So, when *The Daily Business* writes such an alarming story that portrays PACOSO negatively, that is the height of irresponsible journalism, especially from a newspaper that is owned by a respected media house like the *Nation*. It is regrettable.

This matter was discussed today at a very high-level meeting between the leadership of Parliament and the management of PACOSO. I hope once *The Business Daily* gets communication, they will correct the erroneous impression that was created.

We all know that our loans in PACOSO are term-based. You cannot get a loan that is beyond your tenure in Parliament, which is normally five years. So, the chances of defaulting are almost close to zero because you must service your SACCO loan and finish it within that period and when you apply, those who approve your loan will take that into account.

So, that story is misleading and unnecessarily alarming. I want to appeal to Members of Parliament not to be swayed by that negative coverage, but to continue supporting our strong PACOSO SACCO that has come to the aid of many of us.

Even as I speak here, I have rushed to PACOSO and applied for an emergency loan to pay fees for my children. I am not like Sen. Wakili Sigei, who I am told is financially well-endowed and does not need a SACCO. Some of us rely on that SACCO.

So, when I saw that story, I was the first person to call the Chairperson, Hon. Makau. I asked him, "What is this that I am reading?" I do not think this is a true



reflection of the financial position of PACOSO. I appeal to the journalist who wrote that story to always cross-check his facts before releasing such a story.

When I was talking to Hon. Makau, there was a Kenyan who had come to see me in my office. There are some laws we pass on this Floor that are extremely damaging to the pockets of Kenyans without thinking. At times, even damage to our staff who support us here.

That Kenyan told me that the deductions from the Social Health Insurance Fund (SHIF), which is at 2.75 per cent of the gross salary of Kenyans, and 1.5 per cent from the Housing Levy have caused some Kenyans to have a negative net income.

When they were applying for these loans, there was no projection that a new taxation will come in form of a Social Health Insurance Fund (SHIF) and housing levy that will eat deep into the payslips of Kenyans.

As MPs also, notwithstanding the party that sponsored us to this House, we should legislate having in mind the interests of Kenyans, including our own members of staff. I know what I am saying because I am a Commissioner.

There are people who have fallen into problems because they are not able to service their SACCO loans, because of these very punitive levies that have been introduced into the payslips.

Madam Temporary Speaker, the misfortune is this these levies are based on gross salary, not net. If you earn Kshs100,000 before the Pay as You Earn (PAYE) comes in, there is that liability to SHIF and housing levy. This is what is contributing to the default rates that we saw.

I am appealing to all of us, me included, that we be conscious of these laws that we pass as they affect millions of Kenyans, both in Government and in the informal sector. I hope we will have a mechanism as Parliament, to always get a report that gives an implication on the negative effect a law will have on the payslips of Kenyans.

Having said that, the point I want to make on this law is that the last time I read the Constitution, cooperatives is a devolved function. If you read the Fourth Schedule, Part Two, Section 7(e), cooperatives are a devolved function to our county governments. I am saying this because budget or allocation of money follows functions.

Subsequently, when we come up with a law like this that seems to be giving a lot of responsibilities and duties to the Cabinet Secretaries, what that means is that in the budget-making process, this will be factored, because there is a law that has been enacted by Parliament that has given the Cabinet Secretary responsibilities.

The Cabinet Secretary needs staff and to do supervision. As you have said, “he is the one who will declare redundant cooperatives.” He will automatically in his budget request and say, ‘look we have new pieces of legislation that have been passed by Parliament that we need to implement as a Ministry, so we need an increased allocation in our budget.’

Madam Temporary Speaker, can we not trust our CECMs at the county level? They may not be our friends. I have one in Nyamira, but luckily for me, he is my friend in charge of cooperatives. He is called Bernard Maina from North Mugirango, Mawawa Ward.

That gentleman can take care of all the issues that have been mentioned here in running cooperatives. That way, we are able to put a strong case when we are sharing money, to give more monies to counties.

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

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

Hon. Cheptumo, 13 years after the passage of the 2010 Constitution, why should we come up with a law and you are still referring to the Cabinet Secretary, for a devolved function? Why can we not devolve registration of cooperatives back to our counties?

The human being, whether it is a lawyer, the person to be employed in Nairobi and the person who will be employed at the county level, will discharge the same functions. How come we can allow a criminal or anybody who has a civil dispute to go to a court in Nyamira, file a case and a determination is made at the county and that is final?

Why must we say that to register a SACCO, we need a Commissioner of Cooperatives in Nairobi? What for? We can have several commissioners of cooperatives at the county level, so that we register our cooperatives in real time.

Mr. Temporary Speaker, if you look at the way we are evaluated as a country on the speed at which we are doing business and are allowing them to be registered, timeframe is taken into account. We are here saying that we are giving the person in charge 30 days to register a cooperative. Why can it not be done in a record 24 hours?

If my account can be opened by a bank in 48 hours and I get an Automated Teller Machine (ATM) card that is digital, put it into an ATM machine and get the money, what is so difficult with this?

I am challenging Sen. Mariam Omar to remove this belief that everything must be done by the national Government. No, we can do it at the county level very successfully. When I was growing up, we had a cooperative society in Borabu called Eronge Cooperative Society. That is where we used to deliver our pyrethrum. Those days, agriculture was thriving. My late father, Mzee Gikara Omogeni, was doing crop farming on pyrethrum and tea, and milk production. May almighty God rest his soul in eternal peace.

My mother, Mama Nyamukami, was left in charge of pyrethrum and milk. She used to deliver those produce to Eronge Cooperative Society in a market called Tinderet.

Mr. Temporary Speaker, Sir, you have been to my home and know the place. At the end of the month, she would go and collect her dues. She would feel proud that she has a salary at the end of the month and not hawking. We were not hawking milk, where you get Kshs10 or 20. No, you would deliver your produce to Eronge Cooperative and, at the end of the month, get your income. Things were working. Unfortunately, those things have since died.

Even with the coming of devolution, Eronge Cooperative Society is not there. In my home where I was born, in West Mugarango Constituency, Bosamaro Ward, people had all those cash crops, including pyrethrum. I do not know whether there is any Senator here who will tell you that they still have pyrethrum. It is dead. We used to deliver milk to Kenya Co-operative Creameries (KCC).

---

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

Mr. Temporary Speaker, Sir, you know it because it is on the boundary. All farmers in Kisii used to deliver milk to KCC. By then, it was the larger Kisii District. We only had one district, Kisii. We all used to deliver our milk to KCC. My people in Bosamaro Ward used to deliver their pyrethrum to Sironda, Makairo, and Tinga, and they would get their money. The ones in Tinga Cooperative owned even buildings in Kisii Town. I expected that devolution will hype it up.

I feel sad that my people famed for farming in bananas are still hawking bananas at Ikonge, Tinga Market and Keumbu without using our cooperative. That way, we are not getting value for money because there is no value addition. My Governor, Mzee Nyaribo, please, wake up and help our farmers. We want to see more money into the pockets of our farmers.

We have pineapples in North Mugirango Constituency where the governor comes from. That is his constituency. We need to see those farmers with their pineapples being put into a cooperative and do value addition. What is so special about Thika Cannery that they can process those pineapples and send them abroad?

Does it mean the money you get in Bomet County cannot produce butter and ship it abroad? We can. That is what we need to see from our county governments. That way, we can be proud that devolution is helping our people.

We are famed for bricks in Kitutu Masaba Constituency, but people are selling them as individuals. There is no SACCO for farmers dealing with bricks. We have avocados in Kisii County, but these farm producers are all being sold like hokey. We need to help our farmers do value addition to their produce.

There are traditional vegetables like *saget*. If our SACCO were working and our county governments were to support our farmers with strong co-operatives, then these vegetables can be packaged and sold in dollars in America.

Mr. Temporary Speaker, Sir, this law by Sen. Miriam is a very good initiative and I thank her for it. However, I am making a special appeal that we should do away with putting ministers or cabinet secretaries to meddle into functions that are devolved.

On Clause 2C, why should a Cabinet Secretary be the one doing the framework for the standards for development and the growth of cooperative societies? Why not have this done by the CECM for Co-operatives in Nyamira County? Why should the Cabinet Secretary from the national Government be the one formulating the management of cooperative societies? These things can be done at the county level. It can be done by our CECMs or chief officers at the county level.

Mr. Temporary Speaker, Sir, I propose that we do away with most of these references to our cabinet secretaries and leave it at the county level. I am happy with what is in the proposed Clause 3A, where power has been given to the CECM for Co-operatives. In Nyamira, that power would be exercised by my CECM for Co-operatives, Mr. Bernard Maina.

Mr. Temporary Speaker, I am impressed with the proposal on how we will pick members of the tribunal. Again, why is Sen. Miriam giving power to the Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises to pick members of the tribunal? Why should the Cabinet Secretary be the one picking members of the tribunal for cooperatives? Let us devolve these tribunals to the counties. Why are we

telling the SRC to come in and set the salaries for members of tribunals? Let that be a function that can be done by the JSC.

Mr. Temporary Speaker, Sir, I am a proud member of the LSK. I am proud that she has proposed that LSK should give two members. However, I urge her to delete Part 3 that says that the Cabinet Secretary should also pick three members. Let us allow members of the legal fraternity, the LSK, to pick members of this tribunal and then the chairman can be interviewed and appointed by the JSC. I agree with her and once they are in office, they can recruit their own secretary.

Madam Temporary Speaker, my spirit is that we need---

**The Temporary Speaker** (Sen. Wakili Sigei): Make reference to the Chair, Mr. Temporary Speaker, not Madam Speaker.

**Sen. Omogeni:** Once the tribunal is in place, they can appoint their own secretary. When I served as the Chair of LSK, I was privileged to appoint many people to serve in various tribunals, including - and I hope I am not going to embarrass Justice Mwaniki Gachoka, whom I appointed to the Procurement Appeals Tribunal. This person rose after serving there and is now a distinguished Judge of the Court of Appeal.

Let us have faith in our professional body, the LSK, and give them the discretion to pick for us people who are lawyers of repute. As long as they can meet the Chapter Six requirements, they can serve in those tribunals.

Mr. Temporary Speaker, Sir, I support this Bill with the proposed amendments and thank Sen. Miriam for coming up with it. I also hope that we will make some contributions in strengthening our SACCOs, so that the farmers who are the majority members of these SACCOs can see the fruits of devolution.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senator Okong'o, Senior Counsel. I know that in your contribution you made reference to the distinguished Sen. Omar Sheikh Mariam as Miriam. I am sure that is because of where you come from. Otherwise, the name is pronounced as Mariam.

Sen. (Dr.) Murango James?

**Sen. (Dr.) Murango:** Asante, Bw. Spika wa Muda, kwa kunipa nafasi hii kuchangia Mswada ambao unafaa kurekebisha sheria ambayo inahusika na vyama vya ushirika,

Mimi ni Seneta wa Kenya kutoka Kaunti ya Kirinyaga. Kirinyaga kuna vyama vya ushirika 14 ambavyo vinashughulika na kahawa iliyo kwenye viwanda 75. Kuna chama kimoja kikubwa cha ushirika ambacho kinashikanisha vyama vingine vidogo; chama hiki kinaitwa Kirinyaga District Cooperative Union. Chama hiki kiliundwa baada ya Kenya kupata Uhuru.

Vyama vya ushirika ni muhimu. Wakulima wanaouza mazao yao kupitia vyama vya ushirika, wanaweza kusaidika kupata bei nafuu. Mswahili husema umoja ni nguvu. Kwenye ukuzaji wa mchele katika eneo la Mwea tuko na vyama vya ushirika. Chama kimoja kinaitwa Lainisha SACCO. Pia kuna Mwea Rice Growers Multipurpose Cooperative Society (MRGM) ambacho pia kinasaidia wakulima kukuza na kuuza mpunga.

Tuko na vyama vya ushirika eneo la Kangai kwa sababu ya ndizi. Pia kuna vyama vya ushirika vya maziwa kama Creamer Dairy na zinginezo.

Bw. Spika wa Muda, kitu ambacho kinahuzunisha ni kwamba sheria iliyoko, wale ambao wamekuwa katika vyombo vya ushirika kwa muda mrefu, wamepata matundu ya

---

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

kupenyea na kuanza kuwafinya wakulima. Ndio maana nataka kumshukuru Sen. Mariam Omar kwa sababu Mswada huu ukiwa sheria, itarekebisha shida tulizonazo kwenye sekta hii.

Niruhusu niongee kuhusu vyama vya ushirika ambavyo vinahusika na ukuzaji na uuzaji wa kahawa nchini. Shida za wakulima wa kahawa zinafanana katika kila sehemu ya nchi ambapo kahawa inalimwa. Mkulima wa kahawa kutoka Kirinyaga, Tongaren, Mt. Elgon na kwingineko hupitia shida zinazofanana.

Sheria ya marekembisho ambayo imeletwa na Sen. Mariam Omar itatibu shida hizi. Kaunti ya Kirinyaga kuna vyama vya ushirika vya Mutira na Kibirigwi ambavyo vilikuwa na mgomo na kubandua mwenyekiti wa chama.

Iwapo mtu mmoja ataongoza chama, kama kuna jambo litafanywa, anahitaji mwanzilishi wa hoja ambaye anaitwa *proposer* na yule anayeunga mkono anaitwa *seconder*. Unapata kwamba mwenyekiti wa chama cha ushirika kama kile anaeza omba shilingi milioni 3. Katika kuomba zile pesa, mali ya dhamana ni ya wakulima.

Ni vizuri tutakapoangalia marekembisho ya vyama vya ushirika tupitishie sheria ambayo itazuia viongozi hawa kukopa pesa ya wakulima bila kuhusisha zaidi ya wakulima theluthi mbili ambao ni wanachama kwenye chama cha ushirika.

Jambo la pili ni kwamba vyama vingi vya ushirika vimeunda SACCO. Kaunti ya Kirinyaga bado tuko na shida. Kuna chama cha ushirika ambacho kinaitwa Rwama ambacho kilikuwa na Rwama SACCO. Tayari chama hiki kimefunga milango na pesa za wakulima.

Kuna chama kingine kinachoitwa Mwireri kwenye eneo la Gichugu. Wamefunga milango na pesa zote za wakulima wakaenda nazo kwa magunia. Sheria hii ya marekembisho lazima tuashirie kwamba, mwenyekiti wa chama cha ushirika akifilisisha chama inafaa mali yake ichukuliwe na wakulima waregeshewe pesa zao. Shida ya chama cha ushirika cha Rwama imemaliza mwaka mzima bila suluhu kwa wakulima.

Wakulima waliokuwa wamepata pesa kutoka kwa kahawa kupitia chama cha ushirika cha Rwama wakaweka pesa hizo katika SACCO hiyo na zikapotea. Siku ya leo wanangoja vyombo vya usalama ikiwemo DCI kumaliza kesi ili watambue pesa zao zilienda wapi. Pesa zile zilikuwepo pale. Ni pesa ya matibabu, karo ya shule na ya matumizi ya nyumbani.

Leo hii, bado wanahangaika. Ndio suluhisho ipatikane na wapate haki yao, hatujui itakaa miaka mingapi. Hivyo basi, ni lazima tukaze hii sheria ili hata mtu atakayekuja kuwa mwenyekiti wa chama cha ushirika asiwe hata siku moja anaingwa na akili ya kupora mali ama pesa ya wakulima.

Vilevile kuna shida kubwa kwa sababu vyama vingi vya ushirika pia vimeingiliwa na wakiritimba wakati Serikali inajaribu kupambana na mageuzi ya kuhakikisha kwamba mkulima anapata pesa yake. Kwa mfano, naomba uniruhusu nipeane mfano wa Kirinyaga. Utapata ya kwamba, katika vyama vya ushirika vya Kirinyaga vyote 14 wamekata kuwapa wakulima pesa badala yake wamejenga mtambo wa kusaga kahawa mahali panaitwa Kianga.

Wale wakulima wako na kampuni ya kuuza kahawa yao moja katika soko la kahawa Nairobi. Lakini kwa sababu kuna pesa inayopewa wale mawakala wanaouza katika soko ya Nairobi iliyo asilimia mbili, wenyekiti wa vyama vya ushirika wanahongwa na asilimia moja na wanatoa kahawa ya wakulima pasipo ruhusa na

---

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

kupelekea wale wakiritimba na kahawa ya wakulima inapotea. Nasema hivyo nikijua mfano mzuri ni Chama cha Ushirika cha Kibirigi.

Kwa hivyo, hii sheria tuliyo nayo sasa, tukiibana ili wakora wasipate mahali pa kupenya, tutaweza kusaidia mkulima. Vile vile, kuna utepetevu. Nawashukuru wale wanaohusika na vyama vya ushirika katika Kaunti ya Kirinyaga. Kuna jamaa mzuri sana pale anayelitwa Haliam, anayefanya kazi nzuri katika vyama vya ushirika. Ndio pia naunga mkono Hoja ya Sen. Omogeni ya kugatua mambo mengi katika vyama vya ushirika ili tusaidie wakazi.

Ni lazima tuhakikishe kuna wafanyikazi wa kutosha wanao shughulikia mambo na sheria inafuatwa na wale waliochaguliwa wenyekiti katika vyama vya ushirika. Wale wanaosimamia vyama vya ushirika, naona sheria imempa mamlaka Waziri wa kaunti nguvu ya kutekeleza mambo kadhaa.

Yale mamlaka ni mazuri ili wafanye kazi kwa pamoja na waziri wa kilimo kuhakikisha bidhaa nyingi zinazouzwa kupitia vyama vya ushirika zinafaidi mkulima.

Nikimalizia, kuna mazao mengine nchini Kenya, kwa mfano, macadamia na korosho. Ukizunguka, huwezi pata chama kimoja cha ushirika cha wale wanaouza korosho, macadamia au bixa. Hii imewapa nafasi wakiritimba wanaowafinyilia wakulima kuja kununua kwa bei duni.

Juzi, macadamia ilikuwa inauzwa kwa bei duni kama chumvi. Hii yote ni kwa sababu wananchi hawajaunda vyama vya ushirika ili wauze mazao yao kwa pamoja na kufikia soko nzuri. Kwa nini? Ni kwa sababu hawajaelezewa vizuri na kukalishwa chini wasome umuhimu wa kuwa na vyama vya ushirika.

Mimi kama Seneta wa Kirinyaga, nimekaa na wao chini na tukasema, tukitaka kupata bei nzuri katika mazao yetu kama macadamia, vile vyama vya ushirika vinavyotumika na wale wakulima wanaokuza kahawa, vinaweza pia kutumika kwa sababu wako na ratili, maghala ya kuweka mazao kama macadamia, wafanyikazi na usalama pia.

Kwa hivyo, kama tunaelimisha wote kuwa vyuo vya ushirika ndivyo vitakuwa ili kuwaondoa katika lindi la umaskini watatufuata na tuweze kuwasaidia kuuza macadamia yao.

Bw. Spika wa Muda, kati ya kaunti 47, yule mkaguzi mkubwa, yani kamishna wa vyama vya ushirika, ana ofisi Nairobi City County. Ningetaka tuwe makini kwa sababu wakati mkopo unahitajika katika vyama vya ushirika, *borrowing power*, yani nguvu ya kukopa inapeanwa na wakulima. Ili kuhakikisha wanaomba pesa kwa njia inayofaa, yule kamishna anafaa kukagua ili kuhakikisha kuwa kila kitu kiko sahihi.

Lakini kwa muda wa miaka tano iliyoisha, wale wenyekiti wa vyama hivi walikuwa wanaomba pesa kwa halmashauri au watu binafsi ambao hawajapewa ruhusa ya kukopesha pesa. Hapa ndipo wakulima wengi wamepoteza pesa yao. Ni lazima tukaze mshipi na tujue kuwa pesa nyingi zinapitia katika vyama hivi. Tunafaa kujua nani anayefaa kupeana ruhusa ya kukopa.

Saa hii mwenyekiti wa chama cha ushirika, bibi na kijana wake mmoja wanaweza kuunga mkono hoja hii kama *proposers* na watapata uwezo wa kukopa ata shilingi milioni 300 bila kuwahusisha wakulima. Ni lazima tuweke idadi kamili ya watu wanaofaa kupitisha hoja ili mwenyekiti apate kukopa.

Asante.

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

**Sen. Osotsi:** Thank you, Mr. Temporary Speaker, Sir, for the opportunity to also make my contribution on the Co-operative Societies (Amendment) Bill (Senate Bills No.53 of 2023) that is being sponsored by Sen. Mariam Omar. I start by thanking her for bringing this very important piece of legislation for consideration by this House.

Sen. Mariam Omar, you have really tried to bring issue-based legislation in this House. This has just been one of the many legislations you have brought in this House.

As it has been said, co-operatives are key vehicles in promoting economic growth in any country. Many of us here have done a lot of things such as investments, and even paying fees for our children or ourselves using cooperatives.

There are good and bad stories that we tell about co-operatives. However, this particular legislation is very important because you know that co-operative societies under the Fourth Schedule, are devolved. This particular parent Act; the Cooperative Society Act, 1997, is long overdue. It is important that the parent Act be overhauled.

I respect the work of Sen. Mariam Omar, but I also suggest and think it is high time that the entire Act be overhauled to align it with the current realities and the Constitution of Kenya, 2010. I have heard the new Cabinet Secretary for Co-operatives and Micro Small and Medium Enterprises (MSMEs) Development talk passionately about the need to repeal the Cooperative Society Act 1997 to ensure that it is aligned to the realities of our current times and Constitution.

This particular Bill is comprehensive, but it only captures what we call primary societies, how they are registered and managed and the policies around them. It goes slightly further to talk about other levels of co-operatives such as co-operative unions and apex societies.

Mr. Temporary Speaker, Sir, this Bill recommends that the governance, registration and licensing of primary co-operative societies should be overseen by county governments. It proposes to have a county director in charge of co-operatives, who will perform those functions under the relevant CECM. It leaves the national Government to handle matters of national policy and apex societies and co-operative unions.

Whereas I support that, as I said earlier, it is important to relook at the entire parent Act, which, in my view, is outdated and needs to be aligned. As we do that, we should factor in primary societies and also look at ways of improving the functioning and management of co-operative unions and apex societies.

We have read and seen in the news that the Kenya Union of Savings and Credit Co-operatives (KUSCCO), a well-known apex society in this country, has serious management issues. You wonder why action has not been taken against the management and the committee responsible.

We should not have a situation where members' money is lost because of fraud, corruption or mismanagement. That is why I said we need to overhaul the entire Co-operative Societies Act, so that we look at issues of governance, corruption and all that.

In New Clause 2A, the Senator is proposing that persons involved in running a co-operative society must be guided by a number of principles. However, I cannot see two important principles in the list of principles provided. The first one is accountability.

From the experience we have had in this country, accountability is key in running our co-operative societies.

I also heard a proposal by the new Cabinet Secretary for Co-operatives and Micro, Small and Medium Enterprises (MSME) Development that it is high time that the leadership of co-operatives observed some democratic principles regarding the term of office.

We have leaders of co-operative societies who have been officials for ages. I even met one who is too old to be an official. He has been there for over 30 years. That is how corruption comes in. I hope the new Cabinet Secretary for Co-operatives and MSME Development will come up with further amendments to the Co-operative Societies Act to ensure that we have a term of office for these people.

I know that Sen. Eddie who is seated in front of me has been pushing for a Bill to introduce a term of office for trade unionists and I encourage him to do that.

Mr. Temporary Speaker, Sir, another area that we need to look at and I want to encourage him to do that is a cooperative movement. You cannot argue that you present yourself to the election to be elected and, therefore, people elect you because there is no problem with that. People elect you because you bribe them with the money that you have stolen from them.

I want to encourage the new Cabinet Secretary to bring further amendments to the Cooperative Act, to ensure that we have a term limit for officials of the cooperative movement in this country. That will be the first step in addressing the issue of accountability, graft and lack of transparency in the management of the cooperative society.

So, Sen. Mariam, I would suggest that under New Clause 2A, one of the principles that you need to add is just to say that “they will adhere to Article 10 principles.” That will cover all the issues of transparency, accountability, equity, regional balance and all those.

Mr. Temporary Speaker, Sir, the Bill is a good attempt. As I said earlier, my best scenario would have been to have a total overhaul of the entire Act, so that we have a completely new Act that will guide our Cooperative Movement in line with the emerging best practices in the cooperative movement.

This Bill specifies the functions of the Commissioner for Cooperatives. The Commissioner for Cooperatives is supposed to handle functions at the national level, that is, the apex society. The Cooperative Union and the respective county directors will handle matters of the primary societies.

Mr. Temporary Speaker, Sir, when you read further in the Bill, there are ambiguities. I would encourage the Mover of this Bill to try and clean up these ambiguities to clarify the role of the County Director of Cooperatives and the Commissioner for Cooperatives.

Let me give you an example. If you go to Clause 10(1) it says this:

“(1) If the Commissioner or director is not satisfied that an apex society, cooperative union or primary society, as the case may be, has not complied with this Act and is of the opinion that steps may be taken to comply with this Act, the Commissioner may provisionally register the



society or union for a period not exceeding one year on such terms and conditions as the Commissioner may specify in writing.”

When you read this particular provision, it implies that the Commissioner for Cooperatives, who is supposed to be doing the national function, can also determine the provisional registration of a primary society. That is confusing. I would encourage that that clause be amended.

If you go further on Clause 11, Section 7A, it says:

“7A. (1) The Commissioner may suspend or cancel the registration of a cooperative society, if—

(a) it ceases to comply with the requirements for registration under this Act;

(b) the cooperative society has failed to file returns for a period of three consecutive years;

(c) the cooperative society has failed to achieve its objectives or;

(d) the cooperative society is in serious violation of this Act, any other written law, or its by-laws.”

I think it is important to have clarity on this because a primary society is also listed as a cooperative society. So, which one is which? So, that confusion needs to be removed.

We need further consultations with the Ministry of Cooperatives and the other stakeholders, so that we can have a uniform Bill that overhauls the entire cooperative society with an informed decision that have been widely consulted within the sector. That way, we will be moving in the right direction.

I encourage Sen. Mariam Omar to consult further because I know in the Ministry of Cooperatives, I happen to be having some advantage. I know they are coming up with a Bill and they are almost finalizing it. Thereafter, they will be bringing it to this House. That is a Bill that captures all possible amendments to the parent Cooperative Act of 1997.

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

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Osotsi, Sen. (Dr.) Murango would like to inform you.

**Sen. Osotsi:** Sen. (Dr.) Murango is coming from the cooperative field. He is a very serious Chairperson of the Committee on Agriculture, Livestock and Fisheries and has more information. Let him inform me.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Murango, proceed to inform the Senator.

**Sen. (Dr.) Murango:** Thank you very much, the Deputy Party Leader of the Orange Democratic Movement (ODM). It is a privilege to inform you.

The Bill on cooperatives is already in the Second Reading in the National Assembly. It has already reached there. Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Osotsi, I believe that is very important information.

---

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

**Sen. Osotsi:** Thank you for that information. I have not had an opportunity to look at it, but these are the upcoming issues. We process some Bills here and the National Assembly processes similar Bills. Then what happens?

I think the Senate should work very closely with the National Assembly, so that the Bills that we bring here, do not appear as if they are in conflict with the Bills or similar Bills to the ones in the National Assembly. My view is that we need a total overhaul of the parent Act, that is the Cooperative Society Act, 1997.

This Bill has made a very strong attempt at addressing the issue of how primary societies would be managed. However, there are a lot of other things which must be aligned to the current circumstances and best practices which are not in this Bill.

I would encourage that a lot of consultation be done, so that we know the way forward. Otherwise, this is a very good attempt for a first-time Senator. I think this is encouraging. We must support this Bill, but with those issues I have highlighted addressed.

I support.

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

**Sen. Maanzo:** Thank you, Mr. Temporary Speaker, Sir. I want to take this opportunity to congratulate Sen. Mariam Omar for a very big attempt to clean up the cooperative movement.

At one time in life, I was the Secretary for Cooperatives in Kenya and I am very much aware of the troubles of the movement. At that time, my Minister was Joseph Nyagah. May his soul rest in peace.

The movement has been yearning for this moment and I like what she has done. This is an amendment of the original Cooperatives Act. When I was the Secretary and the new Constitution had come into operation, at that moment we cleaned it up to align it with the Constitution. Therefore, it reads ‘Cabinet Secretary.’

I can see there is a proposal here to move from ‘Minister’ to ‘Cabinet Secretary’. That amendment has already been made. However, in the last Senate, Sen. (Dr.) Zani, who is a social transformationist, also made a very big effort like this one. In fact, she came up with a totally new Act, which was successfully processed in the Senate. However, when it went to National Assembly, it lapsed out of time. It was another very good work. I think Sen. Mariam Omar should also look at that.

At the same time when that was being done, Dr. Zani seemed to be in conflict with the movement. There was no proper consultation with the movement. When we sat down to reconcile the movement with her, the meetings became very stormy.

She adopted the attitude of forcing that law, which was more of an academic law. At the same time, the Ministry was making pleas that their draft law was stuck at Cabinet at that moment. Finally, it came from the Cabinet and we heard that it is at Second Reading at the National Assembly. We are a duplication the same by doing the Second Reading too.

Cooperatives movement is devolved under Schedule 4 of the Constitution. This is the right place that that Act should have come, and then migrate to the National Assembly. However, that having happened, I plead with Sen. Mariam Omar that before it goes to the Third Reading, we need a thorough consultation with the cooperative movement, the Ministry and the National Assembly. This will ensure that we amalgamate

---

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

the proposals of Dr. Zani and Sen. Mariam Omar, which are very good, and what is already is in the Bill. Currently, the Bill is a total overhaul.

The cooperatives movement begins from the village, comes to the county and national government, and then goes international. We have the International Cooperative Alliance, which carries all the cooperative societies in the world. I had shared that with Sen. Mariam Omar. I was asking whether she had taken time to compare notes with the best practices in the world, especially Europe. The Senate should have sponsored her to visit some of the best practices in the world and bring them home.

Other than the cooperative societies, we have the National Cooperative Alliance here. There are huge businesses associated with the cooperative movement, including the Cooperative Bank of Kenya and the CIC Insurance Group. They work together in consultation with the international movement, which is doing very well in Canada, in the United States of America (USA). In fact, it is a very good business model if you want to transform a nation by changing the economic situations.

When people work in cooperatives, they pull resources together and are very strong. Unfortunately, there has been a lot of corruptions and cartels in the cooperatives. There is the SASRA, which we did their regulations as a Senate the other day. We also have organizations associated with the cooperative movement.

This is a very heavy movement. It is a 15-million-member movement in Kenya. We still have cooperative societies dealing with tea, coffee and milk, which are fake, including the New KCC. We had a request for statements from Sen. Mandago the other day. The complications are so much that we need a law to sort them out. We also need the Government to be involved because it is part of the problem. There is a need to make thorough consultations, including consulting the counties and the CoG to make sure that they are carried along.

The Commissioner of cooperatives is the most important person in this room. He is, in fact, more responsible and expected to take care of the movement better than the Principal and Cabinet Secretary. He is a key person. He is a registrar and there is only one registry in the country. This registry needs to be devolved in a way. However, without the parent registry, you are likely to duplicate the names and the roles.

While devolution is a reality and is in the Constitution, this law needs to synchronize a lot of things. What do you do with the original registry which is in the national Government and the other smaller registries in the counties?

Mr. Temporary Speaker, Sir, when you propose to change from Commissioner of Co-operatives to Director of Co-operatives, there will be contradiction in the counties. This is because the counties have directors, while the commissioner is with the national Government.

There is a policy which went through the National Assembly some years ago and the law is drawn from this policy. This policy was approved even by the President after it was passed by the Houses. Therefore, there is that to be looked at.

Mr. Temporary Speaker, Sir, I like the work put therein, bearing in mind that this is an amendment Bill, which seeks to amend certain sections. It does not seek to overhaul the whole Act. It has also come in good faith and has heavily borrowed from previous researches. It is very well done, meaning that Sen. Mariam Omar consulted serious experts.

---

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

The cooperatives movement, especially the agricultural one, can even be found in North Eastern. There are farmers who used to come see me in office, all the way from North Eastern. They run a serious co-operative there. There are farmers in Mandera, Garissa and along the rivers. There are other activities like herding cows that are in the cooperative movement.

This cooperative movement is also strong in China, but best practices are found in Europe, the Nordic countries. There are milk and transport cooperatives and that is how we borrowed the *Matatu* SACCO. They are not SACCO but they have an element of saving and that is why they fall under the SACCO. There have also been many amendments made to streamline the money aspect.

Mr. Temporary Speaker, Sir, we have the KUSCCO in Kenya, which is now riddled with a lot of problems and yet it is the umbrella body here in Kenya which represents the cooperative movement here in Kenya. The directorship is through an election from the various regions, similarly with the Cooperative Insurance of Kenya (CIC).

I would like to plead with Sen. Mariam that before we go for the Third Reading, we should first find out what is happening in the National Assembly. This is because we cannot be passing laws here - we can easily pass this today or next week - transit it to the National Assembly and it passes a Bill. Both of them cross each other. They then bring that Bill here, while Sen. Mariam's Bill goes to the National Assembly.

Mr. Temporary Speaker, Sir, we want to save Parliament's time and that of Kenyans. Cooperative members are eager to get a new law. We also have many other institutions associated with this. We have housing cooperatives, which have not been taken care of thoroughly herein.

We have the Cooperative University of Kenya, which we set up from the Cooperative College during my time as the Secretary. We borrowed the module from the Mondragon Corporation in Spain and brought that model here. However, some people interfered with it, but now, it has gone back on track.

We have a Cooperative University, where do we place it in this law? We have a Cooperative Bank as well as other institutions that are associated with cooperatives. There are even sand harvesting cooperative societies and all manner of co-operatives but they have no law. I, therefore, agree with Sen. Maria that there be a law, which regulates all this and synchronizes it properly for the best service of cooperatives.

Mr. Temporary Speaker, Sir, although there is the Penal Code and the Anti-Corruption and Economic Crimes Act, we need the law to come up with better practices to streamline corruption. The law in this country recognizes that co-operatives conduct elections because they believe in democratic practices. However, we have a law that deals with the age limit in this country.

There are private organizations where the law on retirement at 60 may not apply. Then, what do you do with someone who is 80 years old and has been in the cooperative movement for over 50 years? He has been dealing with coffee and the same problems are duplicated year after year, never changing and not helping people, and yet, we want the people to be served.

**The Temporary Speaker** (Sen. Wakili Sigei): Shall we all rise, hon. Members? Sen. Maanzo, when the House resumes tomorrow, you will have eight minutes to contribute your contribution to the Bill.

### ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 26<sup>th</sup> September, 2024, at 2.30 p.m.

The Senate rose at 6.30 p.m.