

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 31<sup>st</sup> March, 2020**

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

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

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### GUIDELINES FOR MANAGING SENATE PLENARY AND COMMITTEE SITTINGS DURING COVID-19 PANDEMIC

**The Speaker** (Hon. Lusaka): Hon. Senators, I take this opportunity to welcome you back to the plenary sittings of the Senate. As you recall, at the sitting of the Senate held on Tuesday, 17<sup>th</sup> March, 2020, following a Motion moved by the Senate Majority Leader relating to the Coronavirus (COVID-19), the Senate resolved to adjourn its plenary sittings from Tuesday, 17<sup>th</sup> March, 2020, for two weeks, so as to reconvene on Tuesday, 31<sup>st</sup> March, 2020, and to thereafter hold one sitting in each week, on Tuesdays for two weeks, until Tuesday, 14<sup>th</sup> April, 2020. The Senate further resolved to alter its calendar accordingly. Additionally, following the resolution of the Senate, the Chair directed that Committee sittings be suspended for a similar period of two weeks.

Hon. Senators, you will further recall that on 13<sup>th</sup> March, 2020, jointly with the Speaker of the National Assembly, we issued guidelines to all Members of Parliament and staff of Parliament consequent on the declaration of COVID-19 as a global health pandemic.

Further to this, in order to facilitate the smooth flow of legislative business in Senate Plenary and Committee sittings starting Tuesday, 31<sup>st</sup> March, 2020, and taking into account various measures that have been put in place by the Government to combat the COVID-19 pandemic, it has become necessary that I issue guidelines to all Senators and staff of the Senate to be applied henceforth, until further notice.

It is important to note that the Plenary and Committee sittings are being held after consultations with and on the advice of the Ministry of Health, who have inspected the Parliamentary precincts and provided us with a report on the state of the Parliamentary precincts and the conditions to be met to facilitate Plenary and Committee sittings.

The following Guidelines shall apply-

(1) Plenary sittings shall be held in the Senate Chamber and shall commence at 2:30 p.m. and end no later than 4:30 p.m. This is to allow Members and staff to travel and arrive at their places of residence before the 7:00 p.m. curfew.

(2) In order to ensure appropriate social distancing and necessary preventive measures-

(a) The Chamber has been re-configured to sit a maximum of 28 Senators only. Accordingly, the Senate Majority Leader and the Senate Minority Leader have been requested to consult and designate the 28 Senators who shall attend the Senate Plenary sitting of 31<sup>st</sup> March, 2020 and shall similarly do so for subsequent sittings, until further notice. The Serjeant-at-Arms has been directed to ensure that only the 28 designated Senators attend the Plenary sitting;

(b) Senators who are not part of the 28 designated Senators are requested not to come for the sitting as the 28 Senators shall be the only Senators who shall be allowed into the Chamber and the 28 Senators shall not, at any time during the sitting, be replaced by other Senators;

(c) In accordance with the Ministry of Health's advisory, Senators and staff aged 58 years and above are encouraged to abide by the presidential directive dated 25<sup>th</sup> March, 2020 and thus work from home;

(d) In accordance with the Ministry of Health's advisory, immunosuppressed Senators and staff and those with chronic illnesses such as hypertension, diabetes, cancer and HIV are encouraged to work from home as they are more at risk of contracting COVID-19;

(e) While in the Chamber, the 28 Senators shall use only the designated sitting spaces and shall, while in the Chamber, remain at their seats at all times;

I want to emphasise this because we have Senators who are very nomadic.

*(Sen. (Dr.) Musuruve entered the Chamber)*

I am waiting for Sen. (Dr.) Musuruve to come in. Please show her where to seat.

(f) The Speaker's Gallery and the Public Gallery shall not be occupied by any person except the four technical staffers facilitating the sitting, as advised by the Ministry of Health;

(g) There shall be no consultations at the Speaker's Chair or at the Clerk's Table and accordingly, it shall be out of order for a Senator to approach the Speaker's Chair or the Clerk's Table for any purpose; and,

(h) Senators shall, while entering and leaving the Chamber, observe the social distancing requirements.

(3) With respect to Committee sittings, the measures in paragraph (2) above shall be applied, with necessary modifications. In addition-

(a) Committees are encouraged to transact as much business as possible remotely so as to reduce the need for physical meetings.

(b) Where it is absolutely necessary to hold a physical sitting of a Committee-

(i) Committee sittings shall be held only in the Senate Chamber or in the Mini Chamber;

(ii) So as to allow time for adequate sanitary measures to be undertaken in the Chambers between Committee sittings-

(a) Not more than one Committee sitting shall be held in either Chamber on any day; and,

(b) Committee sittings shall be held so as to end not later than 1:00 p.m.

(iii) The Senate Chamber shall not be available for Committee sittings on the days on which the Senate is scheduled to hold its sittings so as to ensure that the Chamber is adequately prepared for Plenary sittings;

(iv) Each sitting of a Committee shall be staffed by one Clerk and one Serjeant-at-Arms. All other Committee staff shall continue to provide services to their respective Committees remotely;

(v) The media and the public shall not be allowed access to Committee sittings. Accordingly, Committees shall, where required, make arrangements to receive written submissions or responses from the public and,

(4) As part of the preventive measures in place, hand sanitizers and face masks shall be availed at the entrance of the Chamber and Mini Chamber for use by all Senators and staff as they enter the Chambers;

(5) The Senate lounge shall remain closed until further notice;

(6) There shall be no catering services provided until further notice.

Hon. Senators, I urge all Senators and staff of the Senate to observe these guidelines in order to ensure smooth flow of legislative business while the COVID-19 pandemic persists. Noting that the situation continues to evolve, I shall where necessary, provide further guidelines.

Thank you.

That is the first Communication and I hope we shall observe it and lead by example.

YIELDING OF KSHS200 MILLION FROM THE SENATE BUDGET  
TO COMBAT THE COVID-19 PANDEMIC

Hon. Senators, as you are aware, a number of measures have been taken by various levels of Government and State officers to contribute towards efforts to curb the COVID-19 pandemic in the country.

This is, therefore, to inform you hon. Senators and the public at large that at a meeting of the Senate Business Committee (SBC) held on Monday, 30<sup>th</sup> March, 2020, the Committee resolved that; the Senate shall yield the sum of Kshs200 million from our budget allocation in the current Financial Year, 2019/2020 to aid in the efforts of the Government in combating the pandemic.

*(Applause)*

The Senate, therefore, requests the Parliamentary Service Commission (PSC) to take the necessary administrative measures to yield the stated sum from the budget of the Senate to the National Treasury to be re-allocated and utilized in efforts to combat the pandemic.

Thank you.

*(Applause)*

**The Senate Majority Leader** (Sen. Murkomen): Best of luck!

*(Laughter)*

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.3 OF 2020)

Hon. Senators, I wish to bring to the attention of the Senate that on Friday, 20<sup>th</sup> March, 2020, pursuant to Standing Order No.41(3), the Clerk delivered to me a Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Division of Revenue Bill (National Assembly Bill No.3 of 2020).

The Message, which is dated 18<sup>th</sup> March, 2020, was received while the Senate was on recess and was transmitted to all Senators on 23<sup>rd</sup> March, 2020 pursuant to Standing Order No.41(5). Further, pursuant to the said Standing Order, I now report the Message-

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

WHEREAS the Division of Revenue Bill (National Assembly Bill No.3 of 2020) was published vide *Kenya Gazette* Supplement No.17 of 9<sup>th</sup> March, 2020 as a Bill to provide for the equitable division of revenue raised nationally between the national Government in the 2020/2021 Financial Year; and,

WHEREAS the National Assembly considered and passed the Bill on Tuesday, 17<sup>th</sup> March, 2020 without amendments in the form attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Hon. Senators, pursuant to Standing Order No.157 which requires that a Bill, which originates in the National Assembly be preceded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I hereby direct that the Bill be read a First Time, today, Tuesday, 31<sup>st</sup> March, 2020.

Thank you.

### PAPERS LAID

#### REPORTS OF MEDIATION COMMITTEES ON BILLS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir I beg to lay the following reports on the Table of the Senate today, Tuesday, 31<sup>st</sup> March, 2020-

(a) Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bills No.11 of 2017); and,

(b) Report of the Mediation Committee on the County Governments (Amendment)(No.2) Bill (Senate Bills No.7 of 2017).

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

**NOTICE OF MOTION**

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE  
COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Cheruiyot?

*(Sen. Murkomen stood at the Dispatch Box)*

Senate Majority Leader, take your seat!

**POINT OF ORDER**

COORDINATION OF TEAMS MANAGING  
COVID-19 IN THE COUNTRY

**Sen. Cheruiyot:** On a point of order, Mr. Speaker, Sir. Apologies, I did not wish to interrupt the Senate Majority Leader as he gave the Notices of Motions that have brought us to the House this afternoon. However, there is an issue of great national importance that I wish to bring to your attention. As Parliament, this is not an issue that we should wish away or delay any further. I speak with a very heavy heart. I want to bring to your attention the existence of two teams that are working at cross-purposes in trying to serve our country during this difficult time.

You will recall that earlier on, about two weeks ago, information was brought to this House of the existence of a number of us who had traveled out of the country. We came back on 8<sup>th</sup> March, 2020 and observed the Ministry of Health Guidelines. For 14 days, they kept calling and checking on all the Members of Parliament and staff who had accompanied us on that particular trip.

Mr. Speaker, Sir, after the 14<sup>th</sup> day which was on 23<sup>rd</sup> March, 2020, the Ministry of Health gave us a clean bill of health and allowed us to resume our normal lives but, of course, with caution just as is expected of each of us. However, yesterday and today I have received distress calls from members of staff of Parliament who had traveled with us on that trip. They said there is a team from the Office of the President referring to itself as a Multi-Agency Team that is moving around picking members of staff of Parliament from their houses and forcing them into quarantine at the Kenya Institute of Special Education (KISE) in Kasarani.

Upon receiving this information, we notified the Clerk of the Senate who is the Secretary to the Parliamentary Service Commission (PSC). They reached out to the Ministry of Health and to our shock, the Ministry made it categorically clear to us that they are not aware of any team that is supposed to be picking citizens from their homes and sending them to isolation facilities. As we speak, the home of one of our staffers is under siege. That team is at her gate and they are insisting on getting in purporting to have instructions to go away with her.

This brings up a difficult issue which I want your guidance on. I ask for this clarification as a Member of Parliament and as a Commissioner who is in charge of staff welfare. It is true that the staff can be exposed to some hazards as they go about their duties, but this is not the kind of hazard that they would wish to be exposed to. They picked up a gentleman yesterday together with his wife and a four-month old child, yet he had religiously followed the 14-day isolation guidelines. The gentleman is now in an isolation unit together with people who arrived in the country in the last three or four days. This is the second day and no tests have been conducted on them. They have not even been allowed to access their bags.

I beg your indulgence. You should direct that the Cabinet Secretary for the Ministry of Interior and Coordination of national Government and the Cabinet Secretary for the Ministry of Health assure the country that there is only one centre of command. This is a health crisis and it is being handled professionally by the Ministry of Health. They should ask the police officers to back off from this exercise. Secondly, they should file a response with this House confirming to Parliament and the Republic of Kenya that we do not have two teams working at cross purposes.

This confusion is very dangerous. You saw what the police officers did in Likoni. They grouped people together yet we have been told to keep social distance. This can get out of hand. Therefore, I direct that you give a proper direction to this issue before we proceed with the business of the day.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Linturi?

**Sen. Linturi:** Thank you, Mr. Speaker, Sir. I want to weigh into what Sen. Cheruiyot has raised.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Malalah? Sen. Linturi is on a point of order.

**Sen. Malalah:** Mr. Speaker, Sir, he is out of order.

**The Speaker** (Hon. Lusaka): Allow him to finish then I will give you an opportunity.

Proceed, Sen. Linturi.

**Sen. Linturi:** Mr. Speaker, Sir, I rise to add on to what Sen. Cheruiyot has brought to this House. This House has representatives of the people of this country. This is the House that can bring up issues that are pertinent to the people that we represent; the issues that affect them on a daily basis. We have been out there for the last two weeks and we know one or two things that are not right.

I am left wondering when I hear that the police officers have gone to the private homes of individuals who travelled out of the country yet those individuals have been cleared by the Ministry of Health. I do not think that there is anybody who is immune to this disease. They are doing all this yet we do not know the kind of people that they have interacted with when they loiter at night. It is unfair for them to look for people who have taken directions from the Ministry of Health and have isolated themselves.

Time has come for us to make a decision and we must get a report from the people who are doing such things. This is because what they are doing is not right. We must make a decision and the correct message must get out there. We should have one command centre dealing with this kind of a situation.

**The Speaker** (Hon. Lusaka): Order, Members. We have limited time. I want to make a ruling on what Sen. Cheruiyot and Sen. Linturi have said.

This is a grave matter and we are all concerned as leaders. Any effort on handling this disease must be properly coordinated. It is such times as this that people take advantage and even produce fake sanitizers and masks. Some people can even go ahead and arrest people for no reason under the guise of fighting Coronavirus.

I direct that the Ministry of Interior and Coordination of National Government and the Ministry of Health present a report to my office on the teams that are mandated to fight Coronavirus. They should do that within two days. That will help avoid a scenario where we have two teams working at cross-purposes.

It is so directed.

Proceed, Sen. Murkomen.

**The Senate Majority Leader** (Sen. Murkomen): Well done, Mr. Speaker, Sir!

*(Laughter)*

Mr. Speaker, Sir, that is an excellent ruling. The Members are happy with that determination. We know that you will communicate the same information to all Members and the public for us to know how to behave.

### NOTICES OF MOTIONS

#### ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)

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

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) laid on the Table of the Senate on Tuesday, 31<sup>st</sup> March, 2020 and pursuant to Article 113 of the Constitution and Standing Order No.161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

#### ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 7 OF 2017)

**The Senate Majority Leader** (Sen. Murkomen): I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Mediation Committee on the County Governments (Amendment) (No. 2) Bill (Senate Bills No. 7 of 2017), laid on the Table of the Senate on Tuesday, 31<sup>st</sup> March, 2020 and pursuant to Article 113 of the Constitution and Standing Order No.161(3) of the Senate Standing Orders, approves the mediated version of the Bill.

COMPREHENSIVE NATIONAL RESPONSE  
TO THE COVID- 19 SITUATION

**The Senate Majority Leader** (Sen. Murkomen): I beg to give notice of the following Motion-

THAT, AWARE THAT, the Coronavirus (COVID-19) has been declared a global health pandemic resulting in an unprecedented global health crisis that has now manifested internationally in over 184 Countries and territories, with escalating numbers of new cases being reported, with over 700,000 confirmed cases and over 30,000 deaths worldwide;

COGNIZANT THAT governments and health authorities in the affected countries have taken various measures aimed at containing the spread of the pandemic, mainly through travel and behavioural restrictions;

APPRECIATING the policy measures and interventions taken by the Government, through the National Emergency Response Committee on Coronavirus (NERC), in containing the spread of the pandemic and cushioning Kenyans against economic effects of the pandemic, including upscaling of medical facilities, imposition of travel restrictions, suspension of learning in all educational institutions, changes in fiscal and monetary policies and reinforcement behavioural protocols;

COGNIZANT THAT Health Services and other service sectors key to the implementation of the pronounced policy measures and interventions are devolved functions;

FURTHER COGNIZANT THAT some of the pronounced policy measures and interventions require legislative intervention and approval;

RECOGNIZING the need for an integrated and multi-sectorial intervention by all Levels and Arms of Government and sectors in the society towards a harmonized comprehensive response to the pandemic;

NOTING the bipartisan legislative approach taken by legislatures in other jurisdictions in enacting legislation towards the containment of the Coronavirus and its attendant economic effects;

CONSCIOUS of the need to complement the efforts of the national Government in containing the spread of the pandemic and cushioning Kenyans from the shocks arising from the pandemic;

THE SENATE RESOLVES to –

(a) laud the national Government for the measures it has so far put in place in combating the spread of the virus;

(b) commend and appreciate all healthcare workers in the country for their selfless effort, commitment to service, care and compassion towards persons who have been infected or affected by the virus;

(c) call upon the national Government to expand the membership of the National Emergency Response Committee on Coronavirus to include representation by Parliament, the Judiciary, the Council of Governors, the Media, and Private Sector;

(d) establish an Ad Hoc Committee of the Senate which shall oversight actions and measures taken by the national and county



governments in addressing the spread and effects of COVID-19 in Kenya and shall address the following, among other matters-

i) provision of testing and medical equipment, including adequate ventilators in referral hospitals and in at least one public hospital in each county.

ii) provision of adequate isolation centres and Intensive Care Unit (ICU) facilities in each county.

iii) measures to ensure continuous supply of food and other essential commodities at affordable prices.

iv) measures to enable learners in educational institutions to continue with their studies.

v) measures to ensure protection, safety and well-being of healthcare and other frontline workers.

vi) enhancement of capacity and flexible deployment of healthcare staff.

vii) financial assistance to vulnerable persons and groups.

viii) protection of residential and commercial tenants.

ix) establishment of a stimulus package for the Micro, Small and Medium sized Enterprises.

x) easing of legislative and regulatory requirements for doing business.

xi) measures to protect employees from retrenchment and job losses.

xii) uniform policies and procedures aimed at slowing and eventually stopping the spread of the virus.

(e) appoint the following Senators to the Ad Hoc Committee

i) Sen. Johnson Sakaja, CBS, MP;

ii) Sen. Michael Maling'a Mbiti, MP;

iii) Sen. Abshiro Soka Halake, MP;

iv) Sen. Mithika Linturi, MP;

v) Sen. Erick Okong'o Omogeni, SC, MP;

vi) Sen. (Arch.) Sylvia Mueni Kasanga, MP; and,

vii) Sen. Mwinyihaji Mohamed Faki, MP.

and that the Committee tables a progress report within seven (7) days and thereafter tables a progress report on a weekly basis, and subsequently tables a final report within six (6) months.

## **BILL**

### *First Reading*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 3 OF 2020)

*(Order for First Reading read -  
Read the First Time and ordered to be committed to  
the Standing Committee on Finance and Budget)*

## COMMUNICATION FROM THE CHAIR

## PROCESSING OF THE DIVISION OF REVENUE BILL, 2020

**The Speaker** (Hon. Lusaka): Hon. Senators, the Division of Revenue Bill (National Assembly Bill No. 3 of 2020) has just been Read a First Time. Pursuant to Standing Order No.140, I direct that it be committed to the Standing Committee on Finance and Budget. The Committee is required to scrutinize the Bill and facilitate public participation on the same and table a report on Tuesday, 7<sup>th</sup> April, 2020.

Hon. Senators owing to the importance and urgency of this Bill and pursuant to Standing Order Nos.137 and 181 (3) of the Senate Standing Orders, I further direct that the Bill be listed in the Order Paper for Tuesday, 7<sup>th</sup> April, 2020 for consideration and Second Reading, Committee of the Whole and Third Reading.

I wish to remind the Committee that in discharging this mandate, the guidelines that I issued regarding the conduct of Committee meetings during this time of Covid-19 shall strictly apply.

I thank you. Next Order.

**Sen. (Dr. Ali):** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): There is a point of order.

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, because of the issue which is at hand and the Motion which is coming, as a Committee on Health, there is a Statement we wanted to give to the Senate and the country. The Chairperson is requesting that we be given that opportunity.

Thank you.

**The Speaker** (Hon. Lusaka): Order! We are past that Order. In any case, the Chairman is just sitting in front of you. Why did he not raise this?

The Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Murkomen): Thank you, Mr. Speaker, Sir---

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order, Senators. Before you contribute, once the Motion is on, I will give the Chairperson an opportunity to say something regarding that.

Proceed, the Senate Majority Leader.

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, this is not fair.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, Sen. (Dr.) Ali is a respected Senator in this House. He is a medical doctor. I delved into his Curriculum Vitae (CV) yesterday and I was very impressed. I know he will take the right time to address those issues. It is important for all of us to move as a team. This is a very important Motion and let me move it.

**MOTION****COMPREHENSIVE NATIONAL RESPONSE TO  
THE COVID-19 SITUATION**

I beg to move the following Motion-

THAT, AWARE THAT, the Coronavirus (COVID-19) has been declared a global health pandemic resulting in an unprecedented global health crisis that has now manifested internationally in over 184 Countries and territories, with escalating numbers of new cases being reported, with over 700,000 confirmed cases and over 30,000 deaths worldwide;

COGNIZANT THAT governments and health authorities in the affected countries have taken various measures aimed at containing the spread of the pandemic, mainly through travel and behavioural restrictions;

APPRECIATING the policy measures and interventions taken by the Government, through the National Emergency Response Committee on Coronavirus (NERC), in containing the spread of the pandemic and cushioning Kenyans against economic effects of the pandemic, including upscaling of medical facilities, imposition of travel restrictions, suspension of learning in all educational institutions, changes in fiscal and monetary policies and reinforcement behavioural protocols;

COGNIZANT THAT Health Services and other service sectors key to the implementation of the pronounced policy measures and interventions are devolved functions;

FURTHER COGNIZANT THAT some of the pronounced policy measures and interventions require legislative intervention and approval;

RECOGNIZING the need for an integrated and multi-sectorial intervention by all Levels and Arms of Government and sectors in the society towards a harmonized comprehensive response to the pandemic;

NOTING the bipartisan legislative approach taken by legislatures in other jurisdictions in enacting legislation towards the containment of the Coronavirus and its attendant economic effects;

CONSCIOUS of the need to complement the efforts of the national Government in containing the spread of the pandemic and cushioning Kenyans from the shocks arising from the pandemic;

THE SENATE RESOLVES to –

(a) laud the national Government for the measures it has so far put in place in combating the spread of the virus;

(b) commend and appreciate all healthcare workers in the country for their selfless effort, commitment to service, care and compassion towards persons who have been infected or affected by the virus;

(c) call upon the national Government to expand the membership of the National Emergency Response Committee on Coronavirus to include representation by Parliament, the Judiciary, the Council of Governors, the Media, and Private Sector;

(d) establish an Ad Hoc Committee of the Senate which shall oversight actions and measures taken by the national and county governments in addressing the spread and effects of COVID-19 in Kenya and shall address the following, among other matters

i) provision of testing and medical equipment, including adequate ventilators in referral hospitals and in at least one public hospital in each county.

ii) provision of adequate isolation centres and Intensive Care Unit (ICU) facilities in each county.

iii) measures to ensure continuous supply of food and other essential commodities at affordable prices.

iv) measures to enable learners in educational institutions to continue with their studies.

v) measures to ensure protection, safety and well-being of healthcare and other frontline workers.

vi) enhancement of capacity and flexible deployment of healthcare staff.

vii) financial assistance to vulnerable persons and groups.

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ix) establishment of a stimulus package for the Micro, Small and Medium sized Enterprises.

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(e) appoint the following Senators to the Ad Hoc Committee

i) Sen. Johnson Sakaja, CBS, MP;

ii) Sen. Michael Maling'a Mbiti, MP;

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v) Sen. Erick Okong'o Omogeni, SC, MP;

vi) Sen. (Arch.) Sylvia Mueni Kasanga, MP; and,

vii) Sen. Mwinyihaji Mohamed Faki, MP.

and that the Committee tables a progress report within seven (7) days and thereafter tables a progress report on a weekly basis, and subsequently tables a final report within six (6) months.

Mr. Speaker, Sir, I want to start by thanking you and the Senate for taking this step. In its own wisdom, the Senate particularly, decided that we were meeting today and next week on Tuesday, and thereafter determine the calendar of events.

There has been misconception out there, which has gone to members of the public, that the Senate is no longer at work. That by virtue of not convening here, we are not working. Far from it! I want to demonstrate what other Senates and Parliaments in the world have done, so that people can appreciate that this is not just confined to the Parliament of Kenya; it is a response to this global pandemic.

Mr. Speaker, Sir, in Denmark, Parliament – like you did in your direction – made certain provisions; that Parliament will not have more than 10 people. This is because there is a provision in the whole country that not more than 10 people should be sitting in one place. Consequently, the Speaker made provisions that Parliament should work and utilize online communication in all its deliberations and decision-making.

In France, the Leader or Spokesman of the Government side and the Leader or Spokesman of the Opposition take questions from the Members and go to present in the House. If they have a question to a Minister, they designate a few Members of Parliament that are able, at any given time, to ask those questions.

In Germany, they reduced the quorum to 25 per cent and changed the regulations and the rules. In Ireland, they did the same, that is, to reduce the quorum. However, there is an interesting one in Sweden which has 349 Members of Parliament. The Swedish Parliament decided that they can only have 55 Members participate in the Chamber. In voting and making decisions, they reduced their quorum. The same has been done in Australia.

Mr. Speaker, Sir, in New Zealand, where we borrowed the approach we have here, the New Zealand Parliament decided to close and established an *ad hoc* Committee like ours, whose responsibility was to deal with the issue of the epidemic. It is called an epidemic response committee, and its role is to make sure that they collate all the information that Parliament needs and advise Parliament, so that decisions are made from time to time by few Members of Parliament.

I want to tell the nation that first, they need to appreciate that we have not abdicated our duty. In fact, most of these Members of Parliament have been debating and contributing to the issues of COVID-19 online. Sometimes, our debates have gone up to almost 2.00 a.m.; finding solutions on how best we should come to the House, what the Committee on Health and Committee on Finance and Budget should do. Most of those suggestions have led to this Motion, your Communication and many other decisions that are going to made going forward.

Parliament and the Senate, for that matter, is alive and working. I appreciate the fact that you directed the Committee on Finance and Budget to continue working within the confines of your Communication, and ensure that they get public views on the issues related to The Division of Revenue Bill.

Secondly, there is a feeling that if we form this Committee, it takes the mandate of the Standing Committees, which is far from the truth. The Committee on Health has not been suspended, and it should continue performing its responsibilities within the guidelines that you have provided and address the health issues that are related to COVID-19.

It is important for the Members of this House and members of the public to know that a Standing Committee does not need to come to the Chamber to get another mandate. They got their mandate two-and-a-half years ago when that Committee was established. The only thing that the Committee should do is bring reports to the House on what they have done and when they want the support of the House in making certain deliberations.

I want to request the Chairperson and the Vice Chairperson who are here that we want to see them working and in the meetings with the Cabinet Secretary. I am grateful and know many Senators here who have engaged the Cabinet Secretary for Health directly.

We want to appreciate Sen. Mutahi Kagwe because of his receptive approach. I want to say without fear of contradiction that he has given a good name and face to the Senate; that a former Senator can be more receptive to a crisis like the one we are dealing with.

I am sure that if the Chairpersons of the Committee on Health, Committee on Finance and Budget, Committee on Labour and Social Welfare - or any other Senator here wanted to approach that Cabinet Secretary, he will be more than willing for us to approach and contribute to the process ahead of us. Those are the opening remarks I wanted to make, so that when we are debating, no one should imagine the Committee we are establishing is going to take over the responsibilities of any of the Committees.

Mr., Speaker, Sir, we are establishing an *ad hoc* Committee because we are unable as a whole House to sit and think through the various legislative and policy interventions. However, because we can contribute online and through calls, this Committee will collate all our contributions and those of other Kenyans, reduce some to Motions and others to Bills, and When we come back either Tuesday next week or for the other sittings, we will convene and pass the Motion where need be, policy positions where there is need and a Bill where there is need.

Secondly, even though we have formed this Committee of seven, we want to encourage the National Assembly when they convene next week – and I have reliable information in the public domain that they will convene next week – to form a similar Committee. We should then utilize the Standing Orders of both Houses for the two Committees to have joint sittings. This is a moment of crisis and not a moment for us to demonstrate supremacy battles; that we have an upper House or a lower House or we have a more superior House or team than the other. We have initiated a process and are encouraging our brothers in the National Assembly, so that we have a united joint position on the issues that are affecting the people of Kenya. We can then pass legislation and policy together.

I request the Leader of Majority in the National Assembly, who I will consult with, to form a similar Committee. Once that is done, they can have joint sittings, and whatever Bill they will draft, we will pass together. I had the privilege with Sen. Mutula Kilonzo Jnr., Sen. Orengo and others who are not here, to be selected in a Joint Committee to deal with the electoral issues across the country. The Committee had Members in this House and the National Assembly, and I am proud of the work we did in the election laws. If that joint process is applied, we will achieve a lot as Parliament.

Mr. Speaker, Sir, thirdly, I want to suggest a few things that the Committee should look at: The Committee should look at ways and means of cushioning Kenyans from the impact of this serious pandemic. In that case, they must have a broad-based stimulus package that will capture the needs of the people of Kenya and the desires of the poor.

If we are not going to guarantee food to Kenyans in slums like Mathare, they will walk to Muthaiga and get food for themselves. If we are not going to guarantee food for Kenyans living in Kibera, they will walk on foot to Karen to get food themselves. Countries like Italy and other parts of the world that these measures are being taken to contain the COVID-19 have other counter repercussions, which include the fact that people are lacking food to eat.

Mr. Speaker, Sir, this Committee should come up with measures of how best we can contain the spread of COVID-19 while at the same time guarantee that there is food. In doing so, we must listen to various voices. I have read contributions by Mr. David Ndi, a person I never agree with politically, but we must listen to proposals that various Kenyans are giving.

I have also read contributions from a citizen from my county called Ms. Cherotich Seii, a serious critic of myself who never supported my political views. However, I have had many discussions with her on some of the measures we can take. Ms. Seii worked in an emergency situation in Ebola in other parts of the continent so I have to listen to such people. We must give everyone an opportunity to give proposals. Some of the proposals that have been made are very interesting. How do we ensure that we have cash transfers?

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. (Dr.) Ali?

**Sen. (Dr.) Ali:** On a point of order, Mr. Speaker, Sir. Can the Senate Majority Leader behave? He is speaking across instead of addressing the Chair. I do not want to disrupt the flow of thoughts for the Senate Majority Leader but we came here to contribute to this debate.

Can the Senate Majority Leader also make his contribution short so that other Members can also make contributions? If the Senate Majority Leader does not make his contribution short, the rest of us will not have time to speak.

**The Speaker** (Hon. Lusaka): The Senate Majority Leader, kindly make your contributions short.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I have not even started moving the Motion.

*(Laughter)*

I only read the Motion. I have not even moved it. However, I have had consultations with the Speaker and I am cognizant of the fact that I cannot use the one hour that I am entitled to. I will use a further 15 minutes to make my contribution.

I have also had discussions with the person replying so that he can use only 10 minutes so that the other Members can contribute. To mitigate this situation, I am not going to reply to the Motion. To the contrary, I will give my deputy the opportunity to reply so that she can use that time to make her contribution.

Can I proceed?

**The Speaker** (Hon. Lusaka): The Senate Majority Leader, you cannot take a further 15 minutes when other Senators also need to make contributions.

What is your point of order, Sen. Sakaja?

**Sen. Sakaja:** On a point of order, Mr. Speaker, Sir. Cognizant of the fact that the Senate Majority Leader does have some special provisions in terms of time, this sitting is supposed to end in one hour's time, at 4.30 p.m. I therefore ask that you give direction in terms of how many minutes each Member will take. We are 30 Members and we have only one hour to debate. That means that every Member will only have two minutes to make contributions which is not enough.

Alternatively, the Senate Majority and Minority Leaders can agree on a set number of Members to contribute. Otherwise, we will not make any meaningful

contributions within one hour. One cannot say anything meaningful in two or three minutes.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Speaker, Sir. Being in this facemask is problematic. Being in a curfew situation is even worse.

I propose that you allow the Senate Majority Leader an extra three minutes to finish making his contribution because this Motion is self-explanatory. Limiting the number of Senators from coming to Parliament today was already a challenge. Some Members are already cursing us. Therefore, the Senate Majority Leader must be guided.

**The Speaker** (Hon. Lusaka): The Senate Majority Leader, kindly take five minutes so that other Members have an opportunity to make their contribution to this Motion.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, if I take five minutes, I will not be able to say anything meaningful. We must appreciate that my role in this assignment ends with the formation of this Committee. The rest of the Committee Members will ventilate as they serve us. I, therefore, beg to have 10 minutes to finish my contribution because I will not reply this Motion.

**The Speaker** (Hon. Lusaka): The Senate Majority Leader, you can see the mood of the House. Kindly take five minutes. Compress your contribution.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, we cannot proceed that way. I will not have said anything.

*(Loud Consultations)*

I read the Motion all through.

**The Speaker** (Hon. Lusaka): The Senate Majority Leader, you have seven minutes. Kindly move with speed.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, the first thing that we must do is to listen to as many voices of Kenyans as possible to ensure that these issues are captured, particularly the issues that are dealing with the poor people.

As a House, we must ensure that we increase the cash transfers to vulnerable families. We must support the Ministry of Labour, Social Security and Services to ensure that cash transfers reach at least 10 million families to deal with the situation that is facing the country. We must also deal with the issue of water. The Committee should make recommendations on how best the Government can expeditiously deliver water to the vulnerable areas such as slums.

Mr. Speaker, Sir, as we continue dealing with this disease, food must reach as many Kenyans as possible across the country. For us to continue getting food, farmers must continue producing. We must continue to provide opportunities for farmers to deliver the food to the places that it is required. I, therefore, request that a stimulus package be directed to farmers to ensure that they produce cheap food that will serve as many Kenyans as possible.

I also suggest that we must hire more doctors and nurses. This issue is going to give us a big problem in hiring medical personnel. The resources that have been set aside for this emergency should go towards hiring more medical personnel even if it means



having them on contract for two or three years. The Government should find ways of expeditiously graduating all medical students who are in their final year so that they can go to the field to help as many people as possible.

We must also think about establishing field medical centers like the ones we saw in Nigeria where they have converted stadiums to field medical centers. We should have at least four field medical centers in Nairobi to deal with this situation. We can set up the field medical centers at Kasarani, Nyayo, City and Camp Toyoyo stadiums or any other places that will be designated by the relevant Committee.

Mr. Speaker, Sir, we must also find ways of incorporating matters of mental health. Many people are suffering as a result of being told that they are going to be confined in one space in the house. Some people did not have good relationships with their spouses while some are wondering what will happen to their children when the food that they have is finished. Psychosocial support must be ingrained in this venture. Tax exemption should be visited upon all those who are producing essential goods and services so that they can reach people in a cheaper way.

Like Sen. Cheruiyot mentioned earlier, we would like to ensure that the communication that goes to the public from Parliament is joint and accurate. However, it is not the time to suspend human rights. We are not suspending human rights or freedom to communicate. One Member of Parliament (MP) was invited to the Directorate of Criminal Investigation to record a statement for postulating that the number of COVID-19 patients could reach 10,000 by May.

The next day, the Ministry of Health announced that the number of COVID-19 patients could reach 10,000 by May. I wonder if the MP had a leakage of the projections by the Ministry of Health statistics on COVID-19 patients or he is just good with statistics. The MP should be incorporated in the national emergency team.

Mr. Speaker, Sir, people should be allowed to communicate. We accept that there will be misinformation. However, people should be allowed to talk. If we are going to be scared, maybe we will be scared enough to stick to our houses and follow the procedures that are required. In the field of communication, civic education must be increased. When I called my village today, I was informed that people are still doing handshakes, socializing and drinking *busaa*. Many locals in my village are terming this quarantine period as a holiday for drinking *busaa*. They are oblivious of the dangers that come with the COVID-19.

We must do civic education. The county administration also must take advantage of its structures to the village level to ensure communication reaches us. Many people are responsible to ensure that we deal with this disease.

Lastly, we need to utilize all the leaders in this country. Although we have our former colleague Sen. Kagwe at helm of the Ministry, it is not enough to think that this COVID19 is being dealt with by one or two Cabinet Secretaries (CS). We want to see the Cabinet meeting more often and having various committees. We could have a committee dealing with finance, energy, livestock and agriculture. We want to see how we guarantee food supply to people.

We do not reduce this to one or two departments of Government. Government must now recalibrate itself to be a COVID19-responding government. This is because the only thing we might end up doing in the next two or three years is dealing with the impact of this disease in the economy and all sectors in the country.

Your Excellency the President this is the time to call the leader of opposition and all party leaders in the country to sit down together with your Deputy President and the Cabinet to discuss this pandemic. There is no person in this country who cannot sit on the table and provide solution to the problem---

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

**The Speaker** (Hon. Lusaka): Sen. Kinyua, what is your point of order? We need to be careful about the points of order we are raising because we have one hour to go.

**The Senate Majority Leader** (Sen. Murkomen): I have two minutes to go. I beg that you restrict the points of order so that I can sit. If I keep on responding to points of order---

**Sen. Kinyua:** Thank you, Mr. Speaker, Sir. I want to get clarity on what he is talking about because he is advising the President to sit with so and so and there is nothing to show that---

**The Speaker** (Hon. Lusaka): Order! That was very clear. It is just an example that he was giving. Let us not interpret beyond what he said.

Conclude, Sen. Murkomen.

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, we need to put side our political competition and doing political scores with COVID-19. There should be nothing wrong with me and Sen. Orendo and people who are in the Opposition or whatever political divide finding solutions to the problems affecting Kenyans. This is not the time for dealing with politics and to go to sectoral places. That is why I am very happy with this Committee. It will play a bipartisan role. I hope the National Assembly will also come up with a similar Committee so that they work together and give solutions.

The Senate Minority Leader and I will be available all the time for consultation with this Committee. Even where the House needs to be convened even before next Tuesday if required, we will convene it for that purpose.

I beg to move. I am sorry I had been earlier advised that it was the Deputy Minority Leader who was supposed to second. However, I call upon the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Orendo): I thank you, Mr. Speaker, Sir. I will be very brief in supporting this Motion since we have quite a number of us who want to contribute.

I commend the Government for the measures it has taken, but this Motion is based on the fact that more could be done. Before I come to the main issue that I want to deal with, I am happy that we are meeting as a Parliament. The Constitution does not imagine a situation where Parliament should be adjourned *sine die* as in the previous constitutional arrangement. If we go by Article 1 of the Constitution, the people want Parliament as the representative of their sovereignty to be meeting all the time when there is a crisis. I am glad we chose to meet when there is a crisis.

Many Parliaments all over the world are meeting now as they delve into issues concerning COVID-19. It requires of us now to think more innovatively about our Standing Orders. I hope we will begin to incorporate in our Standing Orders situations where Parliament cannot meet in Plenary. For example, if there is war or an emergency such as the one we have now, how can we do the things we must do without necessarily meeting in Plenary or in the various committees?

This is an important statement because out there, people are saying that Members of Parliament are not meeting and not being seen to care a lot. We have seen in the United States of America (USA) that President Trump's numbers are going higher because they can see him dealing with the problem, whereas the man in the opposition is not being seen because he is not part of the conversation that is going on.

I also commend Sen. Kagwe. I hope the Press will be referring to him as Senator because that title never goes away.

*(Applause)*

Mr. Speaker, Sir, this crisis whatever its magnitude should not take away our human rights. Our freedom should never be taken away because of a crisis. In fact, under the Constitution, if you want to limit any of the constitutional rights contained in the Bill of Rights, you will need legislation which will require Parliament to meet.

There is a judge in the USA who said that if you want to fight falsehood, you give more facts. In the situation where a Member of Parliament was arrested, you resolve it simply by talking about the factual situation instead of arresting the person. It is an easier way of resolving that problem. I hope the State will continue to give more information as we go on fighting with this crisis.

For this, I commend the health workers- the doctors and nurses. I also commend even the police. I appeal to the Government that police being first responders, they should make sure that when they go into a situation, they also do not risk their health. In New York, we are told that many members of the police department are either reporting sick. I think one or two have died from the virus. The way the police are being exposed without protection is also part of our problem. They should have proper protection just like our health workers should.

In order for us to do that we need to plan for the worst, people are planning for the worst. If we want to deal with this crisis, we do not deal with the 50 cases that have come up. Now they are talking about a possibility of having 10,000 cases. I think we should be talking about the need to have equipment and facilities even to deal with 100,000 or more cases. This is because if we look at the figures that are coming up in Northern and South Africa, we cannot say the situation is going to be better. It is going to be worse before it can get better just as many people are saying. We need to plan ahead.

We are putting this Committee in place so that they can be part of the conversation and in coming out with the solution. In fact, I have seen in the Motion which is quite right that they should report in seven days. We are hoping that when they report, they will come out with concrete measures as a Parliament, which we can put forward to the nation that is what the Senate has come up with in terms of solutions.

**Sen. Kang'ata:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Kang'ata?

**Sen. Kang'ata:** Mr. Speaker, Sir, you limited my brother's time. I propose that you give directions, not only regarding my brother Sen. Orengo, but for every other speaker. I propose maybe five minutes for every contributor to the Motion.

**The Speaker** (Hon. Lusaka): I will give that direction, just be patient.

**The Senate Minority Leader** (Sen. Orengo): In fact, I know that I have about an hour, but I will not get anywhere near it. Seeing the mood of the House, everybody should be heard on this issue.

Let us plan for the worst because the situation will get worse before it gets better. However, there are immediate steps which should be taken. This is because if you are telling people not to go to their workplaces during times that they normally go to work, or there will be a lockdown, you have to plan for it.

How will people eat? What is contained in this Motion about making preparations of providing food for the disadvantaged people must be in our plans now. You have heard people in the streets asking: If we do not go to work or the market, what will we eat?

In places like Nairobi, we are telling people to wash their hands. I am sure Sen. Sakaja must be the busiest. I have seen the work he is doing in Nairobi together with his delegation. When you tell people to wash their hands, we must make sure that water is getting to where the populations are in Kibera and Mathare. Let us also ensure that there is water and sanitisers in the counties.

Finally, we may need to rework the budget. The focus of this fight against Coronavirus should be county-based. It will be more effective if it is done at the county level as long as it is properly managed. Therefore, we may have to re-arrange the budget so that we can have these facilities in every county. We need Intensive Care Unit (ICU) beds in every county, not just here in Nairobi. We need facilities, including provision of food and water, at the county level.

Mr. Speaker, Sir, this may require budget appropriation, a supplementary appropriation, which of course must come from the other House. However, since these matters concern counties, the Senate should be involved. It is the work of this Committee to come out clearly and strongly on what measures should be taken so that we are not seen to be talking, but to be coming up with solutions.

With those remarks, I beg to support.

*(Question proposed)*

**The Speaker** (Hon. Lusaka): Hon. Senators, I will now give the Chairperson of the Standing Committee on Health five minutes to make his contribution. The rest of you will get three minutes each.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Olekina? Please, be brief because we do not have time.

**Sen. Olekina**: Mr. Speaker, Sir, I beg to move the following amendment to the Motion-

“THAT, the Motion be amended in paragraph (d) of the proposed resolution by inserting a new paragraph iii (a) to read as follows-

“Measures to ensure that funds collected to combat the effects of COVID-19 be allocated to county governments for modernising open air markets in their respective counties to comply with the World Health Organization (WHO) one metre social distancing.”

Mr. Speaker, Sir, I have moved this amendment because when you travel to all our 47 counties, most pastoral communities depend on open-air markets. If you come to

Nairobi, for instance, you will see the dangers when you visit a place like Kangemi where it is business as usual for everybody.

By inserting this, paragraph iii(a), we will ensure that our open air markets and county governments are assisted.

**The Speaker** (Hon. Lusaka): Sen. Olekina, I appreciate your contribution. However, given the timeframe we have, and if we approve the Committee, this Motion has not exhausted all the options. I think we should let it flow then we will accommodate most of the things that we will be given at an appropriate time.

**Sen. Olekina**: Mr. Speaker, Sir, this is a very important amendment and I do not see anything wrong with it. We do not need to debate it for long. However, if it is---

**The Speaker** (Hon. Lusaka): Sen. Olekina, we have less than 45 minutes.

**Sen. Olekina**: Mr. Speaker, Sir, I appreciate that and I am not arguing with you. All I am saying is that it is a very simple matter which is procedural and that can be seconded and we move on.

**The Speaker** (Hon. Lusaka): Do you have a seconder?

**Sen. Olekina**: Yes. I request Sen. Fred Outa to second the amendment.

**Sen. Outa**: Mr. Speaker, Sir, I second.

**The Speaker** (Hon. Lusaka): You will give me your copies for approval later on.

*(Sen. Olekina presented a copy of the amendment  
to the Clerk-at-the-Table)*

Hon. Members, when we have such circumstances, let us appreciate that we are not in normal times. However, let me propose the question.

*(Loud Consultations)*

**Sen. Seneta**: No!

**The Speaker** (Hon. Lusaka): I am proposing the question.

**Sen. Seneta**: You cannot propose the question while the amendment was not approved.

**An. Hon. Senator**: No, continue.

**The Speaker** (Hon. Lusaka): Order!

*(Question of the amendment proposed)*

**An Hon. Senator**: Put the Question!

*(Question of the amendment put and negatived)*

*(Resumption of Debate on the original Motion)*

The Chairperson of Committee on Health, kindly proceed. You have five minutes.

*(Loud Consultations)*

Order Members!