



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (SECOND SESSION)
THE SENATE
ORDER PAPER
THURSDAY, OCTOBER 11, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the appendix)
5. Papers (as listed in the appendix)
6. Notices of Motion
7. Statements (as listed in the appendix)
8. ***THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL**
(SENATE BILLS NO. 17 OF 2018)
(Sen. Aaron Cheruiyot, MP)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 9th October, 2018)
(Division)
9. **MOTION - EXTENSION OF TIME** (Chairperson, Ad Hoc Committee on Maize Crisis)

AWARE that the Senate passed a Motion establishing an Ad Hoc Committee to conduct an inquiry into the challenges facing the maize sector in Kenya, on Wednesday, 8th August, 2018;

FURTHER AWARE that the Committee was required to table a Report to the Senate within 60 days from the date of establishment;

CONCERNED that the duration accorded to the committee will lapse on 13th October, 2018;

REGRETTING, that due to the heavy workload, the Committee is yet to conclude its inquiry and requires more time;

...../Motion

NOW THEREFORE, the Senate resolves to extend the mandate and duration of the committee by a further forty five (45) days to enable the Committee to conclude its work and table a report in the Senate.

10. **MOTION- ENFORCEMENT OF NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

(Sen. (Arch.) Sylvia Kasanga, MP)

AWARE that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -

1. identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations;
2. in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations;
3. submits a Report to the Senate within ninety (90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

(Resumption of Debate interrupted on Thursday, 13th September, 2018)

11. **MOTION - IMPROVEMENT OF KENYA'S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

(Sen. Ledama Olekina, MP)

THAT, AWARE that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

FURTHER AWARE that Kenya Tourism Agenda 2018 – 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

ALSO AWARE that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from the 9.3 % previous year;

COGNIZANT that in the next 10 years every industry will be changed by technology;

...../Motion

ALSO AWARE that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

CONCERNED that Kenya tourism industry's potential is underutilized;

AWARE that Kenya's position in World Economic Forum's Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

FURTHER CONCERNED that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

ALSO CONCERNED that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

NOW THEREFORE, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya's ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

(Resumption of Debate interrupted on Tuesday, 9th October, 2018)
(Mover to Reply)

12. **MOTION – PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILLORS**

(Sen. John Kinyua, MP)

THAT AWARE that National Forum of Former Councillors petitioned the Senate regarding the need for legislative interventions to address the plight and welfare of former Councilors;

FURTHER AWARE that the Senate Standing Committee on Labour and Social Welfare considered the Petition and tabled its report on Tuesday, 16th February, 2016;

ACKNOWLEDGING that the Committee's report on the Petition made five recommendations among them that-

1. one-off honorarium of Kshs1.5 Million be paid to former councillors who served a minimum of one term since independence; and
2. monthly pension of at least Kshs30,000 be paid to former councillors.

APPRECIATING that the recommendations were based on the fact that former Councillors did not receive fixed emoluments and experienced disparities with regard

...../Motion

to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councillor's rightful benefits retrospectively;

CONCERNED that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

NOW THEREFORE, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

13. **MOTION - HUMAN - WILDLIFE CONFLICT**

(Sen. Johnes Mwaruma, MP)

AWARE THAT tourism is amongst key sectors of Kenya's economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

FURTHER AWARE THAT, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

NOTING THAT, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

FURTHER NOTING THAT there's need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

CONCERNED that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

FURTHER CONCERNED that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

NOW THEREFORE the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

...../Motion

14. **MOTION - USAGE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR PERSONS WITH HEARING IMPAIRMENT**

(Sen. (Dr.) Getrude Musuruve, MP)

THAT, AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

15. **MOTION - REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS' FORUM**

(Sen. Moses Kajwang', MP)

THAT, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians' Forum held at the Westminster Palace, London, United Kingdom from 26th February to 1st March, 2018 laid on the Table of the House on Thursday, 10th May, 2018.

16. **MOTION - REPORT OF THE 138TH ASSEMBLY OF THE INTER - PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

THAT, this House notes the Report of the 138th Assembly of the Inter - Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22nd - 28th March, 2018 laid on the Table of the Senate on Thursday, 21st June, 2018.

...../Motion

17. **MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th – 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

18. **MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE 20TH COMMONWEALTH EDUCATION MINISTERS CONFERENCE**

(Chairperson, Standing Committee on Education)

THAT, this House notes the Report of the Standing Committee on Education on the 20th Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

19. **MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16th to 17th April, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

20. **MOTION - REPORT OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN - AFRICAN PARLIAMENT**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018.

21. **MOTION -REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

(Sen. (Dr.) Alice Milgo, MP)

THAT, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4th to 15th April, 2018, laid on the Table of the Senate on Wednesday, 1st August, 2018.

22. **MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE TVET CONFERENCE**

(Sen. (Dr.) Christopher Lang'at, MP)

THAT, this House notes the Report of the Standing Committee on Education on the TVET Conference held in Victoria, Canada from 27th April – 2nd May, 2018, laid on the Table of the Senate on Wednesday, 1st August, 2018.

NOTICE

The Senate resolved on 14th February, 2018 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

- ****** - Denotes a Majority/Minority Party Bill
- ***** - Denotes a National Assembly Bill
- **** - Denotes a Committee Bill
- *** - Denotes any other Bill

APPENDIX**1. PETITIONS**

- a) Petition by residents of Kiangómbe squatters settlement scheme in Thika sub-county, Kiambu County, concerning alleged grabbing of part of the land allocated for their settlement;

(The Speaker of the Senate)

- b) Petition to the Senate on the proposed issuance of bank notes and coins that visually impaired and blind can use.

(Sen. (Dr.) Isaac Mwaura, MP)

2. PAPERS LAID

- a) Report of the Auditor General on the Financial Statements of Busia County Agricultural Development Fund for the Year ended 30 June 2017;

(The Senate Majority Leader)

- b) Report of the Kenya delegation to the 39th Annual Forum of Parliamentarians for Global Action.

(Sen. Mutula Kilonzo Jnr., MP)

3. STATEMENTS**a) Statement Pursuant to Standing Order No. 47 (1)**

Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) to make a statement regarding the International Day of the Girl Child, to be observed on 11th October, 2018.

b) Statement Pursuant to Standing Order No. 48

- i. The Senator for Makueni County (Sen. Mutula Kilonzo Jnr., MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the delayed compensation for displaced persons during the construction of Mulima dam, Mbooni Constituency, Makueni County;
- ii. The Senator for Makueni County (Sen. Mutula Kilonzo Jnr., MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the delayed compensation for displaced persons during the construction of Manooni dam, Makueni Constituency, Makueni County.

c) Statement Pursuant to Standing Order No. 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 16th October, 2018.