



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 09, 2018 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.

3. **PAPERS LAID**

The following Paper was laid on the Table of the Senate:

Report of the Standing Committee on Labour and Social Welfare on the Care and Protection of Older Members of the Society Bill, (Senates Bills No.17 of 2018)

(The Chairperson of the Standing Committee on Labour and Social Welfare)

4. **NOTICE OF MOTION** - (Sen. Mary Seneta of behalf of the Chairperson, Ad Hoc Committee on the Maize Crisis)

THAT,

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;

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.

5. **STATEMENT PURSUANT TO STANDING ORDER NO. 47 (1)**

Pursuant to Standing Order 47(1), nominated Senator Mercy Chebeni on behalf of Sen. (Arch.) Sylvia Kasanga, made a statement on the World Mental Health day, to be observed on the 10th October, 2018.

The Senator informed the House that the World Mental Health Day was first observed in 1992 whose objective is to raise awareness on mental health issues around the world and to mobilize efforts in supporting mental health initiatives. The Senator observed that Kenya needed to redouble its efforts in mental health awareness considering that, according to Statistics, 1 out of 4 Kenyans is are likely to suffer from mental health problems, while 5 out of 6 Kenyans suffering from mental health problems may not receive medical attention due to unavailability of the medical services or lack of awareness.

The Senator brought to the attention of the House that the suffering of mentally ill children, as was reported through a media documentary showing the condition, in which the victims were housed at an ill equipped rehabilitation center in Eastleigh and further that such people are physically abused.

The Senator further informed the House that, several reports on the state of mental health in Kenya have been published including the report of the National Assembly Committee on Health in considering a petition on the same subject, which observed that the Mathare National Hospital had been faced by financial challenges and depleted facilities hence the need for Government attention and intervention, yet little or no attention had been given to the health facility, hence exacerbating mental health challenges in the County.

The Senator recognized the efforts by civil society organizations in trying to provide a solution to the problems and urged the government, being a key stakeholder in the health sector, to join them if a sustainable solution was to be achieved.

6. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018) be now read a Second Time.

(Sen. Aaron Cheruiyot, MP – 04.10.2018)

Debate interrupted on Thursday, 4th October, 2018 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Raising a point of order pursuant to Standing Order 61 (3) the Senator for Kericho County (Sen. Aaron Cheruiyot) requested the Deputy Speaker to defer putting of the Question to a later date.

And the Deputy Speaker acceding to the request, nominated Tuesday, 16th October, 2018 as the date when the Question shall be put.

7. **THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

Order deferred.

8. **COMMITTEE OF THE WHOLE**

THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)

(The Senate Majority Leader)

Order deferred.

9. **COMMITTEE OF THE WHOLE**

THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)

(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP)

Order deferred.

10. **COMMITTEE OF THE WHOLE**

THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)

(Sen. Ledama Olekina, MP)

Order deferred.

11. **COMMITTEE OF THE WHOLE**

THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)

(Sen. (CPA) Farhiya Haji, MP)

Order deferred.

12. **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)

Order deferred.

13. **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 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.

Order deferred.

14. **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.

Order deferred.

15. **MOTION –IMPROVEMENT OF KENYA’S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

Motion made and Question proposed;

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;

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.

(Sen. Ledama Olekina, MP)

Debate arising;

There being no other Senator wishing to contribute,

The Mover replied.

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Rose Nyamunga) adjourned the Senate without Question put, pursuant to the Standing Orders.

16. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Thursday, October, 11, 2018 at 2.30 p.m.*

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