

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 18th October, 2018

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

[The Deputy Speaker (Sen. (Prof.) Kindiki in the Chair)]

PRAYER

PETITION

CLEARANCES REQUIRED BY PUBLIC
BODIES ON APPLICATION FOR JOBS IN KENYA

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Mwaura, is not present.

(Petition deferred)

Let us move on to the next Order. I see very many Papers to be laid. The Chairperson for the Committee on Labour and Social Welfare, Sen. Sakaja; proceed.

PAPERS LAID

REPORT ON THE RETIREMENT BENEFITS
(DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS)
(AMENDMENT) BILL, 2018

Sen. Sakaja: Mr. Deputy Speaker, Sir, I beg to lay the following report on the table of the Senate today Thursday, 18th October, 2018:

The Report of the Committee on Labour and Social Welfare on the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill, 2018 (Senate Bills No.2 of 2018).

(Sen. Sakaja laid document on the Table)

REPORT ON EALA REPORTS, BILLS AND
RESOLUTIONS ADOPTED BY THE FIRST ASSEMBLY

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Papers on the Table of the Senate today, Thursday, 18th October, 2018:

Report of EALA on Reports, Bills and Resolutions Adopted by the First Assembly at the First Meeting in their Second Session before the Assembly, Arusha, Tanzania.

REPORTS ON FINANCIAL STATEMENTS OF
VARIOUS COUNTY ASSEMBLIES

Report of the Auditor-General on the Financial Statements of the County Assembly of Baringo for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Bomet for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Kericho for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Kiambu for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Kirinyaga for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Laikipia for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Murang'a for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Nakuru for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Narok for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Nyeri for the year ended 30 June 2017;

Report of the Auditor-General on the Financial Statements of the County Assembly of Nyandarua for the year ended 30 June 2017; and, finally,

Report of the Auditor-General on the Financial Statements of the County Assembly of Samburu for the year ended 30 June 2017.

(Sen. Dullo laid the documents on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Dullo.
Next Order.

These are Statement pursuant to Standing Order No.48(1).

Sen. Pareno, proceed.

STATEMENTS

FUNDING OF THE EAST AFRICA COMMUNITY

Sen. Pareno: Mr. Deputy Speaker, Sir, pursuant to Standing Order No.41(1), I rise to seek a Statement from the Committee on National Cohesion, Equal opportunity and Regional Integration on the funding of the East African Community by the partner States.

In the Statement, the Committee should-

(1) Table the EAC budget and tabulate the amount of money each partner state has so far remitted to the EAC for the last five financial years, against what each State was supposed to remit.

(2) State the mechanism put in place to resolve the financial crisis facing the Community.

(3) State the mechanism put in place to ensure that in future, the problems do not occur.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): The Committee has noted. Proceed, Deputy Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 23RD OCTOBER, 2018

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. Pursuant to Standing Order No. 52(1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 23rd October, 2018.

On Tuesday, 23rd October, 2018, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week. Subject to further direction by the SBC, the Senate will on Tuesday, 23rd, October, 2018 consider Bills due for Second Reading and Committee of the Whole and also continue with the consideration of business that will not have been concluded in today's Order Paper.

On Wednesday, 24th October, 2018, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

Hon. Senators, the following Bills are due for the Second Reading stage-

- (1) The Local Content Bill (Senate Bills No.10 of 2018);
- (2) The Data Protection Bill (Senate Bills No.16 of 2018);
- (3) The County Planning (Roads, Pavement and Parking Bays) Bill (Senate Bills No.18 of 2018);
- (4) The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018);
- (5) The County Statutory Instruments Bill (Senate Bills No.21 of 2018);
- (6) The Treaty Making and Ratification (Amendment) Bill (Senate Bills No.23 of 2018);
- (7) The Land Value Index Laws (Amendment) Bill (National Assembly Bills No.3 of 2018);

- (8) The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018);
- (9) The Copyright (Amendment) Bill (National Assembly Bills No.33 of 2017); and,
- (10) The Public Private Partnership (Amendment) Bill (National Assembly Bills No.52 of 2017).

Hon. Senators, in accordance with the Calendar of the Senate adopted on 20th February, 2018, the Senate will on 26th October, 2018 proceed on a 10 day recess to allow Senators the opportunity to visit their respective counties and engage with their constituents. When the Senate resumes on 6th November, 2018, the House shall remain with only 15 sitting days to the end of the Session.

Mr. Deputy Speaker, Sir, let me take this opportunity to urge respective Standing Committees to hasten consideration of the aforementioned Bills and table reports to enrich debate at the Second Reading stage.

In addition, there are 15 Bills that are due for Committee of the Whole, and I urge sponsors of the Bills and the respective movers of the amendments to avail themselves to enable the House to effectively navigate the Committee of the Whole and pass the Bills before the end of the Session.

I thank you and hereby lay the Statement on the Table of the House.

(Sen. Dullo laid the documents on the Table of the House)

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Dullo.

Sen. Sakaja: Thank you very much Mr. Deputy Speaker, Sir. I request to make both Statements in quick succession.

AVAILABILITY AND ACCESSIBILITY OF WATER IN NAIROBI CITY COUNTY

Pursuant to Standing Order 48, I rise to seek a Statement from the Chairperson of the Standing Committee on Lands, Environment and Natural Resources, on the availability and accessibility of water in Nairobi City County.

Water is a basic human right and enshrined in the Constitution and according to the Water Act, counties are mandated to provide water and sanitation services. For a very long time now over 60 per cent of the 4.9 million residents of Nairobi have been denied this critical basic human right and those who have been lucky to access it, it is either contaminated, expensive or provided in such an erratic manner with constant and impractical rationing.

The demand is at 760,000 cubic meters against the supply of 503,000 cubic meters daily with statistics indicating that six out of ten of Nairobi residents go without water daily. Estates such as Kaloleni, Shauri Moyo, Industrial Area, Kayole, Umoja, Tassia and sections of Lang'ata and Pipeline have not had tapped water for the last three years and solely depend on private water vendors.

In his response, the Chairman should address the following-

(1) What practical plans have been put in place by the County Government of Nairobi to ensure that all the residents of Nairobi have access to water?

(2) What alternatives have been put in place to ensure that 60 per cent of the residents who do not have access to clean water or connected to any piped water get it and at affordable rates?

(3) What plans are there to overhaul the entire water infrastructure system, which is dilapidated and has contributed to residents getting poor quality water due to contamination, where we lose up to 40 per cent of the treated water through leakages and illegal connections?

(4) Are there plans to increase the number of public water dispensing machines and boreholes especially, in the slums and informal settlements where the cost of water from private vendors is more than 20 times more expensive than what residents in middle and high income areas are paying?

(5) What legal measures have been taken to curb the rising menace that has been perpetuated by water cartels, who are collaborating with some officials of the Nairobi Water and Sewerage Company to close key valves, thus denying residents of Nairobi City County water in order to sell it to them at exorbitant prices?

(6) Are all water bowsers properly vetted and licensed to supply water that is fit for human consumption and use and to clarify the ownership status of Ndakaini Dam, which is considered a Nairobi County asset and the revenue generated from it?

(7) To give a progress report on the Northern Water collector tunnel, which is meant to bring an additional 140,000 cubic meters of water daily and when it is going to be commissioned?

The Deputy Speaker (Sen. (Prof.) Kindiki): Resume your seat, Sen. Sakaja.

(Sen. Sakaja resumed his seat)

Chairperson, Committee on Lands, Environment and Natural Resources, are you able to get that Statement to Sen. Sakaja in a week?

Sen. Prengei: Thank you, Mr. Deputy Speaker, Sir.

In consideration of this weighty matter, which also touches on the lives of Nairobi residents, and owing to the fact that we have to consult other institutions and organizations that deal with water, I would like to request the Senator for Nairobi City County to give us two weeks to enable us tackle the issue.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Sakaja, please be on record.

Sen. Sakaja: Two weeks is good, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.
Next Statement, Sen. Sakaja.

DEMOLITION OF BUILDINGS BY NAIROBI REGENERATION TEAM

Sen. Sakaja: Thank you Mr. Deputy Speaker, Sir.

I also want to seek a Statement from the same Committee on demolitions in Nairobi City County.

Over the last few months, we have witnessed the implementation of an initiative by the Nairobi regeneration team on reclaiming public land, road reserves and riparian land. The results yielded have seen several high-valued properties and buildings such as Air-Gate Mall, Nakumatt Ukay, Southern End Mall, among many others, demolished. This is an effort that we will support and agree that the rule of law in the construction of buildings must be followed and conservation of our environment must take priority.

However, we need a more pragmatic approach in dealing with this issue even as we continue supporting the initiative. Among the 4,000 buildings so far earmarked for demolition in Nairobi, there are innocent Nairobi residents who have purchased apartments and they did their due diligence at the time of purchasing to confirm that the buildings and properties had all the necessary approvals as required by the various Government agencies.

As a Government, you cannot come later and punish these innocent buyers, who are mostly second and third owners, taking them through undue emotional pressure, torture and financial loss. It is absolutely irresponsible for Government agencies to give approvals and even Government officials to participate in ground breaking ceremonies of some of these real estate projects, only to later deny or revoke the approvals leading to loss of millions of shillings in investments and simply blame it on corrupt officials.

These are issues that cannot be handled in such a simplistic manner, Mr. Deputy Speaker. Therefore, I request that the Chairperson, in his response, should tell us-

(1) Which areas in Nairobi City County are officially marked as riparian land, public land and road reserves?

(2) What are the plans for the areas that have already been demolished after the demolition?

(3) Whether the Government agencies have explored - and which alternative ways can be explored - of dealing with some of these buildings instead of demolishing them altogether?

(4) What mechanisms have been put in place to ensure the rights of innocent residents, who purchased or invested heavily in these “condemned” properties are not infringed upon?

(5) What legal action is being taken against the officials of various Government agencies who gave fraudulent approvals?

(6) Have all the officials involved in all the already demolished buildings been arraigned in court and charged?

Mr. Deputy Speaker, Sir, the Chairman of the Committee should note that just today, the Cabinet has approved guidelines for the framework for the affordable housing programme. This framework and guidelines cannot be to also demolish buildings of those who are already in houses.

I have just come from Mbagathi Highrise together with the National Assembly Committee, and in as much as we are looking at building plans and drawings, we must look at the faces of children, mothers and hardworking Kenyans for whom we cannot provide housing. We cannot be demolishing their houses and then saying on the other side that we are trying to get affordable housing for the residents of Nairobi and the residents of Kenya.

This matter is very urgent with many people standing to lose their shelter and habitat; there are thousands who right now are anxious since they do not know what is happening.

Kindly direct that the Committee should give us a response quickly and that they can also accompany me across those areas that are earmarked so that they can see for themselves. The last example is the Nairobi Dam, which is man-made and you cannot move people. It is 40 metres.

(7) Finally, the Committee should tell us whether the rule of building 6 to 30 metres from the river or from the dam is applied in Nairobi and urban areas?

Thank you, Mr. Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chair, Lands, Environment and Natural Resources---

(Sen. Sakaja consulted loudly)

Order, Sen. Sakaja. If you wanted to help yourself, you would not have presented the Statement here. If you want to be helped, it should be through the Chair.

Sen. Prengei, one week?

Sen. Prengei: Thank you, Mr. Deputy Speaker, Sir. The Statement seeks a lot of issues touching on the riparian land and housing. We also consider the fact that it is an urgent matter that needs to be addressed. I do not think that one week will be enough for the Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): How much time should we give you?

Sen. Prengei: Mr. Deputy Speaker, Sir, you should give us three weeks for that.

Sen. Sakaja: Mr. Deputy Speaker, Sir, three weeks is too long. There are people who do not know if they will have shelter tomorrow. Can they kindly expedite and even do a stop-gap measure as they look for the holistic response in three weeks but they can tell us what they have done between now and next Thursday.

Sen. Prengei: Mr. Deputy Speaker, Sir, considering the urgency of the matter, I will consult with the Committee and see if we can accompany the Senator to the areas that he has talked about probably next week---

The Deputy Speaker (Sen. (Prof.) Kindiki): And bring an interim report in one week. The final report should be brought in three weeks. So ordered.

Sen. Sakaja, while you are at it, as the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration, can you tell Sen. Pareno when her Statement will be ready?

Sen. Sakaja: Mr. Deputy Speaker, Sir, I was the Chairperson of the Joint Committee on National Cohesion and Equal Opportunity in the last Parliament. I am now the Chairperson of the Committee on National Security, Defence and Foreign Relations.

The Deputy Speaker (Sen. (Prof.) Kindiki): Could we hear from the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration?

Sen. Outa: Thank you, Mr. Deputy Speaker, Sir. On behalf of my Chairperson, who is not here, we want to assure the Senator, who is also a Member of the Committee, that this report will be ready in two weeks.

Is that okay Sen. Pareno?

Sen. Pareno: That is okay, Mr. Deputy Speaker, Sir. I was going to rise on a point of order to say that you did not give a time frame for the Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Can the Speaker be out of order? Thank goodness you did not rise like that.

Order Senators, that is the end of Statements.

COMMUNICATION FROM THE CHAIR

REORGANISATION OF THE BUSINESS ON THE ORDER PAPER

The Deputy Speaker (Sen. (Prof.) Kindiki): For the time being, we will defer the Business that requires division; Order Nos. 8, 9 and 10. Those will be deferred until later in the day. If the numbers that are required are achieved, we can do the division.

BILLS

Second Reading

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

(Bill deferred)

Second Reading

THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO.20 OF 2018)

(Bill deferred)

Second Reading

THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO.22 OF 2018)

(Bill deferred)

Sen. (Eng.) Mahamud, approach the Chair if you are in the Chamber.

The Mover of Order No. 12 is not here. Is there anybody who was given instructions by the Mover to do what the Mover is supposed to do on Order No. 12?

(Sen. Malalah approached the Dispatch Box)

Order, Sen. Malalah. You can now proceed.

Sen. Malalah: Thank you, Mr. Deputy Speaker, Sir. I rise to move a Motion on Payment of a one-off Honorarium---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order. We are not there yet. The reference was actually on Order No. 11 and not Order No. 12.

Has Sen. Kang'ata delegated anybody? Nobody.

POINT OF ORDER

HABITUAL DEFERMENT OF ORDERS DUE TO ABSENCE OF MEMBERS

Sen. Sakaja: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Sakaja?

Sen. Sakaja: Mr. Deputy Speaker, Sir, I think that this is getting out of hand and I hope that through your discretion we can give guidance. Very many Members who have matters on the Order Paper are not showing up and the Whips are not able to get us numbers. We cannot continue like this because we have Senators who show up to do the work that they were elected to do yet others are keeping us perpetually going round the same issues, week in, week out.

I kindly ask for direction and guidance from your Chair. We should actually get a clear reprimand to these specific Members who have had matters on the Order Paper as from last week but are not showing up in the House. It is not fair for those who show up to do Business.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Sakaja.

Sen. Wambua: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Wambua?

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I rise in support of the sentiments by Sen. Sakaja. You will recall that sometime back, the same trend led to the suspension of Statements because there were so many Statements on the Order Paper and people including the Chairpersons of different Committees were not showing up to respond to those Statements. I do hope that this time round, the direction from the Chair will be precise on how we are going to deal with matters like this.

Sen. Outa: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Outa?

Sen. Outa: Thank you, Mr. Deputy Speaker, Sir. I know that Sen. Kang'ata would have loved to be here this afternoon but I think that the House is aware that he got married last month and he should be extending---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator.

(Laughter)

Order! Marriage is a social issue and has nothing to do with this House. We do not know which other Senator did what.

On Tuesday, I gave very specific directions to the Senate Majority Leader, the Senate Deputy Majority Leader, the Senate Majority Whip, the Senate Deputy Majority Whip, the Senate Minority Leader, the Senate Deputy Minority Leader, the Senate Minority Whip and the Senate Deputy Minority Whip. I was very clear that those directions are issued to all; jointly and severally, together and individually. We said that there are many Businesses that are appearing in the Order Paper and they are not being transacted. That is not good for this country or this House.

Additionally, this is something, as mentioned by Sen. Sakaja and Sen. Wambua, that has happened repeatedly. Time has come for this House to give very clear and firm directions as prayed by both Sen. Sakaja and Sen. Wambua.

First and foremost, other than the Leaders of the two sides that are represented in this House that I have mentioned, whose work is clearly defined, individual Movers of Bills and Motions have individual responsibility. You cannot be very good at requesting the Chair to have your Motion given an appropriate opportunity at the time you prefer and that suits you. However, when it comes to that business being transacted, you are nowhere to be seen and you have not communicated to the Speaker your whereabouts. That amounts to dereliction of duty and nothing else. Before I make the direction I am about to make, I will read out the provisions of Standing Order No. 59(3) which says as follows:-

“Where no Senator moves a Motion at the time specified by or under these standing Orders, such a Motion shall not be published again in the Order Paper during the same Session except with the leave of the Speaker”

(Applause)

These are very clear and precise terms. There are certain Bills which have been habitually on the Order Paper since February. Every day, they have been high up on the Order Paper and the Movers are a no show. This must come to an end today and now.

(Applause)

I direct as follows. I have pronounced myself clearly on this one. From now henceforth, the items that appear on the Order Paper beginning the next sitting which is on Tuesday next week, will be strictly subjected and, without exception, to the provisions of the Standing Order No. 59(3).

It is so ordered.

We cannot blame the Whips and the Leaders for not whipping people. Why are you being whipped? Were you elected to be whipped? Secondly, the work of the Whips and Leaders is to put together the political party agenda in the House. However, the individual responsibility of Senators to this House is individual and direct. It does not

need to be whipped. What makes matters worse is a Senator not appearing in a matter where they are the personal owners and sponsors of the business. Therefore, from Tuesday, if you are not here and have not explained to the Speaker your whereabouts and therefore, warned the House that you will not be available, the Motion or Bill will be subjected to Standing Order No. 59(3).

Very well.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I also request that if you may, we put that caveat of the Standing Order No. 59(3) in the Order Paper itself so that it reads at the bottom that 'if any person does not prosecute their business, it will be subjected to that Standing Order so that they are on notice. Rightly so, we have not been able to carry practical whips. Therefore, we have not been able to get people into the House although we have informed them to prosecute their business including the Divisions that we have postponed twice.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Hon. Senators, let us now move to the next order which is Order No.12.

(Sen. Malalah stood in his place)

Order, Sen. Malalah! The order has not been called out.

MOTIONS

PAYMENT OF HONORARIUM AND PENSION TO FORMER COUNCILLORS

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.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Malalah, are you moving on behalf of Sen. Mwaura?

Sen. Malalah: Mr. Deputy Speaker, Sir, it is not Sen. Mwaura; it is Sen. Kinyua.

The Deputy Speaker (Sen. (Prof.) Kindiki): Has the procedure been followed? Order Sen. Malalah. Resume your seat.

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

(Several Senators stood on their place)

Order Senators. There are so many Senators on their feet.

Sen. Malalah, I want to draw your attention to Standing Order No. 59(2). It states that-

“Save for a Special Motion-which this is not- a Senator who has a Motion in his or her name may authorize, in writing, another Senator to-

(a) move that Motion in the Senator's stead; or

(b) on conclusion of debate and before the question is put, to reply in the Senator's stead”.

Therefore, Sen. Malalah, I would like to know whether Standing Order No. 59(2) has been satisfied with. This is because I have not seen any written authorization.

Sen. Malalah: Mr. Deputy Speaker, Sir, I am alive to the fact that Standing Order No. 59(2) applies in this case. However, I request you to---

The Deputy Speaker (Sen. (Prof.) Kindiki): How does it apply?

Sen. Malalah: Mr. Deputy Speaker, Sir, we need a written consent.

The Deputy Speaker (Sen. (Prof.) Kindiki): Are you saying that the Standing Order does not apply to this Motion?

Sen. Malalah: Mr. Deputy Speaker, Sir, it applies.

The Deputy Speaker (Sen. (Prof.) Kindiki): Okay. Very well.

Sen. Malalah: Mr. Deputy Speaker, Sir, since this a weighty matter that affects our leaders---

The Deputy Speaker (Sen. (Prof.) Kindiki): Yes, it is very weighty but have you been authorized?

Sen. Malalah: Mr. Deputy Speaker, Sir, I would like to request the Chair to give us one hour so that we can get the proper documentation on that.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Malalah, you can make it shorter than one hour.

(Laughter)

Very well.

We move on to the next Order.

ENFORCEMENT OF NATIONAL TRANSPORT AND
SAFETY AUTHORITY (OPERATION OF MOTORCYCLE)
REGULATIONS 2015

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.

(Sen. Kasanga on 2.8.2018)

(Resumption of debate interrupted on 1309.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): This is another culprit. Sen. Kasanga is not in the House. However, this Motion had been moved and seconded. Therefore, debate continues. The last time this matter was debated, Sen. (Dr.) Musuruve had 13 more minutes. The Standing Orders provide that if the Senator who has the first opportunity to complete a contribution is not present at the time when the agenda of the business is called, he or she loses the opportunity to exhaust the remainder of their time. Therefore, this Motion is now open for debate generally to those who had not contributed.

Senate Majority Leader.

(Sen. Murkomen consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senate Majority Leader! You are trying to establish how much time you have.

The Senate Majority Leader (Sen. Murkomen): Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): You have a maximum of 20 minutes.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I totally and fully support this Motion, which is very important. In fact, regulation of the motorcycle sector that we popularly call in Kenya the *boda boda* sector is an area that requires urgent and serious interrogation.

The use of *boda boda* as a means of transport is popular in this country. It is a good thing because it has opened opportunity for a means of transport that is accessible to villages. It is also fast and applied in the cities to beat traffic jams. This means of transport is also affordable, fast and has become a means of earning a living for so many young people in this great Republic.

Mr. Deputy Speaker, Sir, having said that, it is one sector that is improperly regulated, full of chaos and the cause of the worst traffic accidents in this great Republic. In fact, I do not know of any public hospital of Level Five and above that does not have a designate ward that is called '*Boda Boda Ward.*' This is because so many *boda boda* riders suffer the worst accidents that we can ever imagine.

These *boda bodas* are causing the worst accidents in the country because they are accessible to the rural areas. When we usually talk about accidents we refer to highways, roads and so forth. We now find accidents in very small villages. You would find someone who has broken an arm, a leg or has head injuries somewhere in the village. Even transporting them to hospital is a problem because it can only be through *boda boda*. However, because of the nature of the accident and injuries they have sustained, it becomes difficult to get them from the village to towns.

Mr. Deputy Speaker, Sir, why am I saying that this has become a catastrophe? It is because first of all, the riders are not trained in anything. Somebody buys a motorcycle one morning--- I used to think that it is the young people who own the motorcycles, but I have realised that, that is not the case. They are just working for rich people. They are in

what they call a ‘squad’. You will find that a teacher, a police officer, a trader or a business person buys a motorcycle and takes a young person for training somewhere in a maize field or wheat farm. The following day that person will be on the road carrying passengers - other human beings. The accidents that we have witnessed related to motorcycles are most times fatal and costly.

For those of us who come from the North Rift, whenever we go to hospitals around Eldoret such as the Moi Teaching and Referral Hospital (MTRH) and other private hospitals, we get so many people being treated for serious head injuries as a result of those accidents. Somebody just gets to the road with no driving license, experience, knowledge or helmet and starts carrying passengers.

Mr. Deputy Speaker, Sir, we were having a conversation with Sen. Wamatangi the other day, and I think it was part of his contribution on the Floor. You would get a *boda boda* rider carrying a man with five children and he is on a highway. It is terrible. I believe that no one in this House has never seen a dangerous scene of a *boda boda* rider carrying human beings like luggage.

As I said the other day in relation to the accident in Kericho, who would really trust his children--- Sometimes you would see a mother and three or four children sitting on a *boda boda* and the rider is drunk and riding fast. That is ferrying a whole family. These are some of the problems that we need to think about when we say that we want to regulate the whole sector. This is because *boda bodas* are not only accessible to many people, but are also putting more Kenyans and citizens of this Republic at risk. The medical costs related to accidents that come from motorcycle riders in this country are very high. I am sure that you and other leaders who are here have been called to so many *harambees* to try to fundraise to get medical treatment for persons who have been involved in accidents.

Mr. Deputy Speaker, Sir, the other thing is the insurance. Most of these motorcycles are supposed to carry one passenger to start with. They do not even have a specific license. Somebody buys a motorcycle pretending to be for his own use, yet he knows that he is buying a public service transport motorcycle. There is no licensing or registration place for public service transport motorcycles. Therefore, those motorcycles do not have any licenses or insurance cover. People are just riding those motorcycles around.

Again, most of the riders are drunkards. They drink *chang’aa* in the village and rush to pick somebody somewhere. Those people do not even know what it means to keep left or a corner. You will find a motorcycle rider turning at a corner at a speed of 100 kilometres per hour. They do not even know how to slow at corners. Even when bumps are erected they jump over them at high speed.

Mr. Deputy Speaker, Sir, have you realised that the way passengers, especially women, are carried on *boda bodas* is very most humiliating? You will see somebody’s wife holding another man very tightly.

(Loud consultations)

It is so humiliating and extremely embarrassing, and the rider just says: “Hold tighter”. If this nation can ever debate and discuss about sexual harassment, a lot of it is happening through the *boda boda* means of transport. It is embarrassing both in terms of how one sits with another man. In the case of two or three passengers, you will see a woman sitting in between two men; all holding each other tightly.

(The Deputy Speaker (Sen. (Prof.) Kindiki consulted with Sen. Mutula Kilonzo Jnr.)

Mr. Deputy Speaker, Sir, I hope you heard what I said. It is the most embarrassing means of transport.

The Deputy Speaker (Sen. (Prof.) Kindiki): What did you say, Senate Majority Leader?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I just want to repeat for your knowledge and information.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Majority Leader, what did you say?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I will repeat for your sake. One of the most embarrassing moments I have ever seen – I do not know how it escapes the definition of sexual harassment – is seeing a huge *boda boda* rider seated in front, somebody’s wife in between and another huge guy behind and all of them are holding tight, maybe trying to protect themselves from an accident or falling. It is extremely embarrassing.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is it embarrassing because the two guys are huge?

An hon. Senator: Who is complaining?

Sen. Sakaja: On a point of order, Mr. Deputy Speaker, Sir. Beyond the question I am hearing on who is complaining, does the Senate Majority Leader have something against huge guys? Would it be better if the guys were small? I know I am not as huge as I was, but I can still speak on behalf of them, together with Sen. Malalah.

The Deputy Speaker (Sen. (Prof.) Kindiki): Actually, Sen. Sakaja’s concern is linked to what the Chair asked. Where is the problem? Is it because the guys are huge?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I want to dare any male Senator here who thinks that there is no problem to volunteer their wife to be sandwiched in between two men on a motorcycle holding tightly. It is better when they are small but it is even worse when they are huge because---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! You may proceed.

The Senate Majority Leader (Sen. Murkomen): The question is, how huge is huge? Sometimes you think somebody is huge but relatively, because of the environment--- A huge person in North Eastern might be your size. In Kakamega---

The Deputy Speaker (Sen. (Prof.) Kindiki): Give another example, Sen. Murkomen. Leave the Chair out of the debate on size.

Sen. (Dr.) Ali: On a point of order, Mr. Deputy Speaker, Sir. Why is he bringing in North Eastern?

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Murkomen, you are treading on sensitive ground.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, people of North Eastern and generally pastoralists are the fittest people you can ever get. They take care of themselves, exercise a lot and eat well. You will never get obese people from places like North Eastern, West Pokot, Narok and most parts of Elgeyo-Marakwet. You have gone to Elgeyo-Marakwet. Those hills cannot permit you to be the size of Sen. Malalah.

The Deputy Speaker (Sen. (Prof.) Kindiki): You are creating more trouble.

Sen. Malalah: On a point of order, Mr. Deputy Speaker, Sir. I think the Senate Majority Leader is out of order to quote me on matters hugeness. What kind of hugeness and which part of the body is he referring to?

It is in bad light to refer to me as huge because I believe I am a sizeable human being and this is how Luhyas are. I know that where Sen. Murkomen comes from, he is the hugest. Therefore, he is feeling inferior to me. Next time, he should not refer to a Luhya man as huge. This is our physical attribute and we are proud of it. He should not demean the hugeness of a Luhya man on a *boda boda*.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Majority Leader, before you respond, you could have said the same things differently. You started attracting trouble when you started giving names. You started by exemplifying with the Chair and the Chair advised you to keep off. You went to North Eastern and attracted the ire of Sen. (Dr.) Ali and now you are in Western Kenya. At this rate, by the time you finish with the country, you would have gotten into a lot of trouble. Rephrase.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I am not saying because of the areas they come from, Sen. Malalah has an expansive body size. That is all I said. Let us not lose the point. The point I was trying to make is that I have a problem with the dignity of both men and women that is exhibited---

In the Marakwet culture, you cannot sit on a *boda boda* the way people do with their mothers-in-law or a lady with her father-in-law because it is undignified. Maybe it is because of survival that you find people sitting in undignified manner.

There is empirical evidence that young girls are sexually assaulted therefore increasing cases of pregnancies. I cannot explain exactly what happens between the riding and ultimate molestation of our young girls.

All over the country, young girls, especially during school holidays, fall prey to many *boda boda* riders and I do not know why. Is it because they have wealth in the locality or because the means of transport is exciting?

This is a sector that we must--- In fact, we need to get the statistics. I wish I had gotten statistics from the National Transport and Safety Authority (NTSA) regarding the road accidents caused by them. Some of them are not road accidents because motorcycles are ridden along a path in the village. With that statistics, we must create a special section of the NTSA in terms of monitoring, licensing and overseeing all *boda boda* businesses. When I say this, it is not because we are disrespectful to *boda boda* people but the reality speaks for itself.

In fact, in my county, I have created a Savings and Credit Co-operative (SACCO) for them. I support them financially and call friends for fundraisers to improve the SACCOs but discipline must be enhanced in the sector. We must ensure that we have discipline in the sector and we must protect members of the public. When we talk about members of the public, it includes motorcycle riders because as I told you, most of them do not own the motorcycles. They are only rented to perform the task of carrying passengers without any licenses or regulations.

I have a suggestion that I mentioned during the previous discussion on traffic problems that we have in this country. We need to change the manner in which insurance is given. For our case, when you get insurance for your car, it is for your car. In most countries abroad, insurance is given to the individual driver.

If you go with a particular car, you are asked who will be driving the car. That person is given the insurance based on their experience. For example, in Italy, if it is your first time, you pay the highest premium. If you have driven for 15 years without incidences, you pay the least. For a particular car, you could pay, for example, an equivalent of Kshs200,000 if it is your first time. If you have been driving for 15 years without incidences, you can even pay an equivalent of Kshs20,000 for the same car. The difference is as a result of the experience that one has.

If we adopt the same, then every individual will take care of the vehicle or motorcycle they are given because they will be linked to their insurance. When someone knows that the cost will be double in future if they want another insurance cover having been arrested even once, then they will be more careful. These are some of the regulations that must be put in place to protect this sector.

The Deputy Speaker (Sen. (Prof.) Kindiki): Conclude.

The Senate Majority Leader (Sen. Murkomen): As I conclude, Mr. Deputy Speaker, Sir, this Motion is timely. I hope that the Committees for Energy and for Roads and Transportation will take it up from here and sit with the stakeholders in the sector to ensure that a proper legal – not just regulatory – framework for regulating this sector is put in place.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Leader of Majority. You have tried not to stand in the temptation to get into trouble so much---

(Sen. Murkomen spoke off record)

Order, Senators!

Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion by Sen. Kasanga. When all other sectors of our economy are probably struggling to remain afloat, this is perhaps one sector that is growing. It is perhaps one of the fastest growing sectors of our economy.

Mr. Deputy Speaker, Sir, looking at the *boda boda* industry, it would be easy to conclude that as the Government pursues the Big Four Agenda, especially in manufacturing, this is an opportunity where manufactures can invest and do pretty well because of the demand for motor cycles in this country. Having said that, there will be

need for proper training of the *boda boda* riders as well as proper procedures for licensing and issuance of insurance covers. This is because a young man would acquire a motorcycle today and they are already in business in the evening, transporting people and goods.

It will also be important to specify in these regulations if a motorcycle has been acquired as a means of public transport or not. What and how much of it is the motorcycle licensed to carry? Apart from ferrying passengers, it is not uncommon to come across motorcycles – the so called *boda bodas* – transporting all manner of things, including goats, cows and even sofa sets. Therefore, there is need for proper regulation as to what these motorcycles are supposed to carry.

Mr. Deputy Speaker, Sir, I do not want to say that because of the absolute lack of regulation in this sector, corrupt police officers manning road blocks or managing traffic on our roads are also having a field day, extorting bribes from *boda boda* riders, because they are not licensed to operate. It will, therefore, be important for the National Transport and Safety Authority (NTSA) to look into the whole issue of proper licensing so that we can also tame the appetite for extortion of bribes by corrupt police officers. In the same light, just as we have established Savings and Credit Cooperative Societies (SACCOs) for matatus, the same should also apply for *boda bodas* for ease of identification and management.

Mr. Deputy Speaker, Sir, I have listened to what the Majority Leader has said, about the dignity of passengers, especially ladies using *boda bodas*. We have also witnessed situations where ladies, in pursuit of their own dignity while travelling on *boda bodas*, are forced to sit sideways; which is a very dangerous position to take on a moving object.

Therefore, Mr. Deputy Speaker, Sir, I support this Motion by Sen. Kasanga, which is long overdue. I wish that the NTSA could move fast to come up with proper regulation of this sector in our transport sector.

Thank you, Mr. Deputy Speaker, Sir.

Sen. (Dr.) Milgo: Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Motion by Sen. Kasanga. It is, indeed, a timely one. Motorcycle business is a very important business in Kenya, particularly with regards to transportation. Many rural areas do not have good roads and these motorcycles can normally go deep into the areas that cars cannot access. You will realize that even during the rainy season, motorcycles come in handy to ferry passengers. In addition to ferrying passengers, they even ferry goods to the market.

However, the challenge has been the lack of clear regulation to ensure that this business is conducted in a better way. Why is this so? It is because it is one of the businesses that has contributed a lot to our economy. The number of passengers who use these motorcycles is very huge. Consequently, many accidents are caused by these motorcycle operators, and the number is going up every day. Because of the many accidents that occur, it has also created a social problem in our hospitals. Many of our hospitals have now been forced to create a section where motorcycle-related accident patients are treated.

I recently went to Kisii and visited the Kisii Hospital, where one large room has been set aside for motorcycle-related accident victims. This means that it has already taken away rooms from the hospitals which would have otherwise been used to treat other patients. Additionally, it even requires more health staff to treat those patients.

[The Deputy Speaker (Sen. (Prof.) Kindiki) left the Chair]

[The Temporary Speaker (Sen. (Prof.) Kamar) in the Chair]

Madam Temporary Speaker, motorcycles have gone a long way to cause many other challenges, apart from just causing accidents. We realise that the motorcycle business is so lucrative that many pupils and students drop out of school just to go and make quick money from motorcycles. Without that regulation to cap the type of people who can ride the motorcycles, we shall lose our youth – who would have otherwise completed schooling – to *boda boda* business.

Madam Temporary Speaker, many of our youths start riding motorbikes before they acquire the necessary training on how to use them. This is one of the reasons why we have rampant motorbike accidents on our roads.

Madam Temporary Speaker, we also have a social problem that is greatly attributed to motorcycle business. A few minutes ago, the Senate Majority Leader talked about how women who use motorbikes are harassed by the riders. Some motorbike riders prey on school going children, especially the girls. They entice them with free rides from home to schools and sometimes they give them money to buy *mandazis*. While our boys are dropping out of schools to venture into this *boda bodas* business, our girls are also dropping out of schools due to unwanted pregnancies caused by motorbike riders.

Madam Temporary Speaker, in the regulations, we need to specify the minimum age for a young man to be engaged as a motorcycle rider. It will be important for us, as a country, to conduct serious interviews, so that we only have qualified people to ride motorbikes on our roads. We must also make sure that they have driving license and their motorbikes have a valid insurance cover. This is a business that calls for sobriety. It is a pity that some of these *boda boda* riders have caused many deaths on roads.

Another problem associated with this business in my county is that youths who have dropped out of schools are forcing their parents to sell their pieces of land to buy them motorcycles. In cases where parents decline to do so, they are killed. It is not a wonder to see some youth killing their parents because they have refused to buy them motorcycles. That is why I am vehemently supporting these *boda boda* regulations because I want to see our school going children complete their education. I would be glad to see these regulations implemented as soon as possible.

With those few remarks, Madam Temporary Speaker, I beg to support this Bill.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Milgo. Proceed, Sen. Faki.

Sen. Faki: Asante, Bi. Spika wa Muda kwa kunipa fursa hii ili kuchangia Mswada huu wa kuimarisha sheria zinazoangalia maswala ya bodaboda.

Bi. Spika wa Muda, ijapokuwa *bodaboda* zimeweza kurahisisha usafiri katika maeneo mengi nchini, kuna athari nyingi ambazo zimechibuka kutokana na biashara hii. Kwa mfano, wengi wanaoendesha bodaboda, hawana vibali rasmi vya Serikali vya kuwaruhusu kufnaya hivyo. Wengi wanaendesha bodaboda, bila ya kupata mafunzo yoyote ya uendeshaji wa boda boda hapa nchini. Vilevile, wengi wanaendesha bodaboda bila ya kuvaa vikinga kama vile kofia na *reflector* ambayo inaonyesha kwamba wao ni waendeshaji wa bodaboda.

Bi. Spika wa Muda, katika hospitali nyingi, kumetengwa wodi maalum za kutibu wahasiriwa na majeruhi wa boda boda. Wengi wa wahasiriwa hao wamevunjika mikono, miguu na vichwa kubondeka. Ajali za bodaboda huarithiri sana uchumi wa nchi yetu.

Mbali na hayo, waendeshaji boda boda pia huchukua sheria mikononi mwao. Wiki mbili zilizopita, walimuua kijana wa Chuo Kikuu cha Nairobi, katika eneo la Bamburi kule Mombasa. Kijana huyo alikuwa amekwenda na *boda boda* yake katika sehemu hiyo, lakini kwa bahati mbaya, akajaribu kuendesha bodaboda ambayo ilikuwa imeegezwa karibu na yake. Katika hali hiyo ya kuchanganyikiwa, waendeshaji boda boda wengine walidhani alikuwa mwizi, basi wakampiga na kumuua. Kijana huyo angehitimu masomo yake katika chuo hicho mwezi wa Disemba mwaka huu.

Bi. Spika wa Muda, ukipatikana na waendeshaji wa boda boda mahali popopote kulingana nao umekosea hata kama wao ndio wenye makosa. Wao huchukua sheria mikononi mwao na wanaweza kufanya lolote, hasa barabarani. Wanaweza kuyahatarisha maisha yako na hata kukuua kutokana na tabia zao mbaya. Wao hawapendi kufuata sheria za barabarani.

Bi. Spika wa Muda, waendeshaji boda boda wamekuwa tishio kubwa kwa wasichana wetu wa shule. Sehemu nyingi za mashambani na mjini ambapo wasichana wanapata shida ya usafiri kwenda shule au kutoka sehemu moja hadi nyingine, wanapata shida nyingi kutoka kwao. Wakati mwingine waendeshaji hawa huwapa wasichana wetu lifti na wakitoka hapo, inakuwa ni matatizo kwa wao na familia yao.

Kwa mfano, wengi wa wasichana hupata maradhi ya yanayotokana na ngono za lazima kama vile ukimwi. Baadhi ya waendeshaji boda boda wameziletea jamii zetu majonzi na shida nyingi kutokana na tabia zao mbaya.

Bi. Spika wa Muda, *boda boda* zimechangia pakubwa visa vya utovu wa nidhamu kwa wanafunzi wengi. Wanafunzi wengi wakipewa *boda boda* wakiwa wanaeza kuendesha, tayari wanaacha masomo yao ya shule na wanafuata biashara ya *boda boda*, wakati hana chochote cha kuweza kumsongeza mbele. Ni wakati muafaka sasa kuhakikisha kwamba, *National Transport and Safety Authority* (NTSA), wametoa sheria mwafaka, za kuhakikisha kwamba *boda boda* zinafuata sheria.

Bi. Spika wa Muda, juzi tulikuwa nchini Rwanda ambapo waendeshaji boda boda hufuata sheria maalum. Utapata kila mwendeshaji wa *boda boda* na abiria wake wanavaa kofia na *reflector* migongoni kulingana na sheria. Kwa hivyo, ni wakati mwafaka kuhakikisha kwamba biashara ya *boda boda* imedhibitiwa hapa nchini. Ni lazima tuwe na sheria kali za kuhakikisha waendeshaji bodaboda na abiria wao wanasafirishwa kwa njia ya heshima na usalama.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Sen. Faki. Proceed, Sen. Shiyonga.

Sen. Shiyonga: Thank you very much, Madam Temporary Speaker, for giving me this opportunity to contribute on this Motion.

Madam Temporary Speaker, many of our *boda boda* riders are not disciplined. It is high time we reinforced discipline in this sector. The National Transport and Safety Authority (NTSA) and SACCOS have failed to enforce these important regulations.

It is sad that smugglers, thieves and murderers are using *boda bodas* to do their business. That is why some of them are indisciplined; because they are being supported by these crooks. As much as we appreciate them because they have made our transport manageable, we expect them to behave in a certain civilized manner.

Madam Temporary Speaker, many hospitals in this country have established wards for *boda boda* accident victims. As I said, it is high time we enforced discipline on our roads. We cannot allow them to continue disregarding other road users with impunity. Most of them do not have licenses, insurance, helmets and so on.

The rich in the society are taking advantage of our youths. They buy them motorbikes and expect them to do business for them. They have even set targets of money they expect from them daily. That is why they ride those bikes with a lot of impunity because they want to make their ends meet and have something to take to the owners of the motorbikes. It is a high time the enforcement officers in this circle or the National Transport and Safety Authority (NTSA) work around the clock in its framework for the *boda boda* riders to get quality training, license, Public Service Vehicle (PSV) licence and insurance for lives to be saved.

Most families in our rural villages or even in urban areas opt to have the *boda boda* riders take their children to school because it is fast and cheap. However, the problem that comes with it and the consequences are immense, especially when someone entrusts a *boda boda* rider with his life and that of his three children. When an accident occurs, you are assured of a family being wiped out.

Yesterday, we had a burial service in our county for the many people that we lost in the bus accident at Fort Ternan, Kericho; and it was a very solemn mass. If we entrust the *boda boda* riders with our families, especially school going children, without proper training and quality services that I have said, then it is going to be cumbersome. It will lead to unnecessary accidents that we do not wish to have.

A legal framework is very important. I will appreciate if the NTSA can put in place strict measures that are of quality. They should have check-ups and evaluation of this for us to save lives by preventing accidents and unnecessary acts that come with these *boda boda* riders.

I support the Motion.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Senator. Could we hear from Sen. (Dr.) Ali?

Sen. (Dr.) Ali: Thank you, Madam Temporary Speaker. I will be very brief because of a lot of pressure from some Senators in here. I wish to support this Motion by Sen. Kasanga.

This is a very important Motion and I know that everybody has stressed that *boda bodas*, all over the country, are very important but also dangerous. Where I come from, they travel for over 40 to 50 miles a day. They go and look after their animals, they want

to be in town to look for miraa then come back in the evening. What happens is that all of them get accidents on the way. Several of them have broken limbs and they suffer a lot.

As it was mentioned earlier, they do not have licences, they do not know anything about driving or riding and neither do they have proper training. Unless NTSA comes up with new policies, new issues or regulations are implemented; this country is going to have citizens with a lot of broken limbs and a lot of brain injury.

I support this Motion and urge the Mover to bring a Bill very soon which we are ready to support and process this issue.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Senator.

Sen. Wako: Thank you, Madam Temporary Speaker. I will be very brief. I totally support this Motion though I would have preferred if the Motion was addressed to a Committee of the Senate to look into this issue and report within 90 days. I doubt that the ministry will be able to look into this issue comprehensively as this Motion requires and report to us within 90 days. We should trust ourselves; therefore, our Committee would have done a better job and it would have even drafted regulations to regulate the operation of motorcycles.

Let us not underestimate the *boda boda* people. I have closely associated with them and I know that most of them are doing that as a temporal measure to get money before they join the university. Therefore, they not only contribute to our economy but they also to deal with one of the major problems facing this country, which is acute unemployment. It then becomes important that the Government gives them the attention that they require.

The Government should train them and also arrange for the insurance. The Government has been good at arranging insurance for other people and they should be able to arrange insurance for the *boda boda* people. Many Senators know that many of the harambes that we have at home are for people who have either died or have been injured as a result of accidents involving *boda boda*. Some of those accidents do not occur on the main roads, they occur on the rural roads. Therefore, a creation of a fund to assist such people will be needed.

I know that Members want to debate another Motion. I had a lot to say on this but I will stop there. I had promised to only take one minute and I am glad that they allowed me to speak for one minute for us to go to another Business of the House.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Senator.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for giving me this opportunity to also support this particular Motion.

Boda boda business has supported our youths in various ways, particularly, by giving them self-employment. This means of transport is also the quickest in the rural areas. Despite the advantages, we need to come up with a policy framework that will regulate this business for it to be orderly. This business has become one of the most critical areas and it will continue to be so if we do not regulate it.

There are other Motions that are coming up and we would also like to support them. I support this Motion.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. I see that there are no further requests. I will have the Mover to reply.

Sen. Kasanga: Thank you, Madam Temporary Speaker. As I reply, I would like to thank the Senators who have contributed.

When I was moving this Motion, we were in the middle of something very heated. It was the day when we were Tabling the Report on the Solai Dam Tragedy. The moving of the Motion was done in a manner which made me doubt if the Senators heard the statistics that I presented. Nonetheless, I appreciate because the issue of *boda bodas* is known to all of us. It is a fairly straight forward Motion. The regulations are there but the implementation needs to be fast-tracked. Beyond that is the need for strategies on how to implement those regulations, which are very necessary.

The statistics show that at least 4.8million Kenyans depend on *boda bodas* in one way or another and that tells you that the growth path on the numbers that are coming in the country are quite large. This then explains the need for this Motion, that NTSA and the ministry need to get together with the county governments to see how they can help these *boda bodas*.

The issues that have been raised by all the Senators are so pertinent. In fact, I had not thought about some of them, especially the issues of women and their privacy, young girls being sexually harassed and the youth using *boda bodas* from school to do all sorts of things away from what is expected of them. There is concern that *boda bodas* are being used to perpetrate crime and that is something most of us have experienced in one way or another. Most of it is because of our lives, we are losing many lives because of lack of order and regulations. This needs to be checked.

Madam Temporary Speaker, I appreciate and request that Senators vote on this. I also take note of the call for a Bill and I will look into it. If there is room for that, I will work towards it.

I also appreciate Sen. Wako for saying that we should have pointed this to the Committee on Roads and Transportation to work on it. However, we pointed it to the Ministry of Transport and Infrastructure Development because the regulations are there but what is lacking is how to implement them.

I pray that the Senators can vote for this Motion. I appreciate all the contributions that have been put across.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Hon. Senators, I would like to draw your attention to Standing Order No.79 on voting on a matter other than a Bill. I would like to confirm that this Motion does not affect counties and for that reason, everyone will vote by acclamation.

(Question put and agreed to)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, there were two orders that were stood down for a short time; Orders No.11 and 12. Let us go back to them.

BILL*Second Reading*THE COUNTY WARDS DEVELOPMENT EQUALIZATION
FUND BILL (SENATE BILL NO.5 OF 2018)*(Sen. Kang'ata on 10.5.2018)**(Resumption of Debate interrupted on 10.5.2018)*

Sen. Kang'ata: Thank you, Madam Temporary Speaker. We have had various discussions in the Committee on Finance and Budget led by Sen. (Eng.) Mahamud and we invited various stakeholders. We had a discussion first with the Controller of Budget, then with the Commission for Revenue Allocation (CRA) and also with various Senators. If you recall, we held an informal *kamukunji* at Crowne Plaza Hotel, Upper Hill. After all those discussions, we resolved to come up with some amendments. Those amendments were drafted by a committee of experts. Once that was done, a report was prepared and brought before the Committee on Finance and Budget.

I have no problem with those proposed amendments. However, they were so substantive that according to the Standing Orders, it was resolved that there is the need to withdraw this Bill so that it can be republished afresh. Before I formally withdraw the Bill, I urge the Chair to write and confirm once I withdraw what timelines we shall have for republication. Once that is done, I will come and stand and formally withdraw. However, I would want that clarification so that it is clearly captured on HANSARD that this Bill is not being withdrawn forever; it is not going to die. It will be brought back again. It is a Bill that wants to put into effect Article 176 of the Constitution.

The Temporary Speaker (Sen. (Prof.) Kamar): What is your intervention, Sen. Malalah?

Sen. Malalah: Thank you, Madam Temporary Speaker. This is an important Bill, and I am surprised that the Mover---

The Temporary Speaker (Sen. (Prof.) Kamar): What was out of order?

Sen. Malalah: The issue of withdrawing the Bill---

The Temporary Speaker (Sen. (Prof.) Kamar): No, no. We have not finished---

Sen. Malalah: We need to interrogate it because the issue---

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Malalah, you are out of order! You stood on a point of order. When you stand on a point of order, you need to tell us what is not in order because the withdrawal process has not even been completed. I wish you waited for the withdrawal to be formalized.

Sen. Malalah: Madam Temporary Speaker, the intent of withdrawing is what is disturbing me.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Malalah, are you under the belief that your intervention will change his mind?

Sen. Malalah: Madam Temporary Speaker, yes, because---

The Temporary Speaker (Sen. (Prof.) Kamar): Is it information you want to give?

Sen. Malalah: I want to get clear information---

The Temporary Speaker (Sen. (Prof.) Kamar): If you are getting information that is different, please, provide him information to convince him not to withdraw the Bill. However, procedurally, unless you want to give him information that is going to help him, in which case he has to decide whether he wants your information or not.

(Loud Consultations)

Sen. Malalah: Madam Temporary Speaker, yes, I want to understand because I have been a part of this Bill. I would like to know why this Bill is being withdrawn. The provisions of amending a Bill are provided in the Standing Orders---

The Temporary Speaker (Sen. (Prof.) Kamar): You have made your point. If your question is why it is being withdrawn he will take note of that and he will come back and answer that, anything else?

Sen. Malalah: Is it being withdrawn or not? We would want to know that before we move on.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Malalah, you stopped him before he withdrew because we thought there was something out of order before the formal withdrawal is done.

I see some intervention from Sen. (Eng.) Mahamud.

Sen. (Eng.) Mahamud: Madam Temporary Speaker, we agree with the sponsor of the Bill. This Bill was referred to this Committee and was subjected to a lot of public participation from the counties, Council of Governors (CoG), Controller of Budget, the CRA, the National Treasury and everybody else. Thereafter, we went through the Bill and then invited the whole Senate for a breakfast meeting where some Senators were present. This is a good Bill but requires a lot of intervention and changes. We looked at it in the Committee and agreed with its sponsor.

(Sen. Kang'ata and Sen. Malalah stood up in their places)

I would like the sponsor and Sen. Malalah to listen to me.

The Temporary Speaker (Sen. (Prof.) Kamar): Senators. We do not have a standing area in this House. Could you resume your seats?

(Sen. Kang'ata and Sen. Malalah resumed their seats)

Sen. (Eng.) Mahamud: Madam Temporary Speaker, after subjecting this Bill to a lot of discussion from the Senate, stakeholders and with its sponsor, it was agreed that it cannot proceed in its form. Therefore, we subjected it to a lot of scrutiny and have agreed with the sponsor that the Bill should provide a national framework for ward based equitable projects. The amendments that this Committee looked at were very substantive

that they changed the nature of the Bill. It was, therefore, agreed in the Committee that this Bill be republished.

We discussed with the sponsor and agreed that the Bill be republished by the Committee and reintroduced in the Senate pursuant to Standing Order No. 127(7) of the Senate Standing Orders. Therefore, the Bill and its substance will not be lost. However, the character and the style of management will be equitable ward-based projects but not in the initial way. However, I assure the House that this Bill is good and we will reintroduce it. That is why, with the agreement of the sponsor, the Bill should be withdrawn.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): I hope that rests the case for Sen. Malalah?

Sen. Malalah: Thank you, Madam Temporary Speaker. It does not convince me. If the changes are too many to change the gist of the Bill, they should come up with another Bill. However, this Bill addresses the issue of devolving funds from the county to ward level. What the Chairperson is trying to insinuate is that we will look at a Fund that will distribute national resources down to the wards. We should give this Bill a chance to go to the Second Reading and we do the amendments during the Committee of the Whole. However, withdrawing it will be doing injustice to the Members of County Assembly (MCAs) down there.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Mover of the Bill.

Sen. Kang'ata: Madam Temporary Speaker, what we can do so that we move forward, is to ask either the Chairperson or the staff to tell us the timeliness. Therefore, if we withdraw the Bill, we know within what timeliness we should have that publication. That way, everyone will be satisfied.

The Temporary Speaker (Sen. (Prof.) Kamar): That is fair. Chairperson of the Committee, what timelines are you looking at?

Sen. (Eng.) Mahamud: Madam Temporary Speaker, we are already in the amendment form. Once the green light is given, we can publish it from next week.

The Temporary Speaker (Sen. (Prof.) Kamar): Let us give you two weeks so that we are safe. Are we okay with that?

Sen. (Eng.) Mahamud: Yes, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. Therefore, can we have the Mover make his final statement?

Sen. Malalah: Just a moment, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Malalah, I request you to be a friend of the Committee when it will sit. That way, you will have a better opportunity to express what you are expressing now.

Sen. Malalah: Madam Temporary Speaker, I am now getting sense out of it. However, I wish we defer the withdrawal until one or two weeks time so that we can start---

The Temporary Speaker (Sen. (Prof.) Kamar): They cannot be working on a document that is-- The Bill is already in a stage that is ready for publication.

Sen. Malalah: Madam Temporary Speaker, I understand. However, we have been part of this Bill and we have not been consulted. That is why I am aggrieved. I wish we were consulted.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Malalah, you are now overstepping your mandate because you are a Member of the Senate Business Committee (SBC). When the Bill went to the SBC, unless you were absent, it was discussed and the procedure that the Mover is following is a recommendation that he has also accepted. It is true it came before the SBC and you are our representative there.

Proceed, Mover.

Sen. Kang'ata: Thank you, Madam Temporary Speaker. On the understanding that the Bill will be published within two weeks from today and that the Chair has already expressed himself on the HANSARD giving that pledge and you have also made a ruling that the publication should take place within two weeks from today, I hereby withdraw the Bill on those conditions.

*(The County Wards Development Equalization Fund Bill
(Senate Bills No.5 of 2018) was withdrawn)*

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you.
Let us move on to the next Order.

MOTIONS

PAYMENT OF HONORARIUM AND PENSION TO FORMER COUNCILLORS

Sen. Kinyua: Madam Temporary Speaker, I beg to move the following Motion-

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

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, the 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.

Madam Temporary Speaker, it is true that devolution started with councillors. They were the people in the smallest unit of governance; the local authorities. They did a lot. They built bridges, roads and paid schools fees using bursaries. It will be unfair not to consider them when former Members of Parliament (MPs) and other Government officials are being paid pension and gratuity. Therefore, it is unfair to subject councillors to this and not pay them this amount of money.

Madam Temporary Speaker, councillors were not getting salaries then, they were only getting allowances which were only available when they collected revenue from the respective councils.

Madam Temporary Speaker, many people want to insinuate that councillors were corrupt and illiterate. However, this is not true. The truth of the matter is they were wise people.

I would like to remind you of councillor Ole Muya who used to give the professor of Mathematics, Hon. George Saitoti, a run for his money. Therefore, they are people of wisdom. A person like Hon. Karisa Maitha was the spokesperson of the people from the coast and he was a councillor.

As we speak, the Cabinet Secretary for Tourism and Wildlife, Hon. Najib Balala was once a councillor. Therefore, it is not fair for people to insinuate that councillors were illiterate. We also have Members of Parliament (MPs) who were once councillors, for example, Hon. Maina Kamanda, Hon. Ole Sukuya, the man who has the capability of moving rivers who is now the Governor of Kiambu County, Hon. Ferdinand Waititu without forgetting my colleague, the Senator for Murang'a County.

Sen. Malalah is also a former councillor because MCAs stands for modified councillors.

(Laughter)

When you look at former councillors now, most of them are living in abject poverty, yet they worked for this country tirelessly. They used their resources in *harambees* and bursaries, yet we have neglected them, when other former leaders in this country are enjoying the fruits of their labour. Most councillors cannot even afford the National Health Insurance Fund (NHIF), which is Kshs6,000 per year. They are suffering and I beg this House to consider this Motion and support them. Many of them cannot even pay school fees for their children.

Madam Temporary Speaker, I ask for this small token for the former councillors and beg my colleagues to support me, so that they live like any other Kenyans, because they have been leaders in this country.

I beg to move and invite my colleague, Sen. Cherargei, to second.

Sen. Cherargei: Madam Temporary Speaker, thank you for this opportunity. I rise to second this very important Motion. There are about 12,000 former councillors in this Republic who served between 1963 and 2012 when we transited to the devolved form of governance. I am aware of some county governments which have started the process of paying off the former councillors.

Madam Temporary Speaker, many people forget that former councillors played a critical role in the society. Even before Independence there were many local native councils. I think Kenya inherited the local government system in 1963. From that time to 2013 we have had about 12,000 former councillors in this Republic. Their functions were mostly administrative. In 1978 there was an Act or law that is no longer in place, that is, the local government regulations. This was followed by the Local Government Act (Cap.265), Laws of Kenya. It provided the legal framework on how the county councils would operate. This came after the regional assemblies were removed.

Madam Temporary Speaker, you have to appreciate that in 1963 Uasin Gishu County, where you come from, was called Sirikwa County Council. The people who ensured that service delivery was closer to the people were the former councillors. Therefore, devolution started a long time ago. They used to play very critical functions such as in education, healthcare and roads. These are functions that have been devolved under the Fourth Schedule of the Constitution. Those who grew up in the villages know that many roads were done by county councils. I know that the Senator for Kisumu County, Senator for Nairobi City County and Senator for Mombasa County did not have such opportunity. The councils did many things with regard to healthcare and roads. That is where real devolution came from.

Rural development was initiated in the late 1990s through the District Commissioners (DCs) and in partnership with the former councillors. The issue of last mile connectivity, for example, was started way back even before the Jubilee Government made it a reality. Therefore, the 12,000 former councillors did a good job.

The Mover has proposed we need to give them a one-off payment. Even though the Government says that there is no money to pay them, I know that there is money to pay them. When we went to address my County Assembly of Nandi, some of the Members of County Assembly (MCAs) were asking what would happen to them after serving one term. They wanted to know whether they would be paid. Those are challenges that we need to resolve, so that in the near future we do have MCAs, who were honourably retired by the people, struggling in the village, yet they did a lot and sacrificed for this nation. They are the opinion leaders.

When you go to the villages and wards the opinion leaders and those who enlighten the public are normally the former councillors. Why is it hard to pay them Kshs1 million or Kshs1.5 million? I know that the Chairperson of the Committee on Finance and Budget will say that there is no money, yet we are losing so much money

through corruption. Why do we not fight corruption and get the money to pay the former councillors, most of who are suffering?

During the transition that was done through the Transition Authority (TA), functions were transferred from the defunct municipal councils. Workers were also seconded from the national Government to county governments. We need to relook at that and ensure that our former councillors are paid.

Madam Temporary Speaker, most former councillors or grassroots leaders have families that they cannot sustain. Some of them live in deplorable conditions. Leadership is a God-ordained role that should be protected. For example, you have served as a Member of Parliament for Eldoret East and a Cabinet Minister. Sen. Irungu was the Chair of Murang'a County Council and Member of the National Assembly. We pray that he becomes the Governor for Murang'a County. Those who have served their second term as Members of Parliament are well taken care of.

As I speak, the forum called Former Elected Members of Parliament is pushing for amendments under the Parliamentary Service Commission Act, so that they can be incorporated and get medical allowance, housing allowance and many other privileges as former leaders. Why are we ignoring this important subset of leadership that is critical, yet these are the same people who served people at the grassroots level?

Even as we take care of Members of Parliament and other former elected leaders, we must also include councillors. Most of them cannot even educate their children. Some of them are old and sickly. Their families have crumbled because they gave it all.

Sen. Wako: On a point of order, Madam Temporary Speaker. When I read this Motion, is it in order for the Seconder, and even to some extent the Mover, to proceed to justify this Motion by creating grounds which had already been debated in 2016 by this Assembly? That is why this Senate mandated the Standing Committee on Labour and Social Welfare to look into it, and they tabled that Report. At that time, all these things were said. The Report was tabled on 16th February, 2016. The Committee made recommendations to this House and we agreed to them because they were justified.

Is it, therefore, in order for the Senator to keep on hammering this point, which has already been hammered many times? This Senate accepted that these people are entitled to payment. Therefore, what we should be aiming at in our debate here is to urge the relevant Ministry and State departments to pay them. In fact, it is a problem of implementation of a resolution already passed. Is he in order to keep on repeating what had been said?

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senator, my feeling is that, that is his way of urging.

Can you finish, Seconder?

Sen. Cherargei: Thank you, Madam Temporary Speaker---

The Temporary Speaker (Sen. (Prof.) Kamar): I must inform you, Senator, that the requests from Members are very many. Therefore, please be considerate of the hon. Members who would like to contribute by being very brief. You should summarize your contribution.

Sen. Cherargei: Madam Temporary Speaker, I appreciate that the Attorney-General *emeritus* is the institutional memory of this country. However, as a country, there is a way we must insist and urge.

Finally, Madam Temporary Speaker, I know that this Motion – as Sen. Wako has said – is one that this Senate has taken with the seriousness it deserves. I, therefore, call upon the Government and the necessary agencies to work together to ensure that we give a dignified life, and not a dignified exit, because we do not want to--- I, therefore, call upon all Senators to come together and support the 12,000 former councillors who are watching us today. That is the reason they brought the Petition to the Senate and not the National Assembly, because they know that the Senate will always protect their interests. We do not only protect the interest of councillors, but those of Kenyans at large, because they have a right, just like any other Kenyan who demands for their rights. We will, therefore, be interested to ensure that this issue is fast tracked for the welfare of former councillors and many others. Many people have been mentioned here who have been councillors before and are still leaders to this level.

With those few remarks, Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, notwithstanding what the senior counsel, Sen. Wako, mentioned earlier, I know that a number of you are new Members, but debate must continue. I would like to inform you that the list of requests is full, therefore, be considerate as you debate so that everybody gets a chance to contribute.

Proceed, Sen. Malalah.

Sen. Kinyua: *Kanjo!*

(Laughter)

Sen. Malalah: Thank you, Madam Temporary Speaker. I am a proud former Member of County Assembly (MCA), who has been modified, and a former councillor, as stated by Sen. Kinyua.

Madam Temporary Speaker, I stand to support this Motion, not because I am a former MCA, but because I recognize and appreciate that the former councillors laid a foundation on which we are building devolution. It is important to remember that these former councillors were not as illiterate as we stereotypically think of them. I wish to remind you, with a lot of concern, that once a councillor was elected, they used to elect a mayor. Therefore, the mayors, for example, of the cities of Nairobi, Kisumu and Mombasa were councillors. They performed their duties diligently and we saw development in the deepest parts of our villages.

Madam Temporary Speaker, I remember that during that tenure, the national Government, through the Ministry of Local Government, used to disburse monies called the Local Authorities Transfer Fund (LATF), which were used by the councillors. We would see roads, schools and hospitals being built. We would also see hospitals being

equipped through that money. Therefore, these people laid a foundation on which we are building devolution.

Madam Temporary Speaker, it is sad to note that those former councillors are living in a sorry state such that most of them are even unable to sustain their families. Some of them even come to me for assistance to pay school fees for their daughters; it is embarrassing! Therefore, it is important, as leaders, that we consider this Motion. However, as we do this, we would like to have a legislative instrument that is going to implement this resolution. According to the report that was adopted by this House, it is requesting that we give a one-off honorarium of Kshs1.5 million and a monthly pension of Kshs30,000. This is lucrative! However, we need to have a structured way and rules on how we are going to disburse this money.

Madam Temporary Speaker, you will find Hon. Members who are sitting in this House, for example Sen. Kang'ata, who is a former councillor, saying that he is also entitled to this money.

(Laughter)

We want to warn such characters that we shall not allow them to intrude into this fund. You are now a Senator, and you are not entitled to these privileges, Sen. Kang'ata and some of us who are here. We would want to have a legislative instrument that will bar elected or current leaders from benefitting from this kitty. This is because we have former councillors who are also former Members of Parliament (MPs). How will we handle them? Will we pay them as former councillors? We, therefore, need to delve into this matter deeply and look into matters of concern as pertains to the implementation of this Motion.

Madam Temporary Speaker, I remind this House that as we look into the issues of devolution, we should remember that these councillors were able to become mayors and to manage their respective municipalities. It is, therefore, important that as we are re-looking into our new Constitution, we should find ways of minimizing the wage bill by making the MCAs to become County Executive Members (CECs), because they are able people. As we are headed to the forthcoming referendum – which is inevitable and we are sure that we are going to have it – we need to look into matters that are going to reduce our wage bill. We will do so by proposing that these MCAs be given a chance to become CECs in their respective county governments.

In conclusion, Madam Temporary Speaker, I want to assure the former councillors of Kakamega County led by Shikami, Mwenesi and Joe Serenge, that we, as a Senate, will ensure that this resolution is implemented.

I support, Madam Temporary Speaker.

The Temporary Speaker (Prof. Kamar): Sen. Wako, you may proceed

Sen. Wako: Thank you, Madam Temporary Speaker. I support this Motion. As I do so, I hope the former herdsman who used to look after the cattle, goats and sheep of my grandfather when I was a boy is listening. This is the man who threw tutelage at my grandfather's home and then he became a councillor in Butula Ward, Busia County. Last evening, he sent me a message asking me not to forget them when this Motion is before us. He reminded me that we used to be together when we were herding the cattle.

These councillors are entitled to payment. To me, the foundation of democracy lies with the councillors and now the Members of the County Assembly (MCAs). They are the bedrock of our democratic system. The problems being faced by these ex-councillors is the problem that was also being faced by Members of Parliament (MPs). However, through the Parliamentary Service Commission (PSC), amendments were moved by former MP Peter Oloo-Aringo which allowed us to look after ourselves to an extent of being pensionable.

We also to some extent looked after at the former MPs who were not able to get into the bracket of pensions. They also paid some amount of money, but we completely forgot former councillors. That is why the justification for this payment is so obvious that I would not want to belabour that they be paid. We should be asking ourselves why it has taken almost three years since these recommendations were made for the payments to be effected.

Madam Temporary Speaker, it cannot be because of lack of funds. It is not that much money, particularly given the amount of money we lose through corruption. The money that we lose through corruption in one deal can be used to pay off all these councillors. To me, Kshs30,000 per month, in this day and age, is a very modest sum to be paid. They are not that many because some of them have gone and joined their maker. However, for those who are still alive, let us give them something so that when they pass on, they will know the country also appreciated the services they rendered to it.

I support and hope the Committee on Implementation, particularly will follow up this matter to the letter and see to it that former councillors are paid.

The same thing is happening to the former teachers. They are not being paid their dues. Let us look after old people. A nation that does not respect the old in the society is a nation that is not civilised and lacks manners. We must respect the old, particularly those above 70 years in our society. I am glad that I am now in that bracket. I also should be respected.

With those few remarks, Madam Temporary Speaker, I support.

The Temporary Speaker (Prof. Kamar): Sen. (Dr.) Langat, you may proceed.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for also giving me this opportunity to support this Motion by Sen. Kinyua. At times, seeing the former councillors in our villages, it really discourages us from deeply engaging into politics. These people are suffering. Most of them went into politics when they were young. Imagine that time when Sen. Kang'ata was a councillor. Suppose he had not become a Member of the National Assembly and now a Senator in this House? What could have happened to his child who is in Standard three? Some former councillors have children who are eight or ten years old. No one in the society is ready to support them.

Two weeks ago, one of them came to my house to seek school fees for his children. When I asked him why he was not given the bursary, he told me that everybody knows he was a councillor. That is why they could not support him. They rejected his forms. Leadership is associated with wealth in this country. It is unfortunate when you are not wealthy and you are a leader. I hope this young man from Kericho is listening seriously to what I am saying. Whenever they call for fundraisings, nobody is ready to support them because they are reminded they were leaders.

They are also aware that this Motion is before this House today. On Saturday, four of them came to my house and requested me to support it. I am supporting it that they be given honorarium and a monthly stipend as stated here. However, when a Motion like this is tabled before us, we say there is no money. How much money are we losing through corruption? A lot of money is swindled by individuals through corruption in this country. We need to use our resources prudently so that we fight corruption. Corruption is always motivated by idle money. Some people might think that by taking it away is a way of using it prudently. That is not the case.

The former councillors must be supported by this Government. There is a lot of discrimination of the MCAs. Most of them are struggling and yet they are the closer to the constituents more than us. Most of their time is spent on attending fundraisings, funerals, graduation ceremonies, weddings and so on. Right now, they do not receive car grants like us. This is discrimination. They are also discriminated in terms of pension. Even after serving for two terms as MCAs, they do not qualify to earn pension. We must correct these things for justice to prevail to all of us.

With those few remarks, I am very aware the intelligence of a person is always measured by how he can summarise things by communicating effectively. I want to belong to that class. I summarise by saying I support this Motion.

The Temporary Speaker (Prof. Kamar): Sen. (Dr.) Kabaka, also summarise.

Sen. (Dr.) Kabaka: Thank you, Madam Temporary Speaker for also giving me this opportunity. I am known not to tautologise or as a person who repeats himself like the good Sen. (Dr.) Langat wants us to believe.

I stand to support this Motion. However, I will not repeat what other leaders said. I join other Senators who have contributed before me to salute the former councillors for rendering excellent services to this nation. Unfortunately, many are living in debt.

My concern is on the design of the Motion which calls for payment of a one-off honorarium and monthly pension to former councillors. When it comes to the definition of terms in the Bill as usual, we need to define who a former councillor is. Is it only the living or even the dead? I have no problem that those who are living will be paid if the same is implemented but my concern is for the poor woman or man, for that matter in the case of a former lady councillor, who was left. We should not discriminate them on the basis that one of them went to heaven to be with the Lord.

We should not appear to punish those who are deceased. Considering the succession law, family members should be entitled to the one-off honorarium of Kshs1.5 million but not pension. Only those former councillors that are surviving should get the honorarium plus the pension.

The other issue is to do with the timelines which our Attorney-General *emeritus*, Sen. Wako, has alluded to and I support. Principals of the relevant state Departments or the National Treasury should be summoned to show cause why this important area of concern has taken long to implement because we are talking about Kshs1.5 million multiplied by a conservative number.

I consulted widely and found that we have about 20,000 former councillors in the whole country. If you multiply Kshs1.5 million times 20,000, that will give you Kshs3 billion. Like people have been saying, that is change for the Government because there

are large sums of money being lost through corruption. Therefore, such money should be given without any hindrance.

It is high time that a substantive Bill was introduced in the Senate for us to debate and have the same enforced as soon as possible before the closure of this year.

I support.

Sen. Cheruiyot: Madam Temporary Speaker, in the spirit and the mood of the House, I will also try and keep it brief because that is the trend. As my colleague, former lecturer and good teacher, Sen. (Dr.) Langat, has said, summarizing is a measure of intelligence. I did not know that until today.

I support this Motion by Sen. Kinyua which is concerned about the welfare of former leaders who served this country with pride and distinction but are forgotten on many occasions. Back in the days of municipal authorities, they did not have the kind funds that are available to MCAs nowadays. In many forums, you will find people comparing the kind of work that they did and what the present MCAs are doing without realising that they were operating on minimal resources.

This is not a popular topic with the population especially in these days of austerity measures where the discussions are on how to cut down on costs. It will appear as if we are doing something unpopular because the perception is that we are selfishly thinking about ourselves as leader. The truth of the matter is that in every work that you do, there is always an appreciation at the end of the work you have done.

At the end of the service of, be it teachers, police officers and other civil servants, there is a pension. There is a way that they are properly remunerated for the work and the services that they provided. The most unfortunate lot amongst them are the politicians. Many people believe that we are paid more than we deserve and that whatever we earn during a particular period of work should be enough to take care of us. They forget that we have a five-year contract that we agree with them. The truth of the matter is that many people do not know that out of even the salary that---

I say this as an MP knowing fully well that whatever people earn in Parliament, they virtually give it all away. I do not know of a politician who can comfortably say that they are living or surviving on their salary alone because you will not be able to meet the needs and demands of your constituents. Therefore, this Motion is timely because it is about the welfare of members of the leadership group who retired and were forgotten.

A figure has been proposed by other people but my proposal is slightly different. I propose that we just pay every former councillor Kshs1 million honorarium. Whether somebody served one, two or three terms, we should give them the amount just to appreciate them for the work they did. If they still have families or they are in their old age, they should find how to decently take care of themselves. Since most of them are old and nobody is speaking for them, we assume that they do not deserve this.

I strongly agree with what Sen. Kinyua said when he was moving the Motion. He said that many of them, especially the last lot that served before municipalities were disbanded and counties formed, did not get anything because the Transition Authority (TA) never factored them into consideration. Nobody expressed concerns on their behalf.

I urge MCAs that if this initiative proves to be difficult to be executed at the national level, they should do it at the county assembly level. This is something that can

easily be done through the County Public Service Boards (CPSBs). They can come up with a framework on what needs to be done to people who serviced during the defunct municipalities and local authorities. They can set a particular figure and pay them either as a one-off honorarium or give them a small stipend every month.

Leadership is a sacrifice and many times when you serve as a leader, you give out everything that you have. I can bet my last coin that everybody in this House has at least sent something in the course of the day to a constituent to support a burial somewhere that needed our assistance or someone who is sick and they have ran short funds. There are many things that leaders do but it is not formerly recognised in the context the job description. When you are out of office, it is not unusual to find people asking what you did because they will be looking for the classrooms that you built and roads that you constructed.

One of the hugest expenditure kitties for any leader is the welfare work that we do as politicians. Nobody accounts for that but it is only you who knows that you spend “x” amount of money every month assisting your constituents but nobody considers that part of the work that you do. Therefore, when there is such an opportunity, as it is being presented to us this afternoon, we need to speak up for the former councillors. Perhaps we should bind all the contributions that will be made and send them to the committee that oversees the implementation of such matters to ensure that this is followed up to the end, so that we redeem the image of our former leaders.

With those many remarks, I beg to support.

The Temporary Speaker (Sen. (Prof.) Kamar): Let us now listen to Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for the opportunity to contribute to this very important Motion. When we are talking about councillors, we are directly talking about the counties because they worked there. By the time someone is a councillor, that person is directly dealing with the constituency.

Madam Temporary Speaker, talking of the time when councillors were in service, you would find that the experience they had was not very interesting. Very early in the morning at 6.00 a.m., you would find constituents at your door. The same situation was evident in the evening at around 10.00 p.m., when you were about to sleep.

Madam Temporary Speaker, councillors played a big role in this country. It will be good for the Senate to acknowledge their work and contribution to this nation. Even the salary that the councillors were paid was not enough. However, with the little that they were getting, they gave it back to the constituents in form of donation for funerals, school fees and so on. Councillors were the ones who were on the ground and they knew the problems affecting their constituents. When they were in service, they worked tirelessly. They dedicated their energies to serving their constituents. They did not have time to rest.

Moreover, some of them gave all their family time to the constituents because they were actually called to serve. By the time someone is a leader, you are selfless and you even lose your family’s and friends’ time; because you are called to commitment. When you commit and you are really keen on serving, there is no way you will have time for yourself. Therefore, councillors gave all they had.

There is need to ensure that these leaders who did a noble job do not languish in poverty. As we speak, there are some councillors who are almost begging on the streets. They are not even able to cater for their medical expenses, to take their children to colleges, yet they served this nation.

There is need to ensure that when leaders are in service and they work tirelessly, we acknowledge them by giving them honorarium. It is a good thing for them to get honorarium. It should be a reasonable amount that will help them, even if it is starting a business or doing a list of things, because it will very painful. In fact, it will be unacceptable if they are languishing wherever they are. There are those who are not able to cater for themselves, their children and families. Some of them could even be laughing stocks. I can imagine in a village where people would be saying and mocking them, “Can you imagine this one was a *mheshimiwa* at one point, he was a councillor yet he cannot support himself and he is now a charcoal dealer?” Sometimes things get to that extent.

There is need to come up with a policy that will ensure that councillors get their dues. At the moment, in any job placement, you will find that if someone has been working in an institution for a number of years, people eventually get the lump sum. In addition to getting a lump sum amount as a sendoff, they get something at the end of the month. This will help them a lot.

Madam Temporary Speaker, it is very painful and wanting. It is a situation that this Senate needs to intervene and with speed, so that the councillors who have been serving this country, who are miserable somewhere at home, will cheer up and see that their efforts have been acknowledged and appreciated. Appreciation is very important. Any committed worker feels good when he or she is appreciated for the work that he or she is doing. Therefore, there is need to acknowledge them. It is in a form of respect that we are saying: “Yes, you did this and as a nation, we are happy.”

Madam Temporary Speaker, there is need for a policy to be put in place, that will ensure councillors are paid. As one of the Senators said, people like Sen. Kang’ata and Sen. Malalah will be out of this package because when they are through with their term, the former councillors will already be on a pension scheme, because he will have served two terms. Think of a councillor who is on nothing and has served tirelessly.

Since the Senate represents the counties and their interests, there is need for us to ensure that councillors get honorarium. When they get that, they will be able to manage their lives even in old age and plan for their families. At the moment, some of their children are out of school.

It is so difficult if you were once a leader and you are not in leadership anymore, then you go seeking for support from your constituents. People will always look at you as a leader and nobody will even step in to support you in any way when it comes to finances. Therefore, if we are able to support them so that they could get this honorarium, at the end of the day, they will organize their lives.

[The Temporary Speaker (Sen. (Prof.) Kamar) left the Chair]

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

Councillors have a wealth of experience even when they are not in office. They have a lot of experience with regard to the constituents, leadership and they can even voluntarily give advice to the leadership of this nation. There is need to see how to come up with policies which will bring our councillors on board as part of leaders for this nation.

When someone has been a councillor before, it does not mean, that since he is not a Member of a County Assembly (MCA), he is not a leader. He is still a leader in his own right because he has a wealth of experience. It is experience that he or she can pass on to other young leaders that are upcoming or to anybody aspiring to be a leader. I suggest that once a leader, you will always be a leader and people will be looking to you for advice and words of wisdom.

Madam Temporary Speaker, I support this noble Motion. It should not end here. It should be translated into a Bill that will eventually become law.

Sen. (Prof) Kamar: Thank you, Madam Temporary Speaker, for giving me the opportunity to join my colleagues in supporting this great Motion. First, I want to thank the Mover, Sen. Kinyua, and our Committee on Labour and Social Welfare, for combing through the things that were not fulfilled by the arms of Government after the former Senate passed. I thank the former Committee for thinking about former councillors. This goes a long way in showing the sense of appreciation that this country must always have for people who have served in positions of leadership.

When you become a leader in this country, there are expectations from the public. There are also the dos and don'ts. The dos include the service that you give to the community; once a leader, forever a leader. Our former councillors continue being invited to functions, *harambees* and other ceremonies as former councillors. In fact, the name "councillor" has not left them.

Madam Temporary Speaker, there are also the don'ts. As a leader you are supposed to have; you are not among those who do not have. As a leader, you are not supposed to ask for bursaries or *harambees*. Our former councillors have become victims of the dos and don'ts of being a leader in our society.

Therefore, it was a very noble idea that they must be given a long-term compensation for the work that they did. In any job, including house girls today, one must have savings for a pension through the National Social Security Fund (NSSF). It is because they must live after they have retired. It is, therefore, with great appreciation of the former Senate that I support this Motion; that our councillors should be taken care of, not just with a lump sum, but continuously so that they can do something for themselves.

I do not support the proposal by the Senator for Kericho County that they should be given a lump sum only. This is because, then, they will fall under the Bill that the same Senator brought the other day; that we must take care of them at old age. We need to take care of them now and forever, instead of classifying and putting them in the cluster of the Bill asking urging us to appreciate them in old age. It is very important that somebody who has served society and the public is taken care of as they transit out of their jobs through a pension system.

I agree with the Senators who have said that Kshs1.5 million is not much, but it will help them to do something for their families and invest. That amount of Kshs1.5 million may only help them to invest in a *kiosk*, but, at least, they will have some income for themselves that will enable them to live their lives without necessarily depending on their children. The reason we have a programme for the aged is basically because we want Kenyans to be independent of their children. That is the only thing that we can do for these former councillors.

The proposal of giving them Kshs30,000 per month can enable them to live with their spouses in a decent way. I have had an occasion where a former councillor invited us for a *harambee* to send a child to university. It was so pathetic because the public still imagines that person was a councillor and did not invest or plan for their children. They wonder how a former councillor can invite them for a *harambee*. This is a misunderstanding of what this position does, because while the same councillors were serving, they were supporting the children of other people.

Therefore, it is important that they get a little bit of independence, so that when they have challenges in their lives, they do not have to face these kinds of statements that make them extremely discouraged. We want to encourage people to come to leadership because they will be appreciated beyond their service in the positions that they are in.

We need to delink between what your highest service was. As we finish the issue of the former councillors, we should start thinking about the Members of County Assemblies (MCAs) and Members of Parliament. This way, we will have a system that is properly structured. One will go into these leadership positions knowing exactly where it will take them and what their benefits will be after that. Let this be the last one that we will deal with retrospectively. Let us plan as a country.

Madam Temporary Speaker, when the Salaries and Remuneration Commission (SRC) was established, I was in the Tenth Parliament. The debate then was: "We would like to know the compensation of the President, right down to the cleaner of the President, both salary, benefits and what they will take home as their pension." I think if we revisit and structure everybody, so that every employment and profession in this country gets remuneration that is for the day and the future, it will solve many problems.

I strongly support and congratulate the Committee for picking up what was already getting into their archives. I join my colleagues in saying that let this be done as soon as possible. Let the responsible Principal Secretary (PS) and Cabinet Secretary (CS) look into this, so that our former councillors can be paid as soon as possible.

With those remarks, I beg to support.

Sen. Kang'ata: Thank you, Madam Temporary Speaker. Allow me to support this Motion for several reasons. The first reason is that councillors, who used to serve in the former local authorities, did an important job. There were various pension schemes which were originally intended to assist them once they retired. For instance, we have the Local Authorities Pension (LAP) Trust and the Local Authorities Provident (LAP) Fund and all those entities. However, they were not structured well.

One, there were several instances where money was not being remitted to those authorities. Two, it was also not clear who was entitled to that. Three, an issue arose as to who benefits. Is it a councillor who has served one year, one term, two terms or after you

have served several broken periods? I say that because to the best of my knowledge, the people who have been paid something post their time, were those who served for 20 years consistently, and they are few. To me, that is unfair because when we compare with other professions or areas, once you serve in a position, at the end of your term, you are entitled to an honorarium.

Mr. Temporary Speaker, Sir, this Motion talks of an honorarium; one pay-off. Therefore, it will not be a burden on the taxpayer. This is in tandem with general labour practices, which have been happening the world over; it will not be an exception to Kenya. Therefore, I support this idea because I know that it will not be a burden to the taxpayer and it is something that happens in all forms of employment. When you employ a person for a certain contractual period say, one, three or four years, at the end of it, you are supposed to give a certain honorarium. However, for the former councillors that never happened which, to me, is unfair.

Again, there is the problem of the transition of local authorities to counties. Several counties ignored the liabilities which were owing after devolution came into effect.

In my opinion, one of the aspects owing is that of human resource, particularly the councillors aspect and their emoluments, that they ought to have been paid by the various local authorities. At times, I get it to be funny that people who are at the apex of leadership or government, usually get unfair treatment compared to the people who are below them, that is the employees. You will find a clerk in the former local authorities getting paid some lump sum. A chief officer or an employee who is not elected by the people gets money whereas a councillor, who has been elected by universal suffrage, does not get anything in return to the huge service that he or she rendered to the public.

I want to give tribute to the people we served with in Murang'a Municipal Council between the year 2002 and 2007. In particular, I know of one councillor who was not a Kikuyu. I come from a predominantly Kikuyu region but we used to vote for him notwithstanding the fact that he was not a Kikuyu and that he had some disability. He was called Councillor Oluoch and he was a Luo. He never used to canvass in Kikuyu but the people of Murang'a used to vote for him day in day out. That tells me that councillors used to rise above ethnicity and that they were people who would rhyme well with the people. That was positive. We, therefore, need to celebrate councillors and that is why I am supporting this Motion. It makes all the sense as to why we should push for this Motion to come into place.

The question then would arise of what happens once we pass this. I urge the Mover of this Motion to move with speed and if we had the Committee on Implementation, he would have talked to them to ensure that money is allocated and these people get their rightful dues. I know of some people who have served for almost 30 years like my friend Mr. Kamande, who has been the councillor for Kagunduini in Kandara. He has served for a very long period. In fact, he lost the other day after serving for almost 30 years as a leader. That means that such a person has expended all his productive years in leadership and he deserves some payment. Otherwise, he would have probably done other things apart from being a politician.

The work of leadership does not pay at times. You will find yourself putting all your energies to the public service or spend all your resources with the public that you do not even accumulate for your family. Therefore, in such a case, we need to reward those people who have served this country well. To me, those people include councillors. Councillors have done a very good job. Were it not for them, there would be no resources or assets which would have been devolved to the so-called county governments. They are the pioneers of the entire superstructure that is called devolution.

I support.

Sen. (Dr.) Ali: Thank you, Madam Temporary Speaker. I am happy to be the last one. I stand to support the Motion. I have never been a councillor like many of my friends here but I know what they do. They are very helpful and important people in the community for they are the ones who are at the grass root level. Whenever there are problems, talks, rallies, clashes or problems at family level, they are the people who are consulted. They suffer more than anybody else. The Members of Parliament are away most of the time and the best they can do is appear there over the weekend and the Senators do the same. The former councillors were real grass root leaders and they are very important in the community. In our areas, we still depend on them up to now.

They have all been thrown out because of the requirement on education and they could not vie because most of them were illiterate. Many of them are not Members of the County Assemblies (MCAs) now but when you compare the MCAs and the councillors, you will realise that the MCAs are mostly young men who have gone to school but they do not know the traditions and neither do they know what should be done with problems at family, constituency or even ward level. Therefore, we still use the councillors up to this time.

I wish that we would be able to give the one-off honorarium without limiting it. Some people will say that politicians fight for themselves but there are times when you just have to do that. In this world, nobody is going to help you if you do not help yourself. The reality is that councillors are very important and they do a lot of things for this community at the grass root level. The Kshs30,000 per month will not be much but it will at least enable them help their families.

When I go home, several of them come to see me and they always petition us asking for the reason the Senate is not helping them. The MCAs also have problems right now especially the nominated MCAs who do not get mileage and I do not know why. Some of these issues should be looked into and this is the responsibility of the Senate because it is the custodian of the county. We need to help the leadership of the counties in whatever way we can.

The Temporary Speaker (Sen. Pareno): Having no other requests, I now call upon the Mover to reply.

Sen. Kinyua: Thank you, Madam Temporary Speaker. I want to take this opportunity to thank my colleagues who have supported this Motion. I want to thank Sen. Cherargei, who seconded it. I also want to thank my colleagues; Sen. Malalah, Sen. Wako, Sen. (Dr.) Langat, Sen. (Dr.) Kabaka, Sen. Cheruiyot, Sen. (Dr.) Musuruve, Sen. (Dr.) Ali, Sen. (Prof.) Kamar and Sen. Kang'ata.

I have listened to their contributions but I only want to mention what Sen. Cheruiyot said. He talked about Kshs1 million being paid once and that they should not be given pension of Kshs30,000 per month. It will be in order to give them Kshs30,000 per month because their numbers are not increasing. Many of them are dying because their health is deteriorating and they do not have money while some of them are dying out of old age. The Kshs30,000 will keep on reducing when you look at it in totality because their number keeps on reducing. I would urge my colleague to maintain the Kshs1.5 million one-off honorarium and the pension of Kshs30,000 per month.

I will also mention what Sen. Kang'ata said concerning the other members of staff of the county. The clerks of the county council, the chief officers used to get the money but the elected people were not given any money and that is discrimination. If you go to Laikipia, we have many councillors who served for many years like Kiguru, Kanyeki from Mutara, Irura from Nanyuki, who has been a Mayor for a long time, Machomba and Gicheru from Maina Village but they are suffering as we talk. Some of them are suffering because of diseases while others are suffering because they do not have money.

If we had the Committee on Implementation, I would have encouraged and urged them to follow with the relevant department of the Government that we have mentioned to ensure that what we have said is implemented. I want to assure Sen. Kang'ata that I will move with speed and that I will be up to the task to make sure that what we have said is implemented.

With those few remarks I beg to move.

The Temporary Speaker (Sen. Pareno): I determine that this is a matter that does not affect counties. Therefore, it does not require voting by county delegations. I, therefore, proceed to put the question.

(Question put and agreed to)

USE OF SIGNING EXACT ENGLISH (SEE) TO INSTRUCT
LEARNERS WITH HEARING IMPAIRMENT

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.

(Sen. (Dr.) Musuruve on 11.10.2018)

(Resumption of debate interrupted on 17.10.2018)

The Temporary Speaker (Sen. Pareno): Hon. Senators, with consultation with the Mover of the Motion, it is agreed that the same be deferred.

(Motion deferred)

We move on to the next Order.

NOTING OF REPORT OF THE APNAC CONFERENCE, 2018

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.

The Temporary Speaker (Sen. Pareno): Hon. Senators, this Motion is deferred.

(Motion deferred)

The Temporary Speaker (Sen. Pareno): Hon. Senators, with consultation, the Movers of the reminder of the Orders in the Order Paper are not available. Therefore, these Orders are deferred.

NOTING OF REPORT ON THE 20TH CONFERENCE OF COMMONWEALTH EDUCATION MINISTERS (20CCEM)

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.

(Motion deferred)

NOTING OF REPORT OF THE PROCEEDINGS OF THE
GLOBAL PARLIAMENTARY CONFERENCE (GPC)

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.

(Motion deferred)

NOTING OF REPORT OF THE 62ND SESSION OF
THE COMMISSION ON THE STATUS OF WOMEN

THAT, this House notes the Report of the 62nd Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17th July, 2018.

(Motion deferred)

NOTING OF REPORT OF 49TH SESSION OF THE ACP
MEETING OF THE ACP-EU JOINT ASSEMBLY

THAT, this House notes the Report of the 49th Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20th-22nd March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31st July, 2018.

(Motion deferred)

NOTING OF REPORT OF THE SIXTH ORDINARY SESSION
OF THE FOURTH PAN-AFRICAN PARLIAMENT

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.

(Motion deferred)

MEASURES TO ADDRESS THE PLIGHT OF STREET FAMILIES

AWARE THAT the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11th March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

FURTHER AWARE THAT the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street families issues; mobilizing resources and fundraising as well as receiving donations and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

NOTING THAT Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

CONCERNED THAT the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack of a national policy on the rehabilitation of street families, with women and children being the primary victims;

COGNIZANT THAT the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

NOTING THAT both the National and County Governments have a role to play in addressing the plight of street families across the Country;

NOW THEREFORE the Senate resolves that the Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

(1) conducts a census of street families in all urban centres in the country to determine their numbers and demographics;

(2) develops a clear policy on street families rehabilitation and reintegration at county level; and

(3) tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

(Motion deferred)

NOTING OF REPORT ON THE 2018 COMMONWEALTH GAMES

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.

(Motion deferred)

NOTING OF REPORT OF THE TVET CONFERENCE
HELD IN VICTORIA, CANADA

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.

(Motion deferred)

NOTING OF REPORT ON ROLE OF PARLIAMENTARIANS IN POPULATION AND THE
2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India from 13th-15th September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

(Motion deferred)

NOTING OF THE REPORT ON THE 39TH ANNUAL FORUM OF
PARLIAMENTARIANS FOR GLOBAL ACTION

THAT, the Senate notes the Report of the Kenya delegation to the 39th Annual Forum of Parliamentarians for Global Action laid on the Table of the House on Thursday 11.10.2018.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, having concluded the business of the day, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 23rd October, 2018 at 2.30 p.m.

The Senate rose at 5.35 p.m.