



**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**VOTES AND PROCEEDINGS**

**THURSDAY, MAY 14, 2015 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair-

**i) Invitation to the Annual National Prayer Breakfast Meeting**

Honourable Members,

The Kenya Parliamentary Prayer Fellowship Group shall host the annual National Prayer Breakfast on Thursday, 28<sup>th</sup> May, 2015 at Safari Park Hotel, Nairobi. It is expected that over 1,700 guests shall be in attendance.

The Prayer Breakfast is an Inter-denominational prayer meeting sponsored by Members of Parliament – National Assembly and Senate. Invitation cards for all Members have already been dispatched; Members are requested to confirm attendance by 15<sup>th</sup> May 2015 in order to facilitate seating arrangements.

You are kindly requested to make contributions towards the cause.

You may contact the Senate representative in the Prayer Breakfast Planning Committee, Sen. David Musila for any further clarification.

I thank you.

**ii) Visiting Delegation of Pupils and Teachers of Riara Secondary School**

Hon. Senators, before we take Statements, I want to recognize the presence of the pupils and teachers from Riara Secondary School, Kiambu County, seated in the Public Gallery, who are visiting the Senate today. As

you all know, the tradition of receiving and welcoming visitors to Parliament is a long-time honoured tradition and one that we shall endeavour to continue upholding. On behalf of the Senate and on my own behalf, I extend a warm welcome to the pupils and teachers of Riara Secondary School.

#### 4. PAPERS LAID

The following Papers were laid on the Table of the Senate-

- i) Report of the Senate Standing Committee on Finance, Commerce and Budget on the consideration of the Public Audit Bill, 2014.

*(Sen. Anyang' Nyong'o on behalf of the Chairperson of the Standing Committee on Finance, Commerce and Budget)*

- ii) Report of the Senate Standing Committee on Finance, Commerce and Budget on the consideration of the Public Procurement and Asset Disposal Bill, 2014.

*(Sen. Anyang' Nyong'o on behalf of the Chairperson of the Standing Committee on Finance, Commerce and Budget)*

- iii) Report of the Senate Standing Committee on Legal Affairs and Human Rights on the Fair Administrative Action Bill, (National Assembly Bill No. 10 of 2015).

*(Sen. Mutula Kilonzo Jr on behalf of the Chairperson of the Standing Committee on Legal Affairs and Human Rights.)*

- iv) Statement regarding the Business of the Senate for the week commencing Tuesday, 19<sup>th</sup> May, 2015.

*(The Senate Majority Leader)*

#### 5. NOTICE OF MOTION

**THAT**, aware that the Government of Kenya has a 29.8 percent shareholding in the Kenya Airways Limited, thereby being the largest single shareholder in the Company;

**COGNIZANT** of the fact that Kenya Airways Limited, the National flag carrier, has been experiencing tremendous delays and cancellation of flights;

**AWARE** that each delay and/or cancellation has led to grave losses to the airline, thereby worsening the debt burden of the corporation;

**REALIZING** that the airline is now in debt to the tune of 18 billion Kenya Shillings;

**FURTHER AWARE** that the current business plan of the airline does not seem to take into full account necessary measures to turn the company around;

**CONCERNED** that the situation, if left unchecked, may lead to the collapse of the company and great loss to the nation, investors and the Kenyan taxpayers;

**NOW, THEREFORE**, the Senate resolves to establish a Select Committee to conduct an inquiry into the affairs of the Kenya Airways Limited and its subsidiaries and report to the Senate within three months, taking into account the following:

- i) The leasing and buying arrangement of aircrafts since 1996;
- ii) The role of off-shore companies in the investment affairs of the airline;
- iii) The identity of the shareholders of these off-shore companies and their relationship with the management of Kenya Airways Limited;
- iv) The employment policies and practices of personnel, including engineers, pilots, cabin crew and ground personnel;
- v) The reason for delayed and cancelled flights, their frequency and the magnitude of losses attendant therein; and
- vi) Any other matter that may shed light on the financial and management crisis currently facing the airline.

**AND FURTHER** that the Members of the Select Committee are:

1. Sen. (Prof.) Anyang' Nyong'o
2. Sen. Mutahi Kagwe
3. Sen. Hassan Omar
4. Sen. Daniel Karaba
5. Sen. (Dr.) Boni Khalwale
6. Sen. (Dr.) Agnes Zani
7. Sen. Lesuuda Naisula
8. Sen. Peter Mositet
9. Sen. (Prof.) Wilfred Lesan
10. Sen. Billow Kerrow
11. Sen. James Orengo

*(Sen. Anyang' Nyong'o)*

## 6. STATEMENTS

### a) Statement Pursuant To Standing Order 45 (2) (b)

- i) The Senator for Taita Taveta County (Sen. Danson M. Mwazo) sought a statement from the Chairperson of the Sessional Committee on Devolved Government regarding the devastating effects, including loss of lives and destruction of property, caused by recent flooding in Nairobi and other major towns like Narok.
- ii) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement regarding the safety of Kenyans caught up in the unfolding political events in Burundi and informed the Senate that the safety of the Kenyans in Burundi is guaranteed and that the Kenyan Embassy in Bujumbura had urged all Kenyans in that country to avoid non-essential movements and to remain in their residences until the situation was clearer.

The Chairperson also informed the Senate that many Kenyans had already left Burundi on their own volition since schools were on holiday and further that family members of Embassy staff had already been evacuated as well as non-essential staff and that the Ambassador, who had been out of the station attending the EAC Extra-Ordinary Summit on Burundi held in Dar-Es-Salaam, Tanzania, was due to travel back to Bujumbura to coordinate the activities of ensuring the safety of Kenyans.

The Senate was further informed that the EAC leaders were meeting in Dar-Es-Salaam even as the reports of the attempted coup were received and that the leaders had condemned the attempted coup and noted that the environment was not conducive for holding of elections, recommending postponement of the elections to a date within the current Government's term in order to give all parties sufficient time to campaign.

The Chairperson assured the Senate that the African Union does not condone change of government through unconstitutional means.

b) **Statement Pursuant To Standing Order 45 (2) (c)**

The Senate Majority Leader issued a Statement on the Business of the Senate for the week commencing Tuesday, 12<sup>th</sup> May, 2015.

7. **THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred;

8. **THE FAIR ADMINISTRATIVE ACTION BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed-

**THAT**, the Fair Administrative Action Bill (National Assembly Bill No. 10 of 2015) be now read a Second Time.

*(The Senate Majority Leader - 13.05.2015)*

Debate interrupted on Wednesday, 13<sup>th</sup> May, 2015 resumed;

And there being no other Senator willing to contribute;

The Mover replied;

Raising a point of order, the Senator for Tharaka- Nithi County (Sen.(Prof) Kindiki) requested for deferment of putting of the Question to the following day pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen. (Dr.) Machage) acceding to the request deferred putting of the question to Tuesday, 19<sup>th</sup> May, 2015.

9. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed-

**THAT**, the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014) be now read a Second Time.

*(The Senate Majority Leader)*

Debate arising;

And there being no other Senator willing to contribute;

The Mover replied;

Raising a point of order, the Senator for Tharaka-Nithi County (Sen.(Prof) Kindiki) requested for deferment of putting of the Question to the following day pursuant to Standing Order 54(3).

And the Temporary Speaker (Sen.(Dr.) Machage) acceding to the request deferred putting the question to Tuesday, 19<sup>th</sup> May, 2015.

10. **THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)**

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

Order for Second Reading read;

Order deferred.

11. **THE COUNTY ASSEMBLY SERVICES BILL, (SENATE BILL NO. 27 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

Order for Second Reading read;

Order deferred.

12. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL**  
**(SENATE BILL NO. 36 OF 2014)**

(Chairperson, *Ad hoc* Committee on Establishment of Public Compensation Bureaus)

Order for Second Reading read;

Order deferred.

13. **MOTION- DIRECTING THE STANDING COMMITTEE ON HEALTH TO IMMEDIATELY INITIATE REVIEW OF THE EXISTING LEGISLATION ON HEALTH CARE IN ORDER TO MAINSTREAM AND ENHANCE CARE FOR PATIENTS OF DEMENTIA AND FURTHER THAT THE COMMITTEE SUBMITS A REPORT TO THE HOUSE ON THE MATTER WITHIN NINETY (90) DAYS.**

(Department of Health)

Motion made and question proposed;

**THAT**, aware that currently there are approximately 44 million persons living with dementia worldwide, a figure that is expected to triple by 2050; acknowledging that caring for dementia patients can be a difficult experience; appreciating the contribution of family members and other care givers of people suffering from dementia across Kenya; noting with concern that mental healthcare does not seem to be a priority in the public health sector in Kenya since the allocation for mental healthcare is less than 1% of the total public health budget; acknowledging the importance of raising awareness of dementia and ensuring that people with dementia are treated with dignity and respect; appreciating the contribution of non-governmental organizations such as the Africa Mental Health Foundation and the International Institute for Legislative Affairs who provide a platform for sharing of views and experiences on care of people with dementia; noting the need to enhance awareness on and provide better care for patients of dementia; the Senate directs the Standing Committee on Health to immediately initiate review of the existing legislation on health care in order to mainstream and enhance care for patients of dementia and further that the Committee submits a report to the House on the matter within ninety (90) days.

*(Sen. (Dr.) Wilfred Machage)*

Debate arising;

And there being no other Senator willing to contribute;

The Mover replied;

Before the Question was put, and pursuant to Standing Order No. 72, the Temporary Speaker (Sen. Mositet) informed the House that the Motion did not affect Counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

**THAT**, aware that currently there are approximately 44 million persons living with dementia worldwide, a figure that is expected to triple by 2050; acknowledging that caring for dementia patients can be a difficult experience; appreciating the contribution of family members and other care givers of people suffering from dementia across Kenya; noting with concern that mental healthcare does not seem to be a priority in the public health sector in Kenya since the allocation for mental healthcare is less than 1% of the total public health budget; acknowledging the importance of raising awareness of dementia and ensuring that people with dementia are treated with dignity and respect; appreciating the contribution of non- governmental organizations such as the Africa Mental Health Foundation and the International Institute for Legislative Affairs who provide a platform for sharing of views and experiences on care of people with dementia; noting the need to enhance awareness on and provide better care for patients of dementia; the Senate directs the Standing Committee on Health to immediately initiate review of the existing legislation on health care in order to mainstream and enhance care for patients of dementia and further that the Committee submits a report to the House on the matter within ninety (90) days.

14. **MOTION – URGING THE NATIONAL GOVERNMENT TO SET UP THE NATIONAL AIDS CONTROL COUNCIL (NACC) COUNTY OFFICES IN ALL COUNTY HEADQUARTERS WITH THE NATIONAL HEADQUARTERS PROVIDING OVERALL CO-ORDINATION AND THAT THE RESOURCES ALLOCATED FOR THE FIGHT AGAINST HIV/AIDS BE DISBURSED AND MANAGED AT THE COUNTY LEVEL.**

(Department of Health)

Order Deferred;

And there being no other business, the Temporary Speaker (Sen. Mositet) adjourned the Senate without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** - at three minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, May 19, 2015 at 2.30 pm.*

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