



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 17, 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. **PETITIONS**

Petition on the heavy blasting and dust from a quarry near Taru trading centre

Pursuant to Standing Order 220 (1) (a), the Speaker reported to the Senate that a petition had been received from residents of Kwale County concerning heavy blasting and dust from a quarry near Taru Trading Centre.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the Petition and directed that the Petition be committed to the Standing Committee on Land and Natural Resources, in accordance with Standing Order 227.

4. **PAPERS**

The following papers were laid on the Table of the Senate:-

- (a) The Annual Report of the National Cohesion and Integration Commission for the FY 2013/2014.

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

- (b) The Annual Report of the Ministry of Information, Communication and Technology for the FY 2014/2015.

(Vice-Chairperson, Standing Committee on Information and Technology);

- (c) Statement by the Senate Majority Leader regarding Business of the Senate for the week commencing Tuesday, 22nd September 2015.

(The Senate Majority Leader)

5. **NOTICE OF MOTION** – (Sen. Mutula Kilonzo Jnr)

THAT, WHEREAS the National Land Commission was established following the enactment of the National Land Commission Act, 2012 to, among others, give effect to the objects and principles of devolved government in land management and administration;

NOTING the principles of land policy as set out in Article 60 of the Constitution including equitable access to land and encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution;

RECOGNIZING that land ownership and utilization is at the centre of many interpersonal and community conflicts in the country since independence;

ALSO NOTING that section 15 of the National Land Commission Act mandates the Commission to recommend to Parliament appropriate legislation to provide for investigation and adjudication of claims arising out of historical land injustices for the purposes of Article 67 (2) (e) of the Constitution;

FURTHER NOTING with concern that the envisaged legislation has not been enacted five years after promulgation of the Constitution;

AND NOTING that historical injustices on land matters was among the main justifications for the new Constitution;

This Senate urges the National Land Commission to urgently recommend to the Senate a Bill to address historical land injustices to provide a framework to ensure that land is properly utilized for the economic benefit of the affected communities.

6. **STATEMENTS**(a) **Statements Pursuant To Standing Order 45 (2) (b)**

- (i) The Senator for Nyamira, Sen. Kennedy Mong'are, sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the detention of Mr. Don Bosco Ooga Gichana in Arusha-Tanzania.
- (ii) A nominated Senator, Sen. Martha Wangari, sought a statement from the Chairperson of the Standing Committee on Health regarding the deteriorating medical care standards in the country with specific reference to mushrooming of practicing quack doctors.
- (iii) The Senator for Nandi, Sen. Stephen Sang, sought a statement from the Chairperson of the Standing Committee on National Security and Foreign relations on the rising insecurity within Nandi County.
- (iv) The Chairperson of the Standing Committee on Education issued a Statement on the management of Moi University and the University of Eldoret.

In his response, the Chairperson stated that the University of Eldoret had experienced chaos on 8th July 2015 when students went on the rampage, destroying property which led to a decision by the University Management Board to close it. The Chairperson further stated that the University Senate, on 9th July 2015, ratified the decision to close down the university.

The Chairperson informed the House that the Ministry of Education, Science and Technology had constituted a team to investigate the causes of the disturbances and that the team carried out investigations, compiled a comprehensive report which the Ministry would use to make follow up and ensure implementation of the recommendations of the report.

The Chairperson further informed the Senate that the University Senate had met and resolved to open the university progressively from 1st August, 2015 and that the government would take necessary measures to ensure learning at the two institutions was not interrupted unnecessarily.

- (v) The Chairperson of the Standing Committee on Education issued a statement on the current crisis in the education sector occasioned by the on-going industrial action by teachers.

Thereupon, the Chairperson informed Senate that the strike was occasioned by the ruling of the Employment and Labour Relations Court on 30th June, 2015, which awarded a salary increment to teachers of between 50 to 60 per cent, backdated to 1st July, 2013 and spread to 30th June, 2017. The Chairperson further informed the house that the Teachers Service Commission (TSC) had appealed against the court ruling and sought stay of execution but the Court of Appeal had given a conditional stay that the TSC effects teachers basic salary effective 1st August, 2015.

The House was informed that there would be a court hearing regarding the matter on 22nd September, 2015.

- (vi) The Vice-Chairperson of the Standing Committee on Health issued a Statement on the selection and placement of students to Medical Training Centres. She informed the Senate that both the Kenya Medical Training College (KMTC) and the Kenya Universities and Colleges Central Placement Services (KUCCPS) had selected and placed students in the various Medical Training Colleges/Centers in the Country.

the responsibility of admitting students to KMTC was the prerogative of the KMTC Academic Board as provided in the University Act and the KMTC Act.

(b) **Statements 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, 22nd September, 2015.

7. **THE WATER BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2014)**
(The Senate Majority Leader)

Order for First Reading read.

Bill read a First Time and committed to the relevant Standing Committee.

8. **MOTION – NEED FOR REMEDIAL, POLICY, ADMINISTRATIVE AND LEGISLATIVE MEASURES TO IMPROVE THE PROCESS OF REGISTRATION FOR NATIONAL IDENTITY CARDS**

(Department of Interior and Coordination of National Government)

THAT, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

(Sen. Beatrice Elachi)

Order Deferred

9. **MOTION – NEED TO FORMULATE POLICIES TO DECONGEST THE NAIROBI METROPOLITAN AREA**

(Ministry of Transport and Infrastructure)

THAT, AWARE that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

CONCERNED that the economic cost of the congestion is estimated to be Kshs.1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

APPRECIATING the government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and
2. Creating regulations to:-
 - a) Require all deliveries to business premises to be done at night;

- b) Require construction on roads that are in use to be done at night;
and
- c) Reroute heavy commercial vehicles to use the bypasses.

(Sen. Zipporah Kittony)

Debate arising;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Mositet) interrupted proceedings and adjourned Senate without Question put pursuant to the Standing Orders.

10. SENATE ROSE - at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, September 22, 2015 at 2.30 p.m.*

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