



REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT – THIRD SESSION

VOTES AND PROCEEDINGS

TUESDAY, MARCH 3, 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. **PETITION BY FISHERMEN AND RESIDENTS OF BUDALANG'I AND FUNYULA CONSTITUENCIES ON THE SHORES OF LAKE VICTORIA ON THE PROTECTION OF SOCIO-ECONOMIC AND OTHER CONSTITUTIONALLY PROTECTED RIGHTS**

Pursuant to Standing Order 220 (1) (b), a Nominated Senator (Ms. Emma Mbura), presented a petition on behalf of fishermen and residents of Budalang'i and Funyula constituencies on the shores of Lake Victoria on the protection of the socio-economic, environmental, human dignity, and other constitutionally protected rights and fundamental freedoms.

Pursuant to Standing Order 226, the Speaker invited Senators to comment on the petition;

There being no Senator wishing to comment and pursuant to Standing Order 227, the Speaker directed that the Petition be committed to the Standing Committee on National Security and Foreign Relations.

4. **PAPERS LAID**

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

- a) The National Safety Authority (Operation of Public Service Vehicles) (Amendment No.2) Regulations 2014.
(Chairperson, Sessional Committee on Delegated Legislation)
- b) Report of the Joint Committee of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security and Foreign Relations of the Senate on the vetting of Mr. Joseph Kipchirchir Boinett –

Nominee for appointment to the position of Inspector- General of the National Police Service.

(The Chairperson, Standing Committee on National Security and Foreign Relations)

5. **NOTICE OF MOTION** - (The Chairperson-Standing Committee on National Security and Foreign Relations)

THAT, this House adopts the Report of the Joint Committee of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security and Foreign Relations of the Senate on the vetting of Mr. Joseph Kipchirchir Boinett - Nominee for the appointment to the position of Inspector-General of the National Police Service laid on the Table of the House on Tuesday, 3rd March, 2015.

6. **NOTICE OF MOTION** - (Sen. (Dr.) Agnes Zani)
(Department of Education, Science and Technology)

THAT, aware that the prime purpose of devolution in Kenya is to decentralize and transfer functions, resources and power to the county level of government in order to promote participatory democracy and sustainable development for the benefit of all Kenyans; concerned that the Ministry of Education, Science and Technology still upholds the historical classification of schools into national, county and district schools; concerned that such categorization has implications in terms of funding, administration and eventually academic performance and that it limits choices and admissions of students to Form One; appreciating that in the current devolved system of government counties will play a key role in the educational outcomes of their schools; the Senate calls upon the Ministry of Education, Science and Technology to take immediate action to review the categorization of public secondary schools and to classify all of them as county schools in order to ensure equity in resource allocation and guarantee quality education for all.

7. **NOTICE OF MOTION**- (Sen. (Dr.) Wilfred Machage)
(Department of Health)

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.

8. STATEMENTS PURSUANT TO STANDING ORDER 45 (2) (B)

- a) The Chairperson of the Standing Committee on National Security and Foreign Relations issued a statement on the destruction of Turkana South Eco-lodge in Kainuk town, Turkana County.

Thereupon, the Chairperson informed the Senate that in January 2015, suspected Pokot raiders attacked a construction site for Eco-lodge, a Resort Centre which is being put up by the County Government of Turkana within Kainuk area and destroyed one plastic water tank, demolished a temporary-iron sheet store and stole some iron sheets. It is suspected that the motive of the attackers was to stall the construction of the resort centre since they claimed it is on their grazing fields and they were not consulted.

The Chairperson also informed the Senate that several National Police Reservists and civilians have been killed by raiders in the last one year but that the Government will not compensate the families of the deceased as they were not employees of the Government and hence not covered by the existing Government Compensation Scheme for deceased officers.

The Senate was further informed that security patrols had been intensified in the affected areas and that the Committee was visiting insecurity prone areas with a view to getting a lasting solution to the conflicts.

- b) The Chairperson of the Standing Committee on Land and Natural Resources issued a statement on the ongoing property development on Land Reference No. NRB/Block 90/599 situated at the junction of Loresho Ridge and Kaptagat road in Nairobi.

The Chairperson informed the Senate that the land in question came into existence as a result of amalgamation and change of user, from residential to commercial of parcel numbers NRB/BLK 90/584, 585 and 586 and re-planning of original parcel no. NRB/BLK 90/229 vide PDP No. 42/19/95/8 of 4th September 1995, which created

sub-plot A, B and C which were allocated by Government to three companies.

The Chairperson added that the plots were surveyed and became Plot No. NRB/Block 90/584, 585 and 586 whose leases were prepared in favour of the new owners and got registered on 6th March 1996.

The Senate was further informed that in 1998, an amalgamation proposal of Plot No. NRB/Block 90/584, 585 and 586 was presented to the Commissioner of Lands by the Director of City Planning and Architecture and the proposal was approved in October 2001 to give rise to L.R. No. NRB/Block 90/599.

The Chairperson also informed the Senate that from the available records, no building plans have been approved by the office to warrant the purported development on the ground, although the re-planning of the original parcel caused the change of use for the created subplots from public use to private ownership.

The Chairperson confirmed that the Ministry of Land and Housing and Urban Development, through the National Land Commission plans to review the allocation of the said parcels of land and, if found they had been reserved for water reservoirs, which is a public utility, the titles will be revoked.

9. **MOTION – ADOPTION OF THE REPORT ON THE SUITABILITY OF NOMINEES TO THE COMMISSION OF INQUIRY INTO THE PETITION TO DISSOLVE THE MAKUENI COUNTY GOVERNMENT**

Motion made and Question proposed;

THAT, this House adopts the Report of the Sessional Committee on Devolved Government on the suitability of the Nominees to the position of Commissioner in the Commission of Inquiry into the Petition to Dissolve the Makueni County Government, laid on the Table of the House on 26th February, 2015.

(The Chairperson, Sessional Committee on Devolved Government)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Ongoro) interrupted proceedings and adjourned the 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
Wednesday, March 4, 2015 at 2.30 p.m.*