

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 3rd May, 2016

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

[The Speaker (Hon. Ethuro) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STAFF FROM HOMA BAY COUNTY ASSEMBLY

The Speaker (Hon. Ethuro): Order, Members. I have a communication on the visiting delegation from Homa Bay County Assembly on attachment at the Senate.

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting staff from Homa Bay County Assembly. The County Assembly staff is here on a four-day attachment visit to the Senate. I request each member of the delegation to stand when called out, so that they may be acknowledged in the usual Senate tradition.

They are:-

- (1) David Gor - Deputy Clerk
- (2) Sharon Oranga - Director, Legislative and Committee Services
- (3) Stephen Ojako - Principal Clerk Assistant
- (4) Vera Ateng- Second Clerk Assistant

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.

Sen. Obure: Mr. Speaker, Sir, thank you very much for the kind words you have expressed in welcoming the delegation from Homa Bay County Assembly. As you know, these are my neighbours. I am aware that Homa Bay County is doing a wonderful job in actualizing devolution. I am sure that will not have happened without the support of the staff.

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Mr. Speaker, Sir, I am particularly grateful to you for facilitating their benchmarking visit to this Senate. I hope they will maximise on the opportunity to learn as much as possible, so that they put it in practice in their county.

Sen. Nabwala: Mr. Speaker, Sir, I also thank you very much for allowing and facilitating the benchmarking visit to the Senate by staff from Homa Bay County Assembly; other county assemblies should emulate what Homa Bay County Assembly has done. It is cheaper to do it here than to go overseas. As you know very well, the country is going through a lot of cash-flow constraints. I also thank the Governor for opting to take the route to benchmark locally here in Kenya.

The Speaker (Hon. Ethuro): Next Order!

PAPER LAID

REPORT ON PETITION: HEAVY BLASTING AND DUST FROM A QUARRY NEAR TARU TRADING CENTRE

The Speaker (Hon. Ethuro): Vice Chairperson of the Standing Committee on Land and Natural Resources, Sen. Khaniri.

Sen. Khaniri: Mr. Speaker, Sir, on behalf of the Committee on Land and Natural Resources, I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 3rd May, 2016;

Report of the Standing Committee on Land and Natural Resources on Examination of Petition on Heavy Blasting and Dust from a Quarry near Taru Trading Centre in Kinango Sub-County of Kwale County.

Mr. Speaker, Sir, I seek your indulgence. We did not meet the prerequisite 60 days due to various reasons. We had very many witnesses to summon and we also had to visit the site. So, we went beyond the stipulated period of 60 days that is provided for in our Constitution. We seek your indulgence and the indulgence of the House.

Thank you.

(Sen. Khaniri laid the document on the Table)

The Speaker (Hon. Ethuro): Next Order!

STATEMENTS

COMPENSATION OF LAND OWNERS IN SAMBURU BY KETRACO

The Speaker (Hon. Ethuro): Where is the Chairperson, Committee on Energy? Sen. Mwakulegwa, you are the Vice Chairperson of that Committee.

Sen. Mwakulegwa: Thank you, Mr. Speaker, Sir. The Senator for Samburu, Sen. Leshore, had requested for a Statement on compensation of land owners affected by the

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Kenya Electricity Transmission Company Limited (KETRACO) activities in Samburu County.

In that Statement, he wanted to know how many land owners and families in Samburu County will be affected by the Loiyangalani-Suswa Electricity Network Expansion Project, which is being undertaken by KETRACO

The number of land owners in Samburu County who will be affected by the Loiyangalani-Suswa transmission line is 67 families.

Two, he wanted to know how much money had been set aside for compensation to these owners when they surrender their land for the implementation of the project.

KETRACO has allocated Kshs193,506,001 for the purpose of land compensation to the affected land owners in Samburu County. Of this, Kshs97, 736,523 has already been compensated to the affected land owners.

He also wanted to know how many land owners have been compensated so far and by how much. The said amount is Kshs97,736,523 and 21 families or land owners were compensated.

Lastly, he wanted to know how many land owners affected by the project are yet to be compensated. A total of 46 land owners are yet to be paid for their land. Of these 46, nine negotiations have been completed. Twenty negotiations are ongoing and for four of them, documentation is missing because the ownership is in dispute.

The remaining 17 are absentee landlords but an advertisement was put in the local dailies to enable them be identified so that engagement can start. The first advert was put on 14th October, 2013 in the *Daily Nation* and *The Standard*. The second advert was put on 6th August, 2014. So far, they have been unable to identify the 13 land owners.

Thank you.

Sen. Leshore: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like the Vice Chairperson to clarify two issues. How soon are they going to compensate the 46 land owners? It is over three years now since they started negotiating and we are not seeing anything coming out of that.

Secondly, what about the transmission line from Marsabit passing through Wamba to Laikipia and Longonot? How many families or group ranches have you identified for compensation?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, further, could the Vice Chairperson reveal how much was paid per acre and if there were various payment modules per acre from Loiyangalani to Suswa, so that we see the variation? If there is a variation, why is that so? This is because the line is only one.

The same scenario is replicated in the line from Turkwel to Lodwar and from Turkwel to Kitale. We would want to know whether you are compensating the people appropriately or there is some oppression of some kind.

Sen. Haji: Mr. Speaker, Sir, we are told that 13 people are absentee landlords and that some advertisements were put in the papers. We know that most nomadic communities do not have access to newspapers but they have chiefs and assistant chiefs. If they are known, why can this information not be given to chiefs and assistant chiefs so that they can trace these people wherever they are?

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, could the Vice Chairperson also tell us the criteria which KETRACO uses to arrive at how much to pay per acre? I am asking this question, because the same line which is coming from Loiyangalani to Suswa also passes through Nyandarua County and there have been a lot of problems. Sometimes they arbitrarily decide to pay Kshs30,000 for a parcel of land and another, Kshs200,000. After a lot of negotiations, they never came up with precisely what the criteria is.

Can the Government, through KETRACO, propose a law like other countries have, to stop these arguments that come up every time there is a line passing through somewhere?

The Speaker (Hon. Ethuro): Vice Chairperson, could you respond?

Sen. Mwakulegwa: Mr. Speaker, Sir, the first one was when the compensation will be paid as requested by Sen. Leshore. The compensation is budgeted for 2016/2017 Financial Year.

In terms of the compensation on the Marsabit-Wamba line that goes through the group ranches, this was not part of the Statement that was requested. This is a new request. Therefore, now that he has put this request, I will go back to the Ministry and I am sure they will provide that information very soon.

There was a request on how much was paid per acre. I have actually provided Sen. Leshore with the list of all the 67, acreage and the amount of money that was paid. Therefore, if one wants to peruse, the list is available. It shows how much has been paid to each individual.

Sen. Leshore: On a point of order, Mr. Speaker, Sir. If you can read the first Statement, the request for a Statement on compensation of land owners affected by KETRACO in Samburu County are not mentioned in any line. I know there are two lines but the Vice Chairperson is telling me that there is only one line.

Sen. Mwakulegwa: Mr. Speaker, Sir, according to the Statement sought, it was very clear – Loiyangalani and Suswa. Therefore, it was not captured in the Statement that was requested from the Ministry of Energy. I have undertaken – now that he wants a Statement for details of Marsabit to Wamba to Suswa – to provide that in the next two weeks because that is a new question. I am ready to provide that information. If it is available, I could even provide next week but I am saying two weeks so that I give the Ministry of Energy adequate time for them to give me details like what they have given me.

In terms of how much the compensation will be undertaken between Turkwel and Kitale, as I said, this was not part of the original request, but now that you have requested, as I give the supplementary information, I will also be able to put that request but this is a new request and I was not prepared to tell you how much compensation will be given out between Turkwel and Kitale.

Mr. Speaker, Sir, in terms of the suggestions made by Sen. Haji, this advertisement was done three weeks ago and the administration was informed. That is why I am saying they have gone on identifying the land owners in question. To the remaining ones, I could give an update to Sen. Leshore on how many have been identified so far since the answer to this question came about a month ago. So, I can

come back to you and give you exactly how many have not been identified and the efforts they are undertaking using all the possible means to identify the absentee landlords.

Mr. Speaker, Sir, Sen. (Eng.) Muriuki has requested the criteria that is used in compensating land owners per acre. I am not a surveyor but it goes that in every area, land valuation is different. If, for example, the line is passing through Ngong, the valuation will be different from Taita-Taveta County or any other county. Therefore, the proposal that we should have a law; this is a right proposal so that what we saw not only in electricity, but also in roads, Standard Gauge Railway (SGR) and other projects, we find a lot of problems because there is no law and people are looking for money. If there is a law saying if a national project passes through your land, you could be reallocated land elsewhere; that will reduce the burden of paying these individuals so that we can fast-track these projects.

Thank you.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, I think the Chairman is trying and I complement him. But the issue of value of land from one area to another is not exactly the issue at hand. As I said, this line also passes through Nyandarua County and they came and employed their valuer and our local valuer. But the figures, even after establishing that in this area land costs, say like Kshs1 million, they still come and offer you Kshs330,000 per acre. It is not the value they are using but they seem to have other criteria. That is the one I am trying to pressurize the Chairman to tell the House in as much as they will come up with a law to streamline it.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, the Chairman is not handling the bit I asked. He should just tabulate and tell us how much it costs per acre. It is essential because some areas starting from the point we want to bring the power from are being oppressed. Some are given almost zero compensation. So, it is important that since your line does not change color or size, you should pay a standard figure. If Ngong is the standard measure per acre, the whole country should be the same because you will now have some minerals in Samburu County that you should anticipate in advance.

The Speaker (Hon. Ethuro): Order Sen. (Prof.) Lonyangapuo! Do not attempt to answer the statement. Wait for the Chairperson.

Sen. Mwakulegwa: Mr. Speaker, Sir, I had already answered this by saying that in two weeks' time I will provide the answer and the details for Turkwel and Kitale. It is not right to request me to do it again when I had already said I will provide the details in two weeks' time. What the Senator is trying to make me say is this much; I do not have an answer and I am not a surveyor. What I said is that I have already provided a list of all 67 land owners to Sen. Leshore. Therefore, if the Senator wants to see how much was paid per acre, the list is there.

Thank you.

The Speaker (Hon. Ethuro): But I hope in the supplementary information sought by Sen. Leshore, you will remember it is Marsabit, Wamba, Laikipia and Suswa. That is just for your information.

Statement 2 (b), by mutual consent, will appear on the order paper next week.

DELAYED PUBLIC WORKS AT THE JARAMOGI OGINGA ODINGA
TEACHING AND REFERRAL HOSPITAL

(Statement deferred)

Statement 2 (C)! National Security and Foreign Relation Committee Chairperson.
Sen. Haji, you were quite active in the other statement.

DENIAL OF VISA TO MR. JOSEPHAT KIMEMIA

Sen. Haji: Mr. Speaker, Sir, I am sorry, we agreed that I was not going to answer but all the same, since you have picked on me, we do not have this statement. We need more time to pursue the relevant Ministry so that we get it.

Sen. Omondi: Thank you, Mr. Speaker, Sir, for the opportunity. I want to register my disappointment. When I am raising these statements, it is the issue of equal opportunity. Other statements are given out but when it comes to issues affecting people with disabilities, it takes a longer time. So, the Committee should give the response in two weeks' time. I am not comfortable with the Chair's response.

Sen. Haji: Mr. Speaker, Sir, I do not think there is any discrimination but as we all know, ministries are slow in responding to statements that we send to them. Any way, we will try our best. She is very gracious by giving us two weeks. We will try our best to get the answer.

The Speaker (Hon. Ethuro): But Sen. Haji, I want to agree with Sen. Omondi. When you are already disadvantaged, any prolonged or delayed response is like adding insult to injury. So, you need to deal with it with speed. So, two weeks time is so ordered.

Next Statement 2 (d)! Education Committee Chairman, Sen. Karaba!

DISBURSEMENT OF FREE PRIMARY AND SECONDARY
EDUCATION FUNDS TO LEARNERS WITH DISABILITIES

Sen. Karaba: Mr. Speaker, Sir, I have been trying to get the answer to this statement, but any time I am in the office, I am told they are not ready. So, I have been promised to wait until tomorrow. Right now, I am from the office and they are telling me it has to be signed by the Cabinet Secretary (CS).

Sen. Omondi: Thank you, Mr. Speaker, Sir. History will repeat itself and it is just a confirmation that another statement has no answer. There is no seriousness.

Mr. Speaker, Sir, I want to request that if by tomorrow there is no response, then the Chairman should step down and summon the CS to come and give us the response.

The Speaker (Hon. Ethuro): Sen. Karaba.

Sen. Karaba: Mr. Speaker, Sir, that is a tall order. We only serve these questions to the Cabinet Secretary. Although it is our responsibility to make sure that we get a response, when you go to their offices, you will find they are not ready. We need to come up with a way forward as to what happens when a Cabinet Secretary fails to answer questions; it is not our fault. My responsibility is to read the statements when they come

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from the Ministry. Could Sen. Omondi apologize for insinuating that I need to step aside for a failure that is not mine?

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. Did you hear Sen. Karaba say that his duty is only to read a statement that comes here? He should withdraw and apologize, because the work of a Chairman of a Committee is not just to read statements in this House. He has a big duty to this House as a Chairman of a Committee. He must interrogate an answer, decide whether it is correct and then give it to the House; not to just read what is given to him.

The Speaker (Hon. Ethuro): Order, Sen. Kembi-Gitura. You are even more charitable to him. He actually said that he can read anything. That worried me more.

(Laughter)

Sen. Njoroge: On a point of order, Mr. Speaker, Sir. This is a matter of concern to me and I am following it keenly. When Sen. Karaba says that it is the duty of Chairpersons of Committees to read statements, is he referring to only the statements on issues of disability or all statements that come to this House?

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. Is it in order for the Chairman of the Committee on Education to feign ignorance? The Chairman knows well that he has all the instruments under the Constitution. Articles 125 and 153 (3) give him the powers to summon the Cabinet Secretary. There is a recourse that the Chairman can take and he knows that other committees have invoked these particular provisions of the Constitution. Is he in order to feign ignorance?

Sen. Obure: On a point of order, Mr. Speaker, Sir. Is the Chairman in order to suggest that his mandate is to read anything that is given to him?

The Speaker (Hon. Ethuro): Sen. Karaba, what do you have to say?

Sen. Karaba: Mr. Speaker, Sir, I am trying to follow this matter seriously. As I indicated earlier, I have been to the offices of the Ministry to make sure that these answers come to the House. Unfortunately, I was not able to get the answers from the Cabinet Secretary. I am pleading with my friend, Sen. Omondi, that I will go there tomorrow and make sure that the answers are availed. If they will not be available, then we will summon the CS. That is what I meant.

Normally, as soon as we get the statements, we sit with my Committee and go through the answers given. If we find that they are not satisfactory, we ask for more information. That is what happens; I am very informed about the system.

Sen. (Dr.) Machage: Mr. Speaker, Sir, now that the Chairman has not responded to any of the points of order that were raised by Members, I rise under Standing Order No. 110 (1) (i) to indicate that he has acted in a manner that is seriously detrimental to the dignity or orderly procedure of the Senate. Could you rule him out of order and take the necessary steps that the Standing Order prescribes?

Sen. Khaniri: Mr. Speaker, Sir, indeed, the Chairman is obliged to respond to the valid points of order that were raised by various Members. In particular, I refer the Chairman to Article 153(3) of the Constitution, which is express and explicit that:-

“A Cabinet Secretary shall attend before a Committee of the National Assembly or the Senate when required by the Committee, and answer any question concerning a matter for which the Cabinet Secretary is responsible”

Since it says “shall,” I plead that you compel the Chairman to respond to the points of order. Failure to do so, you should invoke the Standing Order that has been raised by Sen. (Dr.) Machage.

Sen. Okong’o: Mr. Speaker, Sir, I have worked with my Chairman because I am a Member of the Committee. I heard him request that he be given until tomorrow to bring the statement and if he fails to get it, then punitive measures such as summoning will follow. I do not understand why Members are bitter with my Chairman.

The Speaker (Hon. Ethuro): Order, Sen. Okong’o. Are you admitting that there is contributory negligence?

(Laughter)

Hon. Senators, the points of order raised are valid. The Chairman has attempted to answer them by saying that he has done his best. He has been to the offices and promised to come with a response by tomorrow. Failure to do so, he is at liberty to invoke the provisions that Sen. Khaniri has informed him about.

Regarding the point raised by Sen. Kembi-Gitura and Sen. Obure, he was clear that whenever they get a statement and there is sufficient time, they usually submit it to the Committee for further interrogation. It was a matter of language rather than the intent. Sen. (Dr.) Machage, you cannot subject that Standing Order in the first instance, because it is about gross disorder. ‘Gross’ is something persistent and deep. I know that the Chairman is one ‘permanent’ Member in the House and he does a good job.

The points raised by Sen. Omondi and Sen. Njoroge, which we had alluded to earlier, are valid. When there are three Statements in a row that have been deferred time and again, then you start wondering whether you can smell something else. Mr. Chairman, given the nature of the Statement being sought, it is important for the Ministry to give it priority. If not, you should use all the powers that you have to compel the Cabinet Secretary to act on them.

Let us proceed. Since Statement (e) does not arise, we will go to Statement (f). I do not see the Member here. Chairman, are you ready?

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

The Speaker (Hon. Ethuro): What is it, Sen. Omondi? You need to also learn to use the technology. My screen here is blank.

Sen. Omondi: Mr. Speaker, Sir, I am expecting another response to my Statement 2(e) from the Chairperson for the Committee on Education.

The Speaker (Hon. Ethuro): Order, Sen. Omondi. You are not following. When the Chairperson was responding to Statement (d), he said that he does not have an answer for Statement (e). When I was telling the Chairperson to bring the answers, I also said it applies to Statement (e). Obviously, you were not following and for all the reasons stated, they do not need to be repeated.

We proceed to Statement (f).

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Sen. Haji: Mr. Speaker, Sir, notwithstanding that the Senator who requested for the statement is not here, I am sorry to say that I do not have a response to the statement but we will try to answer it in a week's time.

The Speaker (Hon. Ethuro): When will we get a response?

Sen. Haji: In two weeks' time.

The Speaker (Hon. Ethuro): It cannot be two weeks because it is not a new statement.

Sen. Haji: At most, it will be one week although it might be earlier.

The Speaker (Hon. Ethuro): I direct that you bring a response by Thursday this week. Next statement is by the Committee on Health.

DEATH OF BABY STELLA ADHIAMBO OWINO AT THE NAKURU LEVEL FIVE HOSPITAL

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I notice both my Chairman and the Vice-Chairperson are not here but I am aware that by the end of last week, the Chairman was struggling to get an answer. If you could allow, we could bring the answer before the end of this week.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. Did you hear Sen. (Prof.) Lesan saying that the Chairman was struggling? How do you struggle when you are doing your duty? Are you confessing that you are incompetent because the terminology "struggling" means you are unable to work?

Sen. Leshore: On a point of order, Mr. Speaker, Sir. Is it in order for the two professors to engage in such a language that we do not even understand?

The Speaker (Hon. Ethuro): I may not answer for them but I would imagine that since you do not belong to that title, it is probable that you may not understand them.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I just used that terminology because it is a big task to get answers to these questions on time. We get the answers but it takes time. It is like a bit of strain to do that so the word "struggle" refers to the difficulty encountered in trying to get the answers. Otherwise, it is simple English and I do not understand why my colleague professor does not understand it.

Sen. Chelule: Mr. Speaker, Sir, I am most obliged but the Senator should be specific. He is thinking about Thursday or any other day.

Sen. (Prof.) Lesan: As I said, we will try to get the answer here on Thursday afternoon.

The Speaker (Hon. Ethuro): It is so directed.

Sen. (Prof.) Lesan, if you see your Chairman struggling, it means that he requires your assistance.

The next statement is 2(h), proceed, Sen. Haji.

AFFIRMATIVE ACTION ASSISTANCE TO PASTORALIST COMMUNITIES

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Sen. Haji: Mr. Speaker, Sir, I beg to be excused again. We do not have a response to this statement but we will endeavor to get it by Thursday next week, God willing.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, this statement was due today and it touches on the lives of many people of northern Kenya and the North Rift. This has to do with compensation and the people of those counties are waiting for the response. Remember, the post-election victims were paid very fast but these ones have suffered since 1963.

Sen. Okong'o: Mr. Speaker, Sir, I am a worried man considering the tradition and trends of events today. Is there a conspiracy from the Jubilee Government to derail issuing statements in this House? We seek answers from the Government but with the trend of events today and in the past few days--- I am just asking that question and we need to be told what is happening.

Sen. Wangari: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Okong'o to impute that every Chairperson of the Committee is from the Jubilee Government yet we know that some of them are from CORD? Have they been magnanimous despite having majority in committees?

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Okong'o to continue creating despondency in this House? Sen. Mwazo Mwakulegwa, a very respected member of your coalition has just given a very comprehensive answer which he got from the Jubilee Government. So, it is not right for a Member to make castigations based on nothing. I was here listening to his answer in very good terms and I dare say that it came from the Jubilee Government.

Sen. Sang: On a point of order, Mr. Speaker, Sir. Based on what Sen. Kembi-Gitura has said, can it be possible that the Cabinet Secretaries are sabotaging chairmen from Jubilee parties. It appears that only Committee Chairs from the CORD side are getting answers but those of us who are hardworking are not getting any?

The Speaker (Hon. Ethuro): Order, Sen. Sang. I think that was the most surprising of all of them.

Sen. Obure: Mr. Speaker, Sir, all these responses are provided by the Jubilee Government regardless of where their chairperson is affiliated to. In this particular case today, it seems that chairpersons belonging to the Jubilee side have been unable to give responses. Could an inquiry be established to find out whether there is sabotage going on somewhere?

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Kembi-Gitura, Sen. Sang and Sen. Wangari to struggle to exonerate the obvious situation in the House today; that Jubilee chairpersons have failed to respond to any question on the Floor of this House?

Sen. Haji: Mr. Speaker, Sir, we are not aware of any conspiracy. My guess is that due to the recent retreat of all Cabinet Secretaries and the Huruma incident, maybe the response is ready but it requires his signature and he must have been out and very busy. In spite of that, we shall try everything possible to get the statement by Thursday next week.

The Speaker (Hon. Ethuro): Sen. Haji, you know you are a senior citizen of the Republic and having occupied all those positions, you know that you can be in a retreat and work is being done, you can be at the site and work is going on. The document can get you wherever you are for a signature and even these days, we have the electronic signature. So, do not try to defend the indefensible.

Sen. Haji: Mr. Speaker, Sir, I was not trying to defend the indefensible and I have been a Minister myself and I do recall that occasionally, papers were brought on my desk and they remained there for some days. Nevertheless, we will do everything possible to bring the response by Thursday next week.

The Speaker (Hon. Ethuro): The House must take the Executive to task because this is not a matter of wishful thinking. This House represents people and all sovereign power is derived from the people and the rest of us are just servants so we must act accordingly.

That is the end of Statement Hour.

THE DECLINING STATE OF HEALTH SERVICES IN NANDI COUNTY

Sen. Sang: On a point of order, Mr. Speaker, Sir. You will recall that last week I sought a statement on the ongoing health crisis in Nandi County that has led to the closure of all health facilities in Nandi County. This is the fifth week since the facilities closed down. I sought a statement from the chairperson of the Committee on Health. One of the components was to be responded to today in terms of the Senate Committee intervening to mediate between the county executive and the union of nurses. That is due today.

The Speaker (Hon. Ethuro): I actually remember that kind of conversation. The statement was split into segments for purposes of expediting. Where is the Chairperson, Vice-Chairperson or any Member of the Committee?

Sen. (Prof.) Lesan: I was not in the House last time when this issue was raised but I am aware that the Chair of the Committee on Health, Sen. (Dr.) Kutu, spent part of his weekend addressing this issue. Unfortunately, I am unable to report to the House the results of these efforts. I really do not have much to report because this is an effort that the Chairman was making before bringing it to the Committee for discussion.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. I would like to add to what Sen. (Prof.) Lesan has said. The Committee secretariat was trying to summon the person in charge of the health docket in that county and the Governor to appear before the Committee, if possible, tomorrow. That is where we have reached so far.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. We are dealing with an emergency of 900,000 people in Nandi County. Their health is at stake and you directed that the matter should be expedited. There is no programme or duty roster for sickness. Is it in order for the Committee to treat this issue as just any other business in this House? I expected them to tell us that they went to Nandi County and summoned the Governor so that they can take him to Kapsabet Hospital. They are now saying that they

are bringing him here. What is he coming to do here when the sickness is at home? Is the Committee serious or what do they want us to do with them?

Sen. Sang: Mr. Speaker, Sir, it is sad to hear what Sen. (Prof.) Lesan and Sen. (Dr.) Machage have shared with this House today. When I sought this Statement last week, we agreed that we divide the question into two parts so that we focus on one aspect relating to the Committee that was to mediate on the crisis in Nandi County. This is an emergency. Out of the 47 counties, there is none that has ever had its health facilities completely shut down for four weeks. This is the fifth week. The people of Nandi County are left with no other option other than the Senate. They think that the Senate is the only institution that will step in to help them sort out this crisis.

I have taken the trouble myself to talk to the Kenya National Union of Nurses (KNUN) who are willing to go back to work, but the county executive has refused to engage them. Therefore, when I bring this Statement to the Senate and the Committee on Health seems to take the same line as the county executive by taking their sweet time, where will the people of Nandi County find refuge if the institution that is their only hope takes one-and-half weeks to respond to this issue?

Mr. Speaker, Sir, I requested that the Speaker's office facilitates that Committee and you directed that it was possible. It is, therefore, sad to see that there is no response yet. I request that the Committee appreciates the position that they hold; they hold the lives of people of Nandi County in their hands. They should, therefore, expedite this process so that health facilities in Nandi County can be up and running in the shortest time possible.

Sen. Cheruiyot: Mr. Speaker, Sir, Kericho County is a neighbour to Nandi County. Therefore, we have felt first-hand the burden of the residents of Nandi County having to travel all the way to Kericho to seek medical attention. I was at home over the weekend and met a couple of people from Nandi County seeking treatment. Therefore, I know how difficult it is for the residents of Nandi County during this time that the strike is ongoing. We are all aware that issues of health cannot be postponed or taken casually. In my opinion, the Committee on Health has treated this matter casually.

Allow me to call people who do not support the work of the Senate "enemies of the Senate" for advancing the theory that this House is not useful to the economy of this country. Therefore, I find it wrong when our Committees give such naysayers ammunition to attack us. I would expect that in such a situation, our Committee would swing into action and find a solution. That way, we would prove to people that the Senate has a place in this country and that we are the protectors and custodians of devolution and that we are ready to resolve issues whenever they arise. I, therefore, plead that the Committee on Health be directed to do its work diligently to avert the crisis that the people of Nandi County are facing.

Sen. (Dr.) Machage: Mr. Speaker, Sir, as much as the Committee on Health appreciates the magnitude of the problem and sympathizes with the people of Nandi County, the order was made on Thursday last week. There was a weekend in between and yesterday was a public holiday. In any case, we have summoned the relevant persons. I am aware that we can invoke Article 125 of the Constitution but we have just heard about

similar problems from other Committee Chairpersons that the Cabinet Secretaries refuse to come. We have summoned them. If they do not come, we will apply Article 125.

I, therefore, plead with the two Senators to be patient. The situation has been going on for one month. Therefore, do not expect that the Committee on Health will go to arrest those people to come for a meeting. In any case, Sen. (Prof.) Lesan and I are acting on behalf of the Chairperson and the Vice Chairperson who are not present. We are trying our best.

Sen. Sang: Mr. Speaker, Sir, I would like to correct the impression created by Sen. (Dr.) Machage that the Statement was requested on Thursday when it was actually requested on Tuesday. The direction was that the Committee should respond by Tuesday, which is today. All in all, the two Senators have been useful.

I would like to report that there is a court order that was issued in Nakuru today. Therefore, in suggesting a way forward, the Industrial Court in Nakuru directed that the industrial action be suspended for three weeks and that there should be no victimization of staff.

In the three weeks period, the county government and the KNUN are required to register an agreement with the court. I, therefore, request that the Committee on Health within the intervening period ensures that they work with the executive and the KNUN to ensure that the court order is implemented even as they pursue to address those issues. With the implementation of that court order, the people of Nandi County will have the health facilities up and running. I, therefore, request the Committee on Health to help us in intervening and ensuring that the direction of the court is implemented. That will give us temporary reprieve.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Is Sen. Sang in order to suggest that Senators are agents of the implementation of court orders?

The Speaker (Hon. Ethuro): Order Sen. (Dr.) Machage! The absence of the Chairperson and the Vice Chairperson of the Committee on Health does not exonerate the rest from responsibility. This is an issue directed to the Committee. The Chairperson is just a spokesperson. Sen. (Prof.) Lesan and Sen. (Dr.) Machage have demonstrated the depth of their involvement in this matter. The House expects you to take it to the next level and make sure that you make the necessary interventions and use the powers that you have, especially since Sen. (Dr.) Machage wants to apply those powers to other committees. There is no better situation than in his own Committee. I directed that a response be issued in the House on Thursday this week.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I am in communication with the Chairperson of the Committee who is dealing with this issue. Given the latest information that has been given by Sen. Sang, we will give a way forward on this issue on Thursday.

The Speaker (Hon. Ethuro): It is so ordered. I believe that the Committee appreciates the gravity of this problem. That is the end of Statement Hour.

Next Order!

COMMITTEE OF THE WHOLE

*(Order for Committee read)**[The Speaker (Hon. Ethuro) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. (Dr.) Machage) took the Chair]*THE UNIVERSITIES (AMENDMENT) BILL
(SENATE BILL NO.31 OF 2014)*(Resumption of Consideration in the
Committee interrupted on 15.3.2016)*

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Senators, we still need Members even more so in case we need to vote. I advise that hon. Senators do not leave, including, the Deputy Speaker.

Hon. Senators, we are in the Committee of the Whole; Order No.8: The Universities (Amendment) Bill (Senate Bill No.31 of 2014). This is resumption of debate that was interrupted on 15th March, 2016.

We had considered all the clauses except Clause 4A. This clause is supposed to be moved by Sen. Karaba as a New Clause. Please, proceed.

New Clause 4A

Sen. Karaba: Mr. Temporary Chairperson, Sir, I beg to move:-

That, the Bill be amended be amended by insetting the following clause immediately after Clause 4-

4ASection 36 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection-

(2) A person shall be qualified for appointment as the chairperson of the council under subsection (1)(a) or as a member of the council under subsection (1)(d) if the person —

(a) holds a masters degree from a university recognized in Kenya;

(b) has—

(i) in the case of the chairperson of the council, ten years experience; and

(ii) in the case of a member of the council, five years experience;

in leadership, management or academia at a senior level; and

(c) is of high moral character and integrity and meets the requirements of Chapter Six of the Constitution and is capable of contributing to university education.

(Question, that the New Clause 4A be read a Second Time proposed)

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The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Senators, the question will be put later.

Very well, we have to report progress.

Proceed, Mover.

Sen. Adan: Mr. Temporary Chairperson, pursuant to Standing Order No.139, I beg to move that the Committee do report progress to the Senate on its consideration of The Universities (Amendment) Bill (Senate Bill No.31 of 2014) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Speaker (Sen. Sang): Proceed, Chairperson.

PROGRESS REPORTED

THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO.31 OF 2014)

Sen. (Dr.) Machage: Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the Whole has considered The Universities (Amendment) Bill (Senate Bill No.31 of 2014) and seeks leave to sit again tomorrow.

Sen. Adan: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report. I request Sen. Karaba to second.

Sen. Karaba seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Sang): Next order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

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IN THE COMMITTEE

[The Temporary Chairperson (Sen. (Dr.) Machage) took the Chair]

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

The Temporary Chairperson (Sen. (Dr.) Machage: Hon. Senators, we are looking at Order No.9; Committee of the Whole: The County Assembly Services Bill (Senate Bill No. 27 of 2014).

Hon. Senators, we have logistical problems on this Order. We need to report of progress.

Mover!

Sen. Adan: Mr. Deputy Chairperson, Sir, pursuant to Standing Order 139, I beg to move that the Committee do report progress to the Senate on its consideration of the County Assembly Services Bill (Senate Bill No. 27 of 2014).

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

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

Sen. (Dr.) Machage: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Assembly Services Bill (Senate Bill No. 27 of 2014) and seeks leave to sit again tomorrow.

Sen. Adan: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

Sen. M. Kajwang seconded

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Sang): We will defer Order Nos.10 and 11.

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Sen. Adan: On a point of order, Mr. Temporary Speaker, Sir. I propose that we proceed with Order No.11 because it has been on the Order Paper for a very long time. It is a very short amendment.

The Temporary Speaker (Sen. Sang): Sen. Dullo, some bit of paperwork is needed to facilitate that.

Sen. (Dr.) Machage: On a point of order, Mr. Temporary Speaker, Sir. I want to be on record about the conduct of business this afternoon. I want you to instruct your office to make sure that they are ready always before the commencement of business of this House. That way, we can execute our duties, not only diligently but effectively and on time.

The Temporary Speaker (Sen. Sang): That is noted. Clearly, the Committee was ready to proceed with Order No.9, but the necessary paperwork and facilitation appears not to be ready. Again, on Order No.11, the Committee is ready, but it appears that the Secretariat is not ready. That is a concern that must be addressed. When we have business on the Order Paper and the Committees are notified of the same, and then at the time of prosecuting the business, we are told that the necessary paperwork is not available, that is quite unfortunate.

I direct that the Secretariat must and should always be ready to prosecute business appearing on the Order Paper. This should never have been the case.

COMMITTEE OF THE WHOLE

THE COUNTY HALL OF FAME BILL
(SENATE BILL NO.33 OF 2014)

THE COUNTY GOVERNMENTS DISASTER MANAGEMENT
BILL (SENATE BILL NO.40 OF 2014)

(Committee of the Whole deferred)

BILL

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.43 OF 2013)

(Sen. Elachi on 27.4.2016)

(Resumption of Debate interrupted on 27.4.2016)

The Temporary Speaker (Sen. Sang): This is resumption of debate interrupted on Wednesday, 27th April, 2016. Since Sen. Wako had concluded his contribution, debate is now open.

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Sen. M. Kajwang: Thank you, Mr. Temporary Speaker, Sir. I wish to support this amendment to the Persons with Disabilities Act. This amendment is fairly straight forward. We are trying to make it mandatory that any institution that offers services to citizens shall make sure that those services are offered in a manner that makes it friendly and accessible to persons with disabilities. We are going further to define the official language for the deaf in Kenya as Kenyan Sign Language.

Article 7 of our Constitution talks about national, official and other languages. In as much as it defines English and Kiswahili, it goes ahead and states that the state shall promote the development and use of indigenous languages, Kenya Sign Language, braille and other communication formats and technologies accessible to persons with disabilities. This amendment, therefore, gives life to that particular provision under Article 7 of the Constitution.

This amendment came through a Committee that I sit in, that is, the Joint Parliamentary Committee on National Cohesion and Equal Opportunity. When we were considering this Bill, we took the opportunity to have a meeting with some public officers, whose job is to ensure that buildings that are put up in this country adhere to certain standards. Sometimes we like to put a lot of legislation even when there are already sufficient standards and guidelines that are capable of taking care of some of these situations. When we interrogated what the building code contains, we realized that this nation has got planning and building regulations, last done in 2009. These are planning and building regulations that are in force.

There are almost eleven regulations - from Regulation BB87 all the way to Regulation BB98 – that are already in force and talk about access to public facilities by persons with disabilities, yet they are not being enforced. Regulation BB87 indicates that buildings must be planned for use by persons with disabilities; Regulation BB88 talks about initial access for persons with disabilities; Regulation BB89 talks about ramps for persons with disabilities; Regulation BB90 talks about dropped kerbs for persons with disabilities; Regulations BB91 talks about lifts for persons with disabilities; Regulations BB92 talks about corridors and lobbies for persons with disabilities and Regulation BB94 talks about water closet cubicles for persons with disabilities.

This amendment does not just say that persons with disabilities should be able to access these buildings; it must go further. Something as important as a water closet cubicle for persons with disabilities--- You could have created a ramp to allow persons with physical disabilities and persons on wheelchairs to get into the building, but they might not be able to access a water closet cubicle and some of the facilities that give them dignity.

We already have regulations that talk about rooms for persons with disabilities. In fact, it is interesting to note that a hotel with 100 or more guestrooms shall provide not less than two guest rooms with full facilities for persons with disabilities and a further room for every complete 100 guestrooms in excess of 200. These regulations are there. We went beyond the Planning and Buildings Regulations 2009. We met officials from the Kenya Bureau of Standards, which has come up with certain accessibility standards known as ISO21542. These standards talk about accessibility and usability of the built environment.

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It is interesting to note that there was no communication or conversation between the Kenya Bureau of Standards and the officials from the state department responsible for construction. Whereas there is a local standard that has been defined – and a lot of effort has gone into coming up with ISO21542 that provides clear guidelines for addressing accessibility in building construction in this country – the officials from the state department indicated that they were unaware of this particular ISO21542 standard that has been developed by the Kenya Bureau of Standards.

One wonders why then we need to invest a lot of money in a body like the Kenya Bureau of Standards that does significant research and comes up with standards that are based on other international standards and guidelines, yet no one takes those things seriously. We could then argue that we should just pick the British standard on building and construction that the Kenya Bureau of Standards has attempted to localize.

This points to a disjoint in the Government where different arms do not know what is happening. Even without these amendments, there are sufficient regulations, standards and guidelines that should compel anyone putting up a public building to ensure that it meets certain thresholds of accessibility. If you look at what has happened in this country, particularly in Huruma--- Allow me to use this opportunity to convey my condolences to the families and friends of those who perished in the very unfortunate incident.

The only uplifting story that we heard today was that a one-year-old child was rescued alive from the rubble after 80 hours; going without food and lying next to a mother who was dead. The death in Huruma is just another example of impunity. We have all sorts of regulations and guidelines on how we should put up buildings in this country, but people flout them, as if breaking the law has become fashionable in this country.

As an institution, we are the ones who make the laws, but we also need to be firm on the people who are supposed to enforce them and see to it that they should be followed, otherwise, this nation would not be in mourning. We would not have lost more than 20 able bodied men and women. They died because of greed and corruption in the construction sector in country. The National Construction Authority (NCA) has a mandate to make sure that buildings in this nation meet certain standards. In fact, the body to implement even the amendment we are making to this Bill will be the NCA, yet it has already failed to do some things that are straightforward.

There are people in the City – and I dare say close to 90 per cent – who live either in slums or in buildings that are not fit for humans, due to low income earnings. When I started working in this City, I was forced to reside in an apartment in Embakasi that was about ten storeys high. The apartment did not have a lift and reliable piped water. If you live on the eighth floor of an apartment, you have to climb the stairs with a pail of water every day. Those are the conditions under which many Kenyans are forced to live.

In fact, whenever we say that the lives of Kenyans are getting better, maybe we are talking about Governors, Members of Parliament and those who are lucky enough to come close to public funds, like the National Youth Service (NYS) funds.

We must come up with a formula in this country that will ensure that when we come up with regulations and laws, like the one we are looking at today, enforcement is

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done properly. I wish that this amendment would have gone further and come up with very specific penalties for those who breach the amendment that we have put in here. But it is not to say that those penalties have not been defined somewhere else. There are building regulations of the 1990s and the Kenya Bureau of Standards has got the ISO21542 standard that stipulates accessibility requirements for the built environment, but what we lack in this country is implementation.

It would also be important to note that the last time the building code in this country was looked at was in the 1990s. Since then, a lot of standards have changed. In fact, the building code that we use in Kenya is dated 1997. There has been reorganization in Government which, in my view, is disorganization. This is because even the people who are now in charge of housing are not very sure under which Ministry they fall. Previously, they fell under a different Ministry and I am told that they are now under infrastructure.

Therefore, the Government also needs to style up because when the civil servants are confused and do not know which parent Ministry they are supposed to owe their allegiance to, they will not be very stringent in enforcement of the rules and regulations that they have been entrusted with.

Mr. Temporary Speaker, Sir, I support this particular amendment but I just call for greater vigilance. We have lost 23 people in that unfortunate incident in Huruma. I hope that all the promises that we are getting, be it from the state, county government or political leaders and all the nice sounding words that people who go there to condole---. I hope we will not dance on the graves of the 23 or more than 20 people because there are still very many souls that are trapped in that trouble and it is not very clear how many lives we have lost.

The economic opportunities that we have lost as a country are immense. In as much as we want development and in as much as we want development of housing through the private sector, we must ensure that we come up with strict standards. The standards are already there but the only problem is enforcement.

For us to make this amendment a success and a victory for persons with disability, let us not just think of accessing buildings. Let us look at the totality. Let us look at issues like water closets. Let us look at the life of a person with disability once they enter a building. Let us also not focus only on a section of disability where one is physically infirm or where one is on a wheelchair because there are other classes of disability. We need to make sure that public buildings at the very minimum---

I wish this amendment also talked about private buildings where people access public services because if I put up my house and a bank is in there, I should be held to the same standards as a post office or a huduma centre is being held to. Let us look at the totality. Let it not just consider persons on wheelchairs but also persons with visual disability and persons with difficulty in hearing.

The Bill has attempted to address the issue of persons with difficulty in hearing by recommending that official language shall be Kenyan Sign Language (KSL). In terms of local content, you will still find television stations that are in blatant breach of regulations that there has to be a transcription of all advertisements and, particularly, news in sign language for persons with difficulty in hearing. When you watch the 7.00 p.m. or 9.00

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p.m. news, you will still find that it is only tailored for people who can hear and see at the same time. We need to move forward and have an agency that is responsible for enforcing compliance with some of the nice regulations and amendments that we come up with.

I support.

Sen. (Dr.) Machage: Bw. Spika wa Muda, asante kwa kunipa nafasi kutoa mawazo yangu kuhusu Mswada huu wa kurekebisha Katiba kuhusu wasio na uwezo katika jamii yetu. Ni kudra ya Mungu kuzaliwa ukiwa na uwezo au kuzaliwa kilema. Mtu yeyote anaweza kuzaliwa akiwa mzima na kujipata amelemaa kutokana na ugonjwa, ajali au maumbile yake. Kwa hivyo, hata wale ambao wana uwezo wasije wakaringa kwa sababu wao pia wanaweza kujipata katika kundi la walemavu. Ni kudra ya Mungu mtu kuishi na kumaliza miaka yake bila kulemaa. Mungu akikubariki uishi hadi uzee wako, huenda ukapofuka, ukawa kiziwi au upate shida ya miguu kwa sababu ya uzee. Hapo utakuwa umelemaa. Kwa hivyo, lazima tujue kwamba mtu yeyote anaweza kujipata katika hali hiyo wakati wowote.

Kipengele 54(1) katika Katiba yetu ya Kenya kinatoa haki kwa wale wasio na uwezo kamili kwa njia yoyote ile. Wao wana haki ya kujumuika na wengine, kutunzwa na kuangaliwa kwa heshima. Mazingira, lishe na makazi yao yanafaa kuazingatiwa. Wanafaa kuishi kwa heshima.

Mswada huu unapendekeza vigezo vya kamati au halmashauri ambayo itasimamiwa na wasio na uwezo. Kamati hiyo itajumuishwa kikamilifu na serikali za kaunti. Lengo ni kuhakikisha kuwa nafasi mwafaka ya wasio na uwezo kuwakilishwa kikamilifu imepatikana. Sheria hii itahakikisha kwamba kuna uwakilishaji wa wasio na uwezo kutoka mashinani hadi Serikali ya kitaifa. Hivyo basi, Mswada huu unalenga kuongeza Sehemu 2(a) ambayo itatoa sheria na sera za kuwatunza wasio na uwezo, kuchunguza na kutangaza masilahi yao.

Sehemu 2(b) inahitaji kuwe na uchunguzi kamili kujua kwa nini na kwa sababu gani watu hulemaa. Tukijua sababu, basi tutajua kinga. Hata hivyo, kuna sababu kadhaa zinazosababisha mtu kulemaa ambazo tunaelewa. Zingine ninaweza kuepukika. Hizi ni kama vile kutokuwa na zahanati za kutosha kwa kina mama kujifungua salama na kuzaa watoto wazima. Utapata kuwa wakati mwingine, mama hawezi kufanyiwa upasuaji au hakuna dakitari aliye na uwezo wa kujua kwamba mtoto ana shida. Kwa hivyo, utapata kuwa mtoto anazaliwa mbumbumbu, hali ambayo ingeepukwa.

Kuna hali zingine za kulemaza kama vile *poliomyelitis*. Chanjo kwa watoto wasiozidi miaka mitano imesisitizwa sana nchini. Ni wito wangu kwamba kila jamii iwapeleke watoto kupata chanjo. Najua kwamba kuna sera za dini zingine nchini ambazo zinawanyima watoto haki hii.

Bw. Spika wa Muda, sababu nyingine ni ajali. Kwanza, nipe nafasi nitoe rambirambi zangu kwa wale waliopoteza maisha yao huko Huruma kwa sababu ya uzembe wa mafundi, wahandisi na Serikali. Serikali iliruhusu ujenzi wa nyumba hafifu na kisha kuruhusu binadamu aishi ndani ya nyumba hiyo. Uzembe na ufidhuli ni mambo ambayo hayakubaliki kabisa.

Sheria hii itatupa uwezo wa kuchukua hatua ya kukabiliana na mambo kama hayo ambayo yanasababisha watu kulemaa. Sheria inasema kwamba walemavu wanapaswa

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kupewa vifaa na washughulikiwe na watu ambao wamesoma na kukomaa. Pia, wapewe vifaa vya kufanya mazoezi ili warudi katika hali nafuu. Hata kama sio hali ya uzima kabisa, lakini angalau iwe hali ya kujitegemea. Sheria hiyo inatoa nafasi ya watu waliolomaa kupata nafasi ya kujumuika na wengine shuleni na hata kazini ndani na nje ya Serikali. Watu hawa wanatakiwa kuwa na uwezo wa kupata elimu, haki zingine na kadhalika. Kila mtoto apewe nafasi hiyo.

Kwa hivyo, mambo haya lazima yatekelezwe kwa mujibu wa sheria ya serikali kuu na ya kaunti. Kwa kila kaunti, inatakikana kamati iundwe ili kutoa ushauri kwa mambo yanoyowahusu watu waliokosa uwezo mmoja au mwingine. Mimi sitaenda kwa undani zaidi na kusema hizi kamati ziwe na akina nani. Ninapendekeza tu kwamba katika kamati hizo, lazima kuwemo watu wasiopungua wanne kutoka hii jamii ya walemavu. Baraka huja kwa njia nyingi. Tunaweza kupigwa sisi hapa Bungeni tusipopendekeza au kuratibisha Miswada kama hii, ili itumike kuwakuza walemavu kwa njia ya haki na wawe na furaha.

Nina budi kwa dhati kuunga mkono marekebisho ambayo yamependekezwa kwa Miswada huu.

Sen. Cheruiyot: Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to also rise and support this amendment. This is an issue that many of us at times treat so casually and lightly. Perhaps, we have not addressed ourselves properly to it over a period of time because we consider it a preserve of only the disabled. As leaders, I think we are challenged many times in our thoughts to reason or imagine ourselves not only as individuals but to see the county or the constituency that we represent in its entirety.

Last weekend, I attended a funeral service of a man who had lived his entire life of 80 years as a disabled person. When I read this Bill, the struggles that were shared by his children of what he underwent his entire life came into focus. May God bless the people who thought about this amendment, particularly the one that affects county governments and the establishment of these county committees for Persons with Disabilities (PWDs).

It is my considered view that while at the national Government, we have very good laws that have been enacted about representation of PWDs, this remains a challenge in counties. There are certain counties, mine included, where the office of the governor is on the second or third floor. People with disabilities cannot access such buildings because they have no lifts. In such instances, you wonder what happens when a Member of the County Assembly (MCA) or representatives of PWDs want to have a meeting with the governor.

Mr. Temporary Speaker, Sir, it is only with the establishment of such committees that we shall highlight and encourage county governments to realise that they too are governments on their own. The way we domesticate international laws, I think they also should domesticate some of these national laws in their counties even without being prompted by Bills. It is really sad that it took the enactment of such proposals for some counties to consider that they need to have such bodies that exist within.

We know that even when it comes to business opportunities for PWDs, we have good laws. However, like it has been highlighted earlier by the Senator who spoke before me, we have never been short of good laws as a country. Where we fall short is on

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implementation. Who is checking, for example, these county governments to ensure that they are compliant with the 30 per cent rule on youth, women and PWDs? To what proportion are they compliant and what percentage of business are these PWDs getting? We could be talking of it being a good law and a county saying it is complying but maybe only by virtue of giving business to women and youth while PWDs are left out. Nobody is checking those provisions. I believe that these are some of the things that the constitution of such committees will read through and check.

You are also aware that there is a fund both from Government and sometimes Non-governmental Organisations (NGOs) that are sent to support PWDs. I am sure that this is something that many Senators in this House have experienced. When you have your *barazas*, many times, the locals will tell you how such funds end up in the pockets of a few well connected individuals and that is the end of the story. Somebody signs some forms here in Nairobi County saying that we have disbursed a certain amount of money to a particular county to support PWDs and that is the end of the story.

If you have such a committee which, for sure, will live to the spirit and the letter of this Bill, then I think such instances will be stories of the past. We will have somebody giving a good record of PWDs per county or even per village. That way, when there is assistance that needs to be passed on, those that are left at home and do not even have information that there are laws that protect them on how they live and go about their daily life to try and make it as comfortable as possible can be sensitized that it is their right.

Mr. Temporary Speaker, Sir, it is a known fact that, for example, Government entities for a long time have been mandated by law to ensure that PWDs have access to services. In counties, nobody checks such laws and people are perhaps not properly empowered. In many of our counties, we have nominated MCAs who represent PWDs, but how empowered are these individuals? If they were to rise and seek the support of their various county assemblies and say, “please support me in this particular legislation”, how safe and secure are we? If the same was to come in the form of a petition to the county assembly from the county committee of PWDs, then it would carry some weight and it will be considered.

For those and many other reasons, I support.

Sen. Nabwala: Mr. Temporary Speaker, Sir, I rise to support the amendment to this very important Act which is touching on persons living with disabilities. This section of people has been forgotten for a long time, yet they exist in the Constitution.

The amendment is very clear because it is calling for two things: One is accessibility to services and formation of a body that will coordinate the activities of PWDs. It is also addressing the Kenyan sign language (KSL). You know that the official language for the deaf in Kenya is the Kenyan Sign Language (KSL). However, not everybody understands that. Information needs to be interpreted to the lower level so that we have it in Swahili, English and even vernacular so that PWDs can understand the information coming from the top.

This amendment is very important in that, when you read the Constitution Chapter 54 (1), it says:-

“A person with any disability is entitled-

- (a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
- (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
- (c) to reasonable access to all places, public transport and information;
- (d) to use sign language, Braille or other appropriate means of communication; and
- (e) to access materials and devices to overcome constraints arising from the person's disability."

Mr. Temporary Speaker, Sir, if you look at this particular section, you will find that most counties do not have special schools to cater for persons living with disabilities. The National Government should join with the county governments and make sure that at least one or two schools are set up in every county so that we do not have people living with disabilities going to established schools like Kerugoya which is very far of and we know how means of travel is a challenge to these people.

When you look, for instance, at the public transport, the way buses are built, it is a challenge for a person with disability to get into the bus. In most cases, you find that these people are in the rural areas. They remain at home because of lack of transportation to the city. They cannot also get to services in the city, for example, to look for jobs because they lack education.

These people have not had access to education because of lack of special schools; they come from poor backgrounds and/ or due to stigma, you find that parents do not expose these children. In the past, parents did not want to expose their children to the outside world because they felt that people would laugh at them or demean the stature of the family.

Mr. Temporary Speaker, Sir, persons with disability also have great challenges, particularly the deaf and the blind. They do not engage in public participation exercises since most counties do not offer sign language interpreters during public forums and do not have Braille equipment.

So, it is important that the National and county governments partner to provide such services to persons living with disabilities. These are our people and our children. When you go out there, you find that there is no data. You do not know how many disabled people are there in every county. So, if there is a formation of a body which is going to cater for their services, I think they will be able to get the data and let us know who are disabled and in what manner because some of them are not born disabled. You have seen accidents that can make someone disabled yet you were born a very normal person.

Mr. Temporary Speaker, Sir, you have seen our colleagues here struggling with wheelchairs and yet they are Senators. How about the poor people out there? So, I think it is important that the National Government takes this matter seriously to facilitate the disabled people out there. In my county, they are numberless and they do not come to the city because they do not have the means of travel. It is high time that the national and county governments collaborate and take this matter seriously.

Mr. Temporary Speaker, Sir, I have talked about education which is partly devolved to the counties. It will be encouraging if the national Government works hand in hand with the counties to ensure that each county has at least a primary school. I think I had mentioned about that. A secondary school or a technical institute that can provide education to persons with disabilities should be built to enable them access the essential services in their respective counties.

We need to facilitate them so that they can be able to work and put food on their table. If you lack that education, how are you going to get a job in an office? How are you going to access the 30 per cent procurement jobs set aside for disabled persons when you cannot be able to move? The first thing we need to do is to get the data and facilitate the movement of the disabled people so that they can be able to move around like other people. That way, we shall be making their lives a bit easier.

Mr. Temporary Speaker, Sir, the body in charge of public transport in the country should be able to push their members into providing quality transport means that cater for people with disabilities. If you look around here in Nairobi, you do not find disabled people. Why? They are there but they are not able to move to the city because of lack of transport. So, I think we should have special means where if someone has a job or wants to come and do business, he should be facilitated instead of being carried to the roadside to become beggars. The Government should take it upon itself and help these people who are not able to help themselves.

Mr. Temporary Speaker, Sir, disability, as I said, is not a natural thing. Sometimes, it comes even in your old age. You can find that arthritis catches up with you and you become disabled. So, the Government needs to invest more money in the disabled kitty. If it is money for the disabled, let the money be set aside so that it is not mixed up with youth or women funds. Disabled people cannot compete with normal people who are able to run around and look for these orders. So, we need to put their money aside and make sure that counties cater for these people until such a time that they are able to stand on their feet.

Thank you and I support.

Sen. Adan: Thank you Mr. Temporary Speaker, Sir. I wish to add my voice to this particular Bill. I want to say that personally, I have worked with people living with disabilities for many years and I know it is an area that requires a lot of support. These people have a lot of challenges. It is long overdue for this amendment to have been carried, the reason being that it is now almost six years down the line since we had the Constitution in place and the Disability Act should have been amended.

Mr. Temporary Speaker, Sir, Article 54 (1) (a) is very clear in terms of this particular provision that requires amendment of the Act which reads:-

“A person with any disability is entitled to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning.”

This is the reason why you will find people calling the disabled with so many funny names. In that way, they are supposed to be treated with dignity.

Article 54 (1) (b) reads:-

“to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person.”

Mr. Temporary Speaker, Sir, if you go round, despite having the Constitution and the Disability Act in place, you will find the learning institutions sometimes do not provide for people living with disability. I think it is high time we enforced this particular provision in the sense that these are not lesser people within us.

Article 54 (1) (c) reads:-

“reasonable access to all places, public transport and information.”

Mr. Temporary Speaker, Sir, if you go to the *matatu* stage right now, it is unlikely that you will find people with disability, especially those on a wheelchair, because they cannot access those *matatus*. This is unfair because the Act is clear and the constitutional provision is also very clear. This is the right that needs to be enforced so that people living with disabilities are comfortable.

Article 54 (1) (d) of the Constitution talks about the use of Sign language, Braille or other appropriate means of communication. This has been referred to by various speakers. I served in the Kenya National Commission for Human Rights (KNCHR) with Sen. Hassan Omar and my friend, Commissioner Tororei, who is blind. Whenever he wanted to read a newspaper he would call us to re-do it for him. This is unfair because persons with disabilities are not lesser citizens. They should be provided for, so that they can read for themselves and access the information that they require.

Article 54 (1) (e) of the Constitution deals with access to materials and devices to overcome constraints arising from the person's disability. I worked with the The National Council for Persons with Disabilities, which is given money to provide devices for people living with disabilities. Unfortunately, most people living with disabilities in the rural areas do not get these devices. I urge the county government to set aside funds so that people living with disabilities are taken care of. We have a lot of funds in the county governments that are not accessible to persons living with disabilities and this has to be taken seriously.

Article 54 (2) of the Constitution states that:-

“The State shall ensure the progressive implementation of the principle that at least five per cent of members of the public in elective and appointive bodies are persons with disabilities”.

This is only on paper. The county governments or private institutions do not consider people living with disabilities. When I was working in the National Council for Persons with Disabilities, the argument that people brought forth was whether we had to go round looking for people with disabilities to employ. It is up to the institution to encourage persons living with disabilities to apply. This should be a must because we have legislation and a provision within the Constitution that protects the interests of these people.

Disability has various categories and it is important for all institutions to consider all categories of disability. For example, Sen. Omondi is not the same as a person who is blind or somebody who has mental disability. We need to consider all categories of disability whenever we take action.

Mr. Temporary Speaker, Sir, when there is a public function, persons with disabilities are unable to access some buildings. For example, it is hard for persons living with disabilities to access Kenyatta International Convention Centre (KICC), which is a

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public building. The issue of accessibility is important. This also applies to some residential houses. For example, the building that collapsed in Huruma was not disability friendly to persons living with disabilities. Whenever plans for public institutions and private properties are approved, it should be mandatory that they are accessible by persons living with disabilities.

Penalties are important but in as much as we have the legislation and Constitution in place, the bigger challenge is enforcement. The National Council for Persons with Disabilities has a board which is toothless. We need to create a body that can enforce the provisions of the Constitution and the Persons with Disabilities Act. Disability can occur anytime. A building may collapse and cause disability to many people. Also, one could fall sick and become disabled. Therefore, we should not look down upon these people because they have rights just like any other person. It is time that we considered people living with disabilities and enforced those rights as required in law. There are no two ways about it.

Mr. Temporary Speaker, Sir, finally, the regulations in place will assist in the enforcement of those provisions. We should not have excuses in terms of providing for persons living with disabilities. We must support these people and amend the relevant provisions so that they are in tandem with the Constitution.

I support.

The Temporary Speaker (Sen. Sang): Sen. Madzayo Stewart Shadrack, the Senator for Kilifi County.

Sen. Madzayo: Bw. Spika wa Muda, asante kwa kuniita kwa majina hayo yote ambayo nayakubali kabisa. Asante kwa kunipa nafasi hii ili niweze kuchangia Mswada huu unaohusu walemavu. Kama tunavyojua, kila kinachozaliwa hakikosi kasoro. Wengine wetu tulibahatika kazaliwa bila ulemavu. Kuna watu walemavu katika familia nyingi katika taifa la Kenya. Ni lazima tukubali maumbile ya mwenyezi Mungu.

Kuna watu wanaozaliwa na ulemavu and wale wanaopata ulemavu kutokana na ajali mbalimbali. Tuko na ndugu zetu kama vile Sen. Leshore, ambaye alizaliwa bila ulemavu lakini alipata ajali iliyomuweka katika hali ya ulemavu. Vile vile, watu wengine hupata ulemavu kutokana na magonjwa mbalimbali.

Bw. Spika wa Muda, Serikali yetu imelegeza kamba kidogo kwa kuwasaidia walemavu. Pia, kuna vyombo vya habari ambavyo haviwasaidii walemavu. Kuna baadhi ya stesheni za televisheni ambazo hazina waelekezi wa watu walio na ulemavu wanapopeperusha vipindi vyao. Vile vile ni aibu kuona ya kwamba watu walemavu hawawezi kuingia kwenye majengo fulani nchini. Hata tulipokuwa Watamu hivi majuzi ilibidi tumbebe mmoja wetu, Sen. Omondi, ili aweze kuingia ndani ya chumba cha mikutano.

Kuna hoteli kubwa kama vile Intercontinental Hotel ambayo ina upungufu wa vifaa vya kuwasaidia walemavu. Vile vile, Serikali zetu za mashinani zinapojenga shule za chekechea hazizingatii watoto ambao wako na ulemavu. Tunasisitiza ya kwamba shule hizo na taasisi mbali mbali ni lazima ziwe na vifaa maalum kama njia za kutumiwa na watu walemavu. Inasikitisha kwamba kuna baadhi ya makanisa na misikiti ambako watu walemavu hawawezi kuingia bila kubebwa. Mambo kama haya yanaleta utata na ni

lazima tuweke sheria kama hizi. Ninauhakika kwamba sheria hizi zitawasaidia walemavu.

Bw. Spika wa Muda, tunawapenda wanawake wetu na tungependa kila mmoja wao apate mtoto. Kuna wanawake wanaojiweza na hivyo wanaweza kupanda kitanda wakati wa kujifungua. Hivyo hivyo, kuna wanawake walemavu walio wajawazito. Ikifika wakati wa kujifungua, hospitali nyingi hazina vitanda vya wanawake walemavu. Inawabidi kulala sakafuni, ukarabati ubuniwe na wakunga ili waweze kujifungua. Hospitali zinafaa kutia maanani urefu wa vitanda ili wanawake walemavu waweze kuvipanda na kujifungua kwa njia rahisi.

Hivi majuzi, sehemu nyingi za nchi yetu zimepata hasara kutokana na mvua haswa mtaa wa Huruma. Kutokana na mkasa huo, huenda waathiriwa wengine wakawa walemavu. Je ni hatua gani Serikali inachukua kuhakikisha kwamba hatua inachukuliwa dhidi ya watu wanaokarabati nyumba za hali duni hivyo kuongeza idadi ya walemavu? Ni sheria gani itabuniwa ili kutoa adhabu kali kwa watu wanaotengeneza nyumba bila kukarabatia vizuri na kuweka nafasi za watu walio na ulemavu kuingia katika nyumba hizo. Ni lazima tuweke sheria kali dhidi ya ukarabati duni kama lile jengo lililoporomoka hivi majuzi.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to contribute to this Bill. From the outset, the Constitution has been very inclusive. If there is any progressive Constitution the world over, it is the Kenyan Constitution for the fact that it envisages everybody to play a meaningful role in development. One of the sectors that have been included is that of people with disabilities.

Most studies have established that up to 10 per cent of people living in Kenya are people with disabilities. Most of the time, we look at the physical disabilities that are obvious and easy to see. However, we have other disabilities that are internal, for example, mental disabilities.

Most developed countries have been able to pull in the various categories of people to enable them play a meaningful role. We always say that disability is not inability. However, we need to find systems, ways and technologies to ensure that the people with disabilities can continue to live very productive lives. That is possible because most developed counties have lifts and phones that are fitted with audio facilities, thus suitable for persons with disabilities. The Constitution has been---

The Temporary Speaker (Sen. Sang): What is your point of order Sen. (Prof.) Kindiki?

PROCEDURAL MOTION

ELECTION OF SENATOR TO PRESIDE OVER THE HOUSE PURSUANT TO STANDING ORDER NO.18 AND ARTICLE 107(1)(C) OF THE CONSTITUTION

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Temporary Speaker, Sir. Pursuant to Standing Order No.18 and Article 107(1)(c) of the

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Constitution of Kenya I beg to move that Sen. Stewart Madzayo be elected to preside over the sitting of the Senate for the remainder of the sitting today.

I have noted that you have been on the Chair for long and none of the Members of the Speaker's Panel is here. Therefore, it is only human that we help you to avoid any incident.

I beg to request Sen. Hassan to second me.

Sen. Hassan seconded.

(Question proposed)

(Question put and agreed to)

(Resumption of Debate on the Bill)

The Temporary Speaker (Sen. Sang): Please, proceed Sen. (Dr.) Zani

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, the issue of discrimination has already been addressed in the Constitution. Therefore, it is a question of how few apply the Constitution and apply the Articles to bring into effect the issue of avoidance of discrimination. Article 7(1) is very clear that the national language is Kiswahili. Article 7(2) says that the official languages are English and Kiswahili.

Article 7(3)(b) states that:-

“(3) The State shall—

(b) promote the development and use of indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities.”

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

[The Temporary Speaker (Sen. Madzayo) took the Chair]

I, therefore, agree with Sen. Adan that we need to have a strong board which will advocate, lobby, look for funds and mobilize the people with disabilities to make it happen. It is starting to happen but in a very *ad hoc* manner. Sometimes, when we go to conferences, midway, someone will come to interpret in Sign language. Sometimes we see interpreters on the side during news time. There is no consistency. Therefore, somebody who is keen on following a programme is unable to do so comprehensively because they cannot hear what is being said. It is disappointing and frustrating for such persons not to be able to follow on important issues for no good reason.

It is possible to have interpreters in every programme. Not having interpreters not only cuts them off from communication but from feeling that they are members of the nation and that they have a meaningful contribution to make. It cuts them off from friends. The level of interaction reduces because they may not be in sync with the happenings and the development at any given time.

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Mr. Temporary Speaker, Sir, the board that exists should be empowered to ensure that they follow through what is expected of them; this becomes critical for us. As we make these decisions, we should keep in mind that disability is not segregated for a particular group of people or person. We have had incidences in the past of able people who have ended up with disabilities due to accidents or disease and they become unable to function the way they used to before. We must, therefore, change our mindset when talking about disabilities. We need to know that we are talking about disability and all of us have a potential to be disabled even when we were originally not disabled.

Therefore, the rationale for the amendments is very sound. For instance, there is the proposed amendment that the retirement age for the disabled be increased to 65 years. Before it was 60 years for civil servants, now it needs to be increased to 65 years. It was 60 years for those who with disability and 55 years for those who had no disability. Now, that there is a change to the age of 60 years for those without disability, it is critical, therefore, that age be changed to 65 years. That affirmative action and increment in the five years was already catered for legislatively. So, it is just a question of changing the age bracket because that age bracket has also legislatively changed.

There is also the amendment on allowing persons with disabilities to enjoy services and move from one place to another. We should provide electronic and mechanized system of wheel chairs for them. That should not be difficult. However, as hon. Senators have said, there is a problem because then, sometimes buildings do not have ramps for persons with disabilities. We have talked a lot. Some action needs to be taken especially for new buildings that are coming up to put that into consideration.

Assistive devices and other equipment are critical, including services of a qualified interpreter to guide persons with disabilities, especially the blind. In the Department of Philosophy and Religious Studies, we had a member who was blind, but despite that, he was able to get through primary, secondary to earning a doctorate degree which is no mean feat. So, it is possible. This subset of persons with disabilities has made it despite all the odds. This should act as a motivator and role model for many other young people who have not made it for one reason or another. Some of the nominated Members especially those in this House and the National Assembly are playing the role of ensuring that persons with disabilities are motivated so that they can move on.

In The County Early Childhood Education Bill, 2014 that is currently in the National Assembly, this issue is tackled from the onset. For example, children will not be discriminated in ECDE centres because of disabilities. They are catered for. Families and communities can look at persons with disabilities in villages, wards, constituencies and ensure that problem does not stop them from progressing. Some affirmative action needs to be taken.

As one speaker recently said, it is about putting ourselves in that place. When you change your lense and perspective, 10 per cent of the population is a big category that is necessary for development. We cannot talk about the Sustainable Development Goals (SDGs) yet a big part of attaining them has to do with how we handle the persons with disabilities and how we ensure that they come to the fore and meaningfully contribute to development. Most of the time they want to contribute and have the ability to do so, but unfortunately, they are not facilitated. SDGs; be it in education, agriculture or

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environment cannot be attained - at least 70 per cent of them - simply because we have not addressed the 10 per cent of our population.

Mr. Temporary Speaker, Sir, concerning the expectations, political will and energized concerted effort is missing. Countries that have addressed this have done it to very high levels to a point where people do not even think about disability becoming inability. A person with disability does not have to worry when attending a forum because interpretation for persons with hearing impairment has already been catered for. There is audio and specific equipment that they put in their ears and communicate. It is only fair that we implement this, especially, in the spirit of inclusivity which is the direction that we are taking in this country.

There should also be more availability of Sign language interpretation, and probably encouragement even for those without disabilities to learn that Sign language. So far, Sign language is designated for those who have hearing and talking impairment without thinking about the broader category. It is very easy to learn and apply it. It will create a more inclusive and integrative process. More needs to be done targeting specific regions. Studies also need to be done to look at the levels of uptake of Sign language among the category with disabilities and the category that do not have disabilities so that we can cascade and improve it across the board. We should move it to various areas.

For instance, Kiswahili is in danger of being relegated and forgotten. Sign language probably is facing the same fate. We should not allow this to happen. We should remember that the people we are advocating for in this amendment are our brothers, sisters, grandfathers, mothers and members of the Kenyan society.

With those remarks, I beg to support.

Sen. Hassan: Mr. Temporary Speaker, Sir, I feel honoured that I am accorded this opportunity when you are seated on that seat. It might be the one and only time that you sit there. Therefore, it could be quite important for the annals of history to know that Senator No.003 accorded an opportunity to Senator No.001 to contribute to an important constitutional Bill that seeks to give force to the Constitution of the Republic of Kenya.

Mr. Temporary Speaker, Sir, a friend told me that when you hear something mentioned once, it could be an opinion or rumour. When you hear it mentioned twice, it could still be an opinion or rumour but when it is mentioned severally, it becomes data. There is no measure of a progressive Constitution. Today, Kenya is regarded to have a progressive Constitution largely because it has a progressive Bill of Rights. The Bill of Rights in the Constitution of Kenya is an aspiration even some democracies need to emulate and take up in their various constitutional practices and amendments of their Constitution.

It has been said severally that the Kenyan Constitution is progressive largely because it has a progressive Bill of Rights. Therefore, I commend *Mheshimiwa* Wanjiku Muhia, Member of Parliament (MP). It should accurately say, "Member of the National Assembly" because MP refers to all MPs. Since our Bill largely refers to us as Senators, it is only prudent that we adopt a style so that one knows from which Chamber the Bill is being proposed from. However, I commend her. What she is doing is a responsibility of State actors. The Senate and other bodies should have started it a long time ago.

Article 54 of the Constitution is explicit. Persons with disabilities are entitled to numerous rights that are articulated in the Constitution. Therefore, let us not accord disability rights as simply mere tokenism out of grand gesture of our leadership or magnanimity of our people. No! It is a dictate of our Constitution that every State shall have these obligations. I commend the President in the State of the Nation Address for saying that we are a nation that is kind hearted so as to set aside a fund for the elderly.

Mr. Temporary Speaker, Sir, we are a nation that has obligations under the Constitution, your heart notwithstanding, you have obligations under the Constitution. Therefore, it is not out of the good gesture of this Senate; out of the kind heartedness of the State; out of mere magnanimity or as political grandstanding that we accord these rights. These rights are indivisible and indelible. They are rights that are provided because they are inherent in every human being.

We as a country promulgated this Constitution long time and yet I hear people constantly referring to this Constitution as “new”. This Constitution is no longer new. Kenya cannot purport that it is growing in steps. If one asks for a job, they need to do it to perfection. You cannot tell me that you are governor of a county and say you are making steps---

If one asks for a job whose terms are in the Constitution, you must discharge that responsibility on day one as if you were born in it. We hear these excuses all the time that Kenya is a nascent democracy. There is no such thing as a “nascent democracy”. It is either you are a democracy or not. Therefore, this is a democracy. This is a constitutional democracy. We have provided ourselves a Bill of rights that is extremely elaborate.

Therefore, when persons living with disability are always looking for duty bearers to ask them to exercise acts of magnanimity, that duty bearer must be held to account. They do not know what the Constitution today has provided for the people of Kenya. People who have executive functions make it appear like whenever they are providing development to us, it is an act of magnanimity. They use more for the launching of that project particularly at the county level than the project cost itself. Governors are launching toilets. Shame! In 2016, for a governor to launch a toilet, as a nation, we must feel betrayed. It is shameful. A governor simply drilling a hole creates a ceremony to manipulate the emotions of his people.

In 2016, Kenya is still moving from pit latrines to sanitation. That is a constitutional preserve. A governor thinks he can hold a ceremony to launch a toilet. That governor needs psychiatric assessment. In fact, he should be launching those toilets under the pretext of a shameful regime over the last 50 years of a country that fails to provide for its people.

People living in informal neighbourhoods are the people who vote for us most. We live in some of the best neighbourhoods. However, the bulk of our votes come from the most informal of neighbourhoods. We promulgated a Constitution based on the devolved system of Government so that we can devolve some little money to prioritize certain small things. These governors go and lord over their people whereas these are things that should have been there 50 years ago.

When we debate this Bill, we are doing no favour to persons living with disability and several other categories including the marginalized people. The memorandum of

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objects talks about the fact that this will require additional expenditure of public funds. These expenditures are there to remedy past expenses. When we put in more money for equalization, we are not benefitting those people. They are remedying the wrongs they did to them.

People must understand the human rights discourse. It is about equalization of the society. It is about providing opportunity to those ones who have been disenfranchised through deliberate State policy. If for 50 years one has not built ramps for people with disability then this must be prioritized before you can think of purchasing cars. That is what human rights is about.

People who have not been schooled in good governance meet the constituency of disability and promise them a few things within the regime Constitution and think they are good leaders. They promise to discharge their own obligations. It is like telling your children how you will feed them three meals per day and you think you are a good parent. Shameless people, shameless elite and a skewed system is what we have in this country. Consequently, we are part of it. We are trying to do the little we can to make a difference. This is one of those Bills that is not voluminous. However, the impact is massive.

I physically do not know Hon. Wanjiru Muhia. I think the next thing is to amend the Constitution to reduce the number of Members of Parliament. We are just too many. I walk into the gym and meet strangers and then I am told that they are guys from some constituency down there. We are too many.

Sen. M. Kajwang: On a point of order, Mr. Temporary Speaker, Sir. I did not want to interrupt Sen. 001's very eloquent presentation. However, is he in order to refer to Members of Parliament as "just some guy from some constituency?" These are Hon. Members of Parliament.

Sen. Hassan: Mr. Temporary Speaker, Sir, I agree with Sen. M. Kajwang, my junior in all fields. He followed me to Lenana School, he followed me to Moi University, now he has followed me to the Senate. On this one, I agree with him; an Hon. Member from somewhere. We are so many. However, it is this little impact. Hon. Wanjiku Muhia has left a legacy. Unfortunately, in this country without an enforceable regime, there is almost lack of compliance. Who will ensure compliance? This Parliament cannot speak in vain. If this Parliament promulgates this law, it must not speak in vain.

These are the type of laws that attract immediate assent. That means budgets must be made available immediately. There must be a compliance agency. We must have compliance at the national Government and at county government levels. They must reorganize their priorities. When one is in a county, they cannot insist on bullfighting ring when all are at Formula One ring or insist on a tarmac road when the people's priorities are different. Why should you have tarmac for people who do not have cars or even water?

We need critical re-evaluation. I hope the Leader of Majority is listening to this. We need this conference on devolution by the Senate to really make a critical assessment. In implementing devolution, we made a mistake. We will now have this cliché argument that we have a few boreholes mushrooming as a result of devolution as though we had no boreholes for the last 50 years. Yes, there are boreholes being done, but we could have done more. Half of the money has been stolen. Boreholes are not courtesy of a governor.

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There is much more that could have been done and has not been done. We are not talking about these little excuses of what devolution has done for us. If you visited certain counties a few years ago there were certain facilities not available. That is why we brought devolution. It is not genius of them. That is why we brought this law. What is wrong with them?

Our problem is that a few years ago, this person looked like he was almost going to the grave in tatters before the election, but now, he is a lord unto us, flying business class and first class everywhere whereas the money he gets cannot support that.

We are curious about the meteoric rise and very sudden genius of how to make money. So, devolution has also come with its set of thieves; 47 literal despots who want to borrow, in character and form, the Nyayo autocracy. This will give them an immediate obligation. That is why I am happy when “hon. Wanjiku” says this Bill involves counties because some of the money will create an immediate obligation. So, we want an enforcement agency for them to progressively show us how they provide for these issues.

Mr. Temporary Speaker, Sir, I want to end on a positive tone. The Bill of Rights in the Constitution is everybody’s security. Therefore, we must defend it; and this Senate has defended it. That is why I was telling Sen. (Prof.) Kindiki and the rest who were here that we must have one critical autopsy or look at devolution so that people like us can speak the way we do. All the reports on devolution by the Auditor-General and other independent agencies like The Institute for Social Accountability (TISA) are negative about what is happening.

The only positive report on devolution is when a governor or the Council of Governors (CoG) speaks. When you hear my friend Governor Munya, who is the Chairman of the CoG, speak, you will think there is no problem in this country. They dismiss the audit reports, the Controller of Budget and everyone else. This is a pack of fellows who, if we want accountability, we must rethink this charter and the individuals implementing it. Implementation of these documents is ultimately the value system of individuals. We took managers who are partly thieves.

I beg to support.

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I am speaking after Sen. Hassan has made vibrant and firebrand deliberations in this House. The only thing I can say is that he missed a whistle but he had our attention.

(Laughter)

Mr. Temporary Speaker, Sir, I rise to support this Bill. I will not belabour what many of my colleagues have said. I just want to add my contribution by saying that this is a very important Bill for us as a country. It is one that breaths life to what is in our Constitution. It is something that majority of Kenyans passed when we all passed the Constitution in 2010.

I just have a rider. I believe we have very many beautiful laws, recommendations and issues that we deliberate on but as a country, we have to be serious about this one. We have to live by it because it is in our Constitution. This law should bind all of us to make sure that we take care of people living with disability.

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Mr. Temporary Speaker, Sir, it is important to note that disability is not a state for a certain sort of people. You may have no disability. However, one minute is enough to change everything. You could walk out of this building and get an accident and become disabled. You will want some basic rights stated in our Constitution to be accorded to you, just as they should be accorded to another Kenyan.

This is something we sometimes take for granted until you are personally affected or one of your family members is affected. It is an issue that we should focus on. I like what Sen. Hassan asked; who will keep us accountable as a people? Who will be accountable when we say we need to have areas where people can access? I do not think that needs a law because it is common sense. If we want everybody to access services and institutions that we have, how will they access if they are living with disability?

I would like to commend those who have gone out of their way. We have seen some media houses having an interpreter during news time. That is commendable. Those who have not embraced it should go out of their way to do it because we know that information is power and it should be accessible to all members of the public.

I just want to add one or two issues. It is very important that this Bill touches on counties. We know that most of the functions are also devolved. They are in the Department of Gender and Social Development in most of our counties. There are counties where people living with disability cry because the services do not reach them. There are those who would like to access education, Braille and wheelchairs. It is not just a matter of throwing the wheelchairs to them.

Who is actually looking at whether the wheelchairs serve the purpose they are intended for? We know that some of our counties are very quick to ensure that there is expenditure. So, they think of buying physical things without even going further to see that they will be used in the proper manner in the areas depending on the infrastructure in place.

I implore the county officials and county departments that are supposed to take care of people living with disability to take it as a serious matter that is enshrined in our Constitution. We pray that if for nothing else, then this law will bind them to serve the people living with disability. They should do it consciously and follow the law and our Constitution as we have said.

What is happening in most of our counties is very unfortunate. We experience problems when it rains and when there is drought. It is very unfortunate that floods are causing deaths and displacements and making people live very hopeless lives. The same issues continue to be experienced but no one is being held accountable. Everybody is always blaming the other. County officials are now saying that they had ordered for demolition of such houses. Others are saying that they had not been told to do so. Who is going to do something because it is unfortunate?

Mr. Temporary Speaker, Sir, I was able to visit the victims of the Huruma disaster. I can assure you that if it rains another two or three days, there will be more casualties there. It is just because sometimes we do not make painful decisions to do what is right in order to save lives.

Finally, as we discuss the implementation of this law and even following our Constitution as a country, there are very many other things that we have to agree on, as

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people who have been given the responsibility. We should follow the law and do what is right, whether it will give you votes or not. At the end of the day, you would have left a legacy that ensures that the safety of Kenyans is guaranteed.

Without much ado, I support this Bill. I look forward to the implementation of the same in all sectors in our counties and also the national Government.

Thank you.

The Temporary Speaker (Sen. Madzayo): Senate Majority Leader, please reply.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I take this opportunity to thank all colleagues for the wonderful contributions they have made in support and in improving this critical Bill. It is said that you judge the strength of a nation or a society by how well it treats the vulnerable.

It is, therefore, important for me to say that the overwhelming support this Bill has received in this House is an indication that our country is strong and we have reached a level where we want to fix especially those aspects of our society that relate to strengthening the vulnerable in our midst.

Mr. Temporary Speaker, Sir, I have had the privilege of listening to much of the debate and contributions. Allow me to summarize three things that this Bill does.

The first one provides that going forward, there will be no approval for the construction of any road or building or premises if such plans do not demonstrate that there will be access for PWDs. There must be lanes designated for PWDs. If there are overhead bridges on a road, they must not just provide stairs for the overhead bridge but they must also provide a passage for people on wheelchairs and other PWDs. It is the same if it is a premise.

Mr. Temporary Speaker, Sir, we had a very bad incident in Huruma where people lost their lives. Of course, we have reports indicating that part of the reason why the fatalities occurred was because the building was not approved *et cetera*. I am just wondering whether, over and above the normal approvals of making sure that our buildings are safe and strong, it should not be made mandatory, going forward - and this is what this Bill is trying to do - that you cannot have a building that does not provide access by PWDs. I am sure that if this is provided, in the future, it will provide an opportunity for a PWD to escape the same way a person without disability would escape from a building in case of a disaster.

I am a proud Kenyan today as I look at this Bill. Of course, as many colleagues have said, our problem lies in implementation of some of these laws. It is a shame that we have to resort to legislation to fix some of these things. I think time has come in our country when we need to take some of our responsibilities a bit more seriously.

I am sorry to give examples of countries other than my own because I am a patriot. However, truth be told, if a building collapsed in some countries, heads would have rolled by now. In many cases, it would have been voluntary. The Cabinet Secretary (CS), Principal Secretary (PS), the governor in charge and people approving these plans would have taken responsibility on their own volition. That is unlikely to happen because nobody wants to take responsibility or resign from public office.

In some countries, I have seen ministers of transport resigning simply because trains have collided and the minister does not say: "I do not drive the trains." He says: "I

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am the Minister for Transport, there is a serious train accident, x number of citizens have died, as a sign of remorse, I take the responsibility by leaving my job.”

Mr. Temporary Speaker, Sir, I speak with a bit of experience because I have been a public servant before. In 2008, I was made a public servant in charge of national integration but I was not given a budget and there were so many Internally Displaced Persons (IDPs) in the country. People were suffering and I had not been given any money other than a vote which contained my salary and a few members of staff to help me. After three months, I decided that I did not want the very well-paying job. I had to return to the university to teach.

I think time has come in this country when we must ask hard questions. We are passing the buck. Everybody says so and so should have it. We must continue to put pressure on public servants to take personal responsibility when things happen under their watch.

Mr. Temporary Speaker, Sir, the second thing is that this Bill will provide duties of county governments with regard to PWDs at the county level. These duties will include integrating PWDs within County Public Service (CPS), align national Government's policies with county policies on PWDs and implement national Government policies at the county level regarding PWDs.

Thirdly, this Bill will establish county committees on PWDs to be chaired by the governor. I think this is a good development. It shows the seriousness of this matter as it should be.

Finally, this Bill comes at a time when the people of our country are in a dilemma. The dilemma lies between the promise and the hope that the devolved system of governance has brought to our country, juxtaposed against the irony of the despair and hopelessness that the mismanagement and lack of priorities at the county level has brought on the same citizens.

So, you find a citizen that is experiencing some kind of turmoil. On one hand, here is a golden chance to reform our country once and for good, equalize our nation and achieve what our 50 or 60 years of centralized administration was unable to do. At the same time, I think that is where I will pick from Sen. Hassan of Mombasa County. He said that Sen. Kajwang of Homa Bay County followed him to Lenana School, Moi University and in the Senate. He refused to disclose that actually, Sen. Hassan is the one who followed me through all those places. So, the Senator for Homa Bay County was following Sen. Hassan as Sen. Hassan followed me. It is no surprise that the three of us are here.

What is happening in county governments in this country is a matter of national emergency. We have talked and mentored enough. My view as the Senator for Tharaka-Nithi County and a Kenyan is that, if we do not arrest the stampede of theft, banditry and robbery at the counties, this country will face a serious gridlock and go on its knees.

Mr. Temporary Speaker, Sir, I heard the Senator for Mombasa County ask why we cannot have even a devolution conference that is critical and raise these issues outside this Chamber and invite a few more stakeholders so that we can get practical solutions. I am happy to report that within this month, we are thinking of putting the Senate together with all county assemblies of the Republic of Kenya and other stakeholders for a three

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day brainstorming on the status and the future of devolution. We will also invite governors but as participants. This is because this will not be a meeting for the Senate, Council of Governors (CoG) or county assemblies. It will be a devolution conference where all stakeholders must participate but it will be spearheaded by the Senate being the guardian angel and the protector of devolution under our Constitution.

Mr. Temporary Speaker, Sir, time has come for us to face reality. The reality is that we are staring at a national crisis. There is a lot of hope that devolution can help us fix our problems which we have lived with for many centuries. However, there is also a huge threat that this country is almost grounding to a halt. Thieves have sprouted all over this country and they are using devolution as a conduit. I do not know where these thieves have been but all of a sudden, they have ganged up and sprouted all over this country.

You see small fellows who have never got employed by anybody go get a job in the county where there is no structure; a very junior person who has left college goes and gets a job at job group 'T'. Some civil servants in the national Government have been working for the government for years. I can see Sen. Hargura who used to work for the Kenya Rural Roads Authority (KERRA) as a public servant. For him even to reach job group 'M', he must have invested many years of service.

Mr. Temporary Speaker, Sir, all of a sudden, there are these youngsters from college. They go and start at job group 'T', a salary of Kshs300,000 and over and above that, the kind of opulence and manifestations of plunder that they are showing is an indication that it is not even about the Kshs300,000 which is already inflated; the fellows are moving in convoys of cars, they have bought every plot which is available in the town, they built five buildings at the same time and you cannot tell us that this fellow has any other explanation except that he is stealing. We cannot watch as our country goes down.

Mr. Temporary Speaker, Sir, in the first year of devolution, some of us and I know many colleagues were very vocal about this thing. The matter was politicized. Some of us were accused of fighting devolution. Today, the chickens have come home to roost. We must find a way of immediately stopping the plunder of the resources of our people. Whatever it takes, - I want to go on record in this Chamber - if we must amend the Constitution of our country, to remove itchy fingers from the coffers of county funds, so be it. We must begin that discourse now. This time round, we must do it in such a way that we do not retreat.

I want to call on my friends and colleagues in this House, those who are still holed up in party politics, there comes a time in the history of a nation when the nation is superior to political parties. We must descend from the towers where we have ascended; the towers of ethnicity, the towers of political parties and respond to the cry of our people who are dying because of preventable diseases, who are dying because of poverty yet a lot of money has been devolved to our counties.

Finally, we have been told that sometimes we are being too critical on county governments. They are new, they are having teething problems and that we are being critical on county governments without visiting the same criticism on the national Government. I want to say that, our business in this House is to oversight and impose

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accountability on county governments and not the national Government. There are other institutions including the National Assembly who are vested with that mandate of dealing with the National Government accountability. So, let us not mix issues. We are critical of what is happening at the county governments because we have been charged with the responsibility of county governments.

Mr. Temporary Speaker, Sir, the reason why we are doing this and why we must do this, however painful, however costly, however unpleasant, however dirty, however inelegant, however politically incorrect it may look; sometimes you just have to do your work. If you go to a mortuary, there is a person there called an undertaker, whose job is not elegant, not nice, not great and he does not talk about with a lot of pride but somebody has to make sure when our loved ones pass on, they are treated and we are helped to dispose them off in a dignified manner.

This Senate must assume the role of an undertaker and do the work that looks politically incorrect. That work is to call all thieves who are stealing our country resources, as such. Call them “thieves”; do not tell us that devolution is new so there are teething problems. Stealing and robbery are not teething problems.

Mr. Temporary Speaker, Sir, you do not need to have capacity to know that stealing is a crime and is a sin under our Constitution and under the laws of our God. So, this battle must be escalated and I want to warn all the thieves and looters of public funds in our counties, wherever they are, big or small, the Senate of the Republic of Kenya will fight them. We will use all methods possible to fight them be it on land, sea, wherever they are, we will chase them from the forests of convenience where they have hidden, we will harass them until sanity is restored in our country. We have taken an oath and we are willing to lose our reputation and our political correctness defending that oath, and, if need be, to die defending the oath we have taken.

I beg to reply.

The Temporary Speaker (Sen. Madzayo): What is your point of order Sen. M. Kajwang?

Sen. M. Kajwang: On a point of order Mr. Temporary Speaker, Sir. Before the Leader of Majority resumes his seat, I wanted to raise a question about a comment he made and your advice on whether it is in order. The Leader of Majority has spoken with a lot of passion. He reminds me of how passionate the Biblical Saul was before he saw the light on the road to Damascus. I do pray the same vigor will be maintained.

However Mr. Temporary Speaker, Sir, the Majority Leader has indicated that the job of this House is to oversight counties which is our sole duty. Is he in order to indicate that our job is to focus on counties only when the Constitution under Article 94 defines the broad role of Parliament of which this Senate has membership; which says Parliament manifests the diversity of the nation, represents the will of the people, exercises their sovereignty, defends and protects its Constitution; is it in order to narrow and limit the oversight role of this House to counties alone when we are part of the institution called Parliament?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you Mr. Temporary Speaker, Sir. Sen. M. Kajwang, being my junior who followed me everywhere did not hear. I did not say that that is the only duty of the Senate. But he must appreciate that

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there is a difference between the provisions of Article 94 which are shared with others including the National Assembly and the functions of Article 96 which are exclusive and specific to the Senate. It is in the context of the exclusivity of Article 96 because we do not share that with the other House but I agree with him that it is true we have certain shared responsibilities but on the issue of oversight on counties, it is our exclusive mandate.

Mr. Temporary Speaker, Sir, he is not right about Saul. Saul of Tarsus was not passionate before he saw the light. He was passionate after he saw the light. I have been in the light all along and I have not seen darkness. This has been my position. I was slowed down by people who thought that we were politicking in 2013 when we called for a referendum. We were the first people who called for a referendum but it was overtaken by party issues and we are now telling all those concerned that this time round, no party, no authority, no one will deter us from doing our sacred duty because we are on oath and we have taken that oath without putting into consideration any other persuasion.

Mr. Temporary Speaker, Sir, having done that, I request that you defer the putting of the question to another day because we do not meet the threshold for voting. I therefore, request you to exercise your authority and discretion under Standing Order No. (54) (3) to defer the putting of the question to a future date.

Thank you.

The Temporary Speaker (Sen. Madzayo): I defer putting the question to tomorrow.

(Putting of the question on the Bill deferred)

COMMUNICATION FROM THE CHAIR

CONSULTATIVE FORUM WITH THE CS, DEVOLUTION AND PLANNING, ON COMPENSATION OF IDPs

The Temporary Speaker (Sen. Madzayo): Hon. Senators, as you may be aware, on Wednesday 4th May, 2016, Sen. Wetangula sought a Statement from the Senate Majority Leader regarding the compensation of Internally Displaced Persons (IDPs). Further, on Thursday, 21st April 2016, the House resolved to invite the Cabinet Secretary for Devolution and Planning through the Sessional Committee on Devolved Government to address the matter.

Hon. Senators, I wish to inform you that the Cabinet Secretary for Devolution and Planning has requested to come and address the matter on 25th May, 2016 and not tomorrow as earlier communicated.

Thank you.

Sen. M. Kajwang: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Madzayo): What is your point of order, Sen. M. Kajwang?

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, thank you for your Communication. As you have rightfully indicated, the Statement was quite urgent and

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that is why we requested the Cabinet Secretary to be in the House. Why do we have to push it to 25th May, 2016 and no valid reasons have been given? This is a current issue that has been exercising the minds and thoughts of many Kenyans. Therefore, if we do not get quick answers, there could be some people suffering in camps as IDPs and in villages as integrated IDPs.

Would it not be proper for this House to get the reasons a meeting that had been publicized, scheduled, and which Senators were ready to come for, has been pushed to such a future date without any clear grounds?

The Temporary Speaker (Sen. Madzayo): Very well. As I communicated earlier, the Cabinet Secretary for Devolution and Planning has indicated that he will be available on 25th May, 2016 and not tomorrow. I will endeavor to get an explanation as to why he is not able to come tomorrow.

Hon. Senators, we will defer Order Nos.13, 14 and 15.

BILLS

Second Readings

THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 26 OF 2013)

THE COUNTY ALLOCATION OF REVENUE
BILL (SENATE BILL NO. 3 OF 2016)

THE MICRO AND SMALL ENTERPRISES (AMENDMENT)
BILL (SENATE BILL NO. 12 OF 2015)

(Bills deferred)

THE ORDER OF PRECEDENCE AND TITLES BILL
(NATIONAL ASSEMBLY BILL NO.11 OF 2014)

The Senate Majority Leader (Sen. (Prof) Kindiki): Mr. Temporary Speaker, Sir, I have just received the Bill. I, therefore, request that you defer this Order to tomorrow.

The Temporary Speaker (Sen. Madzayo): Order, Senators. I defer Order Nos.16, 17, 18 and 19.

THE NATIONAL HOSPITAL INSURANCE FUND
(AMENDMENT) BILL (SENATE BILL NO.9 OF 2015)

(Bills deferred)

MOTIONS

ADOPTION OF REPORT ON FINANCIAL OPERATIONS OF HOMA-BAY COUNTY EXECUTIVE FOR THE FINANCIAL YEAR 2013/2014

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Homa-Bay County Executive for the Financial Year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

(Motion deferred)

ADOPTION OF REPORT ON THE SECURITY SITUATION IN MANDERA, LAIKIPIA AND KAPEDO

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Madzayo): There being no other Business, the Senate now stands adjourned until Wednesday, 4th May, 2016, at 2.30 p.m.

The Senate rose at 5.55 p.m.