

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 23<sup>rd</sup> October, 2018

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

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

### PRAYER

### PETITION

#### CLEARANCES REQUIRED BY PUBLIC BODIES ON APPLICATION FOR JOBS IN KENYA

**The Temporary Speaker** (Sen. Pareno): Could we hear from Sen. Mwaura?

*(Sen. Mwaura walked into the Chamber)*

Order Sen. Mwaura. We had just started and your Petition is on. You probably need to first apologise for coming in when your Petition is just about to be disposed.

**Sen. Mwaura:** Thank you, Madam Temporary Speaker. I seek your indulgence. I was busy serving Kenyans. I seek to present the following Petition.

This is a Petition to the Senate concerning clearance requirement by the public service boards on application for jobs in Kenya.

We, the undersigned citizens of Kenya and in particular the youth of Kenya, draw the attention of the house to the following-

(1) THAT, unemployment in Kenya is one of the biggest challenges facing youths which is estimated to have risen up to 35 per cent. Unemployment rates in Kenya refer to the number of persons who are unemployed as a percentage of the total number of employed and unemployed persons aged 15 years and above.

(2) THAT, education is regularly considered a key element for better employment opportunities and Kenya has made progress in recent years with enrolment numbers for tertiary, technical and universities increasing drastically.

(3) THAT, efforts to seek jobs are rendered difficult due to the various clearances by many applicants that the youth have to fulfill before getting the job.

(4) THAT, apart from academic certificates, parastatals and county employers require the applicants to provide clearances before getting jobs.

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(5) THAT, youth, especially the fresh graduates, from both tertiary, technical and universities have an uphill task to get clearances from: The Higher Education Loans Board (HELB), the Kenya Revenue Authority (KRA), the Credit Reference Bureau (CRB), the Ethics and Anti-corruption Commission (EACC) and the Criminal Investigations Department (CID).

(6) THAT, these clearances require the youth to commute and pay an average of Kshs6,000 as follows-

CID – Kshs1,050 for withdrawal. I do not know who came up with that.

HELB - Kshs1,000

KRA - Kshs1,200

EACC - Kshs1,000

CRB - Kshs2,000

(7) THAT, majority of the youth seeking jobs cannot afford these costs especially during the transition from colleges and universities to the job market.

(8) THAT, we have made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.

(9) THAT, the issues raised in this Petition are not pending in any court of law, constitutional or legal body.

Whereupon, your humble petitioners pray that the Senate-

(i) Investigates the need to have clearances by public service boards scrapped off.

(ii) Ensures that all Government job applications are done for free.

(iii) Ensures that the Government increases efforts to enhance employment of youth including doing away with the 16 per cent Value Added Tax (VAT) on fuel to increase manufacturing in line with the presidential agenda on the Big Four.

(iv) There is need for the Government to focus on vocational and technical training which are in line with Vision 2030 rather academic degrees.

(v) Reduce the retirement age from 60 to 55 years;

and your petitioners will ever pray.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, pursuant to Standing Order 231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. I stand to support this very important Petition which addresses the youth unemployment issue in this country.

Kenya's unemployment rate is very high. It is placed at 35 per cent. With the promise of employment, especially after graduation, most of our graduates are becoming more and more frustrated. Most of them have hope of being employed on completion of their education. As much as different education policies have been formulated overtime to divert our youths from white-color jobs and encourage them to create their own employment opportunities by enrolling in vocational and technical trainings, it has never been successful in that direction.

Our youth are coming out of universities and colleges with the hope of being employed and have great dreams. However, according to Robert King Merton, an American Sociologist, when you have this sort of dreams and you cannot achieve them,

then they lead to deviancy. For example, some people realize that they need to own a house and they will do anything to achieve their dream of owning a house.

Madam Temporary Speaker, the Petition addresses itself to the difficulty in getting clearance from various bureaus that have been mentioned here such as the anti-corruption body, the Credit Reference Bureau (CRB), HELB, among others. However, where paper work is required, it costs money and time. Many of our youths do not like going to those institutions for clearance certificates. Again, that creates a bigger burden for them.

One of the prayers is that the retirement age be reduced to 55 years from 60 years. More research needs to be done across the board because some people live longer than others. So, the retirement age is a bit questionable. You also find that some people who are above 55 years are still in the market because they have specific skills. It should be a question of skills and diversity. It is also a question of analyzing and ensuring that we have a clear policy on employment in this country. That way, it can be projected and planned for properly.

In some western countries like Sweden, their unemployment rate is at 8 per cent. We have a bigger population. However, with clarity of thought in terms of policy, we should be able to address this question of unemployment in our country.

I support this Petition. It gives us, as the Senate and other stakeholders, a chance to discuss it in order to address unemployment and take care of our youth, once and for all.

**Sen. Poghiso:** Thank you very much, Madam Temporary Speaker for giving me this opportunity to support the Petition.

At this stage, we need to enact the necessary policies and laws that will enhance the capacity of our youth and give them the opportunity to inherit some of the positions that await them.

At some point, we need to encourage workers to retire at an older age not younger age. For example, I would like to retire from active politics at age 80, if possible.

I support this Petition because it is on the right course and I hope that the petitioners' prayers will be considered.

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

It is sad that we put so many obstacles in the path of our youth. For example, we demand for work experience of 15 years from them. We also require them to obtain certificates of good conduct, EACC certificate, KRA compliance and HELB clearance and so forth. Unemployment for the educated youth in this country is alarming. We, as a country, are sitting on a time bomb.

Our youth are so frustrated. When we demand a lot from them, it hurts them more. As I support this Petition, we must make every effort in this House to reduce the demands that organizations ask from them before they are employed.

The Government mooted attachment and internship programmes for them in various Ministries. We want to encourage our county governments to engage them on paid internship programmes for six months. Thereafter, they can start up their own businesses.

We must have a very serious meeting to discuss the issues facing our youth, particularly unemployment in our country. This particular Petition is very important and is an eye opener to all of us because our youths are really suffering.

**Sen. Sakaja:** Madam Temporary Speaker, I thank Sen. Mwaura for bringing up this Petition.

This is a matter that we have been trying to deal with. We should not tire in trying to make sure that our young people get job opportunities. There is no more pressing challenge in this country than unemployment. Anything else we try to do, especially security---. The biggest threat to security in this country is not about *Al Shabaab*, ISIS or criminal gangs, but it is millions of unemployed, disillusioned, disengaged and hopeless young people. In Nairobi County, for example, there is what we call jobless corners or how they put it in Kiswahilli; *wako kwa mawe*. We must do everything at our disposal to reverse the situation.

Madam Temporary Speaker, the reason why we have this crazy level of unemployment is that we are very good at legislating. We are very good at making the laws, but they are not implemented.

Madam Temporary Speaker, in the last Parliament, for example, I brought a Bill on the amendment of procurement laws. It required that 30 per cent preferences on procurement be reserved for young people, women and persons with disabilities. However, it has never been implemented.

In the same Parliament, I brought a Bill on the National Employment Authority (NEA), which was supposed to deal with most of the issues being raised here. The NEA has been set up. However, there is much lethargy. In every Huduma Centre today in this country, there is supposed to be a job centre. There is supposed to be a repository of all our young people with their skills and what they have studied so that they can get placement. It is not being done.

They are supposed to facilitate internships. If 300 Government parastatals were to facilitate internship, things would not be the same for our youths. If every department of State and county just took 50 young people for internship programmes and paid them Kshs15,000, every six months, you would have a cycle of more than 30,000 going in and out. They would be getting the basic work-place professional ethics; understanding and streamlining their career choices; getting some dignity and being able to start their own businesses. I do not understand what can be a bigger priority than this.

Even as we deal with this Petition, because I hope that it might be sent to my Committee, we have questions that we must ask. When you tell a young person that before he is even considered, not even before he gets a job - I am happy Sen. Mwaura has listed - he has to pay Ksh1,050 to the Criminal Investigation Department (CID). This means that he needs to pay because he has not committed a crime. He is paying to get clearance of good conduct. Since he paid his HELB, he will pay another Ksh1,000 and because he has been tax compliant; maybe he has never had a PIN. He has to pay tax and so forth. However, he is asked to pay tax of Kshs1,200 to get that certificate.

If they have never been corrupt, they are told to pay another Kshs1000 to the Ethics and Anti-Corruption Commission (EACC). If they do not have a bank account

because they never had an economic opportunity, they are asked to pay Kshs2000 to the Credit Reference Bureau (CRB).

Madam Temporary Speaker, that is absurd and hypocritical for a Government that wants to create jobs. Today, we are talking about the Government borrowing Kshs480 billion to build a road upstairs of Mombasa Road, from Sen. Faki's County to Nairobi. If that money was channeled to all our counties to industrialize so that people can produce, we will be talking.

Madam Temporary Speaker, as I conclude, less than 38 years ago, China was poorer than most of the countries in Sub-Saharan Africa. What did they do? Why are we not putting our minds to what is it that is done to make a country industrialized? Our focus is in the wrong place and we are putting money in the wrong places. The more we build this hardware, for example, roads, we should remember that it took less than one hour for the railway in Kibera to be uprooted by young people who were frustrated. Let us work on the software of this country. The software and the engine that will drive our country is the young people of Kenya.

Madam Temporary Speaker, I thank Sen. Mwaura for this Petition.

**The Temporary Speaker** (Sen. Pareno): Please let us be brief and save time. We have about six more people to speak on this.

Proceed, Sen. Halake Abshiro Soka

**Sen. Halake:** Thank you, Madam Temporary Speaker. I rise to support this Petition and congratulate Sen. Mwaura for bringing it.

The issue of youth unemployment and barriers to youth employment describe a human being and a youth who has a name. For example, I see names appended to the signature which are Samwel Maina Kariuki and Felicity Kamau. We have reached a point where we are looking at the name 'youth' as a word that does not describe real human beings. It is about time we started to look beyond the labels to the real young person with a name, family and a place to stay who is really suffering.

Madam Temporary Speaker, there was a time in The National Assembly when hon. Faith Gitau of Nyandarua County brought something similar. I wonder why this has not become a law and why we still have these issues of authorities like the KRA and the CRB asking for money from our youth. I followed very keenly when a piece of legislation was passed in The National Assembly. Therefore, I wonder why we keep talking about these things in The Senate or the National Assembly yet our youth continue to be thrown forth barriers and obstacles as the Senator has said.

Madam Temporary Speaker, statistics are so green. In 2007, 22 per cent of our youth were unemployed. However, instead of us improving on that statistic, today in 2018, close to 30 per cent of our youth are unemployed. Our country has grown from a low income to a middle income country yet we are digressing with regards to measures that face the youth. We now have 30 per cent of our youth out of work yet in 2007 it was 22 per cent.

Therefore, I do not know what is going on. However, I now know the answer to this. This is because we require them to first of all pay Kshs1,000 to the Criminal Investigations Department (CID) for them to clear their names before they start looking for a job.

Why is it that they are guilty until they prove themselves innocent as opposed to it being the other way around? They have to pay the HELB, the KRA, the EACC and the CRB. We are simply saying that our youth are already criminals until they prove to be good citizens and only then can they be considered. Do they get the job after they have parted with the Kshs6,000? The answer is “no”. This is a scheme to defraud our youth and not support them to get what they deserve.

Madam Temporary Speaker, we are told of Public Service Board (PSB) requirements yet it only employs 700000 while 5 million people are employed by the private sector. Therefore, I support the scraping of all these requirements. I do not see why our youth should go to the CID as if they are criminals or go to the EACC as if they have committed any economic crime.

I support this Petition because the Big Four Agenda cannot be achieved if our youth continue to languish in poverty, unemployment and underemployed.

**The Senator for Migori County** (Sen. George Ochilo-Ayacko Mbogo): Thank you, Madam Temporary Speaker, for giving me this opportunity to make my maiden remarks as a Member of this wonderful House.

*(Applause)*

I take this opportunity to thank my colleagues who were here to witness my swearing in. I also thank all the colleagues who made remarks about my being welcome to this House. This is a wonderful House. I have been out of active politics for a long time. I must confess that I returned to active politics and succeeded in being elected to this House. It is a wonderful House to which I want to do the best I can to contribute positively to the things that are deliberated.

Madam Temporary Speaker, I want to equally thank the people of Migori County for voting for me.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Pareno): Order Senators. Could we quietly allow Sen. Ochilo-Ayacko to make his maiden speech?

*(Sen. Murkomen consulted Sen. Cheruiyot and Sen. Halake)*

Order, Senate Majority Leader!

**The Senator for Migori County** (Sen. George Ochilo-Ayacko Mbogo): Thank you, Madam Temporary Speaker, for protecting my time. I thank the good people of Migori County for voting for me to come to this House. I equally appreciate my party for the ticket which enabled me to make it to this House.

*(Applause)*

I do not want to leave my party leader behind and of course the “big guns” from the Orange Democratic Movement (ODM) who came and took their time and campaigned for me in Migori County.

In this very context, I thank my colleague, Mheshimiwa Sakaja for the good word he put in for me and the entire leadership of Jubilee for agreeing not to field any person against me. That made it easy for me to make it to the Senate. I will forever remain grateful to Jubilee Party and the ODM for working together towards this end.

Madam Temporary Speaker, the Petition before the House is about young people. I recollect in my days which is not so long ago, we were accorded a very supportive environment. We went to the university and not much was required of us. We were not compelled to bring money from our parents. We were accommodated without being charged and we were given loans which were quite affordable. This enabled us to go through school without the kind of difficulty that has been placed in front of young persons.

Therefore, I thank the petitioner and the hon. Senator who has brought the Petition. Young people continue to experience difficulties in life. There is no enough opportunity for employment. As if that is not enough, we continue levying charges for services that we should, as responsible people, allow youth to access without any levy.

Therefore, this Petition is timely. It is supposed to alleviate the difficulties that young people face. A society that does not take care of its young persons and its vulnerable members continues to be eaten and ravaged by vulnerability, cannot talk about development.

This Petition is timely as it will enable young persons to surmount the difficulties they already experience when they are looking for employment opportunities which are already scarce. They do not have title deeds and referees in order to access loans and opportunities for investment. They are already having immense difficulties on their path. Adding this difficulty by levying charges that do not make sense is something that shows that we are not sensitive, or appreciative of the fact that they need encouragement.

There is a policy in place by the Government. It says that 30 per cent of business or procurement opportunities be reserved for the youths, women and people living with disability. The way our people, particularly the youth, are falling prey to drugs and other vices is indicative of the fact that this policy of giving opportunity for procurement or supplies to young persons, is not being implemented fully.

I thank the petitioner, particularly Sen. Mwaura, for bringing this Petition. I urge my colleagues in the Senate to do as best as we can to ensure that the lives of the vulnerable young people in this country are made easier.

Madam Temporary Speaker, with those very few remarks, I support.

*(Applause)*

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Kabaka, we only have less than ten minutes. So, take two minutes so that the other two can also speak.

**Sen. (Dr.) Kabaka:** Thank you, Madam Temporary Speaker. I will endeavour to do the best in the two minutes. I also congratulate Sen. Mwaura for this important Petition and I support it.

It is not prudent and economical for the Government to demand these kinds of payments which are too much from our youth. We need to change the law in that regard without much ado and do away with these payments. This is because this amounts to double taxation which is illegal under the tax law.

The requirement of experience for the youths whenever they are seeking employment is too much. I believe the system of education which we inherited from the British Government is not the best in terms of the market job orientation. The focus ought to be on how the Ministry of Education is preparing the syllabus. Our syllabus is somehow theoretical. It is high time that it is designed to be concomitant with industrial needs. We have talked about China and the tiger economies which are doing very well. At some point, they surpassed Kenya.

For a long time, we have been over-emphasised on theoretical subjects as opposed to technical subjects. If we have to solve the unemployment in this country, we need to---

**The Temporary Speaker** (Sen. Pareno): Sen. Olekina, you have two minutes.

**Sen. Olekina:** Thank you, Madam Temporary Speaker, for giving me the two minutes. I rise to support this Petition by my good friend Sen. Mwaura.

For a youth to seek employment he must have graduated from university. Therefore, our laws and regulations should not disadvantage our youths. We need to put them in the positions where we were before we even got an opportunity to come here.

The next question to ask is whether or not CRB determines one's eligibility or ability to work. Getting a clearance certificate from the DCIO is already assuming that an individual has committed an offence. The same applies to getting a clearance from EACC. If these documents are mandatory or prerequisite for youths to be employed, then we should avail them free of charge. The first step we, as a country, should take is to issue these certificates to our youth when they are graduating or when they are being admitted to universities. However, asking youths to pay Kshs1,050 to get a certificate from the DCIO, the CRB the EACC and HELB clearance is really overburdening them.

I congratulate the managers of the National Youth Fund (NYF). I remember on 28<sup>th</sup> May, 2018, the chairperson directed that youths will no longer be required to be subjected to all these CRB, EACC---

**Sen. Seneta:** Thank you, Madam Temporary Speaker. From the onset, I support the Petition. I will only take two minutes to address myself to a few concerns that I have noted. The Ministry concerned with Public Service should ask itself whether these certificates and clearance are necessary. We are overburdening parents because they paid so much to take their children to different institutions. It is a pity to ask them to clear the HELB loan before their sons or daughters are employed after graduating. We are asking them to pay for transport to and fro for these youths to get these documents from those institutions. There is need to revise this policy.

With regard to the issue of experience, the Government must partner with industries and manufacturing companies to see how they can help our youths acquire the

necessary experience, better their skills and keep them busy. As I speak today, unemployment is a time bomb in this country.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, our 30 minutes for petitions are over.

Hon. Senators, pursuant to Standing Order No.232(1), the Petition stands committed to the Standing Committee on Labour and Social Welfare. In terms of Standing Order No.232(2), the Committee is required, in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

I thank you.

*(The Petition was committed to the  
Committee on Labour and Social Welfare)*

*(Sen. Cheruiyot consulted with the Serjeant-at-Arms)*

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Madam Temporary Speaker. Did you see Sen. Cheruiyot--- He is still walking when I am raising this important point of order.

Madam Temporary Speaker, when you stood to make your determination on the Petition, Sen. Cheruiyot was not sitting on seats used by Senators but where the Serjeant-at-Arms always sit. Is that in order? It is very serious for a Senator of the stature of Sen. Cheruiyot, who is serving a second term, to reduce himself to take the position of a Serjeant-at-Arms. You need to make serious determination on the matter.

**The Temporary Speaker** (Sen. Pareno): Unfortunately, the Chair did not see that and I am not supposed to see through the eyes of the Senate Majority Leader. Had I seen that, then I would have made some ruling on it.

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Madam Temporary Speaker. The Speaker does not see unless somebody brings to their attention what is happening and I have brought that to your attention. Sen. Cheruiyot has not challenged or denied taking the role and the seat of the Serjeant-at-Arms. Now that I am the one who has brought that to your notice and Sen. Cheruiyot is not disputing that fact, could you make a determination for the sake of other Senators like him?

**Sen. Sakaja:** On a point of order, Madam Temporary Speaker. I would like it to be clear in the record of the House. I have heard the Senate Majority Leader say something a bit disturbing but I do not think it should stay in the record of the House. He said that Sen. Cheruiyot reduced himself to sit with the Serjeant-at-Arms. What is this reduction? Is it a reduction and are they not humans? Are they not officers of this Senate like we are?

For posterity, if someone in 2030 or 2050 goes through the HANSARD of the Senate, let it not be in the record that a Senator, for that matter, the Senate Majority Leader, thought that associating with the Serjeant-at-Arms is a reduction in any manner.

**The Temporary Speaker** (Sen. Pareno): Senate Majority Leader, you may have to clarify whether it is possible for Sen. Cheruiyot to have reduced himself and whether that is the right term to use.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, with your permission, I withdraw the word “reduced”. Allow me to replace it with “elevated” himself to the position of a Serjeant-at-Arms.

**The Temporary Speaker** (Sen. Pareno): I think that is better. For Sen. Cheruiyot, if you sat there, then you might have some explanation to do. However, I made a ruling earlier on that.

Hon. Senators, we need to rearrange the Order Paper. We will use the Supplementary Order Paper that has been supplied. For the time being, we will leave Order Nos. 5, 6 and 7 and move to Order Nos. 8 to 12, that is, if it is confirmed that we have the numbers for purposes of Division.

## BILLS

### *Second Reading*

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

*(Sen. Cheruiyot on 4.10.2018)*

*(Resumption of Debate interrupted on 9.10.2018)*

**The Temporary Speaker** (Sen. Pareno): I order that the Division Bell be rung for five minutes.

*(The Division Bell was rung)*

*(Loud consultations)*

**The Temporary Speaker** (Sen. Pareno): Order, Senators! Order, Sen. Malalah! Order, Sen. Cheruiyot! Order, Sen. Wako! Kindly, take your seats, so that we can check whether we have the requisite delegations.

Are we ready? I now direct that the Bar be drawn and the doors locked.

*(The Bar was drawn and doors locked)*

Hon. Senators, you may now log in using your cards.

Order, Senators! I now put the Question; that The Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018) be now read a Second Time.

Any assisted voters should kindly approach the Table.

*(The Senators proceeded to vote)*

**The Temporary Speaker** (Sen. Pareno): Order Senators. We shall announce the results at the end when we have concluded all the Divisions.

Next Order.

*Second Reading*

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

*(Sen. (Rev.) Waqo on 16.10.2018)*

*(Resumption of Debate interrupted on 16.10.2018)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, you may proceed to log in. We are now ready to vote.

Hon. Senators, you may now vote by pressing the yes, no or abstention button.

*(Voting in progress)*

Assisted voters, you may approach the Table.

Next Order.

*Second Reading*

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

*(Sen. Pareno on 17.10.2018)*

*(Resumption of Debate interrupted on 17.10.2018)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, you may now log in using your cards.

Hon. Senators, you may now vote by pressing the “yes”, “no” or “abstention” button.

As usual, technology might not be 100 per cent perfect. We are trying to sort it out and we hope to vote in a short while.

*(Voting in progress)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, kindly log in afresh. You may now proceed to vote. Assisted voters, please approach the Clerks' Table.

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

**DIVISION**

ELECTRONIC VOTING

*(Question, that the Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Iman, Garissa County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Ndwiga, Embu County; Sen. Ochilo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. (Rev.) Waqo, Marsabit County and, Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, the result of the Division is as follows:-

**AYES:** 24

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 24 votes to 0)*

*(The Bill was accordingly read the Second Time and committed to a Committee of the Whole tomorrow)*

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

**DIVISION**

ELECTRONIC VOTING

*(Question, that The Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Iman, Garissa County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Ndwiga, Embu County; Sen. Ochilo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. (Rev.) Waqo, Marsabit County and, Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, the result of the Division is as follows:-

**AYES:** 24

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 24 votes to 0)*

*(The Bill was accordingly read the Second Time and committed to a Committee of the Whole tomorrow)*

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

**DIVISION**

ELECTRONIC VOTING

*(Question, that The Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

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**AYES:** Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Maina, Nyeri County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Ndwiga, Embu County; Sen. Ochilo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Seneta, Kajiado County; Sen. Wako, Busia County; Sen. (Rev.) Waqo, Marsabit County and, Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, the result of the Division is as follows:-

**AYES:** 24

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 24 votes to 0)*

*(The Bill was accordingly read the Second Time and committed to a Committee of the Whole tomorrow)*

**The Temporary Speaker** (Sen. Pareno): hon. Senators, I now direct that the Bars be drawn and the Doors opened.

*(The Bars were withdrawn and the doors opened)*

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, we now go back to Order No. 5 on the supplementary Order Paper.

### **PAPERS LAID**

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, I beg to lay the following Papers on the Table of the House, Today 23<sup>rd</sup> October, 2018:-

THE 2018 BUDGET REVIEW AND OUTLOOK PAPER FOR  
FY 2019/2020, 2021/2022

The 2018 budget review and outlook Paper for the Financial Year 2019-2020-2021-2022 midterm budget;

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REPORTS ON THE FINANCIAL STATEMENTS OF  
VARIOUS COUNTY ASSEMBLIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**The Temporary Speaker** (Sen. Pareno): Hon. Senator, kindly add the Report of the Auditor-General on the Financial Statements of the County Assembly of Migori.

**The Senate Majority Leader** (Sen. Murkomen): Madam Temporary Speaker, it also includes the Report of the Auditor-General on the Financial Statements of the County Assembly of Migori for the year ended 20<sup>th</sup> June, 2017.

Thank you, Madam Temporary Speaker.

*(Sen. Murkomen laid the documents on the Table)*

**The Temporary Speaker** (Sen. Pareno): We move on to the next Order.

**NOTICE OF MOTION****ZERO RATING OF DUTY AND VAT ON LOCALLY  
MANUFACTURED SANITARY TOWELS**

**Sen. Halake:** Madam Temporary Speaker , I beg to give notice of the following Motion-

WHEREAS menstrual health management among women and girls in Kenya has been a major issue particularly for the low income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

AWARE that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

FURTHER AWARE that if not handled appropriately, menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

COGNIZANT that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

RECOGNIZING menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity, among other rights;

NOTING that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

CONCERNED that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

FURTHER CONCERNED that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

NOW THEREFORE, the Senate resolves that the Government-

(a) prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.

(b) initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating

Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and,

(c) advance further tax incentives to manufacturers for cheaper production of sanitary towels.

**The Temporary Speaker** (Sen. Pareno): Let us move on to the next Order.

## STATEMENTS

### ELECTION OF SEN. SUSAN KIHICA AS PRESIDENT OF THE IPU FORUM OF WOMEN PARLIAMENTARIANS

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. I stand to issue a Statement of international and general topical concern under Standing Order 47(1).

Pursuant to this order, I rise to issue the Statement on the election of Sen. Kihika as the President of the Inter-parliamentary Union (IPU) Forum of Women Parliamentarians.

*(Applause)*

Madam Temporary Speaker, this is a proud moment for us, as the Senate of Kenya. It was a moment of pleasure in Geneva, last week, when this appointment was made; everybody was happy for Kenya. It was an honor, not only to Sen. Kihika, but to the whole country as well. Many other countries came to acknowledge and congratulate us, as a country. We took those congratulatory messages and we are very proud of our own, Sen. Kihika. She also chaired various sessions for the Women Forum for Parliamentarians, and did an excellent job. She made us proud and everybody was confident about her leadership.

Madam Temporary Speaker, the whole week at the IPU was one of learning, because that is an organization of parliaments. It is composed of about 178 members, who are parliamentarians from different countries.

The Kenyan Delegation consisted of five Senators, including the Speaker of the Senate and also five Members from the National Assembly. Throughout that week, various issues were canvassed and discussed, ranging from various topical and fundamental issues within the various parliaments. These issues related to, for example, the strengthening of inter-parliamentary cooperation on migration and migration governance; non-admissibility of using mercenaries as means of undermining peace and violating human rights; combating sexual violence in United Nations (UN) peace keeping operations; disarmament, the role of free and fair trade and investments in achieving the Sustainable Development Goals (SDGs); protection of women from trafficking and all forms of violence; ensuring that all children enjoy their rights and grow up protected from violence; protection of stateless persons and issues of nutrition, among others.

Throughout all these discussions, Kenya participated very well. We gave the status of our positioning in terms of the advancements that we have made as a country; the various interventions and challenges that we have as a country; and the way forward.

It was very interesting because we found out that over time, it was the same issues ravaging the various countries and parliaments. However, when one voice spoke about those issues, it was easy for us to deliberate and contextualize how various countries have addressed these issues. We were also able to improve how Kenya can deal with them. The focus is always the SDGs and ensuring that the rights of humanity are upheld; that education is enhanced, the issues of health, violence and all these that canvass across the various points.

Madam Temporary Speaker, the 139<sup>th</sup> Parliamentary Action Assembly and related meetings took place in Geneva, Switzerland between 12<sup>th</sup> to 18<sup>th</sup> October, 2018, with the attendance of a total of about 132 Members of Parliament (MPs). From all these delegations, we interacted with high level parliamentary representatives from the various countries.

Having highlighted the issues that were under consideration and deliberation at the Assembly and its related meetings, it was at that moment that Sen. Kihika was elected. She was initially elected as the Vice President of the Forum of Women Parliamentarians during the 138<sup>th</sup> Session in March, 2018. During that same meeting, Ulrika Carlson from Sweden was elected the President. However, later on, Ms. Carlson lost her parliamentary seat; and as per Article 19 Rule 4 of the IPU, the Vice President of the Bureau of the Forum of Women Parliamentarians becomes the President for the remainder of the term. As such, Sen. Kihika ascended to the seat of the President.

Allow me, Madam Temporary Speaker, and hon. Members to congratulate her, once again, on her ascension to the presidency of the IPU Forum of Women Parliamentarians. This is a big win for the Senate, for Kenya and for the women of Kenya. I am convinced that Sen. Kihika is a great leader and that she will do the country proud in dispensing her duties. I take this opportunity to wish Sen. Kihika the best of luck as she offers her services to the world.

I also wish to congratulate us, as the Senate, for participating well in this Assembly. I also wish to congratulate the Members of the National Assembly who were there and who participated very well. As a delegation, we left a good impression about the work we are doing in Kenya and in the Parliament of Kenya.

Consequently, Madam Temporary Speaker, we have also entrenched ourselves in the IPU, because the Speaker of this Senate is a member of the Executive Committee of the IPU. We now also have another Member, Sen. Kihika, as the President of the Forum of Women Parliamentarians.

Madam Temporary Speaker, in most of these meetings, there is a lot of consensus building within the region, because there are various geopolitical groups. Each of these groups represents their issues and try as much as possible to also get representation.

There is a fair share of distribution of the various positions that are given, but every time a Kenyan delegate was proposed for a position, there was a lot of enthusiasm. That is because of the level of dedication and leadership that, over time, the Members who have been representatives at the IPU have shown and taken from this country into the IPU. That should continue.

Once again, Madam Temporary Speaker, as I wind up, we, the women of Kenya, and Members of the Senate and Parliament of Kenya, congratulate Sen. Kihika for

ascending to the Presidency of the IPU Forum of Women Parliamentarians. We know that she will do very well and we are proud of her. May God bless her.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, this being a very exciting moment, I will use the powers conferred to the Speaker under Standing Order 1 to allow a few comments on this one.

Proceed, Sen. Murkomen.

**The Senate Majority leader** (Sen. Murkomen): Madam Temporary Speaker, thank you for forgiving me this opportunity, first of all, to thank Sen. (Dr.) Zani for coming up with this very important Statement to recognize her colleague, and particularly, the contribution that the IPU has made not only to our Parliament, but also others in the world.

I am informed - which information I believe to be true - that Sen. Kihika is leading a forum of Women parliamentarians from 174 Parliaments in the world. This is a great honour for this great Republic, considering that Sen. Susan Kihika is one of three women elected as Senators in the Parliament of Kenya since and before Independence. The honour bestowed on her to become the President of the Caucus for Women all over the world is a demonstration of the kind of leadership that this country has produced.

For her to get this honour at a relatively young age is also a demonstration that leadership and wisdom that is bestowed on leaders transcends age, gender, ethnic affiliations and race. We, therefore, have a leader in this House - and I am privileged to be sitting next to her - who is leading people of different tribes, races and nationalities, and providing that leadership as a Caucus of Women.

It is important to note that this is also a demonstration of what can happen if all of us can believe in the leadership of women; that our women from Africa can lead. The female gender is marginalised all over the world, but the general stereotype is worse in countries like ours and Sub-Saharan Africa. It is, therefore, a good example that she got an opportunity to lead.

Madam Temporary Speaker, I also congratulate the delegation that went to the IPU because of their commitment, passion and desire to learn. More often than not, people question why we travel for these important international conferences. It is because we also get an opportunity to lead and showcase the kind of leadership we have as a country. Secondly, we are able to exchange information that is useful for us to carry out our responsibilities as leaders from here. As peers all over the world, we have information that we can exchange.

I believe that Sen. Kihika will come with that wealth of experience. I hope that in the four years that she will be the President of that Caucus, she will bring the Caucus of IPU women to Kenya and get to see where Nakuru, Elgeyo-Marakwet and Kwale counties are. They will also bring and exchange experiences and knowledge they have from different parts of the world with our people in this great Republic.

Madam Temporary Speaker, I want to tell Sen. Kihika that the opportunity she has now is a demonstration that she can rise higher. I hope that we will also get an opportunity to have a Motion, maybe tomorrow, to also congratulate the former Prime

Minister, who has gotten a continental job. This may not be the right time to mention that, but when our people thrive in international positions, Kenya stands out.

For example, we recognise Sen. Wako, who is also a leader in a global organisation under the United Nations (UN). We also have hon. (Dr.) Mukhisa Kituyi and others. In fact, the standing of Ghana, as a country in Africa and the world, is far much better because of the people like the late Kofi Annan, among others. One of my lecturers was also leading a very important department of the World Trade Organisation (WTO) and another one was in World Intellectual Property Organisation (WIPO).

If you go to many international bodies - and Sen. Wako will tell you - you will meet many Ghanaians, who the late Kofi Annan, created opportunity and opened doors for their people. I believe that people like Dr. Mukhisa Kituyi, Sen. Susan Kihika, Sen. Amos Wako and the Rt. (Hon.) Raila Odinga, among others, will also open doors for Kenyans to participate in governance of the world, and thereafter, create jobs for young people.

Most of the international bodies, where many citizens of particular countries serve, have many other citizens of those countries serving also in junior positions, either as interns or employees of those institutions. That, therefore, improves the standing of their countries.

Madam Temporary Speaker, I beg to support that very important Statement.

**The Temporary Speaker** (Sen. Pareno): Let us have Sen. Wako.

**Sen. Wako:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I endorse the congratulations by Sen. (Dr.) Philomena, not the Deputy Chief Justice (DCJ) but the Senator here and the Senate Majority Leader for the comments they have made on Sen. Kihika.

*(Laughter)*

**The Senate Majority Leader** (Sen. Murkomen): On a point of order, Madam Temporary Speaker. Is it in order for Sen. Wako to confuse Sen. (Dr.) Philomena, who sits in this House, with the DCJ? What could be the reason he is engaged in that confusion?

**The Temporary Speaker** (Sen. Pareno): It might not be in order for you to confuse the two, but maybe clarify what you meant.

**Sen. Wako:** Madam Temporary Speaker, the truth of the matter is that I have not confused the two, but they bear a similar name.

I congratulate Sen. Kihika on her election as the Chair of International Women Parliamentarians. That is a very big honour.

As Sen. Murkomen said, sometimes we do not appreciate our own when they make it internationally. It is not easy to become the President of the International Women Parliamentarians. However, the fact that it is Sen. Kihika who got it does not surprise me because she has been a trailblazer throughout her life. We know that she was one of the very few, if not the only, lady county speaker in the last term. She was then elected Senator. This is a trailblazer.

She is the Majority Whip after succeeding Sen. Elachi. That is no mean achievement but recognition; that as soon as she got to the Senate, and before she even served one term, she has already been entrusted with a heavy responsibility of being a Whip. The fact that she was elected does not surprise me. In fact, it just confirms the very high opinion I have had of her performance in whatever job she has been given.

The IPU is one of the most important international organisations in the world today. I am fortunate to be a member of the International Law Commission (ILC), which is an organ of the UN. I am the first Vice-Chairperson of that august body. We had very good discussions in the last session with the officials of the IPU and the United Nations High Commission for Human Rights (UNHCR) on how we can make Parliament be on the forefront of fighting for human rights in the world. The fight for human rights in the world has been undertaken by the civil society organisations, which are not elected bodies, but just persons who come together and are committed to promote human rights.

I represented the International Law Commission, IPU and the Office of the High Commissioner for Human Rights. It was a feeling of these bodies that time has now come for the elected leaders to assume the role of being on the forefront of fighting for human rights, gender rights and the rights of people living with disabilities. We should not leave that job to civil societies, which despite doing a good job, are not elected. By the virtue that we are elected, we should be at the forefront of the fight for human rights.

I am, therefore, glad that I have somebody that I can talk with in the promotion of that agenda, in the person of none other than Sen. Kihika. I congratulate her and wish her success. I also hope that our small project of putting National Parliaments on the forefront of fighting for human rights will become a reality.

**The Temporary Speaker** (Sen. Pareno): I note that we must be really excited about this, and we have so many requests, so I reduce the time to five minutes each. Sen. Mugo, you may proceed.

**Sen. Mugo:** Thank you, Madam Temporary Speaker, for the opportunity to add my voice in congratulating our sister, Sen. Kihika for this really big achievement. I know what I am speaking about when I say it is a big achievement; it is not an easy office but I have no doubt she will do great service to it.

In 2006, I held the same position; I was elected the President of the same women caucus. I am sure you know about it.

*(Applause)*

Most of you might know that we held the Inter Parliamentary Union (IPU) here in Kenya. It was the first time in Africa and it was a first for Kenya. It was also the first in Africa when I was elected to chair that women committee and the flag of Kenya flew high.

Now you have taken it even higher because I believe you will build where we stopped and I have no doubt--- The Clerk and the Speaker know about it because Kenya is held very high in the IPU. Before then, I had also been the second woman in the whole world to be elected to chair Committee II of IPU. I was also the President of Committee II. We were elected by the whole world. I even beat a male Senator from Australia. It was

not just the women alone but also men held Kenya as a leader not only in Africa but also in the Third World.

We are proud of Sen. Kihika, and if there is anything she wants to inquire from the operations of that body, because I have been there, I will be willing to share with her. We are proud of her and well done.

At her age, getting there so early, I am sure that she might even become the President of the IPU which we look forward to. The only female President was from India, and I do not think we have been able to get another woman President. I hope that is where she is headed. Congratulations.

*(Applause)*

**The Temporary Speaker** (Sen. Pareno): Sen. Malalah Cleophas Wakhungu, you may proceed

**Sen. Malalah:** It is Wakhungu not Wakungu!

**The Temporary Speaker** (Sen. Pareno): Wakhungu, the Deputy Minority Leader

**Sen. Malalah:** Thank you, Madam Temporary Speaker. I want to take this earliest opportunity to join my colleagues in congratulating Sen. Kihika upon her election to head the International Women Parliamentary Forum.

I want to look at it as a win for Kenya, but more specifically for the Kenyan girl child. Sen. Kihika is a good example of a girl child who has grown all the way from the grassroots to the international arena where people make decisions for this world.

Sen. Kihika has led during challenging times when she was the Speaker of the County Assembly of Nakuru where she led Members of the County Assembly (MCAs) who were very intolerant in her leadership, but she stood firm and managed to lead them. She went ahead to be elected the Senator for Nakuru County. We know the dynamics which are there. She has depicted that she is a leader who must be celebrated and we must acknowledge this on this platform.

Madam Temporary Speaker, Sen. Kihika has undergone a lot of challenges. If you remember, during the Solai Dam Tragedy, she was almost crucified for standing with the people but she stood firm. These are some of the attributes that make her unique from other leaders. I want to emphasize the need for us to invest in women and women leadership and encourage all women to come up strongly and partake in elective seats. Most women in this House are nominated Senators. They should use it as a stepping platform to greater heights.

I want to emphasize the issue of women being elected because a woman is a mother figure and mothers are caring to their children. This country will one day need a woman president.

*(Applause)*

That is the only way we are going to curb corruption because a woman is sensitive. Even if she will want to indulge in corruption, she will not do so to the extent that leaders who are men are doing it. I am advocating for a woman president in future

and, I see many able women here like Sen. Halakhe; Sen. Pareno; Sen. Shiyonga; Sen. (Dr.) Musuruve, and so many other Senators who are in this House. We see leadership in them.

I take this earliest opportunity to congratulate my sister – I do not know if she is my sister or mother but from the looks, she is my sister.

Congratulations!

**The Temporary Speaker** (Sen. Pareno): Sen. Cheruiyot Aaron. He is not there. Sen. Haji Farhiya Ali, you may proceed.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Statement. First of all, I want to congratulate Sen. (Dr.) Zani for bringing this Statement.

Sen. Kihika has made us extremely proud as Kenyan women and the country as a whole. She has shown that Kenyan women – after her and Sen. Mugo – are of substance.

She has also become a good role model and a mentor to Kenyan women and now they can feel that even the sky is not the limit for them. She has made the dream of a Kenyan child valid. We are so proud of her. Even the fact that she was elected in a cosmopolitan county like Nakuru, which after Mombasa and Nairobi is almost amongst the largest counties in terms of population, that in itself was not a mean achievement.

She has encouraged us and even as the Deputy Minority Leader has emphasized on her stand for Solai people during the dam tragedy which is commendable. We are encouraged as Kenyan women.

I am also proud of the male Senators in this Senate. They have shown a lot of commitment to women leadership, not only once, but many times. I am so proud of them as well.

As everyone else has said, now that we have a woman president, we need IPU to come here not only in terms of giving visibility to Kenya as everybody else has mentioned, but also the economic impact it would make in terms of people seeing Kenya as a future destination for investment in terms of the jobs that will be created and also putting Kenya on the map as a tourist destination. It will have a great economic impact if we bring IPU to Kenya. As Kenyan Senators, we urge her to do the same.

Madam Temporary Speaker, thank you very much for allowing me to contribute to this important Statement.

**Sen. Seneta:** Madam Temporary Speaker, thank you for also giving me a chance to add my voice to this important Statement. On my own behalf and on behalf of the Kenya Women Senators Association (KEWOSA), as their Chair, I congratulate Sen. Kihika for her election as President of the Bureau of Women Parliamentarians.

I also wish to thank all women members of the IPU for having confidence in women leaders from Kenya. This will go a long way in building women leadership space in Kenya. I thank all of them and our colleagues who attended the IPU Forum.

The appointment of Sen. Kihika has once again, after the appointment of Sen. Mugo, put us in the world leadership map. Therefore, this has increased the confidence of women in this country.

I wish her all the best and success in her new appointment.

**Sen. (Dr.) Musuruve:** Thank you, Madam Temporary Speaker, for giving me this opportunity to also add my voice to this Statement. First, I thank Sen. (Dr.) Zani for coming up with this Statement because it is lauded for the women of this country. It is a wonderful thing that we have a Kenyan at the top of an international body.

I congratulate Sen. Kihika for the appointment. We are proud of her because she has done us proud as a country. Internationally, being in such a position, it is not something that we take for granted as a country. She has proved to Kenyans and the whole world that women can make it.

I like her zeal in leadership and the fact that she is daring because she went for the elective position in Nakuru County. It takes a woman with a nerve to do that. Sen. Kihika comes out strongly as a mentor for women in this country. She also comes out strongly as a source of inspiration to women leaders and the girl-child.

We can also not take for granted that we will get a wealth of information from her. From now onwards, we will get a wealth of information concerning leadership at international level. We are privileged because she is just a phone call away from us. We can talk and interact with her and she can tell us exactly the experiences she has. This is good for us, as a country. It is a milestone for the Kenyan women.

I am happy that Sen. Mugo was also there and that is also a plus for Kenya. Most importantly, Sen. Kihika will also get a lot of experience from Sen. Mugo. The fact that Sen. Mugo was there, she has also a lot of information to share. Having been in a number of committees, that already speaks a lot about the experience that she has at international level. I am sure that with the wealth of experience that she will get from her, Kenya will remain in that position. I am sure that next time that position will still go to Kenyans.

It came out strongly from Sen. (Dr.) Zani's Statement that people at international level are usually enthusiastic when they hear that a Kenyan is interested in such a position. This is because Kenyans who have been appointed to such positions have proved to the world that they are able and they perform. If they were not performing, there is no way that position would have gone to her. If Sen. Mugo did not perform, I do not think that the position would have come back to Kenya.

I commend Sen. Mugo for her good performance during the time she used to serve in Committee II. She opened the way for Sen. Kihika. I am sure that if Sen. Kihika's performance is good, many other opportunities will come for the Kenyan woman internationally. We do not just want to be in Kenya alone but internationally. Kenyan women can make it and that is where we are headed to.

I join all the others in supporting her for this position. I wish her all the best because I know and believe that she will perform.

**Sen. (Prof.) Ongeri:** Madam Temporary Speaker, I was away in Indonesia with Sen. Seneta when we received this exciting news of the election of Sen. Kihika to the position of the President of the Bureau of Women Parliamentarians.

From my experience as a former diplomat, Ambassador to the United Nations from 1992 to 1997, and again, in a later period and as a former Minister for Foreign Affairs, I am fully aware how competitive this kind of positions can be. Sometimes you get tremendous groupings. You can get a group from China, the European Union (EU)

and the Americans wanting to have their own candidates in such kind of positions and the other interest groups within the African Continent wanting to have their own person.

For those of you who have not been in such kind of position, it can involve the whole nation to campaign for one candidate. The fact that it only took five of them from this Senate and the five from the National Assembly, making it 10, plus the Speaker and they campaigned vigorously and obtained the position, I congratulate them for the tremendous efforts. That is a position of honour.

She is now known by the international community and she is expected to perform well in various areas and give direction in some of the things that will come for debate and deliberations during the international meetings. She is the eye of Kenya in those organisations. She should be rest assured that if she needs any support from us, it will be readily available. Any experience she may require from us, it will be easily available to her, so that she conducts those exacting meetings. Sometimes they run into late hours of the morning wanting to reach a particular decision.

She will come across many competing interests. There will be the interests of the Middle East, Africa, Europe and Asia-Pacific, and I am sure she is equal to the task. When she ascended to that position, they saw in her some level of character that will propel the organisation to a new level of standing internationally.

I have no doubt in my mind, having watched her very carefully, having known her father who was a go-getter and having seen her of late and in the past few years that she will perform. I have observed her and she behaves like her late father, a go-getter. I think I am not wrong that she will achieve the kind of standards she has already set. Before her, there has been Sen. Mugo who offered an example.

We have also held international opportunities; for instance, I was once the President of the Multilateral Fund. I, therefore, know how exactly it was when I was at the United Nations Environment Programme (UNEP); and also, as the vice chair of various committees in bio-diversity and in other places.

This meeting is not like a local meeting where you just walk in. In this one, you walk in knowing fully aware that the international community is going to watch your steps and what is going to come out by way of decisions and directions from your desk. She will need a lot of people around her, and I am sure that she has already started surrounding herself with advisors from the Secretariat. This is to ensure that the kinds of materials they will give her are the ones that will propel her to do the right thing.

Once again, Madam Temporary Speaker, Kenya has put a stamp that our women can compete and be elected in international platforms. I wish that would also be extended to the local platform, so that we can do away with these nominations. I wish that our women can be properly elected by Kenyans so that we do not have to struggle with gender parity any more, like it is elsewhere. However, for now, it is a provision in our Constitution which we must uphold, because if that was not done, we would not have such great minds that we have today in this Senate.

I am not, in any way, negating the decision of affirmative action on the nomination of women. I am just drawing a parallel that if Kenyans were to wake up and also elect women to these elective positions in our National Assembly, the Senate and

county assemblies, it will enhance our democracy. It will also give us an opportunity to express ourselves as a Kenyan people and not as a group which is male dominated.

Madam Temporary Speaker, at the expense of ostracizing myself in the male community, I thank and congratulate you.

**Sen. Olekina:** Thank you, Madam Temporary Speaker. I rise to congratulate my dear friend, Sen. Kihika, who I serve with in two committees; the House Business Committee as well as the Committee on Energy. I have known Sen. Kihika as someone who is very vibrant and detailed. I congratulate her for her agility and dedication to service for the people of Kenya; and also, the world now in general, particularly in leadership. I know that it is the zeal and dedication that her colleagues saw in appointing her to become their President.

Madam Temporary Speaker, I wish to remind my friend that life is all about grabbing opportunities by the collar and squeezing them out until the very last drop. She should do the same in this new job. The role of the Inter-Parliamentary Union (IPU) is to promote democracy and opportunities for women. It is also important that in the parliaments all over world, the voice of the women is heard, supported and given that opportunity to take that risk. Our young girls face various challenges, and with her – being a lawyer who has lived in the United States of America (USA) for many years – her election as the President and also as the first woman Senator for Nakuru County puts her in a position whereby she can grab these opportunities. If she does not squeeze them, then the people will not benefit.

Madam Temporary Speaker, I know that my colleagues have spoken; and they have said that there are so many other goodies that come with this position. If there are any such goodies, like jobs, I request her to remember some young Maasai girls so that they are given those opportunities as well, because they are also her constituents who voted for her in Nakuru County.

It is important for her to remember that one of the missions and goals of the IPU Forum of Women Parliamentarians is to ensure that they support the marginalized communities. For her, that means representing the Ogiek, Kalenjins, Kipsigis, Maasais and Kikuyus in Nakuru; some of who would argue that they have been marginalized. Therefore, any experiences that she can gain from the discussions with her colleagues will be important to help us here, in terms of developing new legislation.

Once again, Madam Temporary Speaker, I convey my sincere congratulations to Sen. Kihika upon assuming her new position, which she should squeeze hard. Let it be one that we can look forward to and say, “This really benefitted Kenyans”. She should learn everything she can, come back here and help us so that she can be the best mentor to women in this country.

We know that there is a lot of politics out there; some of them have the “me too” debate; I am sure that she is aware of that. I hope that we will not be talking about that debate here in this country. We should try to find a way to put the “me too” debate out, so that we can encourage women to fight for their rights and stand up so that we can develop this country. I congratulate her.

**The Temporary Speaker** (Sen. Pareno): I am happy to note that the person in charge of making captions on our screens has now made the correct representation. It was

initially indicated that, “Sen. Kihika is elected as IPU Forum,” I am happy that you have now included the word “President” of the IPU Forum.

**Sen. Halake:** Thank you, Madam Temporary Speaker. I also rise to congratulate Sen. Kihika on this appointment. I also thank Sen. (Dr.) Zani for bringing this fact to our attention. Also allow me to congratulate and thank Sen. Mugo for clearing the path for the rest of us, who are following in her footsteps. I am sure that Sen. Kihika’s path was very smooth because Sen. Mugo did a fantastic job. Therefore, congratulations to both our Senators who were elected to the IPU Forum for Women Parliamentarians.

Madam Temporary Speaker, I do not wish to repeat what my colleagues have said, because a lot has been said. I just wish to stand up and celebrate Sen. Kihika with the rest of the Senators who have congratulated her. The track record of Sen. Kihika has shown that through her, Kenyan women can showcase their strength, intellect and what they are made of. We look up to her, because I have no doubt that she is going to do wonders at the IPU Forum for Women Parliamentarians. Moreover, Kenya will continue to be a trailblazer for all the right reasons; and not for all the reasons for which we have been featured in the newspapers and in the limelight lately; be it corruption and other things. We thank her for giving us something to celebrate and feel good about as Kenyan women.

Madam Temporary Speaker, this is something that speaks to everybody else; the fact that we are able and that we can do it. Through Sen. Kihika, the girls of Kenya will have a good role model to look up to. This has also gone a long way to show that it is not just about what people have talked about – the nominations and affirmative action – but on your own right, she has shown that we can have Kenyan women being elected, not just at the local, but also at the international forum. I thank Sen. (Dr.) Zani for bringing this Statement.

Madam Temporary Speaker, I celebrate my sister, who has achieved this by being elected to this very important forum. We look forward to supporting her to excel. She probably does not need much of that, but we are behind her. We look forward to making sure that our presidency – because we own it now – is going to be exemplary.

Thank you, Madam Temporary Speaker.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker, for giving me this opportunity to join my colleagues in congratulating Sen. Kihika. I congratulate her for this well-deserved position. Becoming a president of an international body does not just happen. I also applaud Sen. (Dr.) Zani for bringing this matter on the Floor for us to get an opportunity to congratulate our able leader, Sen. Kihika.

Someone said that if you give a woman a house, she will give you a community. We gave Sen. Kihika leadership in this House and she has now given us a community internationally. There is much that comes with the opportunity and leadership that Sen. Kihika has just achieved. It includes checking against those who undermine peace and violate human rights. It also involves combating sexual violence, which is experienced in Kenya. It is, therefore, important for us, especially the Kenyan women, that one of us has been elected to lead this international forum. I applaud Sen. Kihika for this position, which is God-given. I would urge her to go ahead and work for Kenya and the world.

I felt so happy that Sen. Kihika got the position. We thank God that she is back in Kenya and we are celebrating and discussing together. We request her to hold our hands so that we can emulate her. We look at her as our role model. I am so happy for women leaders. Sen. Mugo is here and we look at her as our leader. We also have women Senators who serve as Temporary Speakers and we get the energy that we want when we look at them. We no longer belong to the vulnerable category that women have always been put under.

Madam Temporary Speaker, I support and applaud my sister, Sen. Kihika.

**The Temporary Speaker** (Sen. Pareno): I see no further intervention. I am sure that we would have wanted to go on to congratulate our Senator, but we have to stop somewhere. We, will, therefore, stop there and wish her well.

We have a Statement by Sen. Mwaruma, pursuant to Standing Order No.48 (1).

#### WATER PROJECTS ACROSS THE 47 COUNTRIES

Is Sen. Mwaruma not here? We will drop the Statement.

*(Statement dropped)*

Next Order!

### BILLS

#### COMMITTEE OF THE WHOLE

##### THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO.7 OF 2018)

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, we cannot proceed with this Order. We will, therefore, defer it.

Next Order!

*(Committee of the Whole deferred)*

#### COMMITTEE OF THE WHOLE

##### THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO.8 OF 2018)

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, this Order is also deferred.

Next Order!

*(Committee of the Whole deferred)*

*Second Reading*THE LOCAL CONTENT BILL  
(SENATE BILLS NO.10 OF 2018)

**The Temporary Speaker** (Sen. Pareno): Sen. Gideon Moi is not present. The Order is, therefore, dropped and shall suffer the fate under Standing Order No.59 (3).

*(Bill dropped)*

Hon. Senators, for ease of our business today, we will reorganize the Order Paper again. Instead of Order No.14, we will now go to Order No.15.

THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING  
BAYS) BILL (SENATE BILLS NO.18 OF 2018)

**Sen. Olekina:** Thank you, Madam Temporary Speaker. I beg to move that The County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No.18 of 2018) be now read a Second Time.

This Bill seeks to provide a legislative framework for the planning, construction and maintenance of county roads, streets, lanes, alleys, parking bays, drainage systems and pavements in each county. It also provides for the proper planning in placement of access ways to commercial buildings along major roads within counties.

The overall objective of this Bill is to provide a framework for easy access to roads, promote road user safety, ensure easy accessibility to commercial buildings and promote the development of a well-planned environment in counties.

As you are aware, under the Fourth Schedule of the Constitution, transport is a shared function between the national Government and county governments. In particular, the county government is charged with the functions of traffic and parking. This is in Paragraph 5(c) of Part 2 of the Fourth Schedule. Further, Article 174(f) of the Constitution of Kenya states that one of the core objects of devolution is the promotion of social and economic development and the provision of easily accessible services throughout Kenya.

Madam Temporary Speaker, allow me to give a brief overview of the Bill. Clause 2 of this Bill contains various definitions of terms relevant to the Bill. These definitions are necessary for avoidance of doubts and consider the various jurisdictions of the national Government and county government as concerns roads.

Clause 3 of the Bill concerns the object and purpose of the Bill. These objectives are as follows-

(a) provide a framework of the planning and construction of access ways from major roads in each county in a manner that ensures the safety of road users;

(b) provide a framework for the planning of commercial buildings along major roads in a manner that ensures that the buildings are accessible and do not lose their commercial viability; and,

(c) promote the development of a well-planned environment in counties in order to achieve unhindered and adequate access to buildings for major roads by members of the public.

Clause 4 of the Bill outlines the application of this Bill; that is, to county roads and all commercial buildings constructed along major roads.

Clause 5 of this Bill places a set of duties on the County Executive Committee (CEC) Member responsible for matters relating to roads. Those duties are as follows-

(a) formulate a comprehensive plan for the construction of maintenance of county roads within the respective county;

(b) facilitate the design, development and maintenance of drainage systems along the roads;

(c) ensure access ways to buildings constructed along national and county roads;

(d) make provision for and ensure the construction of adequate parking bays in the respective counties;

(e) ensure the maintenance of county roads; and,

(f) facilitate regular inspections of all the buildings, roads, streets, lanes, alleys, parking bays and pavements, to ensure that they adhere to the prescribed building codes and standards as set out in this Act and any other written law.

Clauses 6, 7 and 8 of the Bill contain provisions that obligate each county government to construct and maintain streets, lanes, alleys, parking bays and pavements.

Clause 9 of the Bill states that the County Executive Committee Member for transport shall designate areas for use by pedestrians for the purposes of crossing a major road in the county in a manner that does not interfere with the flow of traffic. This clause requires the Chief Executive Committee (CEC) member in charge of transport to ensure the construction of footbridges or any other convenience for use by pedestrians to cross a major road.

Clause 10 of the Bill contains provisions on access ways to commercial buildings. In this clause, the owners of commercial buildings situated along a major road, shall ensure access ways are present near major roads.

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

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

Madam Temporary Speaker, Clauses 11 and 12 contain provisions on the construction and maintenance of pavements and parking bays by owners of commercial buildings while Clause 13 of this Bill contains provisions on the use of payments. This clause states that a pavement shall only be used by pedestrians in a manner that the County Executive Committee Member may prescribe. Driving, parking and erecting of structures of hawking are forbidden under this clause and the offender shall be liable on

conviction to a fine not exceeding Kshs100,000 or to imprisonment for a term not exceeding three months.

Clause 14 contains provisions on the parking of motor vehicles. The clause states that a motor vehicle shall not be parked in any area other than that, which is designated as a parking bay. The driver of a motor vehicle shall not use a parking bay other than for the purpose of parking his or her motor vehicle and in accordance with the conditions set out by the County Executive Committee Member. Contravention of this provision shall result in the offender being liable on conviction to a fine not exceeding Kshs50,000 or to imprisonment for a term not exceeding three months or both. The county may also seize the offending motor vehicle, and the vehicle shall only be released upon payment of the required fine and charges.

Madam Temporary Speaker, Clause 15 contains provisions on designated parking. It states that the County Executive Committee Member shall designate parking bays for the exclusive parking of petroleum tankers and the parking of other heavy commercial vehicles in accordance with Section 99 of the Energy and Petroleum Act. The clause also states that those vehicles may park outside these designated areas for the purpose of loading or offloading goods where;

- (a) the loading or offloading process is continuous;
- (b) the goods are such weighty that they cannot be reasonably conveyed otherwise by the means of a vehicle;
- (c) the vehicle that is parked is near as possible, to the loading or offloading site; and,
- (d) the loading or offloading activity is carried out promptly.

Madam Temporary Speaker, a person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding Kshs200,000 or to imprisonment for a term not exceeding one year or both.

Clause 16 of this Bill empowers the County Executive Committee Member to make regulations for the better carrying out of the Act. This regulation shall be on prescription of standards for constructions and the use of street lanes, alleys, parking bays, pavement, drainage systems and other structures prescribed by this Act. In addition, as well as prescriptions of the procedure for the application of any approval provided in this Act.

Madam Temporary Speaker, the reason that made me come up with this Bill is because of the constant road accidents that we see along Nairobi's Waiyaki Way, particularly in a place where people have to cross from one side of the road to the other and where you see a lot of hawking and illegal market activities being carried out along the road. Kangemi is a good example.

This is the cause of disorganization in this country. This Bill has got nothing to do with the Roads Bill which is currently before the Senate in the Second Reading. This Bill is not seeking to create or establish an Authority, but seeks to carry out various functions that are devolved.

Madam Temporary Speaker, when you look at the budgets of every county in this country, the first thing that you will see is that there is an estimate of how much they can generate from parking services. There is no law that guides and empowers the County

Executive Committee member to designate these parking areas and say “this parking area shall be used by motorcycles, tankers or *matatus*”. One of the biggest problems we have in this country is that, sometimes certain accidents occur because of obstructions on the roads; people crossing from one side to the other. Once this Bill is passed and assented to, it will do away with that.

Secondly, this Bill will help the County Executive Committee Member in charge of transport, for instance, in Narok County, to say in Narok Town, we have 10,000 parking slots out of which, 5,000 are to be used by private vehicles and we will charge an extra amount of money per vehicle per day.

One of the biggest problems we have in this country is where we are overestimating our collections. This will ensure that even if you give a percentage of about 30 per cent of the revenue collected, you can come up with realistic figures of how much money you will be collecting.

Madam Temporary Speaker, when you go into our towns which were designed a long time ago, there is no inspection of the building codes. No one goes out there and says, for example, you have got this building and now the front of your building, we, as the county government, are the ones responsible for it. This, therefore, gives room for somebody with a big tanker to park it there and block the businesses in the building. So, even the commercial viability of each and every building is curtailed, since this blocks people from accessing the building and shopping there.

This Bill will enable anyone who is constructing a commercial building, which is facing the highway, to turn that building the other side and create streets. It is only in this country where we do not consider street ways when most buildings are being constructed. The owner of the building can only accurately say, these two shops which face the highway will give me Kshs20,000 a month in rural areas, while in the urban areas Kshs100 per square foot, but any other spaces at the back, no one is able to tell, because when I come and I want to shop, I will only do so in the first two shops because getting parking might be problematic.

Madam Temporary Speaker, one of the things that this Bill is going to help is that, the owners of those buildings will be given an opportunity by the regulations that will be developed by the County Executive Committee member in charge of transport to maintain those pavements. Then let us say, Joe will get into these issues of public private partnership, where the public is not losing any money. If anything, the owners of the building will maintain their pavements by using regulations which have been set instead of putting cabro or bitumen. If it is cabro, the entire streets in Narok town will have cabro, while if it is bitumen, then all the pavements will have bitumen.

The other important thing in this Bill is that it will help this country to reduce the number of people who are killed when riding motorcycles in an area designated for vehicles. With the passage of this Bill, the County Executive Committee Member (CEC) of each county will designate areas where people with bicycles and motorcycles can ride them there. When vehicles, motorcycles and bicycles compete in one area because there is lack of law and order, the level of accidents will increase.

I hope that the Members will support this Bill because it will encourage people in each town to see their commercial properties as equal. Instead of having illegal shanties

or hawkers in front of buildings facing the highway, one will design their buildings in a way that when one walks into the building, they can enter the shop through the right or left. That will help us to reduce the number of illegal structures which are constructed on the road reserve. This will also help county governments to plan properly.

When you look at the trends worldwide, especially the United Kingdom, you will realize that there will be no vehicles using petroleum or diesel by 2030, instead, they will be using electric vehicles. I am concerned of what is going to happen in this country with the number of vehicles that we are importing that use diesel and petroleum while taking into consideration that most of the imported vehicles are more than eight years. They will all be parked in the streets.

With the passage of this Bill, no one can park any vehicle. When the world is moving towards electric cars, we will also move towards electric cars. We can have laws that will state that a county like Nakuru will have 50,000 parking spots which can only be built and used for generating income. It can also state that the petrol stations built along the road have to be built in a way that they accommodate the big tankers that will be going in to offload the petroleum products that they carry.

This Bill tries to raise income for counties in terms of parking and encourages law and order in our streets. This Bill will help our counties to designate areas such that if it is a market, it will be clearly marked as such. The problem that we have is lack of proper laws which have been put in place---

*(Several Senators consulted loudly)*

Madam Temporary Speaker, I request that you protect me from my colleagues who are holding a *kamukunji* at the back.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, Members. Consult in low tones for us to hear our colleague.

**Sen. Olekina:** Madam Temporary Speaker, the Bill will bring law and order. It seeks to create a framework which will establish pavements, which very few towns have, where one can freely walk without fearing of being knocked down by a car. If you call the folks at the National Transport and Safety Authority (NTSA), the best thing that they can give you at the moment is statistics of people who have been killed in Kangemi. If you try to find out the reason as to why these people are being killed, you will realize that they get killed when crossing from one side of the road to the other. When they try to buy sugar from this canteen and find that it does not have, they know that there is another canteen on the other side which has either been constructed on the road reserve or in a shop.

When this Bill becomes law, the people who are constructing new commercial buildings will take their time and work with the county governments. The biggest problem that we have right now is that the planning departments in each county do not take time to look at the building codes. They just look at the plans and approve them as long as one has taken them. This Bill will now ensure that all those issues have been considered during the approval stage for each plan to be approved and the first thing will be the pavement. They will look at what one is proposing and find out if one is proposing

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to leave the county government to develop the frontage of their building or they are going to incorporate public private partnership where they build, develop their frontage and use it for the parking of the shoppers who are coming to shop in their premises?

This will empower the owners of these buildings because they will know that they have been given the regulations to construct the frontage and from there, they can choose to go green. They can decide to designate an area for, say, 20 people who will come with bicycles as well as those who will come with motorcycles and private vehicles. It is sad that many people in this country have businesses that do not make profit. One might have the best designer suits or pharmacy but the fact that they do not have a parking area where one can easily park their cars, get into a shop, buy and walk away, that denies them that business.

When I was thinking about this Bill, I looked at the other jurisdictions and other countries and how they handle the issue of pavements and parking. In some states in America, the owner of the building is given a distance of about three metres that they are to maintain and the regulations. They are expected to mark the parking slots and anyone who parks there does not have to pay anything though they are in partnership with the town council. However, we still have other buildings where one still pays the town councils when they park there.

This Bill is a win-win for all of us. It is a win-win for the business community and county governments. The county governments can budget to have 50 per cent of all their parking spaces generate revenue. This is a time when we are crying and the county governments are also crying. There is a debate where people are saying that we should merge some counties because of lack of creativity. This Bill brings another creative element to support these counties to continue generating revenue.

There are so many counties that are talking of converting urban areas to municipalities without thinking further. The Act that regulates the formation of municipality is clear. You have to demonstrate that you can raise local revenue. Most of the counties in this country are not able to demonstrate that. We also know that there is a lot of money allocated for urban planning by the World Bank.

We plan for these urban centres but we do not have a law in place to clearly guide us. For instance, if the World Bank gave us Kshs300 million or more to plan Narok Town, we do not have a law that can guide us to build courts, designate parking areas or pavements. In fact, this Bill will help towns that do not have designated parking areas to negotiate with the people.

I am happy with what I am seeing in the City County of Nairobi. For example, across the Parliament Buildings, people are no longer building commercial spaces to lease out. They are investing in building parking spaces. If we do so, it will only be right if we follow the law and have clear regulations so that we also empower devolution.

Madam Temporary Speaker, many of our Bills only focus on the interests of the national Government. When will we focus on the interests of the county governments? The Constitution is clear. Earlier on, I referred to Article 174 of the Constitution that promotes the goals of devolution in social and economic development. I also looked at the Fourth Schedule in terms of the shared duties between the national Government and

the county government. It is now time for this House to completely push legislations that will promote devolution.

Madam Temporary Speaker, I am from a different school of thought that believes that once the counties that we have are managed effectively, they will generate a lot of own source revenue. The only way to do that is if this House supports this Bill while taking into consideration that it not rivaling The Kenya Roads Bill.

Madam Temporary Speaker, in the history of this country, most of the legislations which have been brought into this House have been sponsored by the Government and are designed towards developing authorities. I am happy that this House is vibrant and has got men and women who take their time to say that they want to live in a good country. It is sad that we travel around the world and see the law and order on the way cars are parked.

Madam Temporary Speaker, in the United Kingdom (UK), there are parking areas which are designated for residents. People do not park for free. They pay either a subsidized rate for the whole year or on a daily basis if they are not residents. Where it is necessary, I welcome any other amendments to this Bill because I do not purport to say that I have the answers to the problem that we have.

I am sure that with the support of able Senators, we can improve and bring in other areas to ensure that it also covers specifically petrol or gas stations which are developed along our highways. I long for the time when we will have our welcome centres. The first income that we will get from people coming into our counties will be parking fees. I see this country moving forward to a point where people will be going on vacations.

I am sure when Sen. Kihika lived in the United States of America (USA), she travelled in a mini-van from one state to another. Sometimes, she would spend the night in the same mini-van because they are designed as vehicles but she paid for it. We need to think forward about these things and come up with regulations and laws that can support us.

Madam Temporary Speaker, with those few or many remarks, I beg to move.

I had earlier on requested my friend, the Senate Minority Leader, to second. However, I also asked the Senate Majority Whip to second. Therefore, I now invite my good friend, Sen. Susan Kihika, to second this Bill.

**Sen. Kihika:** Thank you, Madam Temporary Speaker. I rise to second The County Planning (Roads, Pavements and Parking Bays) Bill, 2018 that has been brought by Sen. Ledama Olekina. It is a timely Bill because we are in a period where counties are beginning and should have taken off by now.

Having gone through this Bill, it will provide a good roadmap and consistency to most counties across the country in some of the issues that have been neglected in most of these areas. The Bill stipulates ways to provide access to major roads in a manner that ensures the safety of road users.

Madam Temporary Speaker, as most of us have seen from our different areas, a number of people are killed or seriously injured by vehicles when trying to cross a major road from one side to the other or to access a commercial building. We need some order

in the planning so that we are able to ensure safety and bring order to our communities across the board.

Madam Temporary Speaker, the Bill has clearly stipulated the manner in which commercial buildings will be accessed from major roads. This is important because in most of the towns and cities everywhere across the board, there is no order. Some of the buildings are accessed from one side of the road, others from the other side and some in a way that does not make sense. If a vehicle is turning, another one that is on the road could easily crash it. There is no order. Therefore, we need a law that will provide a framework so that when the planning of commercial buildings is done, this is taken into account. It is extremely necessary and important so that we see the great growth across our counties and in the whole country.

Without having proper planning in place, we will continue to be a lawless country. I say this because it is quite obvious. For example, *matatus* on the road seem to make their own laws. They stop anywhere, for example, in the middle of the road where they either pick up or drop passengers without regard to parking bays or the designated place where they are supposed to stop and safely have the road users exit or enter the vehicles in a safe manner.

Madam Temporary Speaker, this Bill shows the necessity of having parking bays across the cities and towns in the counties. The Gross Domestic Product (GDP) of the country is rising and with that, many people are able to afford vehicles. Therefore, there are many vehicles, for example, for public transport which are owned by individuals or whatever the case may be. So, the number has really risen. With that, as a country, we have not taken into account where these vehicles are parked once they get to town. Therefore, vehicles are parked in all manner of places blocking access to buildings and if there is a fire or any form of accident, it becomes hazardous.

This Bill streamlines parking bays and requires county governments to have them across the counties. Where there is no public land available, the Bill can do compulsory acquisition of such land so that parking bays are availed across our cities and towns.

The Mover of the Bill, Sen. Olekina, has talked about how we can create another stream of income by making sure that the parking bays are charged. With that in place, counties or communities can have another source of revenue. We need to maximize on revenue collection so that counties can run productively.

Madam Temporary Speaker, one major issue that we have seen across the board is the lack of pavements in many areas such as towns, cities or even in the congested areas. As a result, somebody on a motorcycle or a bicycle finds himself or herself on the same road with vehicles, which do not seem to give way or to be friendly to other road users. Without the pavements, they do not have any other place where they can ride.

As we move towards being a green economy, going forward to the future, we are also encouraging people to use their bicycles because it will help them to keep fit. It will also help to reduce congestion of vehicles on our roads and, consequently, it will be a very good thinking for our environment since it reduces pollution. Therefore, as we encourage that, we must provide an alternative part of the road where those on bicycles or motorcycles can ride safely without being run over by vehicles. It seems as if the drivers of the vehicles seem to feel as if they are the kings of the roads; that they have more

rights on the roads than the other road users. It, therefore, becomes extremely problematic. With this Bill streamlining that area, it will be a very big win for the safety of road users across the board.

Madam Temporary Speaker, we also need to see more pavements so as to bring cleaner and better looking roads and areas within our cities and towns. By the Bill requiring that pavements be put in place once we have erected a building, it will make our cities more conducive for walking. This is because right now, without the pavements, one can easily break a leg as one is walking because there may be a hole on the road. It could also be just dusty and an eyesore across the board. Therefore, once these pavements have been put up, we will have beautiful cities and towns across our counties. We will be proud of our towns and our environment will also be prettier.

Madam Temporary Speaker, on the issue of parking bays, I draw an example of my county where we have this area called Salгаа on the major highway from Nakuru to Eldoret. This is one of the areas we have seen many accidents over the years and many people have lost their lives. The big issue in that area is that many trucks stop there on their way to Uganda, Rwanda or wherever else, but we do not have a designated parking area there. Trucks park on both sides of the already narrow road, thus making it even narrower. Sometimes due to the curves on that road, a vehicle being driven especially by a driver who is not familiar with the area and approaching the area will just ram into those trucks which are dangerously parked on the roadside. Consequently, many people have lost their lives there. Therefore, this is one area which will benefit immensely from the parking bays that this Bill proposes county governments to provide.

Madam Temporary Speaker, I can also see that the Bill makes an exception for the petroleum tankers when they are offloading. This shows that Sen. Olekina has thought through this Bill and what he wants the law to achieve. Having designated separate parking areas, as the law requires currently, gives an exception of how they can park when they are offloading the very dangerous products they may be carrying. That goes to show that Sen. Olekina thought through the Bill and he has taken into account a lot of the issues that we come across.

The Bill has also done a good job as far as stating the consequences of contravening this law in terms of the fines or imprisonment terms. That has also been thought through and they seem reasonable. However, they are obviously open to the House for any amendments.

Madam Temporary Speaker, I beg to second this Bill.

Thank you, Madam Temporary Speaker.

*(Question proposed)*

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. I start by congratulating Sen. Olekina for bringing this Bill. The Bill clearly mandates county governments to plan, construct and maintain county roads, streets, lanes and alleys to basically bring order within the county. There is a big problem with that, as we know from our various counties.

Madam Temporary Speaker, I have previously been involved in the planning of different cities and towns before counties came into being. If you go back to the cupboards of these counties where they keep data, you will see very good plans. Some of them are meant to designate areas, for example, for industry, agriculture and for burying people. I hope that this Bill is not related to that directly; but even with those plans that have been put into operation, the issues that always create a problem is the implementation of the same.

Therefore, we once again have an issue there. We are looking at the drainage system and the pavements where, for example, some people will just set up the pavements in front of them. That is why we have differences where some will have cabro while the others will have tarmac. As much as they are trying to create order, they are actually creating disorder in the process.

Madam Temporary Speaker, this is one Bill that seeks to make our counties neat. Sometimes it is easier in terms of operationalization when this is done at the planning stage. When you do this prior to, it makes it easier because we know that a particular road goes to a particular place and it stops there. The Bill also looks for ways to ensure there is access to each building. Sometimes there is difficulty if the initial planning has not been put in place, so that we know which house is where; and which road should pass where. Having said that, it is important to try as much as possible to create order where there is disorder because this Bill seeks to do exactly that.

Madam Temporary Speaker, I do not think this Bill will have a problem of being termed a money bill at any level. It is clearly contextualised within the counties with the County Executive Committee Members (CECs), who have been assigned specific responsibilities. I am looking at Clause 10, where we have a provision for punishment. There are other clauses in this Bill that state the penalties. Clause 10(4) clearly says-

“A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings and subsequently to a fine not exceeding one hundred thousand shillings for every month the person fails to comply with the provisions of this section.”

I think this is very minimal, which is then a cumulative fine upon conviction. There is no jail term that has been put there, but only a fine. Who will be responsible for this enforcement? Who will supply the money for this enforcement?

Clearly, this Bill gives responsibility to the CEC and the provision for that responsibility is clearly stipulated in Clause 5. The CEC can put pavements but somebody may not follow what they are required to do. So, it is important to specify exactly who in this Bill has the responsibility for enforcement. If it is left neither here nor there, then the CEC might not be in a position to steer the process. That is one provision that needs to be clearly stipulated. We need to know who should do what and with which funds because somebody may say they do not have the funds to do something. We need to know who will do what, with what funds and how the funds will be provided within the county framework. It is possible for people to do that. The level of tidiness and order is what will attract people to the counties.

As was said by Sen. Olekina when he was moving the Bill and Sen. Kihika when she was seconding this Bill, clearly there will be order in the counties. It is the sort of order that people want because it will attract investors. If you go to a county that you want to invest in and you cannot get any parking, you might just literally drive off to the next county which is more orderly. So, that is the first point; that a clear enforcement scheme and level of responsibilities have to be put in place.

This Bill in Clause 5 articulately gives the responsibilities to the CEC under this particular docket. According to Clause 5(1)(a), they will be required to formulate a comprehensive plan for the construction and maintenance of ward roads within the respective county. I think public participation will also be required because goodwill is necessary.

In some countries, when somebody throws a piece of paper out of a moving car, everybody stops and they are shocked because people do not just do that. We need to get to the point where we have a comprehensive plan and people should buy into the plan. To move with the communities, you have to make them part of the plan from the beginning. So, we will need a public participation process for the people because when people know why they are doing something, they participate in it. They need to be told places that have been designated and where they should park. Apart from the law enforcers, it is the same people who will tell the *boda boda* riders or scooters that they are parking at the wrong place and they should move away.

There is also the issue of design, development and maintenance of drainage systems along all roads which cannot be realised because in Nairobi and many other counties, the moment it rains, there is flooding. In other countries, when it rains, people do not even stop what they are doing. They just continue with what they are doing.

This Bill also provides for the need to ensure access to buildings, which is important and critical both at the county and national levels. We have heard of incidents where people are burnt in houses because the fire brigade could not make its way.

Clause 5(1)(f) is also important. It provides that-

“The CEC member shall facilitate regular inspection of all buildings, roads, streets, lanes, alleys, parking bays and pavements to ensure that they adhere to the prescribed building codes and standards as set out in this Act and any other written law.”

Clause 5(2) states as follows-

“The county executive committee member shall, in the performance of the functions under this Act, make provision for the access and use of buildings, roads, streets, lanes, alleys, parking bays and pavements by persons with disabilities in accordance with Section 21 of the Persons with Disabilities Act, 2003.”

It will ensure that the provisions for the buildings and facilities are friendly for the PWDs.

Under Clause 6, it says-

“Each county government shall construct and maintain streets, lanes, alleys and other means of accessing properties in the county.”

This is important. It hinges directly on the issue of security.

Most of the things that have been talked about in this Bill should be part and parcel of the infrastructure of organizations. They should ensure that roads, parking bays and buildings adhere to the provisions to ensure that things run in an orderly manner and in a way that promotes better interaction, business, cohesion and everything else that is important.

Clause 9 is also important. It talks about provision of zebra crossings where pedestrians should use to cross major roads. There is also a Clause that talks about parking of vehicles like lorries. It provides for where motor vehicles can park and where they cannot.

There is need to have a provision on orderliness in the control of vehicles in and out. There is also the aspect of security and who will take care of the specific cars in the specific areas they have parked. All that needs to be put into consideration.

Clause 16 is on spot. We need to have responsibilities of CECs in each Act. When we were in Uasin Gishu, we met CECs while dealing specifically with issues of tourism. When they came, you could see a different interpretation of their roles. When everybody was asked what their role was regarding certain matters, they gave their own interpretation.

I think this is a candid way of infusing some of the key responsibilities of the CECs, which should be done through some of the Bills that we come up with. That is what will create uniformity within the various counties. So, it is important to prescribe the standards for construction so that this not only becomes a deliverable but also a policy question. This is critical for the transition in the county, so that once a CEC is not there and another one assumes office, it is already in legislation. This is the kind of legislation that the county assemblies can take up and come up with respective specifications to enhance some of the clauses like prescribing the conditions and procedures. I have looked at all these and they are key roles for the CECs. There are also provisions on how to manage the counties and put everything in place.

As I wind up, I congratulate Sen. Olekina. I hope there will be no confusion in the Bill which is on the Floor of the House. I hope there will be no clashes about whether this is a money Bill. As he navigates the monetary aspect, Sen. Olekina needs to also look at funds that will come directly from the county and whether the national exchequer will be involved because it might move the direction of a money Bill but it does have to go that way because counties will generate all this.

This Bill is spot on. There is clarity, provision for penalties and I think I also saw a transition Clause, that immediately this law comes into operation, it needs to be acted upon. All that has been put into place and I think we have something that we will be remembered for as Senate, which is creating the much needed order in the counties.

I thank you.

**The Senate Minority Leader** (Sen. Orengo): Madam Temporary Speaker, let me also join in congratulating my colleague and distinguished Senator for Narok for coming up with this Bill. I commend his industry and constant work in bringing Motions and Bills to the Senate. He should be congratulated for this one in particular.

Having congratulated him, let me also use this opportunity, because it is to some extent relevant to what we are discussing, to congratulate my party leader, His

Excellency Raila Odinga for being appointed High Representative for Infrastructure Development in Africa. I will be quick to point out that the position that he has been given has nothing to do with him resigning from politics. In fact, it enhances his position as a politician in the country.

Just for the record, in case people forgot, there was Jean Ping who was the Chairman of the African Union (AU) leave alone being a High Representative. He had served in the public service as a diplomat, politician in the UN system and a Minister in Cameroon. Eventually he contested a presidential election after becoming the Chairman of the AU.

Coming hot on his heels was Mrs. Nkosazana Dlamini-Zuma who also was an African Union (AU) Chairperson. She continued during that period to be an active and senior member of the African National Congress (ANC) in South Africa. She nearly became President of the most economically powerful country in the Continent. We hope that somebody will follow Mrs. Zuma's footsteps to, not only contest the seat of President, but also become the President of Kenya.

Madam Temporary Speaker, if you look at the record of the AU, the people who have been appointed high representatives are practicing politicians and former presidents. There is distinction between those high or special representatives and liaison officers. The former President of Mali is now the High Representative for South Sudan. One can continue to mention many others who have been in similar positions.

It was not without significance that, that appointment came on Mashujaa Day. If it was lost on many people who did not know the circumstances under which that appointment came to be made on Mashujaa Day, it had a political significance. A political message was being sent out there and the fact that another African President was present. We saw what he did to our two leaders; His Excellency President, Hon. Uhuru Muigai Kenyatta and the Right Honourable Raila Amollo Odinga. I congratulate him for doing that.

If you look at the work cut out for Hon. Raila, it has some relevance with what we are discussing here. He will be dealing with the infrastructure in the whole of Africa. This will include transnational highways, high speed railways and how we will use the African skies for Africa; for growth and sustainable development. Those who are praying this would lead to Hon. Raila's retirement, woe unto to them because it will not happen. They may retire even before Hon. Raila retires and that should be made clear.

*(Laughter)*

Having said that, let it not be thought that I abusing this opportunity to go into other matters. This is a very important Bill. If you look at Kenyan towns and cities 40 years ago whose plans were developed during the colonial times, and for about five to 10 years after Independence, they were maintained as such. These were beautiful urban developments. Quickly on my fingers I can mention Kericho, Eldoret, Nakuru, Nanyuki and Kisumu. These were beautiful cities. Nakuru, for example, even the railways station was not just made for passengers. However, it was constructed to be an iconic structure within the City of Nakuru. It is a city which was well planned.

There was a master plan for Nairobi City County in 1948. If we had kept that master plan and used it for the development of this city in terms of infrastructure, we would not be having the kind of jams we experience in Nairobi City County every day. Uhuru Highway opposite Serena Hotel used to be called Queen Elizabeth Way. There is a line of constructions which have been erected and developed along that part of what is now Uhuru Highway which should not have been there in the first place. In fact, if you look at those plans from the city towards Embakasi and the Airport, we should have been having six lanes on one side of the Highway. We would be having a highway containing on one side, a dual carriageway with six lanes on both sides.

Madam Temporary Speaker, we are very proud to see what has been done in the City of late. Indeed, there were those plans for Nairobi City. Nairobi City is a choked city. If something happens in the middle of the City of Nairobi, there are very few exits from its centre. If you go to our estates also, there are areas where vehicles and equipment from the fire department cannot access in cases of emergency. It will be absolutely impossible to access those areas. The tragedy is that from 200 years ago, people have been planning to develop. However, in this part of the world, we are trying to catch up with planning. We have not even started developing them. Ours is the other way round.

A scholar that I really respected who died just a few years ago used to say in the cosmic order and the way the universe is, there is no God. It is just some universal or cosmic order that is there. To him, it was the laws of physical science that keep the stars, planets and the galaxies together. Even in nature, there is a plan. Look at a beautiful flower anywhere, its existence is not just by an accident. This applies to even the animals and human beings. The other day, I was looking at a species of monkeys in Japan who live in winter and they know how to survive in winter. They go for warm baths in some of those natural geysers.

Madam Temporary Speaker, nature has some order. However, we, as human beings are trying to destroy it. In doing our own work of developing, we do not have any plan to do so. This Bill is trying to recreate what we lost. I was looking at Clause 5 of the Bill which says-

“The county executive committee member shall –”

The position of the CEC member has been defined in the Bill. It is the member who is responsible for matters relating to county roads. So, there are mandatory requirements that the CEC member responsible for roads must do in order to ensure that our roads, pavements and parking bays are properly planned and developed. However, also add to the needs of our population, whether we live in the urban or rural areas. Through this Bill, we will now have a legal framework of what is required of a CEC member in charge of roads.

If you go to many of these counties – be it my county of Siaya – and look for the CEC member in charge of roads, there is no legislative framework other than what we have in place which is inadequate and it requires of them to do certain things for the community in terms of roads and pavements. I was seeing something which I also deem to be very significant; the use of pavements and designated parking areas.

When you are on Uhuru Highway in the morning and there is heavy traffic jam, you will find *matatus*, lorries and motorcycles on pavements meant for pedestrians. That is addressed in this Bill under Clause 13, which makes provision for contravening the use of pavements. It shows how those pavements should be used and by whom. In addition, if you contravene these provisions you will be liable to a fine not exceeding Kshs100,000 or imprisonment for a term not exceeding six months.

While on a tour of the United States of America (USA), we were taken to a small town in Kansas. The Mayor told us that, that small town was surviving by levying fines. If the traffic police officers were not active, they would not be able to run the town. If the court systems can be devolved and the administration of justice as far as the use of roads and pavements is taken to the counties, they could be a source of revenue for the counties to do what is set out in the Bill. This is because nearly 90 per cent of the revenue of that town in Kansas comes from fines paid by motorists and traffic users who contravene the by-laws. This is good so that there is a responsibility on the users of roads and pavements.

Madam Temporary Speaker, devolution has not brought enough resources, but some resources have been devolved to the counties. There are a lot of things that are coming up in our urban areas in the counties that we never used to see before. Hotels, shops, shopping malls in some counties and office blocks are coming up. However, the building of those shopping malls and office blocks are not regulated. The starting point for regulation of structures and buildings that are coming up is starting with the infrastructure of roads and pavements. This will ensure that by the time you construct and are given authority to construct, you will be carrying out that development in an area where the roads and pavements have already been earmarked and planned for, or they are already in place.

The crisis we have in Nairobi and other areas about the demolitions that are happening is because we are not strictly implementing or executing planning laws and the laws that are in place. The laws have not been significant enough or set out in such a way that would enable counties to regulate the use of roads, parking bays and so on. This Bill makes it possible to do just that. I hope that Members will find it useful to support it.

Now on access to commercial buildings, other buildings like offices and the designation of pedestrian crossing and so on; all this is contained in the Bill. Sen. Olekina must be congratulated for doing a lot of homework in coming up with a Bill that is comprehensive, yet not too big for the implementers and in simple language, for everybody to understand.

The last issue I want to talk about is that the national Government should begin to have a very positive discussion with the county governments so that there is no conflict in areas where they have responsibility. Whereas this Bill does not require the national Government to spend more money or the county government to spend money out of the enactment of this Bill, looking to the future, more resources in the area of roads and general infrastructure for the movement of persons and traffic, I think we need to ensure that more funds leave the national Government.

I think the national Government is trying to retain roads which should be county roads within its portfolio. We should have that sensible discussion because if these resources were available to the counties, we would be seeing more positive work.

Look at the county where the distinguished Senator for Kakamega comes from. I think your Governor has been able to do a lot of things with resources. I think since the Kibaki Government and the construction of *mama* Lucy Kibaki Hospital, the national Government has not been able to build a new Level 5 hospital or an even a superior health facility in the entire country, including Nairobi. Look at what the County Government of Kakamega has done. They have built two modern hospitals that when completed, and if they can have the right equipment and human resources, all the people will be Kakamega-bound for health services.

In the County of Nakuru, I saw the other day the First Lady opening a very modern hospital and yet if you look at what the national Government has done, I do not think there is a new referral hospital that the national Government has built in the last 10 years. In fact, other than the ones attached to the universities and Nyeri, there is no referral hospital that has been built by the national Government.

This qualifies a case for putting more resources in the counties and if more resources were put on roads in the counties, we would have a replica of what is happening in Kakamega. If there are governors who are doing good and valuable work, they will be a model for the entire country.

With those remarks, I fully support this Bill.

**Sen. (Prof.) Ongeri:** Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to a subject that is very close to my heart. As you all remember, I was the ambassador for the United Nations (UN) Habitat. This is one of the areas that I delved into, of ensuring that we have an internationally acceptable, viable and a new urban agenda.

If I may take you down memory lane, Madam Temporary Speaker, Goal 11 of the Sustainable Development Goals (SDGs) speaks about sustainable cities and communities. I congratulate Sen. Olekina for speaking to this Goal, which speaks about making our towns and cities inclusive, safe, resilient and sustainable. This Bill has come at the right time. That is what we should be doing in all our planning.

Madam Temporary Speaker, if you look at Agenda 2030, the SDGs have 17 Goals and 169 targets geared towards ensuring fundamental human rights are in place. When I talk about human rights, I mean that the people living in towns and cities have a right to live in a safe city; they have a right to proper planning; a proper living or housing scheme and proper food security. Therefore, this is not something that should be looked at casually.

Madam Temporary Speaker, in my opinion, this Bill is a toolkit which has been developed. Sen. Olekina may not have realised that what he is doing is providing a toolkit for our county governments and the national Government. This is because using the toolkit in planning, designing and implementing is a shared responsibility. This will eventually lead to monitoring and evaluation, as well as giving it a sense of ownership; of course taking into account environmental concerns.

Madam Temporary Speaker, this is an important Bill that should not be seen as if it is rivaling the Kenya Roads Bill, which is before this House. The latter is speaking to the standards of the roads while the former is talking about social inclusion. When we do this planning - whether you are in the formal or informal settlements - you all deserve decent, dignified and rewarding lives. It does not matter where they stay - whether in a well organised urban centre or in a disorganised informal settlement - you need decent, dignified and rewarding lives so that each category is given the opportunity to achieve the full potential of their lives.

This is what this Bill is talking about. It is not talking about the standards of the roads; it is talking about social inclusion, which is very important. What does a pedestrian need to live a dignified and decent life in a town or urban centre? I would like, for instance, to think that a resident of Kisii, Keroka, Iten or Eldoret towns deserves to live a dignified and decent life whether they are in the main urban centre, in the Central Business District (CBD) or in the periphery where we have a lot of mushrooming of informal settlements. This is what this Bill is talking about. This Bill requires that we must do planning in such a manner that it bequeaths this life, which is inclusive by all means and standards and, therefore, it should be rewarding.

Madam Temporary Speaker, this Bill is talking about spatial planning and development. When you do spatial planning, it must be a balanced territorial development. The Bill is saying that if there are commercial centres, let us have properly planned streets there. Let the first row of the planning that we have done be equally satisfying with all the amenities that are required for purposes of planning. If it is a road, a walkway or a pavement should be provided to bring safety to our road networks.

We have just returned from Indonesia and Sen. Seneta will bear me witness. One of the things that we witnessed in those roads is their safety. Even the scooters, which are in their thousands, move in an orderly manner. It leaves a lot to be desired when you look at the motorcycle riders in our cities and towns. They crisscross everywhere without any order.

When we visited Malaysia, we noticed that all motorcycle riders wait for the traffic lights to allow them to proceed. They move in an organized manner. This Bill seeks to bring order, sanity and safety for everybody, whether you are a motorcycle rider or motor vehicle driver. The rules and regulations must be obeyed. Therefore, we are bringing order in a very confused state. What is the purpose of this safety and spatial planning? It is to bring about development that leads to strengthening not only of food security, nutrition and housing, but also making sure that the livelihood of people is enhanced.

Thirdly, the target of this type of planning is to create urban prosperity. I have talked about social inclusion and spatial planning because this Bill talks about them. The first row is as important as the second, third, fourth or fifth rows. The amenities provided in all those successive rows are equal to the ones of the first row. Today, in Kenya, people are scrambling to have a space in the first row, but there is no need to engage in that. Majority of planners in other advanced cities are now going for the second and third rows because there is quietness, safety and all amenities like markets, walkways and parking bays are provided for. When you provide these services through planning, you are able to

contain the populations and the rush for the first row in buildings. In addition, you create potential for more merchants who are located in the successive rows.

Madam Temporary Speaker, in New York, all the avenues have equal potential. That is the purpose of this Bill; creating urban prosperity. You will automatically find the values of all these areas being the same regardless of the row. Therefore, the Gross Domestic Product (GDP) and the value of property of that town goes very high, thus increasing profitability of that urban centre to a much higher level, not forgetting taking into account the environmental concerns.

Madam Temporary Speaker, when you have this kind of growth; creating prosperity of towns by spatial planning through this Bill, you will be able to increase the on-source revenue that accrues directly to the urban center. This is because you will be able to levy taxes from those who are in those premises, parking bays, services in the markets, hotels and restaurants, hospitals and social amenities, water and food chain supply and everything else.

What we are now seeing here and are preoccupied with as the Senate is to be able to get resources flowing from the national Government. When we went to Bali in Indonesia, we were looking at the resource flow in the provincial centers, which are equivalent to our county governments. Their on-source revenue was 50 per cent more than the national revenue which they were getting through allocation. They were able to do this because they have been able to build the prosperity of their towns and cities to a level where they are able to get on-source revenue sustain the growth of those towns and alleviate poverty and unemployment.

Madam Temporary Speaker, we were surprised when we visited one of the vocational technical training institutions and they told us that most of their graduates at most, only last for three months before they get a job - most of them who would have been recruited were still in training. This is because of the level of training and prosperity that they have been able to get.

One of their best earners is tourism and, therefore, those who are studying vocational and technical training in refrigeration and other areas are able to be picked up by the market very quickly. Those who are doing hospitality like what we saw in Eldoret, that is creating prosperity - that place where you took our Senators Madam Temporary Speaker - where they have been able to produce hotel manpower for supply chain, cooks, chefs and other people. It is amazing that you can create wealth within a given town.

Madam Temporary Speaker, what Sen. Olekina wants to create in this Bill is capacity and ability to earn on-source revenue from your own creation, by simply working on the Bill. Those who were getting worried about the Roads Bill that is before this House should not waste their mind. These are two different entities altogether. One is about standards and safety, this one is about efficient planning and how you can energize and be able to create value out of a very simple mechanism. A plot which was valued for Kshs10, for example, can achieve a value a hundred or thousand fold by simply doing proper planning.

When I was the Minister for Local Government, I was confronted with issues of informal settlement in our towns and cities, particularly in Nairobi. One of the things that was lacking was supply of water; how we would be able to get water or electricity to

these areas. These are the challenges that will continue being with us for many years to come because we have not done proper spatial planning. What has it done to this country? We are now slowly turning our towns into big slums which are totally inefficient. This will create more poverty and misery and, therefore, we will not create any decent living for our citizenry.

Therefore, Kenyans have faith in the manpower of this Senate; that we can create prosperity through Bills like the one which is before this House.

All the clauses that have been enumerated here are geared towards safety, earnings, value enhancement, environmental conservation, safe housing, water supply, health and other services, particularly, the storm and water drainage system. If it rains in Nairobi like it did today, you will get traffic jam within minutes. Unless we have an orderly way of handling these things through this kind of planning, it will be difficult to create safe, decent and inclusive systems within our county governments.

I hope that this Bill will be assented to quickly when it is passed in Parliament for our counties to implement because it has a huge potential of creating urban prosperity for the good and prosperity of our citizens.

I support this Bill.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. I can see the request by Sen. Iman. We will have her for the remaining four minutes.

**Sen. Iman:** Thank you, Madam Temporary Speaker. Everything has been said by my fellow Senators and I will just echo what they have said. Thank you my brother, Sen. Olekina. I am sure that Members are concerned about why I am calling him my brother. We are all pastoralists, so he is my brother on that end.

This is a noble Bill. I will speak on behalf of my county. My county needs this Bill because we have animals and people using the main road. When I talk of animals, I mean cows which use the main road. I hope that the counties will plan correctly when this Bill takes effect.

In Nairobi, we have pavements, but sometimes they are not used correctly. We need the counties to make use of these pavements and parking bays. People with disability in my county will appreciate this Bill because at the moment, they use the main road with everybody else but they will now benefit because they will be using the pavements instead of the main road. Thank you.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Sen. Malalah, you have two minutes. It is actually one minute and a half.

**Sen. Malalah:** Thank you, Madam Temporary Speaker. I congratulate my brother Sen. Olekina for coming up with such a noble idea. The urban areas in our respective counties are in dire need of such legislations, which will help them plan.

The gist of this Bill is to plan our towns for them to attract investors. I have gone through the Bill clause by clause and it elaborates how our towns will be managed. The Bill has elaborated on the issue of the County Executive Committee Members (CEC's) being in charge of the construction of pavements along county roads and national roads. I would want us to seriously look into this matter. The Kenya National Highways Authority (KeNHA) does not allow anybody to build anything on the roads and we have

seen situations where they have prevented this. Therefore, I do not know if some of the clauses in this Bill will be contradicting the Kenya Roads Bill.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Order, Sen. Malalah. You have a balance of 18 minutes, which you can enjoy tomorrow when debate on this Bill resumes.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 24<sup>th</sup> October, 2018 at 2.30 p.m.

The Senate rose at 6.30 p.m.