



**THIRTEENTH PARLIAMENT**  
**THE SENATE**  
**OFFICIAL REPORT**



**Fifth Session**

**Wednesday, 18<sup>th</sup> March, 2026 at 9.30 a.m.**

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 18<sup>th</sup> March, 2026

### Morning Sitting

*The House met at the Senate Chamber,  
Parliament Buildings, at 9.30 a.m.*

*[The Speaker (Hon. Kingi) in the Chair]*

### PRAYER

DETERMINATION OF QUORUM AT  
COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?

*(The Clerk-at-the-Table consulted the Speaker)*

Serjeant-at-Arms, kindly, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Serjeant-at-Arms, ring the quorum bell for a further 10 minutes.

*(The Quorum Bell was rung)*

Order, hon. Senators; Sen. Gataya. Clerk, you may proceed to call the first Order.

### QUESTION AND STATEMENTS

#### QUESTIONS

Hon. Senators, we have questions that are due for response today. One is directed to the Cabinet Secretary in charge of Trade, Investments and Industry, one directed to the Cabinet Secretary for Roads and Transport and three to the Cabinet Secretary in charge of Cooperatives & Micro, Small and Medium Enterprises (MSMEs).

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I have been informed that the Cabinet Secretary in charge of Trade, Investments and Industry will not be in a position to appear before the Senate this morning. We just received his letter. We have also received a letter this morning from the Cabinet Secretary in charge of MSMEs that he will not be in a position to appear before the Senate.

We are, therefore, left with only one question that is directed to the Cabinet Secretary in charge of Roads and Transportation. Clerk, confirm whether the Cabinet Secretary is within the building. I am told the Cabinet Secretary is on his way and should be arriving shortly.

That is the business before us this morning. Instead of having five questions, we are going to have response to only one question. While we wait for the Cabinet Secretary in charge of Roads and Transport, Majority Leader, you may proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker Sir, before I proceed with this Motion, allow me to register my disappointment with ourselves because we have said, on many occasions, that we need to relook at the Parliamentary Powers and Privileges Act as we deal with errant Cabinet Secretaries such as the two that were supposed to appear before us and are now pretending as if there is an emergency that has just occurred.

Today, we cannot blame the Cabinet Secretaries. The blame is on the 15 of you in the House. This is because if we had amended that Act and the proper sanctions issued, people would have learnt and would not be playing games as they are now playing. I am not in the mood to whine this morning. The blame is squarely on me and the rest of the 14 of our colleagues. We need to do better.

This is an extraordinary Motion in light of the situation we find ourselves in where all the Members of the Speaker's Panel are absent on different duties. Therefore, we have to elect temporary speakers to work with you to run the business of the House in the course of the day.

We have consulted with the Leader of Minority and, therefore, allow me to propose the Motion.

### PROCEDURAL MOTION

#### ELECTION OF SEN. MUNGATANA, MGH, MP AND SEN. DULLO, MP TO PRESIDE OVER SITTINGS OF THE SENATE

Mr. Speaker Sir, I beg to move-

THAT, pursuant to Article 107(1) C of the Constitution Standing Order No.118 of the Senate Standing Orders, the Senate elects Sen. Mungatana and Sen. Dullo to preside over the sittings of the Senate for the remainder of the day.

I beg to move and request the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Madzayo): I second.

**The Speaker** (Hon. Kingi): Sen. Mandago, kindly, take your seat.

Hon. Senators, this is a procedural Motion which I need not put to the Floor for debate. With your concurrence, I may go straight away to putting the question.

*(Question put and agreed to)*

## QUESTIONS AND STATEMENTS

### QUESTIONS

*[The Cabinet Secretary for Roads and Transport (Hon. Davis Chirchir) was ushered into the Chamber]*

*(The Clerk-at-the Table Consulted with the Speaker)*

**The Speaker** (Hon. Kingi): Order, Hon. Senators. The Cabinet Secretary in charge of Roads and Transport is present. Therefore, we will proceed with Question No.026 by the Senator for Kisumu County, Hon. (Prof.) Tom Ojienda.

*(Sen. Maanzo walked to the Dispatch Box)*

**The Speaker** (Hon. Kingi): Are you holding brief?

**Sen. Maanzo:** Yes, I am.

**The Speaker** (Hon. Kingi): Where is your written authority to do so?

**Sen. Maanzo:** On my phone, Mr. Speaker, Sir. Prof. Ojienda is in court.

**The Speaker** (Hon. Kingi): Hon. Maanzo, you know the drill here. In case you are holding brief, we need to know that. We do not want a situation where Prof. Tom Ojienda comes to disown all these proceedings.

*(Sen. Maanzo consulted with the Speaker)*

Sen. Maanzo, you are properly instructed. You may proceed to ask the Question on behalf of the Senator for Kisumu County.

### *Question No.026*

#### STATUS OF INVESTIGATIONS INTO THE 2025 MAMBOLEO BUS CRASH

**Sen. Maanzo:** Thank you Mr. Speaker, Sir. On behalf of the Senator for Kisumu County, Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP, I beg to ask the Cabinet Secretary for Roads and Transport the following Question-

(a) Could the Cabinet Secretary indicate the current status of investigations into the fatal bus accident that occurred on 9<sup>th</sup> August, 2025, at the Coptic Roundabout in Mamboleo along the Kisumu-Kakamega Highway, which claimed the lives of 26 persons and left several others injured?

(b) Has the Ministry undertaken a road safety audit and black spot mapping for roads leading to Kisumu City? Could the Cabinet Secretary provide timelines for the implementation of the remedial measures, including installation of signage, speed control mechanisms and enhanced traffic enforcement?

(c) What measures has the Ministry put in place to address the rising number of fatal accidents involved with long distance passenger buses, particularly on roads serving the western region of Kenya?

I thank you.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may now respond.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): Hon. Speaker and Hon. Members, good morning. Sorry for coming late. I had sought the indulgence of the Senate Majority Leader. I was held up in a breakfast meeting with various banks on the securitisation of the Road Maintenance Levy Fund (RMLF) to support our infrastructural work, which is currently ongoing across the country.

Hon. Speaker, hon. Members, it is my pleasure to respond to Question No.026 raised by the Senator for Kisumu County, Sen. (Prof.) Ojienda, through Sen. Maanzo, as communicated by the letter dated 19<sup>th</sup> November, 2025, and another one dated 4<sup>th</sup> March, 2026.

Mr. Speaker, Sir, I beg to reply.

(a) The National Police Service (NPS) is the lead agency that conducts the formal investigation in the cause of crashes. They review witness statements, driver actions, vehicle conditions and any elements that may constitute criminal negligence. The NPS has not finalised the report yet. However, I wish to report that the Ministry, through its implementing agency; the National Transport and Safety Authority (NTSA), has compiled technical crash analysis report as annexed in my report this morning.

To address the safety concern at that roundabout, the KeNHA conducted site visits in August, 2025, and subsequently redesigned the Coptic area crash road section. The proposed work involved the construction of the segment on the traffic road rather than the roundabout, complete new pavement layers, improved drainage, and enhanced safety features to ensure safe and efficient traffic movement. However, works are yet to commence due to budgetary constraints. The Ministry shall prioritise, in the current budgetary cycle, to reconstruct the section as a long-term corrective measure. I want to undertake that we will work and provide funding through the current budgetary cycle.

Mr. Speaker, Sir, and Members, as an immediate measure, the section has temporarily been secured using crash barriers to mitigate risk while awaiting full intervention. Right turning movements at the junction remain prohibited as part of the temporary closure measures currently in place. Additional safety enhancements have been implemented including road marking and installation of two retro-reflective road studs, what we call “cat eyes”, to improve visibility for road users.

(b) Road safety assessment has been conducted on the Kisumu-Kakamega A1 Road at various intervals to ensure safety standards and address potential hazards. The initial road safety audit was performed in December, 2019, providing a comprehensive evaluation of the road safety features and identifying areas requiring improvement.

A follow-up audit was carried out in November, 2023, to monitor progress and implement necessary corrective measures. Additionally, a stand-alone inspection of the three roundabouts along Kisumu-Kakamega A1 Road was conducted in August, 2024. That inspection focused on the Coptic, Kona Mbaya and Riat roundabouts, assessing their design, signage and overall safety to mitigate accident risk at those critical junctions.

The Ministry of Roads and Transport, through the implementing agency Kenya Rural Roads Authority (KeRRA), Kenya National Highways Authority (KeNHA) and Kenya Urban Roads Authority (KURA) and, of course, NTSA has undertaken road safety audits and black spot surveys along the following roads leading to Kisumu County. Road safety inspection within Kisumu-Busia Road, road safety inspection Kisumu-Kiboswa section, road safety inspection at Awasi-Mohoroni Junction and construction works on audit Mamboleo-Great Lakes University. The---

We are down---

*(Technical hitch)*

**The Speaker** (Hon. Kingi): Clerk, can you reboot the system?

*(Loud consultations)*

Sen. Enoch, Senator for Nandi and Sen. Lelegwe, take your seats.

*(Sen. Wambua, Sen. Cherarkey and  
Sen. Lelegwe took their seats)*

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): So, construction works on audit at Mamboleo-Great Lakes University have been done and equally a pedestrian safety audit at Kisumu County. Black spot audit in Mowlem, Namba, Ogena, Nyamasaria, Kasagam has also been done. Kisumu County Transport Safety Committee in liaison with regional manager NTSA, Kisumu, and KeNHA have undertaken the following road safety audit at the Kisumu-Kericho Highway, Kisumu-Kakamega Highway, Kisumu-Katito Roads and Kisumu-Busia Road.

The status of implementation of the road safety audits recommendation and black spot survey currently ongoing are provided in the annexure to this report.

(c) The Ministry set up a multi-agency team to conduct urgent road safety audit on accident-prone highway sections. The teams are tasked with reconstructing crash scenes and identifying hazardous design features or missing safety infrastructure for action.

Below is a series of coordinated engineering enforcement and operational measures to address the rising number of fatal accidents involving long distance passenger buses-

- (1) Enhance enforcement along high-risk corridors.
- (a) Two weekly joint enforcement operations are being done.

(2) Mandatory inspection and compliance for long distance passenger buses and all commercial vehicles. We undertake motor vehicle inspection clinics with public transport operators to enhance vehicle road-worthiness.

(3) Sensitization programmes for drivers of passenger buses and commercial vehicles. On these:

(a) We engage the public through local media such as Ramogi TV and local radio channels such as Wach Maber.

(b) We do stakeholder sensitisation on road safety, targeting heavy commercial vehicles, Public Service Vehicles (PSV), bodaboda, tuk-tuk operators, and pedestrians.

(4) Enhance enforcement of the law.

(5) Redesign of known black spot areas.

Further working together with the Ministry of Interior and National Administration through the National Police Service (NPS), the enforcement of laws on maximum hours of driving by Public Service Vehicle (PSV) drivers will be enhanced. The enforcement on this will include-

(a) PSV operators: licensed for long distance are the only operators doing long distance;

(b) the enforcement of two drivers rule for PSV vehicle licence for long distance PSV transport;

(c) enforcement of journey plans to ensure that maximum four hours of continuous driving are not exceeded by PSV long distance drivers; and

(d) long distance PSV night drivers take a rest break of a maximum of eight hours before the next shift.

Mr. Speaker, Sir, I submit.

**The Speaker** (Hon. Kingi): Sen. Maanzo, do you have any supplementary question?

**Sen. Maanzo:** Thank you, Mr. Speaker, Sir. I have two supplementary questions. One is in relation to the latest drainage systems in highways. What is the Cabinet Secretary doing to make sure that when there is unusual rainfall, they mark the spots where highways are likely to overflow? Passengers find themselves in danger particularly on Mombasa Road which turned into a river recently. The second question is: Is the Minister aware that the NTSA regulations of 2016 on speed limits on the highways are now expired?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, take note of those two questions as you take more questions.

Proceed, Sen. Mwenda Gataya.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. Nithi Bridge in my county is internationally known for fatal accidents. So, people from Tharaka-Nithi would want to know the current status of outstanding cobble works and expected completion timeline for Nithi Bridge reconstruction, given its history of fatal accidents, as I have just indicated.

**The Speaker** (Hon. Kingi): Sen. Madzayo, if you are not ready, you can take your time.

Proceed, Sen. Beth Syengo.

**Sen. Beth Syengo:** Thank you, Mr. Speaker, Sir. My question goes to the Cabinet Secretary. Mombasa Road was meant to become a dual carriage. I understand an American company was to do that work. When is it due to be done so that we may reduce accidents?

**Sen. Cherarkey:** Mr. Speaker, Sir, the issue of accidents on our roads is a big problem. The Eldoret-Mosoriot-Kapsabet-Chavakali Road is very narrow and has continued to cause a lot of accidents and loss of life.

I am aware there is a periodic maintenance contractor on site who only brings murram to the road and nothing is being done. What is he doing, especially now that it is rainy and dark and there are many potholes, especially between Kapsabet and Chavakali-Mbale Road, between Nandi County and Vihiga County, to avoid further loss of life and destruction of vehicles along that road?

I yield back, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Boni, you may proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I would like, before I ask my question, to invite the Cabinet Secretary to respond to this point that the Senator for Kisumu County has raised. I have traveled widely in this country and nowhere in Kenya do you find a structure like the one designed at Coptic, at Kona-Mbaya, at Riat and at Kiboswa, opposite the Kisumu Specialist Doctors Plaza.

Hon. Cabinet Secretary, if the reason for demolishing the roundabout at Coptic was because of accidents, the same reason should also invite you to destroy the roundabouts at Kona Mbaya, Riat and Kiboswa opposite the Specialist Doctors Hospital.

My last request to the Cabinet Secretary is to also do a planning for the dualling of the road between Kisumu and Kakamega. That particular section is the most productive part of western Kenya. If we do not dual it, everything we do will just be in vain.

**The Speaker** (Hon. Kingi): So, what is your question, Sen. Boni?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I have asked about knocking out the roundabout at Coptic, which he has done; at Kona Mbaya, at Riat and at Kiboswa opposite the Specialist Doctors Hospital.

I have also asked the Cabinet Secretary whether he is considering the dualling of that section of the road from Kakamega to Kisumu. I added a rider that, that is the most economically viable part in terms of transport, facilitation and infrastructure in the western part of Kenya, combining Nyanza and Western Province.

**The Speaker** (Hon. Kingi): Sen. Kinyua, you have the Floor.

**Sen. Kinyua:** Thank you, Mr. Speaker, Sir. My question goes to the Cabinet Secretary. He has indicated to us that the people responsible for the investigation are the police, which is true. However, before the police had concluded their investigation, they went ahead, through the NTSA, and redesigned the roundabout. Now you are telling us you do not have enough resources to do that work. You have concluded your investigation by saying that it was because of the infrastructure that we had this accident. Should the investigation of the police stop because it can end up showing that the reason for the accident was driver's negligence? What comes first?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Mbugua, you may proceed.

**Sen. Mbugua:** Thank you, Mr. Speaker, Sir. Hon. Cabinet Secretary, to enhance road safety management in this country, the NTSA introduced the second-generation smart driving license. Could you apprise this House of the progress in that matter?

**The Speaker** (Hon. Kingi): Sen. Madzayo, you may proceed.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika.

Bw. Waziri, swali langu linahusu barabara inayotoka Kilifi kwenda Mombasa, inayopitia Shariani na kuelekea juu Pazuri na pia Pingilikani Dispensary. Je, itaweza kutengenezwa ili kuwasaidia watu kwenda na kutoka hospitalini?

**The Speaker** (Hon. Kingi): Hon. Senator for Kilifi County, the subject matter here is safety in our transport system. So, your question should be aligned with the subject matter. Otherwise, there are so many roads that are incomplete and many hon. Senators would wish to know when they will be completed but that is not the subject matter today; safety concern is.

You may proceed, but it must have that component of safety concerns because that is the main question. So, any supplementary question must then flow from that.

So, you may proceed, Senator Madzayo.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika.

Bw. Waziri, kuna barabara ya kuanzia Mombasa kwenda Kilifi, na kuna barabara nyingine pale Shariani. Barabara hiyo ilikuwa inajengwa na ikafikishwa juu kabisa. Je, ni lini barabara hii itatengenezwa ili kufika Pingilikani Dispensary, eneo ambalo linalochukua wagonjwa wengi sana? Wengi wamefariki katika barabara hiyo wakijaribu kuenda hospitalini.

Je, unaweza kutueleza ni lini Serikali, ukiwa hapa, itaangalia jambo hili?

**The Speaker** (Hon. Kingi): Sen. Mungatana, you may proceed.

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. Kenyans woke up to shocking news that the NTSA had brought new rules that would require instant fining of drivers and motorbike riders, without going to court. The system, as explained by the NTSA, was that cameras are supposed to have been installed on the roadside. If you do not have a seatbelt, even if the police do not stop you, you will pay Kshs500; if you park illegally, Kshs10,000. If you are over-speeding, depending on how many kilometres, if it is by over six kilometres per hour, you pay Kshs3,000 and so on and so forth.

I want the Cabinet Secretary to use this opportunity to tell Kenyans, whether it is the NTSA that makes laws in this country? If it is not, and this Senate and the National Assembly are the bodies that make laws, then the NTSA can only make regulations. Did those regulations pass through the Senate Committee on Delegated Legislation?

I am asking, as a Vice Chairperson of the Committee on Delegated Legislation. Did the NTSA bring those regulations, or are they assuming that they can make laws without passing through the people's representatives?

Mr. Waziri, how did you allow a body under your Ministry to wake up and just abrogate powers that they do not have? When this matter goes to court and the case is lost, it is the people of Kenya who are going to pay that money. I would like the Cabinet Secretary to clarify why regulations are introduced without public participation and without being brought to Parliament. Who granted the NTSA the authority to make laws

in this country? Who gave the NTSA the power to make laws in this country and not the elected people in this country? I yield.

**The Speaker** (Hon. Kingi): Sen. Murgor, please, proceed.

**Sen. Murgor:** Thank you, Mr. Speaker, Sir. I would like to ask the Cabinet Secretary for Roads and Transport about lorries or trucks of Cemtech Cement Factory, in West Pokot, that are killing many people every day along that route, from Kitale to Sebit, where the factory is. Is he aware? What action are going to take to stop these rogue drivers that have killed a lot of people?

**The Speaker** (Hon. Kingi): Sen. Mandago, please proceed.

**Sen. Mandago:** Thank you, Hon. Speaker. I would like to ask the Cabinet Secretary for Roads and Transport, because part of the reason we have accidents is the state of the motor vehicles we use in the country, and yet we have a department called Motor Vehicle Inspection. Where are they trained? How regularly do they train? What certification do they have? If there is no proper training, is it possible for the Kenya Institute of Highways and Building Technology (KIHBT) to establish a specific curriculum for motor vehicle inspectors so that we can be confident that those who do motor vehicle inspection have the necessary qualification and certification to certify the roadworthiness of our vehicles?

Finally, allow me to congratulate the Cabinet Secretary for Roads and Transport. Ever since he went to that docket, we have seen equity in terms of development of roads in this country and the distribution of the resources. I also want to say that the move by NTSA is innovative. Notwithstanding the legal challenges that I have undergone, that matter is going to save Kenyans a lot of time they waste running around police stations and even increasing the bribery index in the country.

Thank you, *Bw.* Cabinet Secretary. You may continue in that direction.

**The Speaker** (Hon. Kingi): The Senate Majority Leader, please proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Why are people disrupting Sen. Mandago while he is making a very solid point?

**The Speaker** (Hon. Kingi): No, he is not supposed to make any point. He is supposed to ask the question.

**The Senate Majority Leader** (Sen. Cheruiyot): We are here talking about road safety. People like Sen. Mungatana are speaking a lot of English while people are dying on our roads.

**The Speaker** (Hon. Kingi): That response must come from the Cabinet Secretary and not from a colleague.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, our roads must be saved by all means. It does not matter.

**The Speaker** (Hon. Kingi): You cannot purport to respond to that question. The Cabinet Secretary will do that.

**The Senate Majority Leader** (Sen. Cheruiyot): I am not responding. I was commenting on what Sen. Mandago is saying.

**The Speaker** (Hon. Kingi): You may proceed to ask your question.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I rise---

**Sen. Mungatana, MGH:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Mungatana, allow the Majority Leader to ask his question. I have already ruled him out of order and he is now orderly. Majority Leader, you may proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Throw him out, Mr. Speaker, Sir. These lawyers must declare interest because they want to represent people in courts instead of allowing technology to work. My question to the Cabinet Secretary is with regard to a particular road which he is very much aware of. It is still in the context of road safety. The road from Londiani to Muhoroni where almost every month there is a fatal crash yet it is a Class A road. There have been promises by the Ministry of Roads and Transport since the year 2023.

You may recall when the whole country woke up to the shocking news that nearly 50 market women had been crashed at Londiani Junction. There was then a big promise that there would be a redesign and an approach to that entrance right from Londiani, all the way to Muhoroni because of the steep nature of that particular location. Up to date, we have not heard anything from the Ministry of Roads and Transport. Therefore, in the same spirit, like my neighbour the Senator for Kisumu, I would like the Cabinet Secretary to comment and just give us a general overview of road safety. This is because a country cannot continue to lose thousands of people on its roads every year and yet the Ministry is not giving a comprehensive plan on how that needs to be addressed. I thank you.

**The Speaker** (Hon. Kingi): Sen. Seki, please, proceed.

**Sen. Seki:** Hon. Cabinet Secretary, I want to ask a question with regard to several footbridges that were meant to be constructed in Kitengela Town, Kajiado County. The two footbridges would really help with the safety of passengers or even people of Kitengela. Most of the public schools, health centres, dispensaries and referral hospitals are on one side of the road. That means, many people cross the highway between Kitengela Town and more importantly, the Maparasha Bridge in Kajiado Central, which has stalled for many years cutting off the people on the other side from accessing Maparasha Town. What is the problem and why has the bridge not been completed on time?

**The Speaker** (Hon. Kingi): Sen. Joe Nyutu, proceed.

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. My question to the Cabinet Secretary is very simple. It relates to the accident that claimed the life of the Hon. Cyrus Jirongo. We have not, to this day, got any account of any passenger that was in the bus that supposedly crashed with Hon. Jirongo's vehicle.

My question to the Cabinet Secretary is; could the NTSA provide a passenger manifest of the bus that collided with Hon. Jirongo's car to avoid speculation because we have not had any account of any of the passengers that were in that particular bus and yet it was a PSV vehicle?

**Sen. Mandago:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Nyutu, would you wish to be informed?

**Sen. Joe Nyutu:** I do not want to be informed by a former governor because he may not have any information on this particular---

**The Speaker** (Hon. Kingi): Very well. Sen. Chute, you may proceed to ask your question.

**Sen. Mandago:** He should wait for the torch to stop lighting.

*(Laughter)*

**The Speaker** (Hon. Kingi): Sen. Mandago, your information has been declined.

**Sen. Chute:** Thank you. First of all, I take this opportunity to thank the Cabinet Secretary and also the Kenya Kwanza Government for the road from Rironi to Mau Summit. I asked this question last week when the Cabinet Secretary came before our committee and he said he is going to check and answer as soon as possible.

On behalf of the Kenyan people, I thank the Kenya Kwanza government for the Rironi-Mau Summit Road, which is 175 kilometres will cost Kshs200 billion. Then there is Ouagadougou-Bobo road, in Burkina Faso, 332 kilometres, costing Kshs46 billion. I want the Cabinet Secretary to tell this honourable House and Kenyans why---

*(Sen. Cherarkey consulted loudly)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. Senator for Nandi County, be orderly.

**Sen. Chute:** Hon. Speaker, Rironi-Mau Summit Road will cost Kshs1.14 billion per kilometre. It is a Public Private Partnership (PPP) and while the road in Burkina Faso cost Kshs139 million per kilometre---

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

**The Speaker** (Hon. Kingi): Sen. Mandago, that is why we have the Cabinet Secretary.

*(Loud consultations)*

**Sen. Chute:** Just protect me, Hon. Speaker. I would like the Cabinet Secretary to tell us if it is a Public-Private Partnership (PPP), why should the road cost Kshs1.14 billion while the roads in Burkina Faso, financed by the government, with the currency in United States (US) Dollars converted into Kenyan shillings---

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

**The Speaker** (Hon. Kingi): Sen. Mandago, what is your point of order?

**Sen. Mandago:** You know, Mr. Speaker, Sir, if we allow hon. Members to use the Floor of the House--- What Sen. Chute is trying to do is misleading the nation. Under Standing Orders No.105, could the Senator for Marsabit provide the data from Burkina Faso showing that the cost of that road is what he is alleging? That is how the public is getting incited that the Government is not spending money fairly. The Cabinet Secretary does not come here to answer questions on behalf of the Government of Burkina Faso. We cannot allow you, Sen. Chute. In fact, you should be careful that a whole kilometre of road is being done by the Government.

**The Speaker** (Hon. Kingi): Order, Sen. Mandago. You have made your point. Now, Sen. Chute, you have to substantiate what you have alleged. Either you proceed to do so right now and if you are not in a position to, you know exactly what to do.

*(Loud consultations)*

Order, Sen. Boni. This is to Sen. Chute. You have alleged, you need to substantiate by providing the evidence that, indeed, there is a road in Burkina Faso.

**Sen. Chute:** Mr. Speaker, Sir---

**The Speaker** (Hon. Kingi): Order, Sen. Chute. When the Chair is speaking, you keep quiet and take your seat. A point of order has been raised against what you have just said. You have alleged that there is a road in Burkina Faso which is way much longer than the Rironi-Mau Summit Road and it is costing way less than what the Government of Kenya is using to do the road from Rironi to Mau Summit. Now, you need to substantiate that allegation by putting forth evidence that, indeed, first, that the road exists in Burkina Faso. Secondly, it was tendered for that amount in whatever currency so that the country and this Senate could have evidence and facts to compare with in order to come to the conclusion that you want them to come to. Would you wish to substantiate right now? If you are not in a position to, you may proceed to seek to clarify.

Sen. Chute, proceed.

**Sen. Chute:** Mr. Speaker, Sir, I am just wondering. This is a question I have posed this year and which he is capable of answering.

**The Speaker** (Hon. Kingi): The Chairperson has given certain directions, which you may need to abide by.

**Sen. Chute:** That is fine. I have all the evidence and I wish you gave me time to ask the question. If the Cabinet Secretary says it is okay and it is there, then there is no problem. If it is not there, then that is the time I will bring evidence.

**The Speaker** (Hon. Kingi): You see, Hon. Chute, I have given a directive on this matter.

**Sen. Chute:** That is a premature directive, but it is fine. My question is---

**The Speaker** (Hon. Kingi): Hon. Chute, you are out of order. You either proceed to substantiate or I will ask you to leave the Chamber.

**Sen. Chute:** Mr. Speaker, Sir, I will do that. Give me time. Could I ask my question now?

**The Speaker** (Hon. Kingi): Are you in a position to substantiate instantly? If not, you know what to do.

**Sen. Chute:** Mr. Speaker, Sir, you are being unfair to me because what I am trying to do is---

**The Speaker** (Hon. Kingi): It is you who has alleged, and he who alleges, proves.

**Sen. Chute:** I am not alleging. I have a question and I want an answer to my question. This is question time.

**The Speaker** (Hon. Kingi): Sen. Chute, you are basically wasting the Senate's time. I have given you a very straightforward---

*(Sen. Kinyua spoke off the record)*

Sen. Kinyua, leave the Chamber immediately.

*(Sen. Kinyua withdrew from the Chamber following an order by the Speaker)*

Sen. Chute, I have told you that if you are not in a position to substantiate instantly, under the Standing Orders, you may do so during the next sitting. Are you in a position to substantiate now or would you wish to do so during the next sitting?

**Sen. Chute:** Mr. Speaker, Sir, I will do so in the next sitting but allow me to ask my question.

**The Speaker** (Hon. Kingi): Of course, I will allow you to ask your question. Are you in a position to substantiate that allegation now or would you wish to seek further time to do so in the next sitting?

**Sen. Chute:** I will seek for further time.

**The Speaker** (Hon. Kingi): Good. You may proceed to ask your question.

*(Sen. Cherarkey spoke off record)*

Order, Senator for Nandi. Sen. Chute, conclude, please.

**Sen. Chute:** Thank you. My question is very simple and clear. The cost of doing this road, Rironi-Mau Summit, is Kshs1.14 billion per kilometre. The cost for the Ouagadougou-Bobo Road is Kshs139 million per kilometer. Could the Cabinet Secretary tell us, if the Rironi road is PPP, how is it possible that the road in Ouagadougou is almost three-quarters cheaper?

**The Speaker** (Hon. Kingi): Sen. Chute, let me guide you. Let me take it slowly, so that you understand. As we speak now, as far as the road in Burkina Faso is concerned, nobody has any facts other than you. To help this House and your colleagues to appreciate your contribution, you need to table evidence that, indeed, one, that road in Burkina Faso exists.

*(Sen. Cherarkey spoke off record)*

Order, Senator for Nandi.

For the Cabinet Secretary to flow with you, he needs those facts. That is why the Senator for Uasin Gishu rose on a point of order, seeking to have you substantiate by putting the facts on the table or by putting evidence on the table on the road that you are alleging exists in Burkina Faso. You can imagine if it turns out that it does not exist.

That is why they want to know if this road is real. Are the facts being alleged true? This is so that they can appreciate your contribution. So, any question touching on that road that is yet to be substantiated cannot fly.

Sen. Beatrice Akinyi, proceed.

*(Sen. (Dr.) Khalwale spoke off record)*

I will come to you, Sen. Boni. Let us hear the question by Sen. Beatrice.

**Sen. Ogola:** Mr. Speaker, Sir, I wanted to go on record that as a people from the western region, we would like that road to be done like yesterday. Sen. Chute seems not to know the experience we have had over the years.

Coming to my question to the Cabinet Secretary for Roads and Transport, as a nation, why can we not declare road accidents a national disaster? We should focus on that based on the people we have lost and continue to lose. This also includes *boda boda* people.

Thank you.

**The Speaker** (Hon. Kingi): Senator Boni, what is your intervention?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I am concerned purely on a matter of procedure. The Cabinet Secretary has heard the question. He has not been given an opportunity because he is supposed to be informed, that the things the Member of the Senate is alleging are false or not. It smacks of an attempt by the Senators for Uasin Gishu and Nandi to shield the Cabinet Secretary from---

**The Speaker** (Hon. Kingi): Sen. Boni, just take your seat. If anything, Sen. Boni, the question by Sen. Chute is not admissible because it is not a supplementary question. I was giving him all that latitude hoping ultimately, he would coin it in such a way that it comes out as a supplementary question. It has zero concerns of safety, because the subject matter of the primary question is safety in our transport system.

Sen. Chute's concern is the cost of a road which has got nothing to do with the primary question. Therefore, let us leave it there because I ought to have ruled him out of order from the onset. However, I allowed him to continue talking, hoping that ultimately, he would bring out the safety aspect of his question, which he failed to do.

Hon. Cabinet Secretary, you may proceed to respond.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): Let me start with the question regarding the issue of drainage on our highways, which has caused concerns after the flooding that we recently witnessed. What is the Government doing to address this challenge, particularly in our cities?

Mr. Speaker, Sir, we know that under the Urban and Cities Act, the seat of the capital city of Kenya is singled out for the national Government to cooperate with the host county, to work on infrastructure and bring out the character of the capital city. Through that proviso in Section 6 of the Urban and Cities Act, we have lately signed a memorandum with the Nairobi City County Government to work together and address the challenges of drainage, road networks and lighting of our roads in the city.

To that extent, we have a programme that we are currently implementing with the Nairobi City County Government to do that. We are aware that the city has expanded and there are many buildings and paving works. Consequently, the seepage area for the storm water is very limited. We need to expand our drainage and improve various aspects owing to population growth and the great developments in the city. We are working on that, currently, to ensure that we do dimension and work on the kind of drainage that can support our city and mitigate the challenge of floods when we have the kind of rains that we witnessed recently.

Mr. Speaker, Sir, to that extent, the Ministry of Roads and Transport, through the KURA, has set aside some budget of approximately Kshs8 billion to support the Nairobi City County Government to address some of those challenges. This will ensure that we have a design that will address dimensions necessary to uptake the kind of water from rain similar to what we experienced recently.

With respect to the National Transport and Safety Authority (NTSA) regulations, in my opinion, the more important question was on the 2016 speed limits expiry. I am in the House with our new Chief Executive Officer for NTSA. I am advised that there is a lot of work currently being done by the NTSA. For instance, they are engaging stakeholders and the standards board to review the speed limit regulations and standards. We are working on that to ensure that we update and ensure that the speed limit regulations are in place.

With regard to the question from Sen. Mwenda Gataya on Nithi Bridge, I confirm, that this bridge, which has been a cause of pain and death in that particular region between Meru and Tharaka-Nithi counties, is being designed. We are just finishing the design. We are paying a lot of attention to this. The Deputy President will be going to inspect works that are due to start in earnest on this particular bridge.

We have designed a straight bridge which is 900 meters long and 100 meters high. The bridge is being checked for the various design details and integrity before we can approve and start construction. We have already procured a contractor. The bridge is funded and ground breaking will be done in due course as soon as we sign off the design. The contractor has started mobilising to site. So, a straight 900 meter long and 100 meters high bridge will be a design masterpiece that will be starting construction in earnest in due course.

On Sen. Beth Syengo's question on the dualling of Mombasa road, I would like to confirm that work is going on. Dualling of highways is important for ease of traffic movement. It will be cheaper to move goods faster and, more importantly, we should be able to bring down the cost of doing business. On the dualling of Nairobi-Mombasa Road, the PPP Directorate, together with the KeNHA have been working on the detailed cost of doing this particular road. We look, more importantly, at value for money and the equity-debt-equity ratios in terms of the investor or the concessionaire. Have they demonstrated capacity to raise the equity? We will then go to the development phase and check things like return on investment to make sure there is value for money. We will also look at are you basically going to charge too much to be able to recoup your investment or is the return on your equity within the reasonable return on investment that are allowable within 10 per cent? That is currently work in progress.

It is important to note that the Mombasa-Nairobi-Nakuru-Malaba Road is the northern corridor that services the landlocked countries of Uganda, Rwanda and Democratic Republic of Congo (DRC). This is a very important corridor to the development, not only of our country, but the entire region. So, this is of high priority and we are working on the details. Work is currently going on.

In reference to Sen. Cherarkey's question, was it on Eldoret-Mosoriot-Mlango, all the way through the city going up to Iten?

*(Sen. Cherarkey spoke off record)*

Is that the opposite direction? I know the road because I drive along that road quite a bit. It is a fairly narrow road. In the context of road safety, we are looking at expanding and widening certain sections of our national trunk networks to address the concern that has been raised by the House on safety on our roads; certain corners that are a bit tight for drivers to navigate. The point is taken. Let me see the redesign.

The KeNHA is not here with me today. I just came with officials of the NTSA. However, I will take concern of the Eldoret-Mosoriot Road, confirm and then come back to the House to confirm on the plans to widen this road and address the challenge of road safety.

*(Sen. Cherarkey spoke off record)*

I now understand.

I basically mixed up because the Mosoriot-Mlango-Eldoret-Iten have plans for dualling. However, I now understand it is Mosoriot coming down to Kapsabet-Chavakali. I will follow up that and provide the full information on the plans to widen this corridor and address the road safety of our motorists.

Sen. Boni had a concern regarding the accident that occurred along the Kona Mbaya-Riat-Coptic Road. Like I said, the redesign has been done. Hon. Members, you know that as the economy grows and the number of vehicles increases, the design of our roads needs to improve to address the growing population and findings of older designs on our roads. It is nice to have roads which are fairly well motorable, but more importantly, well designed and not difficult to drive on because you realise that as drivers, certain corners are difficult to navigate.

Therefore, on this particular approach to Riat from Kona Mbaya and Coptic and that roundabout, the redesigns have been done like I mentioned in the substantive response to the question by Sen. (Prof.) Ojienda. I also undertake that we will provide a budget to correct that challenge and improve the design.

To answer that question together with what the police are doing, as I speak, vehicles are motoring on that road and we are not getting accidents by minute or hour. When an accident happens, the question is; is it because of the road or the driver? It can be either. Therefore, before we finish the investigation, it becomes difficult to apportion liability by saying that, for example, the design of the road could have been a contributor.

It could also be that the driver was having a challenge, or the vehicle was not in a roadworthy condition, and so on and so forth. Therefore, let us allow the investigation to be completed by the National Police Service (NPS), but more importantly, allow us to improve the aspects of the design and this particular section of the road has been done by the various agencies that I provided in my substantive response.

On the question of dualling of Kakamega-Kisumu Road, Members you know that there was a lot of support on the National Infrastructure Fund (NIF) which has been set up through recycling of mature assets to accelerate development in other areas where we need funding. One of the areas which has been identified is using part of the Fund to de-

risk dualling of our roads in terms of investors coming in and the Government participating in dualling of our roads.

One of the roads we are currently looking at traffic profiles to confirm bankability based on the number of cars is the Kakamega-Kisumu Corridor. That road is currently being studied for the number of vehicles to confirm the level of bankability to investors and for the NIF to step in and mitigate the shortfall, if the project is not bankable to the extent of attracting enough appetite for investors to come in. Therefore, Kakamega-Kisumu is one of the corridors we are looking at.

Sen. Kinyua asked about the infrastructure and whether the negligence is because of drivers. I have talked about that. We will continuously redesign our highways to be better motorable. Today, when we construct roads under the KeRRA, we basically follow the old road corridor. As a road is upgraded from Class D to C, to B and eventually A, we need to improve the design and sometimes that requires more corridors. Therefore, we need to acquire more land to improve the design of the road and reduce corners. We will continue to work on the design of the roads as we get more data.

On the case of infrastructure improvement and driver negligence, those are two separate issues. When we finish this particular investigation, we will apportion blame and establish whether we need to improve certain sections of the road. That is what we are doing for that particular Kona Mbaya-Riat-Coptic Road in Kisumu. Where there is apportionment to drivers' negligence, driving under influence or vehicles that are unroadworthy, that must also be brought to question.

*Mheshimiwa* Madzayo asked about the Kilifi-Mombasa Road. We are progressing well and we are finishing the bridge at Mtwapa. Your question was specific to the section of Shariani near Vipingo. Since it is a specific road, let me look at what we need to do to connect that particular piece of infrastructure to the Kilifi-Mombasa Road and ease of movement of people from that particular area. I will follow that up and either come to you directly or provide the response to the House when I come in next.

There was a question by Sen. Mungatana on instant fines. That matter is currently in court. Sen. Mungatana, I want to confirm that minor offences under the Traffic Act, which was passed by Parliament in 2016, addressed all the regulations pertaining to minor offences. There are minor offences which could be treated as administrative. We are working with the Judiciary and the Kenya Law Reform Commission (KLRC) to separate minor fines from offences which must go to court. We are working with the KLRC, the National Transport and Safety Authority (NTSA) and all the stakeholders to ensure that we provide an instant fine system, which is a facilitation of minor infractions on our roads that should not go and congest our courts.

More importantly, it is about convenience. For instance, if I am arrested while driving from Nakuru to Nairobi, I may not want to go back to Nakuru court if I acknowledge that I have been caught over speeding. Under Section 107 of the Traffic Act, I may be willing to pay the fine so that I am let go.

Hon. Members, when you know that you are being watched, you drive carefully without endangering other road users. If you are found to have made any kind of infraction and you are willing to pay - you do not have to go to court by driving to

Nairobi then go back to Nakuru and in the process lose time, occupy the court's time and so on and so forth - and yet the fine is Kshs500, you can pay.

Like I said, this matter is in court and I do not want to delve much into what could be seen as prejudice. If am willing to pay, I should pay and be let go. However, if I am not willing to pay and I want to go to Nairobi, then go back to Nakuru to attend court, I should also be allowed to do that. It is a solution that we need to do more communication to Kenyans to appreciate that this is in the interest of saving your time and also the court's time, and ensure that we enhance road safety and curtail loss of lives on our roads, which come about due to infractions however minor they may be.

If you do not stop at a junction and a speeding vehicle on the highway causes an accident leading to loss of lives, the question is; why would we not want to have a system that is convenient and which helps to watch over us and inform us that we are being watched? I am sure most hon. Members in the House drive vehicles with lane-assisted driving. The vehicle warns you if you go out of the lane. It is an indicator that you could you be asleep and, therefore, the reason you are going out of the lane.

Hon. Mungatana, I wish to confirm that this came into Parliament under the minor offences regulations when the Traffic Act was amended in 2016. The due process was followed as it were.

Hon. Murgor has asked a question on the lorries and trucks ferrying cement from West Pokot cement factory. I will take this up in more detail with Nahashon, the Director General (DG) of the NTSA and check the statistics. If that is the case, we need to seriously mitigate; put in safety measures to ensure that this industry, which is a great economic activity going on in West Pokot, does not have vices that end lives. We will take this up with the NTSA and confirm that, we will improve the safety and eradicate the loss of lives being caused by lorries in this particular catchment in West Pokot where we manufacture cement.

Sen. Mandago, motor vehicle inspection is something important in so far as road safety is concerned. Hon. Members, I confirm that whereas the Government has traditionally invested in running motor inspection centres across the country, it is very expensive when social infrastructure such as schools and hospitals are competing for resources. Currently, we are looking at franchising the motor vehicle inspection, so that the private sector under Public-Private Partnerships (PPP) can offtake and support us to set up motor vehicle inspection centres across various counties of the country.

Sometimes accidents can be caused because a wiper blade is not working. If that vehicle had been inspected and your wiper blades are working well, you would clean the windscreen immediately when you get a dirt splash on your screen. So, motor vehicle inspection is important.

Regarding training of employees of the motor vehicle inspection centres, we train them at the National Industrial Training Authority (NITA). Yes, I hear we probably need to enhance the training, but more importantly, we will be franchising the motor vehicle inspection centres and opening several inspection centres across the country under PPP.

Sen. Aaron Cheruiyot asked about the Londiani-Moroni Road; that difficult section after teeing off Londiani towards Muhoroni. We are working on that. I think the designs were completed. We just need to put in some funding to correct the challenge and

reduce or eradicate the loss of lives on this section of Londiani-Muhoroni Road. I will equally follow up on how far we are on funding this particular segment of the road.

Sen. Seki from Kajiado County asked about foot bridges. Let me just take this opportunity to confirm that bridges are a major concern in this country. We do not have enough crossings for our children to use when going to school and other sections of the road. It is a safety issue when children have to cross and run almost 50 metres across a road with three lanes on either side. Therefore, bridges become very important.

More importantly, we are doing a framework agreement to bring in bailey bridges. Bailey bridges can be installed quickly; they are basically military-designed bridges for quick deployment to address the various crossings across the country. Sen. Seki, we will be deploying several bridges across the major highways throughout the country to address the safety of our children and everybody crossing.

On the Maparasha Bridge, let me follow it up to find out why its completion has delayed. Let me confirm that at this stage, we have paid all the pending bills to contractors. If there is any project that has slowed down, it is not because of pending bills. We will be harder in administrative management of the contractors to make sure that they deliver on time. I will follow up on this Maparasha Bridge in Kajiado.

Let me now comment on Sen. Nyutu on Jirongo's death and whether the manifest for passengers in the bus is maintained. A manifest would normally be captured either when passengers are boarding a bus or through an investigative process. For example, in a case where an accident has happened, were the police able to capture the manifest of those who were in the bus? I do not have the details, but let me undertake to get the details and find out whether there was a manifest. Again, that is a subject to investigation and I think the National Police Service (NPS) investigation is underway. However, I can find out whether there was a manifest.

You know, there would be a manifest if it is a very structured public transport vehicle where people book ahead of boarding. If it is a case with our kind of matatu system, you do know that we do not have a manifest before people board, but, obviously, there should be a manifest after the accident, depending on how investigations have been conducted. I undertake to follow up on that.

Sen. Chute on the concern of Rironi-Mau Summit Road, the great piece of infrastructure that we are developing for the people of Western Kenya. I can take this together with Sen. Beatrice's question on Rironi-Mau Summit. Last week, we visited Rironi-Mau Summit Road with Members of the National Assembly to see the progress of works done. Just to report and confirm that works are ongoing and sometime in September this year, six months away, we will open the Rironi Road all the way to Naivasha to traffic, having dualled it to completion.

Subsequently, the contractor will go down to open the 67-kilometre road, called the A8 South which is Rironi-Mai Mahiu-Naivasha. Having completed the upper section, we will go to Rironi-Mai Mahiu-Naivasha and work on that section, which will involve cutting the escarpment and dualling that road. Obviously, when you are building a road through an escarpment, the cost for the kind of work that will go in putting heavy bridges in the escarpment will not be the same as when you are building a road through a geologically flat area.

To, basically, answer that question, we will need to see the kind of geological work that was done in Ouagadougou, Burkina Faso. Once we see the data as directed by the Speaker, we will compare it with the 100, 200 and 32 kilometre roads, not the 175-kilometre road.

Mr. Speaker, Sir, for the information of Sen. Chute, the road we are building is not 175 kilometres, but 232 kilometres because we are also building through the escarpment. More importantly, the kind of geology is one of the things that we will need to look at. We are very keen to ensure that we do not build expensive roads because it takes up the cost of doing business. This will be a dual road and if it is built expensively, there will be no value for money.

I talked about value for money and that is why we do not allow investors to have a return of more than 10 per cent of their equity. This can make our country an expensive destination to do business. In industrialisation, we will not be able to attract industry because we are not a least-cost country and therefore industry will move to other more competitive destinations. So, we are very conscious. Let us see the data from Sen. Chute as directed by the Speaker. We will do a comparative analysis and if there are lessons to be learned, that will be great.

So, Rironi is going on well. On the section from Mau Summit all the way to the border in Malava and through Kisumu to the other side, we have funding from the Asia Infrastructure Investment Bank (AIIB). We have received a grant to conduct a feasibility study, which is currently ongoing.

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

On road accidents, as a national disaster, there is so much to be done and we are working on it. As I have mentioned, we are franchising motor vehicle inspections and implementing technology like instant fines and junction cameras via the KURA to support drivers, to ensure that they do not fall asleep while driving, that the minor infractions are managed and so on and so forth. It is a debate whether to declare road accidents a national disaster, but there is much to be done.

Mr. Deputy Speaker, Sir, those are the questions I captured. Thank you.

**The Deputy Speaker** (Sen. Kathuri): Thank you, hon. Cabinet Secretary. Hon. Members, you know matters relating to roads generate a lot of attention in this House, according to my experience. We have a few other Members who would like to ask supplementary questions. We will be very brief. You know the Cabinet Secretary is also generous with information. He is giving detailed information to Members. We will start with Sen. Olekina Ledama. Just one supplementary question.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. Mine will be very brief. Hon. Cabinet Secretary, let me appreciate you for your diligence in responding to queries.

I have raised this matter with you, but this morning when the residents of Narok heard that you were coming, they flooded my phone with messages. I will read the question so that I can be brief.

Given that the Narok-Sekanani Road, C12 was engineered as a Low Volume Sealed Road (LVSR), specifically to boost tourism, what measures is the Ministry taking to enforce strict axle load limits and prevent its rapid destruction by heavy industrial vehicles, such as those carrying sand and construction material, which exceed its design capacity? Specifically, there is a company called Gavin Holding Limited from Kisumu, which is currently transporting hundreds of truckloads of sand at a capacity of 32,000 kilogrammes. This road is completely dilapidated, making it very difficult for even tourists to get to the Maasai Mara.

Mr. Deputy Speaker, Sir, I would like that question specifically answered and action taken to stop this heavy traffic on that road.

**The Deputy Speaker** (Sen. Kathuri): Sen. Abass Sheikh.

**Sen. Abass:** Thank you, Mr. Deputy Speaker, Sir. First, I thank *Waziri*. There is this road which was publicised in this country and Kenyans looked forward to seeing the road from Isiolo to Wajir to Mandera done. You had promised us and guys even came up with songs for that road, calling it beautiful names. The road is moving at a very slow pace, but it is even worrying us that this road might not be completed in time or maybe in the near future.

Two, the road is being done in patches and when it rains, like this time now, you know, that is the only road we have to Mandera; the roads are becoming impassable. What is the timeframe and what is the alternative pathway for those vehicles ferrying food and merchandise to various towns in northern Kenya? What is the hope that the road will be completed in time? The most worrying thing is the transportation of food and---

**The Deputy Speaker** (Sen. Kathuri): Sen. Abass, the Cabinet Secretary got your question.

Proceed, Sen. Sifuna.

**Sen. Sifuna:** *Waziri*, you are aware of the problems that the people of Nairobi are facing during the current rains. One of the major roads that floods and brings the entire city to a standstill is Mombasa Road. *Waziri*, there was Kshs9 billion that was given for the repair of that road after the construction of the expressway. Are there any plans to redesign the old Mombasa Road to upgrade the drainage system on that road and all the other national highways in Nairobi, so that we avoid that flooding?

**The Deputy Speaker** (Sen. Kathuri): Sen. Fatuma Dullo

**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. *Waziri*, most of the roads in our counties are murrum roads and every year, during the rainy season, those roads are washed away. Do you have structured mechanisms where, on a yearly basis, you are able to maintain those roads?

**The Deputy Speaker** (Sen. Kathuri): Sen. Okong'o Omogeni.

**Sen. Omogeni:** The last time *Waziri* was here, he promised to erect bumps on Chebilat-Nyansiongo-Metamaywa Road that has been prone to many accidents. Since the time he was here, we have had two near fatal accidents and he had promised that the Government was considering expanding that road by dualling it because of the topography of that area. Could *Waziri* tell us what progress he has made towards fulfilling the promise that he made when he last appeared before the House?

**The Deputy Speaker** (Sen. Kathuri): Cabinet Secretary, you can answer those supplementary questions.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): Thank you, again, Mr. Deputy Speaker, Sir and hon. Members.

I had a short meeting with Sen. Olekina yesterday and we discussed this concern on the Narok-Sekenani Road. It is a big piece of infrastructure service in the Mara where we pride ourselves as a country as the eighth wonder of the world with respect to the wildebeest migration. The Narok-Sekenani Road should not be in the state it is at the moment.

We are looking at the contractor, who is currently doing the periodic maintenance on the road, as we agreed, but more importantly, we have scheduled an upgrade of this particular road immediately through a reseal of the entire road, so that we do not do patching and, more importantly, address the concern of the axle loads.

I will be picking up with the KeNHA, particularly on the issue of Gavin Holdings, an investor in Kisumu who is tracking overweight. More importantly, not just because of the one transporter, we will look at the need once we upgrade this road on putting a way bridge to support the kind of weights that can be taken by this road because, obviously, the tourist kind of transport system do not have the kind of weights that we have designed for the road and, therefore, tourism and the transportation of people into the Masai Mara is not the challenge. The challenge is the transporters who are ferrying sand all the way to Kisumu. I thought there was enough sand in Kisumu. Why are we ferrying sand from the Maasai Mara to Kisumu? We will take that up.

On the concern of *Mheshimiwa* Sifuna, we have a major contractor picking up Jomo Kenyatta International Airport (JKIA) Road to ABC Place. We are redesigning. We are running a beautification programme on this particular road, which will address all the drainage. It is a major project which has just started. In fact, it started in the last two weeks. Let me confirm that there is a contractor, China Road and Bridge Corporation Kenya, a major contractor in this country, who are undertaking major works on this particular road, including beautification, lighting, beautiful gardens, but more importantly, drainage that can offtake the amount of water.

One of the reasons we were aligned towards the China Road and Bridge Corporation is because a lot of the drained water comes from the expressway and is being taken by the underpass, which cannot take that amount of water. The China Road and Bridge Corporation will work on this along other services within the road. This will be a quick project. It will be completed within the next four to six months and we will see a very beautiful highway. It will not just be beautiful, but the drainages and modern lighting will be addressed all the way from JKIA to ABC Place. We will see that in a short while. The contractor has just started works and we expect to see a completion within six months. That way, we should not expect the challenge that we saw on Mombasa Road with the short drains.

Sen. Dullo, on structured mechanism to maintain our roads, you know that the amendments to the Act is before the Senate on Section 6 and Section 47 of the Kenya Roads Board Act. This has a structured mechanism for maintenance of roads through the Railway Development Levy Fund (RDLF) or Roads Maintenance Levy Fund (RMLF). It

is a levy that we collect between Kshs70 billion to Kshs80 billion every year. With the devolved roads and the requirements of Schedule 4 of the Constitution, the courts gave directions to make good the fact that devolution resources follow devolved functions.

Therefore, the Bill is before this House to ensure that the county roads get a share of the RMLF for maintenance of roads, equally, as we have a structured mechanism through that fund. Obviously, we will need more as the infrastructure grows and we will continue to work together.

One of the initiatives which will be taken by the National Infrastructure Fund (NIF) is to remove the national highways from the maintenance levy. National highways can maintain themselves through their own generated revenue, through concessioning. Money that has been held by the KeNHA on the national trunk network can go more into the rural roads for maintenance. Those are some of the initiatives where we see more money coming to support this structured mechanism for maintaining our roads.

On Sen. Omogeni's concern, I need to follow up this. There is no reason why we have not done this. That is the easiest task and we should have finished with that. I will follow up, but on the Chebilat-Nyansiongo Road, that has been programmed for widening because that is a very narrow section and like many other areas, including the Mosoriot Road, on Sen. Cherarkey's question, we need to widen that corridor and reduce on the accidents.

On Sen. Abass's question on Wajir-Isiolo Road, let me confirm that the programmes on Isiolo-Kulamawe Road going all the way through to Ramo-Mandera Road, we have contractors in all the sections except Modogashe-Samatar and of course, Ramu to Mandera. Those were under annuity, those two sections of the infrastructure, about 143 kilometres were under annuity, but the annuity cost was very high. The bid price we got was about Kshs60 billion for those two sections. We then pulled out of annuity and that has taken time, but we have successfully terminated annuity and we have agreed with the World Bank to take over those two sections. We will be constructing it for about Kshs26 billion compared to the Kshs66 billion that could have been deployed on annuity.

The World Bank has taken off those particular pieces of roads. There will be a board meeting, I am told on 27<sup>th</sup> of this month. We expect that before we come to Wajir for the celebrations of Madaraka Day on 1<sup>st</sup> June, we should have contractors in all the segments of the roads from Isiolo to Mandera. So, we are on top of this. It is a great development coming into the region together with social and economic investments along the corridor, Of course, the cost of security that we are deploying to support the contractors in that corridor means we have to do it very quickly because not to have contractors in certain sections whereas we have deployed a Kshs7 billion budget to support security over the construction time means it will be very expensive to construct that piece of infrastructure.

Therefore, I assure the House that we are working on the shortest possible time to basically deliver this infrastructure because it is expensive from a security perspective. Owing to the fact that the World Bank is supporting us, I do not think funding is a challenge. Most of the sections have just started. To construct roads in that section, first, we build camps which are built with bunkers and Sen. Abbas knows that. A constructor's

site is in a bunker for security, so that gets very expensive, but a lot of work is being done.

We have monthly meetings with my colleagues from the Ministry of Interior and National Administration and the Ministry of Defence to address security issues, because the interplay between the government of where the contractors mostly come from is something that they keep questioning us every so often as to whether their contractors are safe. However, I assure the House that we are on top of this, and by 1<sup>st</sup> of June, when we go for Madaraka Day celebrations in Wajir County, there will be contractors in those two pieces of sections that do not have contractors, and therefore, accelerate the whole piece of infrastructure to completion.

I thank you, Honourable Speaker.

**Sen. Chute:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Who is out of order now, Sen. Mohammed Chute? No, before I look at that, Sen. Sifuna had a question on Mombasa Road which I think he is not satisfied with the response. I will give him one minute.

Hon. Members, we have been on this one question for almost two hours now. So, we must really move out of this.

**Sen. Sifuna:** Thank you for that indulgence, Mr. Deputy Speaker, Sir. The Cabinet Secretary, Hon. Chirchir, knows that I have a lot of respect for him, but the answer that he has given today has fallen short in two material respects. The people of Nairobi are telling me, honourable Cabinet Secretary, that it is not the lack of flowers on Mombasa Road that is causing them to sleep on the road, it is the flooding. Please, before you address issues of beautification and streetlights, we want a solid plan on how to drain water on Mombasa Road.

Secondly, he has not addressed himself to the question of the Kshs9 billion that had already been given to the previous contractor, who we were told, is a company associated with one Member of Parliament here. He was given a tender to repair the damage that was done during construction of the expressway. There was money that was allocated for that, and it has not been done. So, he has not addressed that and he needs to prioritise drainage over flowers.

**The Deputy Speaker** (Sen. Kathuri): Sen. Sifuna, you know, once the Cabinet Secretary gives commitment, like he said, within four months, you will see those developments done.

**Sen. Sifuna:** He did not say four months.

**The Deputy Speaker** (Sen. Kathuri): He did, he said so. You know, that is why we have to listen to all the details. You have a commitment, between four to six months, the road will be done, good drainage, beautification and all those things. He committed himself to do that and the secretariat has captured that commitment. After four months, we will be able to raise it. For example, here there are commitments for July. Before he leaves, I will be asking what happened to those commitments.

I want to close this this matter now. Senator Lemaletian, ask a very simple question, straight to the point within one minute.

**Sen. Lemaletian:** Thank you, Mr. Deputy Speaker, Sir. I would just like to get a clarification for the residents of Samburu County and the neighboring counties on the

status of the Maralal-Baragoi Highway that was being constructed. When is the work on the ground supposed to begin?

**Sen. (Prof.) Tom Odhiambo Ojienda, SC.:** Thank you, Mr. Deputy Speaker, Sir. I had a short follow-up question to the Cabinet Secretary for Roads and Transport who has responded to most of my questions in detail.

Cabinet Secretary, you have referred and, in your response, stated that the construction work for the part of Coptic area road that caused the fatal accident that there is already a plan to pave, repair and reconstruct it.

I also note that you have also said that the other problematic area; the black spot area of Molem-Nambaokana-Nyamasaria and Kasagam Road are also under consideration. Just confirm to me the timeframe when will this work start. This is because as things stand now, that area is in itself a danger. What the roads people have done in the Coptic area black spot is itself a danger and we may witness another accident before the works begin.

**The Deputy Speaker** (Sen. Kathuri): Honourable Senators, when you are given time to execute your supplementary question, you should stick to just one short question.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir. Cabinet Secretary, people are watching in Narok and they appreciate your response. I just wanted to know whether it is possible to send a mobile weigh bridge to that road immediately, so that we can try and save at least that road for the high season coming in. We know you spent Kshs3 billion to build that road. We do not want to see that money go to waste.

**The Deputy Speaker** (Sen. Kathuri): Sen. Methu, you are making it as if you are not sure whether to ask this question because you have just pressed the system.

**Sen. Methu:** Mr. Deputy Speaker, Sir, I was very certain that I wanted to ask a question unless the popping up has just happened on your screen.

Mine is also a very great and short question necessary on two roads that the Cabinet Secretary is very well aware of, the road from now Wanjohi going to Kinangop and the road from Mairo Inya to Shamata and Kariamu.

My question is specific. Why is it that every time the President visits Nyandarua County, and he visits Kinangop and Ndaragwa, the contractor comes back on site? When he leaves---

*(Sen. Cherarkey spoke off record)*

Just relax, Sen. Cherarkey.

**The Deputy Speaker** (Sen. Kathuri): What is your point of order, Sen. Cherarkey?

**Sen. Cherarkey:** I rise under Standing Order No.51(b) that says that a question shall not be made the pretext for debate. That is Part 3(a) and (b) include the name of a person nor any expression strictly necessary to render the request intelligible and also on supplementary question it must be attached to the root question.

I appreciate Sen. Methu just walked in. His question must be on road safety. Is it in good faith or in order for the Senator of Nyandarua to try and ask a question that is

irrelevant, introduce debate and bring the President into the mix? He can do those politics on the corridors of---

**The Deputy Speaker** (Sen. Kathuri): Sen. Methu, if you are asking a question on road safety, do not introduce other names of members of the public who cannot come to this Floor. Do not take advantage of your presence here to mention other names. That will not be allowed.

**Sen. Methu:** Then let me walk on--- You know some people here get very agitated when we speak about the President.

**The Deputy Speaker** (Sen. Kathuri): We have no people in this House. We have honourable Senators.

**Sen. Methu:** Okay, some honourable Senators get very agitated when you mention the President. He is the President of Kenya. If he does not want to be mentioned, he has other duties he can undertake.

**The Deputy Speaker** (Sen. Kathuri): You have no question to ask?

*(Sen. Cherarkey spoke off record)*

**Sen. Methu:** I do not know why this Sen. Cherarkey keeps disturbing people. Why do you not you allow us to speak? I have been given the Floor. You shall get an opportunity to speak.

**The Deputy Speaker** (Sen. Kathuri): Why are you addressing Sen. Cherarkey? Who gave you the Floor?

**Sen. Methu:** Because he is the only one---

**The Deputy Speaker** (Sen. Kathuri): Who gave you the Floor?

**Sen. Methu:** It is you.

**The Deputy Speaker** (Sen. Kathuri): Then why are you addressing him?

**Sen. Methu:** Why are you allowing him to shout at me?

**The Deputy Speaker** (Sen. Kathuri): Now you are turning this House into a showdown, which I cannot allow.

**Sen. Methu:** Why does Sen. Cherarkey not allow me to ask my question which is on safety?

Is the Cabinet Secretary aware that out of the nature of that road, especially the section between Mairo Inya to Shamata, we have had countless number of accidents? This is because the contractors come on site and then leave the road in a worse state than they even found it. Many accidents happen out of that negligence of the contractors. That is my question.

**The Deputy Speaker** (Sen. Kathuri): Cabinet Secretary, just respond to those few questions and then we close this session.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): Mr. Deputy Speaker Sir, on the question from Sen. Lemaletian on the Maralal-Baragoi Road, we procured a contractor---

*(Sen. Chute spoke off the record)*

**The Deputy Speaker** (Sen. Kathuri): Sen. Chute, you cannot interrupt the CS. You wait until he finishes.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): We procured a contractor for Maralal to Suyani towards Baragoi for 20 kilometres upgrading to bitumen and equally for Kisima-Suraaduru on this other lower side for upgrading of 20 kilometers. Work should have started in earnest because this road was equally launched. I will follow up to make sure that work has started. Yes, we have a contractor on this piece of infrastructure. That will give a very good look Maralal Town because you will have 30 kilometres towards Baragoi on the upper side and you will have another 20 kilometres addition to the current tarmac that reaches Kisima today.

With respect to Sen. Ojienda's question on the timeframe before he came to the House, I undertook that the designs have been completed and we are going to make a budgetary allocation for that section in the current financial year and, thereafter, procure a contractor to correct and build a design that we have already done.

With respect to Kinangop, before the Senator of Nyandarua came into the House, I had indicated that we have paid all the pending bills to contractors. We had a big challenge since we owed those contractors up to Kshs175 billion. If they abandoned work, it was upon us to provide the funding.

We have made requisite funding and got them back to work. They do not have any excuse for abandoning work. This infrastructure, Mairo Inya-Sipala-Sabugo-Shamata all the way to Shamata Girls' Secondary School and so on and so forth with that contractor, Boiman, Passenga, all that infrastructure, which is funded by CDB will not slow down. We will ensure that contractors stay on course. As we speak, there is no contractor we owe money. We shall be strict. If it is a matter of capacity, we will call them out. If it is a question of funding, we have paid them. We have made plans to continue supporting contractors as they issue certificates for work done.

Regarding Sen. Olekina's question on providing a mobile weighbridge, as earlier stated, this is infrastructure. Weighbridges have traditionally been on national trunk networks under the KeNHA. We now have programmes to bring in mobile weighbridges for KeRRA roads. We shall undertake to provide a mobile weighbridge to support that infrastructure. I undertake to do so.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Hon. Cabinet Secretary, our new Member from Baringo County is not being recognised by the system. You can use the Dispatch to ask your question.

**Sen. Kiprono Chemitei**: Thank you, Mr. Deputy Speaker, Sir, and Hon. Cabinet Secretary. I rise to inquire about the road from Laikipia through Loruk and Marigat. It also connects Kapedo and Chemolingot to Nakuru.

Last year, there were water increments in Lake Baringo. The road from Loruk to Nakuru was swallowed. This year, the situation is worsening. I want to know whether the Ministry is aware of the situation. Currently, people are using private land for transport. At any time, the owner may refuse and that will turn to be a mess.

Hon. Cabinet Secretary, I want to know whether your Ministry is aware. If so, what measures you have taken to restore normalcy.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Hon. Cabinet Secretary.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): Thank you, Mr Deputy Speaker, Sir. I need to check. I do not know whether the Loruk-Marigat road is within the Barpelo-Tot-Sigor Road section.

*(Sen. Kiprono Chemitei spoke off record)*

We are building infrastructure to support the road from West Pokot, through Kitale to Eldoret and down to Nakuru. To that extent, there is a road from Barpelo-Tot-Sogor-Marich Pass, which will come through the lower section. I know we have the Marigat-Mochongoi-Karandini Road. I need to check.

More importantly, the question from Sen. Chemitei is of concern to us. Some of our roads are underwater because of the rising lakes. We are re-designing the road and moving it higher because of climate change. Those of us who visit that region pay attention to climate change. A number of tourist hotels are underwater today. Equally, sections of the road are underwater. We are re-designing roads urgently above the water levels and trying to understand what we need to do as a country to address rising lakes.

I assure the House and Mheshimiwa Chemitei that we will work on that. I will pay more attention to where the design is today. We shall quickly support relocation of the redesigned road and provide funding to ensure that people in the region have access to markets and can move to their homes.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Hon. Cabinet Secretary, before you leave, there were three commitments copied to your Ministry. I understand the Secretariat shared this information with the Ministry. One was from Sen. Mwinyihaji Faki. He sought follow-up with the KURA to explain the steps being taken to address flooding issues affecting the section of the Links Road in Mombasa County near Quickmart Supermarket.

The second was to furnish Sen. Okong'o Omogeni with information on whether the Kenya Railways Corporation (KRC) commenced construction of the Riruta-Ngong single-track metre gauge railway before obtaining an environmental impact assessment licence from the National Environment Management Authority (NEMA).

The third question was from Sen. Mohamed Abass. He sought information on the actions the Government is taking to fast-track construction of the Modogashe-Samatar and Lamu-Mandera sections of the Great North Road.

Since you answered the supplementary question from Sen. Abass, you may comment on the two commitments from Sen. Mwinyihaji Faki and Sen. Okong'o Omogeni.

**The Cabinet Secretary for Roads and Transport** (Hon. Davis Chirchir): Thank you, Mr. Deputy Speaker, Sir and Hon. Members. I made a commitment to provide a response on the question regarding the Quickmart Supermarket in Mombasa. The Links Road had been a source of perennial flooding because of its geographical location. It is

the lowest point. Investors built on both sides of the road and there was no waterway for drainage to the lower points of the rivers.

I have a written response. I have signed it. The flooding section of the Links Road near Quickmart Supermarket in Mombasa was designed and elevated. The 200-metre road section was raised to provide carriageway and walkway. I have the response, including pictures. The area is fully constructed. There is no flooding today. I confirm that I visited the section three weeks ago. It is a completed piece of work with paved walkway.

Rehabilitation of the Quickmart section was done. Culverts were installed and five new vertical drains were sunk. Existing drains were desilted and potholes were repaired. Performance-based maintenance was signed. We spent Kshs54 million on the work. The place looks good today. The Member is aware that with the recent short rains, the section is motorable. If I have not already tabled, I will table the response for that commitment.

The second commitment I made was with respect to Sen. Abass's question on the Modogashe-Samatar and Lamu-Mandera last sections of the corridor. I answered this morning. The Government had planned to upgrade the Modogashe-Habaswein Road under the Road Annuity Programme as Lot 3 within the Public-Private Partnership framework. Lot 3 included a 68-kilometre Class A road from Modogashe-Habaswein extending to Samatar and a 75-kilometre Mandera-Ramu Road.

The contract for upgrading of Lot 3 project was awarded to Hass Consortium GVR Infra in joint venture with Shandong High-Speed Nile Investment Company. However, due to cost related challenges, the Government of Kenya decided to scrap the road annuity programme, leading to termination of the contract for Lot 3 road project. As a result, the Government is now shifting to engineering, procurement, construction and financing mode for upgrading of this particular Lot 3 section.

In addition, through the National Treasury, the Government of Kenya has requested additional funding from the World Bank under the Horn of Africa Gateway Development Project loan to upgrade the Lot 3 road project. This includes the only two unfunded sections of the Isiolo-Mandera Road corridor, of which Modogashe-Habaswein section forms part.

The delay in completing the upgrade of Modogashe-Habswein Road section is due to the challenges experienced in terminating the contract with the engaged annuity contractor, as consortium for Lot 3 annuity project, which required legal intervention and the delay in securing funds to compensate the terminated contractor due to budgetary constraints. That has now been done.

In addition, the World Bank has taken up those two sections, like I mentioned earlier. The short-term strategy is that the Government is consistent with maintenance of the existing roads through the Road Maintenance Levy. This is through construction of engineered gravel road, as well as undertaking routine maintenance, support improvements and so on and so forth. However, as soon as we bring in the contractor, we will make sure we do maintenance ahead of works.

It is a long, detailed response. I do have the written response, which I have signed and will table before the House.

The final Question was No.93 that I also undertook to bring a response on the current progress of works on the Riruta-Ngong Railway line construction.

The transport sector is recognised as a key pillar and critical enabler in achieving Vision 2030 long-term development strategy and the Bottom-up Economic Transformation development. The future transport system in rural and urban areas is, therefore, a key factor in supporting the country's development strategies. The Government of Kenya, through Kenya Railways Corporation, conducted a feasibility study that resulted in the development of Nairobi Commuter Masterplan, 2019. The masterplan identified key commuter line corridors for development modernisation within Nairobi metropolitan area. That includes Nairobi-Kikuyu-Limuru, which is existing, Nairobi-Riruta-Thika, which is also existing, Nairobi-Lukenya-Kitengela-Konza, which is also existing, Nairobi-Jomo Kenyatta International Airport (JKIA), which is proposed, Nairobi-Embakasi Village which is existing, and Nairobi-Riruta-Ngong, which is under implementation. This is the concern that the Member raised under Question 109.

The Riruta-Ngong Road commuter line, which will be linked to the revitalised Nairobi Railway Station, is also one of the commuter lines identified as critical transport infrastructure under the prioritised integrated transport system for the decongestion of Nairobi Metropolitan Area.

The rationale behind the preference of the commuter rail over road transport is that commuter rail is for mass transportation, where one commuter train carries up to 6,600 passengers, both standing and sitting, which is equivalent to 460 seater matatus on the road.

I wish to indicate that for this particular project, the source of funding is purely the Government of Kenya. As regarding environmental social impact assessment study, the same was conducted in line with the Environmental Management and Coordination Act. I have also attached that to my response, which I will sign and table before the House. I also wish to add that the project is being implemented under the Engineering Procurement Construction (EPC) basis, with an independent consultancy for design review and construction supervision in place. Members have a comprehensive written response. I, therefore, confirm that we had a court case which has now been lifted and work will, therefore, progress.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Cabinet Secretary, that response is sufficient to table in the Table office. So, hon. Senators, that is the end of the session with the Cabinet Secretary for Roads and Transport.

Thank you, Cabinet Secretary and your team for continuously appearing before the Senate. You have really covered all your supplementary questions with utmost precision. Even though you were not prepared for the questions, you were able to know where the roads are and their status. So, thank you very much indeed. All the best as you serve this good country of ours.

*Bwana* Cabinet Secretary, you are free.

Serjeant-at-Arms, you can collect the documents from the Cabinet Secretary.

Hon. Senators, we now go to the next Order.

## MOTION

## MAINSTREAMING OF A FRAMEWORK FOR CLEAN COOKING

THAT AWARE THAT, Article 42 of the Constitution guarantees every person the right to a clean and healthy environment, which includes access to safe energy options;

FURTHER AWARE THAT, over 900 million Africans, including more than 90 per cent of households in Kenya's rural areas, still rely on traditional biomass (firewood, charcoal, animal waste) for cooking, resulting in high levels of indoor air pollution that cause premature deaths, particularly among women and children;

CONCERNED THAT, in Kenya, indoor air pollution has been linked to over 23,000 annual deaths, with women and girls bearing the disproportionate burden of time spent collecting firewood and cooking, limiting their education and economic opportunities;

NOTING THAT, traditional cooking methods contribute significantly to deforestation, greenhouse gas emissions, and climate vulnerability at the county level, undermining national commitments under the Energy Act, 2019, the Climate Change Act, 2016, and Kenya's Nationally Determined Contributions (NDCs);

RECALLING THAT, the Africa Clean Cooking Summit (Paris, 2023) mobilized USD 2.2 billion in commitments for clean cooking, and the International Energy Agency has recommended urgent financing and policy action to achieve universal access by 2040;

ACKNOWLEDGING, the efforts of some counties, development partners, and private sector actors in piloting clean cooking projects, but recognizing that these remain small-scale and fragmented;

NOW THEREFORE, the Senate resolves that the: -

1. Council of Governors develops county-level policies, frameworks, and budgets that mainstream clean cooking into devolved energy and health functions;

2. National Treasury and Ministry of Energy prioritize clean cooking in financing frameworks, including results-based financing and blended finance models to de-risk private investment;

3. County Governments incorporate clean cooking targets in their County Integrated Development Plans (CIDPs) and ensure public institutions such as schools, health facilities, and prisons adopt clean cooking solutions;

4. National Treasury and County Governments to fast-track letters of authorization to unlock carbon finance markets (Article 6.2 and CORSIA) for clean cooking projects;

5. County Governments engage the private sector actors, and community organizations to expand clean cooking access, create local jobs, and reduce pressure on forest resources.

Sen. Hamida Kibwana is not in the House. So, that business is deferred.

*(Motion deferred)*

Next Order.

### MOTION

#### NOTING OF REPORT OF THE 2025 AI CONFERENCE

THAT, the Senate notes the Report of the Proceedings of the Artificial Intelligence (AI) Conference on the role of Parliament in shaping the future of responsible AI held from 28<sup>th</sup> to 30<sup>th</sup> November, 2025 in Kuala Lumpur, Malaysia, laid on the Table of the Senate on Tuesday, 24<sup>th</sup> February, 2026.

Sen. Wambua is not in the House. So, the order is deferred.

*(Motion deferred)*

Sen. Enock Wambua has delegated the next business to the Chair, Committee on Labour and Social Welfare, Sen. Murgor. So, go ahead and move the Motion.

*[The Deputy Speaker (Sen. Kathuri) left the Chair]*

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

### MOTION

#### NOTING OF REPORT OF THE 3RD CPWD AFRICA REGION CONFERENCE

**Sen. Murgor:** Thank you very much, “Mr. Deputy Speaker, Sir.” I beg to move the following Motion-

THAT, the Senate notes the Report of the 3<sup>rd</sup> Commonwealth Parliamentarians with Disabilities (CPwD) Africa Region Conference held in Lusaka, Zambia from 24<sup>th</sup> -28<sup>th</sup> February, 2025, laid on the Table of the Senate on 7<sup>th</sup> August, 2025.

**The Temporary Speaker** (Sen. Dullo): Senator, I remind you that I am the one on the seat.

**Sen. Murgor:** Sorry, Madam Temporary Speaker.

The Commonwealth Parliamentary Association (CPA) was founded in 1911 by the international community of commonwealth parliaments and legislatures working together to deepen the commonwealth commitment to the highest standards of democratic governance and parliamentary practise. It offers parliamentarians and parliamentary staff an avenue for collaboration on the issues of mutual interest and shared good practises.

Madam Temporary Speaker, the CPA represents more than 180 Parliaments and legislatures, 53 Commonwealth countries divided up between nine geographic regions of the Commonwealth; that is, Africa, Asia, Australia, British Islands and Mediterranean (Canadian, Caribbean, Americas and Atlantic), India, Pacific, Southeast Asia.

The Commonwealth Parliamentary with Disabilities (CPWD) was established in 2018 and is one of the networks within the CPA that facilitates activities and programmes to champion and increase the representation of persons with disabilities in Commonwealth parliaments and works towards mainstreaming of disability considerations in all CPA activities and programs.

The CPWD Africa Region Network has held three conferences since its inception in 2018. The third Commonwealth Parliamentarians with Disabilities Africa Region Conference was held between 24<sup>th</sup> and 8<sup>th</sup> February, 2025, in Lusaka, Zambia, under the theme Breaking Barriers, Building Inclusive Parliaments for Persons with Disabilities.

The Kenyan delegation was represented by Hon. Timothy Wanyonyi, MP, leader of the delegation, and PWD Africa Regional Champion, Hon. Rose Museo, MP, Sen. Crystal Asige, MP; and, Sen. George Mbugua, MP. The Members of Parliament were accompanied by the following officers: Mr. Polycarp Matara, Clerk Assistant, and Eng. Mutunga Mike, Engineer, Maintenance Office from the National Assembly.

The Delegates at the PWD Regional Conference discussed a wide range of topics represented by the resource persons who shared their insights and knowledge, including; technology, digitalisation and its use of empowerment and inclusion of persons with disabilities in the African context by Dr. Margaret Matonya from Zambia; accessibility in action, designing physical spaces for inclusive parliaments by Mr. Ibrahim Asante from Ghana; policy pathway and effective strategies for implementation of disability inclusion in parliament by Mr. Meshack Matumba from Zambia; culture and shifts changing in attitude towards disability in political institutions by Hon. Joseph Musanje, MP, Zambia;

After the deliberation of the main topics of the conference, the delegates adopted the following: Recognition of the fundamental human rights and freedoms of all persons, including persons with disabilities; acknowledging the valuable contributions of persons with disability, expressing concerns that persons with disability continue to encounter barriers hindering their effective participation in parliaments in the Commonwealth Africa Region; emphasising the critical need for inclusive and accessible parliaments for persons with disabilities; welcoming the progress made by some parliaments in the African Region, advancing the inclusion of persons with disability; reiterating the commitment of the CPA to promotion and governance democracy and human rights, including the rights of persons with disabilities.

The conference resolved-

(1) Technology digitisation and the use of empowerment and inclusion of persons with disabilities in the African context:

(i) to encourage African parliaments to leverage the technology and digitisation to empower and include Persons with Disabilities;

(ii) urge the African parliaments to undertake comprehensive capacity building programs to equip parliaments and staff with skills and knowledge necessary for effective utilisation of assistance, technologies and digital platforms;

(iii) further urge African governments to collaborate with organisations of persons with disabilities and technology experts to prioritise the development and implementation of impactful digital inclusion strategies;

(iv) further, urge African governments to include disability mainstream discussions; and topic two,

(2) Accessibility in action, digitising physical spaces for inclusive parliaments: –

(i) advise African parliaments to adopt the universal design principles in the construction and renovation of parliamentary buildings, ensuring physical accessibility of all persons with disabilities;

(ii) further advance African parliaments to regularly conduct accessibility audits and identify and address barriers within the physical environment and urge African governments to undertake meaningful consultations with persons with disabilities.

(3) The policy pathway, effective strategies for implementing the disability inclusion of parliament-

(i) encourage African Parliaments to develop and implement a comprehensive disability inclusion policy and action plans aligned with The Convention on the Rights of Persons with Disabilities (CRPD), articulating clear goals, targets and measurable indicators for monitoring progress;

(ii) further, encourage African parliaments to ensure that disability inclusion policies encompass all facts of parliamentary work;

(iii) urge African Parliaments to allocate adequate financial resources to ensure the effective implementation of disability inclusion policies;

(iv) culture shift changing attitude towards disability in political institutions;

(v) advise African Parliaments to implement awareness campaigns and training programmes to combat stigma and negative attitude towards persons with disabilities;

(vi) encourage African governments to promote inclusivity that showcases the contribution and capabilities of persons with disability;

(vii) urge African Parliaments to actively champion disability rights. Further, urge African Parliaments to enact legislation that promotes inclusiveness of persons with disability.

The General resolution is that the CPA African region secretariat in collaboration with CPA headquarters, shall continue to support and facilitate the work of CPWD network Africa region providing necessary resources and technology assistance to Parliaments and implementing these new solutions.

African Parliaments shall resort to the regional secretariat on the progress of the implementation of these resolutions. The CPA African Region Secretariat shall include segment for members to report back on the implementation of the resolutions for the previous conference. The CPA secretariat shall circulate proposed topics of the next conference to members to effect emerging issues and at least one month before the next conference for approval.

This Conference calls upon the Commonwealth Parliaments in Africa region to fully implement these resolutions and actively contribute towards building a genuinely inclusive Parliament for persons with disabilities. These resolutions were anonymously

adopted on 27<sup>th</sup> February, 2025 by the Third Conference of Commonwealth Parliamentarians with Disability African region held in Lusaka, Zambia.

Madam Temporary Speaker, I beg to move and request Sen. Cherarkey to second.

**The Temporary Speaker** (Sen. Dullo): Thank you, Senator for West Pokot County.

Proceed, Sen. Cherarkey, to second.

**Sen. Cherarkey:** Thank you and congratulations on being elected as the Temporary Speaker for today's session. That shows the faith the House has on you to discharge, of course, as a ranking Member of this House to be the Temporary Speaker for the purposes of the ongoing works.

As I rise to second, because this is just a procedural Motion and a report of the Third Commonwealth Parliamentarians with Disabilities Africa Region Conference held at Ciala Resort, Lusaka, Zambia, 24<sup>th</sup> to 28<sup>th</sup> February, 2025. I know this is a very interesting country. You remember they have not been able to bury their former President Paul Edgar Lungu. It is a very interesting case, just like the S.M. Otieno case. I have a number of friends who are priests, who normally do missionary work in Zambia. I know Kenyans have an interest. It is one of the countries that Kenya prides itself for working closely with. I am happy they hosted the issue.

I have a friend who is called Father Telewa, who just left Zambia, and he is telling me Zambia is a good country. You are aware of Article 54 on persons with disabilities (PWDs). I think Kenya has one of the progressive recognitions of the youth, minority, marginalised and PWDs. So, the Commonwealth Parliamentary Association should at most know that as a Parliament---

Madam Temporary Speaker, if we are aware of the challenges and we play the role that people living with disability are able to do, it will allow us, if we can recognise the law of PWD, we are the lawmakers. We are able now to make laws that will assist and ensure people living with disability or are differently able, can discharge their mandates.

As I speak, allow me also to send my condolences and messages of goodwill. Last week, Thursday, a latrine collapsed in Kapsabet School for the Deaf, where we lost a student and a number of injuries that are recovering in our hospitals. I send my quick recovery wishes. I also thank the President, because that day, President William Ruto was visiting Nandi when the incident happened. He took time to commiserate, condole with them, wish them a quick recovery and gave them a sum of Kshs5 million to support Kapsabet School for the Deaf. That school needs a lot of support. These are our children that are different.

We need to tell Kenyans and everybody in this country that having a child who is differently-abled is neither a curse nor a taboo. We must condemn a society where parents are hiding their children who are PWDs or differently-abled. Even if you interact with these people who are visually impaired, they have some strong abilities that normal human beings do not have. We can stop that by recognising the role of PWDs, as Parliament, as was envisaged in this conference.

If as leaders, we recognise the uniqueness of people living with disability, as a Parliament, we take the lead and you know leadership are dealers of hope. We must give

hope to the people and this disability truncates many things. I thank former Vice President Moody Owuor because he was the pioneer of prison reforms and also the Disability Act of 2003 that gave birth to Article 54 of the Constitution.

Kenyans should know that we are not discussing this report about Parliament recognition. Under Article 54 of the Constitution of the Republic of Kenya, people living with disability have been recognised. In fact, Article 54 (2) says that they shall be progressive in implementation principle at least 5 per cent of members of the public in elective and appointed bodies are persons with disability. I appeal that we must do legislative audit. I can tell you, I have sat in the County Public Accounts Committee where you are a Member. All counties, including your county Isiolo, have failed to meet the threshold of appointed positions of people living with disability, even Kisii, Homa Bay, Nandi, and many other counties.

In Nandi and many other counties, including Murang'a, have failed in terms of Article 54(2) to meet the threshold that the Constitution has set. As a House, this is a progressive. Let us not even talk about the elective positions because we also need to encourage Kenyans to elect people abled differently because they are also leaders. It is one year to general elections

We have Sen. Mbugua, who is specially elected. We have Sen. Crystal Asige, who is also specially elected. These are disabilities that we can see. I hope that as Kenyans go for elections, we will have a way of ensuring people living with disability have an opportunity to serve in different capacities even if they are living with disability.

Madam Temporary Speaker, I am not talking about disabilities in bedrooms, but I am saying disabilities that are known, that can be seen. I challenge people living with disability. Under the Act, we must ensure people living with disability can access the IDs.

Madam Temporary Speaker, you are a politician. Whenever you walk, you meet somebody living with disability. There was a *harambee* for Chepterit Women Star on Sunday afternoon in Mosoriot Township and I met one of the disabled people using a wheelchair. They have not been given an ID card by the National Council for People Living with Disability (NCPWD). I want people living with disability to have their offices at the lowest level like the sub-locations or the chief's level, so that our people can access the PWD card to allow them to get tax exemption, services and be given priority. I am happy that even here in the Senate, the design of the Parliament, because we are discussing government buildings--- It is sad because I remember when we visited the county headquarters in Isiolo, where we were locked out. You were part of us, if you look at the design of that building, there was no provision of access of ramps for people living with disability. It is a sorry state, in most of the Government buildings, that we do not have proper designs to accommodate people living with disability.

I appeal to Kenyans that the people living with disability are quite a number. We used to have *Mheshimiwa* Sankok, the specially-elected Member of the East African Legislative Assembly (EALA). There was Dr. Musuruve, who was specially-elected and a number of our colleagues. We should not leave the people living with disability to their mercy, to the philanthropy of our political parties for them to get to the office.

Madam Temporary Speaker, this we will be doing in Article 54(2). The issue of persons of rights with disability, CRPD, Protocol to the African Charter on Human

Rights, and Universal Declaration of Human Rights, which is well captured in this report. Article 54 also recognizes the Braille as sign language and a national language, apart from English, Kiswahili and sign language as Braille. They must also be recognized.

We must also ask the Independent Electoral and Boundaries Commission (IEBC) to come up with modalities on how people living with disability can campaign and participate in the electoral process. I am saying this aware that yesterday, there was heightened exchange of very unpalatable words across the spectrum of this country. For the past two days, there have been insults, demeaning and exchange of words from the senior leadership of this country. I hope that as we go into the future, we will not see that again because we are a country. Our children watch all of us.

We must ensure that our language, which we engage in, is decent. Someone was asking: "Why did the President react?" It is because the during the funeral of one of our colleague's mother, Sen. Karungo Thang'wa--- We wish him all the best and pray for him because he lost the mother a few days ago and the burial was on Monday. The person who started insulting everybody was the former impeached Deputy President, Rigathi Gachagua, demeaning the Head of State. The Head of State is also a human being. He had a right of reply. He should reply. What he said is correct, to advise people to go to the gym is not an offense. Why are Kenyans taking offense? I can see Sen. Onyonka likes keeping fit. I usually meet him in the health club, trying to be alert and contribute to the discourse of this country. What is hard with that?

Madam Temporary Speaker, I would like to appeal to the investigative agencies. One person impregnated a young girl, the age of their children and they should be taken to court and prosecuted. We cannot be talking about that. The reason I am saying this is because I am appealing to the IEBC to come up with a formula on how we can ensure our colleagues, the people living with disability can campaign, vote, participate and be elected, so that they can sit in the Parliament of the Republic of Kenya.

My final comment is to further encourage African parliaments. I know Kenya is doing well, but we have agreed with you that we are yet to achieve the 5 per cent on progressive implementation of Article 54(2). On the resolutions that have been made, I agree that we need regional secretariat to ensure that progress and implementation is done. Members need to report back on the resolutions of the previous conference which is very brilliant. The CPA secretariat must and should include the issue of PWDs and parliament, as recognized and also in Africa to fully implement. This is so that, as Africa, a continent and African Parliaments, we must and should because I know Kenya can lead the way.

Madam Temporary Speaker, you are aware that in Kenya, in terms of representation, even on the issue of women, we now have 47 elected women in the National Assembly. We also have specially-elected and majority are women. However, I appeal that these seats should not be based on philanthropy. We want women, youth and people living with disability.

You, Madam Temporary Speaker, has been elected three times straight as an elected Member of the Senate, ranking, despite being of the female gender. You have demonstrated that what a man can do, a woman can do better. What a normal human being or a normal Senator can do, a PWD Senator can do better than a normal Senator. It

is a challenge and I am proud - and I hope the cameras will be zooming on you - so that the young girls and women who want leadership in this country know that you can be elected. You can be elected in this House. You were the former Deputy Majority Leader in the last session. You became the Minority Leader and you are the Chairperson of the National Security and Foreign Relations. This is a challenge to the minority and marginalised women, people living with disability and the youth.

Madam Temporary Speaker, I would have expected - although I do not know the programme of your Committee - you to be in Russia and pursuing the issue there. I saw the Chairperson of the Committee on National Security of the National Assembly. I hope as the Chairperson of National Security and Foreign Relations, you will update the House in the near future.

In the interest of time, since we have a heavy agenda on the Order Paper, allow me to yield the microphone back and say that this is a report that is worth noting and being followed up. Let colleagues support and pass this Motion, so that the people living with disability are not reduced to philanthropy, to being just being given handouts. They must be recognized, just like any other ordinary Kenyans. With those remarks, allow me to leave it there. I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Dullo): The Floor is open. I can see Sen. Onyonka, you want to contribute. The Floor is yours.

**Sen. Onyonka:** Thank you, Madam Temporary Speaker. The most upright and able accolades that my colleague has just bestowed upon you stand with exception. However, everything else he has said that is political, I would want to, if I had a chance, expunge it out of the HANSARD. The reason for that--- I will raise one or two things on the issues that he was bringing forth as much as he was making an argument for his side. However, on a serious note, this is a very good document.

Once again our Republic of Kenya produces some of the best policy papers some of the interventions on nearly everything. If you were to find out whether we have an aeronautic engineer or a space scientist, you would find a Kenyan who works in National Aeronautics and Space Administration (NASA). We are always very good in what we do. However, locally, if you look for interventions on what we are supposed to do for our people, we do not move. This is what has been contradictory to my interpretation of our political standing as a people and leadership.

Paragraph No.7 of the Report has the conclusions of the report. First, the report says there should be accessibility to voting. It is self-explanatory. If you look at the people with disability or people who are abled-differently, you will realize that they are as good in performance as any of us. For instance, if you look at this House, you will see that our sister and the able Senator from Mombasa, Sen. Asige and Sen. Kamau, and many of the people who have had these challenges, actually perform well. They do an excellent job, they are knowledgeable and they deserve to be here.

However, when we narrow down to the nitty-gritty, for example accessibility to voting, do we even look at the polling stations and see whether somebody with a

disability will be given guidance? Do we even consider that some of these polling stations need a ramp so that if somebody is coming in with a wheelchair, they can access the polling station? We do not.

I remember I was in the National Assembly when there were recommendations, after the promulgation of the Constitution that we have now. There was a suggestion that all buildings, including all facilities privately owned and those owned by the national Government, would be opened up to provide the necessary infrastructure so that people with disability are able to access those buildings. That has not been done. I believe that this House can engage itself, so that we do not become a talkshop.

Secondly, with regards to representation in the Government, whether it is the national Government or county government--- Indeed, you will notice that my brother, Hon. Cherarkey, a man I highly respect, only talked about county governments. However, even the national Government has left a gap deliberately. Look at the people who are appointed. They are all abled-people. The reality is that nobody considers, or even if somebody was to consider this position, you would find that nobody would care to listen.

The third issue they have raised is civic engagement. Of course, to a large extent, many people with disability, who have been deliberately and publicly engaging themselves in raising issues and becoming activists, have been in national and civic society organizations, raising awareness and putting information out there. The information needs to be received by people with disability to ensure we identify where they are.

The fourth issue is on the legal policy frameworks. If you look at this policy framework---One of the areas I am advantaged is that I sit at the Senate Committee on Health. We have been looking at what we are going to do, for example, with children who have disability and incapacity because some of the diseases they have are not easily managed by either their parents or even the county governments. I am happy that the Committee on Health is working on this, so that we can begin to classify and handle our people when they have these challenges, especially our children.

Madam Temporary Speaker, Item No.6, which they have presented here, it is on education and awareness. The truth is, there are very many children who have disability, which is not physical *per se*. There are children who have mental and other disabilities which are now being investigated by science. Conclusions which previously had been wrongly misinterpreted are now being given a forward value. The point we should be concerned about is on what happens to those children when they go to school, because some of the buildings are three, four or five floors? You will find that from Grade 3, they are placed on floor No.4, because the ground floor is where the administration block is. What do we do with those children with disability?

My observation is that we are treating some of these children as if we are punishing them. In our schools, universities and in all colleges, we have not come up with interventions and policies to make life bearable and acceptable for learners on wheelchair, who are unable to walk or those who walk with a stick. These are young children, men and women who have to survive within this environment, under which we

live in, where we feel that we are extremely secure and comfortable and it does not matter where our people are.

The last one is the issue of technology and innovation. In my opinion, when it is time to look at this issue as a policy initiative, we have to look at the possibility of some of the cases of children and individuals who have these disabilities, some of which are mental, as extremely intelligent. Some of them have become extremely good painters. Others are blessed and rewarded in a very unique manner. Some of the innovations that are going to be introduced will go a long way to help people with disability, and I believe this is a positive.

Finally, Madam Temporary Speaker, I would like to mention and perhaps, look at what my brother, Cherarkey, talked about; how our leaders are now talking about themselves in an uncouth manner and basically exposing their ignorance. For sure, it is completely unfortunate that you can find leaders body shaming each other, on how fat or thin they look. This is the narrative that our leaders are bringing out. Imagine if you were disabled, you were criticising the Government, and you started talking about our bad behaviours of corruption, mismanagement of public resources and yet you were a governor? Somebody would start talking about how your legs are looking funny, how your hands are spaced or how they look in a certain manner. We must begin to look at our country a bit differently.

Madam Temporary Speaker, our leadership must know that whatever we say has a direct impact on how the public understands who we are. For instance, in schools now, our children are going to find it normal to pick a friend even if he disagrees with you and tells you not to do certain things because they are either against the law or doing things that they should not do.

Madam Temporary Speaker, imagine if my sister, Sen. Asige, was to start talking about the challenges that the Government has. Most likely somebody would say some uncouth things about her and yet in reality, that is our work. Our work is to say, given our ability to say, and to let the Government have its way. That is what democracy is all about. However, we always go back to our bad habits. When you have lost an argument in Kenya, you begin to throw epithets and talk about your leadership and how it is inept.

Madam Speaker, you were there and saw how everybody in our Republic went out and were saying how Mzee Raila was the most incredible man, amazing, and a man who stood for democracy yet, the year before, he was being called a *mganga*, and labelled a person who cannot talk well, and has mental problems. You understand the irony of where we are.

However, this is a very good document, and I hope that the Committee on Health and the other cross-cutting committees can sit down and come up with policy of helping people with disabilities, children who are suffering from various ailments which are even very difficult for a normal doctor to interpret. It would be a good document.

I support, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Dullo): Proceed, Sen. Mungatana.

**Sen. Mungatana, MGH:** Madam Temporary Speaker, I will speak briefly so that I allow my colleagues an opportunity to also contribute.

I want to congratulate Sen. Mbugua and the team that went for the commonwealth parliamentarians meeting. I will pick up one issue only. One of the recommendations was that parliaments must develop policies that are friendly to legislators living with disabilities. In this Parliament, we have seen in practice that our constructions and buildings are friendly to our colleagues living with disabilities.

During my many years in the National Assembly, we had a Member of Parliament who was attacked by bandits and was never able to walk again. We broke for a session then went back only to find that he had been attacked. That can happen to anybody. In short, we are all potential Persons with Disabilities (PWDs).

It is good that this Parliament, both Senate and the National Assembly, has complied with trying to be accessible. The only thing that the Parliamentary Service Commission needs to do is to create an official policy paper. If it is there, it has not been publicised to all of us.

I know there is a policy on sexual harassment but I have not heard of a policy on PWDs within this Parliament. Therefore, I invite the secretariat to make these documents available. When new Members come, these policy documents should be made available, aside from the Speaker's Rules, the Constitution and Standing Orders. Policy documents must be made available but we have not seen any on this one. Therefore, I encourage the secretariat to do so in keeping with the resolutions that were passed in this report.

Madam Temporary Speaker, I beg to support.

**The Temporary Speaker** (Sen. Dullo): Next is Sen. Mutinda.

**Sen. Tabitha Mutinda:** Madam Temporary Speaker, I am happy to see you taking the leadership role. As women, we are proud and we continue being proud.

I want to appreciate the delegation that attended the 3<sup>rd</sup> CPwD Conference led by our colleagues, Sen. Mbugua and Sen. Crystal. This is positive.

Madam Temporary Speaker, I would like to state this in short because I know we have limited time. The Persons with Disabilities Act 2025 emphasises on 5 per cent employment in the work spaces and also elements of infrastructure for PWDs. Any public institution should ensure that the infrastructure is suitable for accessibility by PWDs.

As Sen. Mungatana has correctly put it, disability is not necessarily that you are born with. Any day, any time, it can hit you. We should all be prepared because anything is possible and anything can happen.

I want to narrow to two issues. These are education and health sectors. Currently, the Committee on Health is prosecuting the Autism Bill. From where we sit as a committee, autism has been narrowed to a disability but it is beyond that.

The Ministry of Education has not set out learning institutions for children with autism. Most of such children are hidden in houses by some parents. Some parents have brought their children out and that is good. These are some of the issues that have been bracketed within disability and not given the weight they deserve.

That is a Bill we are prosecuting. This discussion has come at the right time because it also brings out the issue of education and infrastructure for PWDs and learning institutions for children with autism because they fall under a special category.

Data is in place to ensure that we get to know how many PWDs are in this country. We also need to know the number of people with autism because that is also critical.

Lastly, Madam Temporary Speaker, so that I allow my colleagues time to say a few things, I have noticed that even in this Chamber, we do not have a sign language expert. As much as we are talking about PWDs, it needs to start here. We need to set the example because we pass legislation.

At times, we have visitors in the Galleries. How sure are we that all of them can hear what we say? How come this House has no sign language expert so that they communicate to Kenyans?

When news is broadcast on television, there is always someone who does the sign language. When I speak, there should be someone who communicates what I say.

As much as we appreciate, charity begins at home and the Senate should lead by example. The offices of the Clerk and the Speaker should prioritise having someone who knows sign language to be here throughout the sessions to do what is needful.

Politically, there are words that were thrown as early as yesterday. I thought my big brother, Sen. Onyonka, would be in the House. When you say that this person should not have said this because he is the head of state and all that, why did they not speak when their leader started throwing those words? How come that when he was throwing those words, it was okay but when the other leader threw some words, then there was a problem?

Madam Temporary Speaker, with those many or few remarks, I submit.

**The Temporary Speaker** (Sen. Dullo): Proceed, Sen. Korir.

**Sen. Korir:** Madam Temporary Speaker, as it has been said by my colleagues, allow me to also congratulate you for rising to an elective position three times. I also wish you the best in the coming elections because I know you are up to the task.

I would like to support the report that was brought by Members who attended the 3<sup>rd</sup> CPwD Conference. PWDs in this country have been going through a lot of challenges.

I come from Bomet County. I would like to state that the report in front of us has touched a number of issues affecting those people. Despite the fact that the Government has tried in terms of making sure that it addresses issues of infrastructure and accessibility of some buildings and incorporation of learners with disability in schools, I feel they are not recognised in a better way because there are a number of them still languishing in poverty---

**The Temporary Speaker** (Sen. Dullo): Sen. Korir, you will have a balance of 13 minutes when this Motion is listed on the Order Paper.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Dullo): Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until later today, Wednesday, 18<sup>th</sup> March, 2026, at 2.30 p.m.

The Senate rose at 1.00 p.m.