

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 16th May, 2024

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.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? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, hon. Senators. Let us take our seats. We now have quorum, so we will proceed with today's business.

Clerk, proceed to call the first order.

PAPERS LAID

REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Sen. Methu: Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to lay the following Papers on the Table of the Senate today 16th May, 2024-

Report of the Auditor-General on Financial Statements of Tana Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Mombasa Water Supply and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Rukanga Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Gatamathi Water and Sanitation Company Limited for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of Murang'a Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kilifi Mariakani Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Malindi Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Karuri Municipality for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Thika Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Githunguri Water and Sanitation Company Limited for the year ended 30th June, 2023.

(Sen. Methu laid the documents on the Table)

The Speaker (Hon. Kingi): Chairperson Standing Committee on Finance and Budget, proceed.

Sen. (Dr.) Khalwale, are you not a Member of the Committee on Finance and Budget?

Sen. (Dr.) Khalwale: Yes.

The Speaker (Hon. Kingi): You may proceed to lay the Papers.

REPORT ON THE PUBLIC FINANCE MANAGEMENT
(AMENDMENT) BILL (SENATE BILLS NO.40 OF 2023)

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. On behalf of the Chairperson of the Standing Committee on Finance and Budget of this House, I beg to lay the following Paper on the Table of the Senate, today 16th May, 2024-

The Report of the Standing Committee on Finance and Budget on its consideration of the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023)

(Sen. (Dr.) Khalwale laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statements pursuant to Standing Order No.52, the hon. Sen. Hamida Kibwana.

APPOINTMENT OF MAJOR GENERAL FATUMA AHMED
AS FIRST FEMALE AIR FORCE COMMANDER

That Statement is dropped.

(Statement dropped)

Statements pursuant to Standing Order No.53(1).
Sen. Veronica Maina, proceed.

LANDSLIDES IN KIGUMO CONSTITUENCY,
MURANG'A COUNTY

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding landslides in Kigumo Constituency in Murang'a County.

The environmental disasters experienced across the country are not just natural occurrences, but consequences of pollution, climate change and environmental degradation, which has disrupted the planet's balance leading to extreme weather patterns. I commend the Government for gazetting Friday 10th May 2024 as a national tree planting day. This initiative aligns with the environmental conservation efforts geared at addressing climate change and underscores the importance of sustainable forestry practices that may play a big role in arresting cases of landslides.

Mr. Speaker, Sir, the recent landslides in Mairi and Marura in Kangari Ward and Gituamba in Kinyona Ward both in Kigumo Constituency, Murang'a County, have resulted in displacement of a substantial number of residents, some of whom have sought temporary refuge at Mairi Primary School.

The affected people have lost their livelihoods, homes and other properties due to the landslides and are facing a difficult future. If help is not extended to them urgently, it will be difficult.

In the Statement, the Committee should-

(1) Assess and report on the devastation caused by the ongoing floods arising from the intense rains currently experienced in the country providing details of the number of people affected and estimates of the losses incurred;

(2) Explain the nature of assistance given to persons affected by recent floods and landslides, noting that the affected people are in dire need of temporary shelter, food and medical care. Further, state plans, if any, to support the resettlement of persons whose homes were destroyed by floods and landslides; and,

(3) Conduct a thorough assessment of the affected areas to mitigate the risk of future landslides and outline measures in place, if any, to find a lasting solution to the perennial incidences of landslides in parts of the country, including the improvement of drainage systems and slope stabilisation measures.

The Speaker (Hon. Kingi): Sen. Ogola, proceed.

IMPLEMENTATION OF DLP BY MINISTRY
OF ICT AND DIGITAL ECONOMY

Sen. Ogola: Thank you, Mr. Speaker, Sir. This is a request on the implementation of the digital literacy programme by the Ministry of Education.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology regarding the implementation of the digital literacy programme by the Ministry of Information, Communication and the Digital Economy.

In the Statement, the Committee should-

(1) Table a status report on the implementation of the digital literacy programme in the country;

(2) State which counties have benefited from the enhanced school infrastructure through the provision of broadband connectivity devices and power connection;

(3) Explain the criteria used to select the counties that benefited from the programme; and,

(4) State the total cost for the implementation of the project so far.

The Speaker (Hon. Kingi): Sen. Nyamu, proceed.

IMPROVEMENT OF ROAD INFRASTRUCTURE
AND ENHANCEMENT OF SAFETY

Sen. Nyamu: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning the improvement of road infrastructure and enhancement of road safety.

In the Statement, the Committee should-

(1) State the plans by the Government, if any, to equip first respondents at accidents scenes with first aid training to rescue victims and prevent further injuries caused by mishandling, stating the timelines for the same;

(2) Detail initiatives taken by the National Transport and Safety Authority (NTSA) to implement breathalyzers and drug tests on major highways to reduce incidents of drunk driving, which result in accidents and loss of lives;

(3) State measures taken to ensure motor cyclists, cyclists and pedestrians wear reflective clothing when travelling during night hours considering these times are deemed as peak accident hours;

(4) Outline initiatives put in place by the Government to educate and raise public awareness on the importance of crossing streets only in designated spots; and,

(5) State the plans by the State Department of Roads, if any, to enhance road infrastructure such as road markings, better lighting and installations of more visible signage along major highways nationwide and provide the timelines.

I thank you.

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The Speaker (Hon. Kingi): Sen. Crystal Asige.

STRATEGIC TRADE AND INVESTMENT
PARTNERSHIP BETWEEN USA AND KENYA

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the United States to Kenya Strategic Trade and Investment Partnership (STIP).

In the statement, the committee should-

- (1) State the direct benefits of the United States to Kenya STIP Agreement.
- (2) Explain the contents of the US to Kenya STIP with respect to tariffs on agricultural products and particularly poultry importation in Kenya from the USA and to what extent it will affect poultry farmers in Kenya.
- (3) Explain the trade and investment opportunities that the ministry has provided to poultry farmers to enable them to meet the market demand in Kenya and abroad.
- (4). State how county governments have been involved in implementation of STIP due to the fact that most of these partnerships touch on devolved functions such as agriculture.
- (5) State how the Government will ensure that the STIP agreement does not undermine trade agreements signed under regional bodies for which Kenya is a member such as the African Continental Free Trade Area Customs Union (AfCFTA) and the Common Market for Eastern and Southern Africa (COMESA) Agreement amongst others.

I thank you.

The Speaker (Hon. Kingi): Sen. Faki Mwinyi Haji.

DECLINE IN PERFORMANCE AT
SHIMO LA TEWA HIGH SCHOOL

Sen. Faki: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on the current state of Shimo La Tewa High School in Mombasa County.

Mr. Speaker, Sir, Shimo La Tewa High School is the only national boys' school in Mombasa County that has nurtured many prominent leaders in our country, including the Speaker Emeritus Honorable Francis Olekaparo and retired General Joseph R. Kibwana, former Chief of Defense Forces, to name but a few. However, the school has in the recent past experienced a downward trend in performance among other issues. If not addressed, it may never produce the caliber of renowned leaders it has produced before.

In the statement, the Committee should-

- (1) Investigate the causes of the downward spiral of performance in the school, descending from a mean score of 7.6 in 2020 to 6.1 in 2023, with the likelihood of a further downward trend going by the recent mock results of a mean score of 5.0.

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(2) Confirm the amount of and fate of the money realized from the disposal of all scrap metals from the school, stating who was authorized to dispose and whether due process was followed in the disposition of the said scrap metals as per the relevant law.

(3) The basis for the current policy of the school barring students from participating in co-curricular activities such as sports and explain the vandalism of sports facilities in the school.

(4) Provide a report on the school policy on employment and deployment of the non-teaching staff in the school, giving the ethnic composition of the said non-teaching staff.

Thank you.

The Speaker (Hon. Kingi): Senator Tabitha Mutinda.

FINANCIAL SUPPORT TO NEEDY AND VULNERABLE
STUDENTS IN INSTITUTIONS OF HIGHER LEARNING

Sen. Kibwana: Thank you, Mr. Speaker, Sir. I will read on behalf of Sen. Tabitha Mutinda.

Mr. Speaker, Sir, I rise first to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding financial support to needy and vulnerable students enrolled in institutions of higher learning.

In the statement, the committee should-

(1) Outline the various funding categories within the higher education funding model, which is used to distribute scholarships, loans and bursaries to needy and vulnerable students enrolled in universities and Technical and Vocational Educational and Training (TVET) Institutions.

(2) State the parameters used by the Ministry of Education to place needy and vulnerable students in the various categories of funding.

(3) Provide details on the financial support advanced to students in each category, indicating the precise amounts disbursed *vis-à-vis* the required tuition fee.

(4). Explain any measures put in place to ensure that students are accurately placed in the funding categories that correspond to their genuine needs.

The Speaker (Hon. Kingi): Sen. Chimera on behalf of Sen. Miraj Abdullahi. Senator Chimera, I have consulted with the Senator of Mombasa: The two statements, the statement that has just been presented by the Senator for Mombasa is the same with what you are about to present.

(Sen. Orwoba consulted loudly)

Sen. Gloria, you are out of order.

If it is not the same, you may proceed on the aspects that differ with the statement that has been requested.

Proceed.

Sen. Chimera: Mr. Speaker, Sir, I would wish to seek your guidance before I proceed. I see this Statement was earlier on presented before Senator Mwinyihaji Faki presented his. It is fundamentally very different.

The Speaker (Hon. Kingi): Proceed.

MANAGEMENT OF FUNDS AT SHIMO
LA TEWA HIGH SCHOOL

Sen. Chimera: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), on behalf of Senator Miraj Abdullahi, to seek a Statement from the Standing Committee on Education regarding the management of Shimo La Tewa High School in Mombasa County.

In the statement, the committee should-

(1) Provide a breakdown of the fee structure of Shimo La Tewa High School for the last five years and its utilization, outlining the rationale behind the consistent rise in fees for remedial classes, stating whether relevant stakeholders were engaged before the fee hike.

(2) Outline the measures implemented by the Director of Schools Audit Services within the Ministry of Education to ensure compliance with Article 29(2)(A) of the Basic Education Act that states that no child shall be refused to attend school because of failure to pay such charges.

(3) Investigate the whereabouts of the Kshs5 million fundraised by parents for the purchase of a school bus, as no such acquisition materialized, stating all other projects that the school has involved parents to initiate in the last five years; stating the amount the parents contributed and if they were issued any receipts.

(4) Carry out any inquiry into the condition of dormitories at Shimo La Tewa High School, particularly to address reports of students sleeping on the floor, despite fundraising for the construction of a dormitory which required parents to contribute Kshs10,000 each.

(5) State the reasons for the sacking of six staff members and the criteria used to recruit 10 new staff members in 2024, detailing the date of the advertisement, names of those shortlisted and date when the interviews were conducted.

The Speaker (Hon. Kingi): Sen. Hamida Kibwana, your Statement under Standing Order No.52(1) had been dropped, but having explained your absence to the satisfaction of the Chair, it is hereby reinstated and you may proceed.

APPOINTMENT OF MAJOR GENERAL FATUMA AHMED
AS FIRST FEMALE AIR FORCE COMMANDER

Sen. Kibwana: Thank you, Mr. Chairman, Sir. Apologies. I was appointed by my party in the Emergency Response Committee, we were in Mavoko distributing food.

(Sen. Cherarkey consulted Sen. Kibwana)

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The Speaker (Hon. Kingi): Proceed, Senator Kibwana. Senator for Nandi, you may not interfere.

Sen. Kibwana: Mr. Speaker, my Statement is concerning the appointment of Major General Fatuma Ahmed as the first female Kenya Air Force Service Commander and Major-General.

(Applause)

I rise pursuant to Standing Order No.52(1) to extend heartfelt congratulations to Major General Fatuma Ahmed on her historic appointment as the first female service commander of the Kenya Air Force and Major General in Kenya. This milestone achievement not only marks a significant moment in the annals of our military history, but also stands as a beacon of inspiration for women across our nation.

As the Chairperson of the Kenya Women Senators Association (KEWOSA), I take immense pride in Major General Fatuma Ahmed's accomplishment. Her appointment not only reflects the growing recognition of women's capabilities in traditionally male-dominated sectors, but also underscores the strides being made towards gender equality and women's empowerment in our country.

The KEWOSA has long been a leader in advocating for women's empowerment and gender equality and championing the rights of marginalised groups. Major General Fatuma Ahmed's ascent to this esteemed position aligns perfectly with KEWOSA's core values and serves as a testament to the talent, dedication, and capabilities of Kenyan women.

Major General Ahmed's exemplary leadership, professionalism and dedication to service have made her a role model not just for women, but for all Kenyans. Her achievements pave the way for future generations of women to pursue their dreams and ambitions without intimidations.

In conclusion, I call upon the august House to join me in congratulating Major General Fatuma Ahmed on her well-deserved appointment.

(Loud consultations)

Mr. Speaker, Sir, kindly protect me.

The Speaker (Hon. Kingi): Order, hon. Senators. Let the Senator be heard in silence.

Sen. Kibwana: In conclusion, I call upon the august House to join me in congratulating the---

Sen. (Prof.) Tom. Ojienda Odhiambo, SC: On a point of order, Mr. Speaker, Sir. Under Standing Order No.1, is it in order for the Senator to imply that KEWOSA played a role in the promotion of Major General Fatuma? There is no connection between KEWOSA and the General who is my neighbour.

Sen. Kibwana: Mr. Speaker, Sir, that is not true. I said KEWOSA has---

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The Speaker (Hon. Kingi): Order, Senator.
Senator for Kisumu, you are totally out of order for relying on Standing Order No.1 on this aspect.

(Laughter)

Proceed, Sen. Hamida.

Sen. Kibwana: Mr. Speaker, Sir, in conclusion, I call upon this august House to join me in congratulating Major General Fatuma Ahmed on her well-deserved appointment. Let us celebrate her accomplishments as a win, not just for her, but all Kenya women who strive for excellence and equality in every sphere of society. Her journey reminds us that barriers can be broken and dreams can be realised through hard work---

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

The Speaker (Hon. Kingi): What is your point of order, Senator for Meru?

(Sen. Kathuri spoke off the record)

That Statement has been approved by the Speaker.

Sen. Kathuri: Mr. Speaker, Sir, as much as I agree with Sen. Hamida, she seems not to want to mention the actual name of Major General Fatuma Gaiti Ahmed. Fatuma Gaiti Ahmed is a Meru lady.

On several occasions, she has refused to mention Gaiti because she was born and raised in Meru. Why are you avoiding the middle name Gaiti? Gaiti is a Meru lady. Could you kindly state her name correctly? She is called Major General Fatuma Gaiti Ahmed.

The Speaker (Hon. Kingi): Senator for Meru, I wish you rose on a point of information.

Proceed because there is nothing out of order.

Sen. Kibwana: Thank you for the information, *Bw.* Deputy Speaker. I will repeat that paragraph.

Mr. Speaker, Sir, in conclusion, I call upon the august House to join me in congratulating---

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker Sir.

The Speaker (Hon. Kingi): Sen. Boni, could we allow Sen. Hamida to conclude on her Statement? What is your point of order?

Sen. Hamida, please yield.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I am firmly aware that when you approved this Statement, as the Mover has done and as the point of order has demonstrated, you did not wish to introduce the issue of tribalism in our military. Segregation against men in our Constitution---

The Speaker (Hon. Kingi): Order, Sen. Boni.

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

Sen. Boni, Order! When the Chair is speaking, you keep silence.

Sen. Boni, what the Senator for Meru has given is information. Khalwale does not necessarily mean that you are a Luhya. The Senator for Meru said the Major General hails from Meru. I do not see the aspect of tribalism coming in.

Secondly, Senator for Kakamega, you have not stated the Standing Order under which you are raising your point of order. To that extent, you are out of order. Kindly take your seat.

Sen. Hamida, please conclude on this Statement.

Sen. Kibwana: Mr. Speaker, Sir, in conclusion, I call upon this august House to join me in congratulating Major General Fatuma Gaiti Ahmed on her well-deserved appointment. Let us celebrate her accomplishments as a win, not just for her, but for all Kenyan women who strive for excellence and equality in every sphere of society. Her journey reminds us that barriers can be broken and dreams can be realised through hard work, determination, and perseverance.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Karoche.

HUGE PENDING BILLS IN NAKURU COUNTY

Sen. Tabitha Keroche: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding Nakuru County huge pending bills. In the Statement, the committee should-

(1) Explain the circumstances which led to increase in pending bills from Kshs809 million as at 31st June, 2022, to Kshs1.615 billion as at 30th September, 2023, despite availability of funds in the County Revenue Fund (CRF) Account during the period in question.

(2) State whether there are any elaborate plans, measures, and budget to settle all the pending bills accrued between 30th June, 2022, to 30th September, 2023, before the end of the current Financial Year (FY) 2023/2024.

Mr. Speaker, Sir, if you allow, I will request my second Statement.

ILLEGAL POSSESSION OF NAKURU WORKERS' HOUSING COOPERATIVE SOCIETY LAND

Sen. Tabitha Keroche: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from Standing Committee on Land, Environment, and Natural Resources regarding illegal possession of Nakuru Workers' Housing Co-operative Society (NWHCS) Land.

In the Statement, the committee should-

(1) Explain why 421 members of the NWHCS are being illegally evicted from a 63-acre piece of land they legally purchased from the Thuo Commercial Agency in 1990.

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(2) Explain why the court issued judgment in favour of the vendor, despite the fact that the land sale agreement in my possession shows an irregularity where the vendor's lawyer and the buyer are the same, raising serious doubts on conflict of interest, fraud, and malpractice.

(Sen. Kavindu Muthama consulted loudly)

The Speaker (Hon. Kingi): Sen. Kavindu, please take your seat. Senator for Machakos, you will tell those stories later.

Hon. Senators, before we move to the next Order, allow me to make this communication.

(Interruption of debate on Statements)

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM THE UNIVERSITY OF NAIROBI SCHOOL OF LAW

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of visiting students from the University of Nairobi School of Law, Parklands Campus. The students are in the Senate for a one-day academic exposition.

Now, hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them, and on behalf of the Senate and on behalf of the Senate, wish them a fruitful visit.

I will allow the Professor of Law, the Senator of Kisumu County, in under one minute, to extend a warm welcome. Thereafter, I will allow Sen. Mungatana also under one minute to extend a warm welcome.

(Loud consultations)

Order, Senators.

Sen. (Prof.) Tom Ojienda Odhiambo, SC: Thank you, Mr. Speaker, Sir, for allowing me to welcome the delegation from the University of Nairobi, School of Law to the Senate.

Ladies and gentlemen, I want to welcome you to the Senate. I am an alumnus of the University of Nairobi, like many Senators here. When you take a day to visit the Senate, it is an opportunity to learn not only about the bicameral system, but to understand the role of the Senate under the Constitution.

You will also see how Bills are debated in the Senate, so that when you go back, you understand what we often teach you in terms of the stages that Bills go through before they become law. I welcome you heartily, and I also hope that you will also visit

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the National Assembly, so that you understand how concurrent jurisdictions over Bills are undertaken where a matter falls both before the National Assembly and eventually before the Senate.

Every law student needs to appreciate the practical nature of the practical processes that Bills follow before they are enacted into law. Out there, when the law is unconstitutional, we often wait until laws are enacted by the Houses of Parliament before we challenge them in court.

The good measure is that the students will have an opportunity, first, to both understand the process of the Senate and then secondly, when they eventually become advocates, to understand the processes that they use to go to court and to deal with petitions at that level.

In the Senate, we also have Petitions and Statements as you have heard read this afternoon. Statements inform the public on various public issues and enable investigations to be undertaken on matters that are raised on the Floor of the Senate.

The Speaker (Hon. Kingi): Sen. Mungatana, please, proceed and kindly, do not give a lecture just like what our good Professor has done.

(Laughter)

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I also want to join you and Sen. (Prof.) Tom Ojienda, in welcoming the students who are here.

To the students, you have a unique opportunity that we never had when we were students ourselves. I served in the student government at the university. I came out and practiced law. We served in the Law Society of Kenya (LSK) with Sen. (Prof.) Tom Ojienda. We came out and now we are serving the nation in this manner.

We want to ask you to always put God before and work hard, and I tell you, everything is possible. I ask you to focus on your studies and work hard. It will work for you like it did for us.

Thank you, and God bless you.

The Speaker (Hon. Kingi): Sen. Kisang', please, proceed with your request for a Statement.

(Resumption of debate on Statements)

INTERNET DISRUPTIONS CAUSED BY
SUBMARINE CABLE CUTS AND FOLDS

Sen. Kisang': Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication, and Technology regarding the recent internet disruption in Kenya caused by submarine cable cuts and folds.

In the statement, the committee should-

(1) Elaborate on the extent of damages to the undersea cables affecting internet connectivity in Kenya and the broader East African region, stating the measures being taken to expedite the repair process and restore full internet access;

(2) Disclose any measures taken by regulators and relevant authorities to address the potential national security implications arising from submarine cable cuts and folds disrupting internet connectivity in Kenya, explaining what other measures are being implemented to safeguard critical digital infrastructure against such security concerns;

(3) Outline any measures explored or implemented to enhance the resilience of Kenya's digital infrastructure against submarine cable cuts and falls and state the anticipated timelines for the implementation; and finally,

(4) Explain how these disruptions impact Kenya's competitiveness in the global digital economy and outline any strategies being considered to mitigate any potential long-term effects.

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

PROGRAMMES OF THE MINISTRY OF YOUTH
AFFAIRS, CREATIVE ECONOMY AND SPORTS

Sen. Mbugua: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labor and Social Welfare regarding the various programmes carried out by the Ministry of Youth Affairs, Creative Economy, and Sports.

In the statement, the Committee should-

(1) Table a report on the status of completion of both new and old sports stadia that have undergone renovation in the country from 2019 to date;

(2) Outline the counties that have benefited from the Talanta Hela Programme, detailing the amount spent per programme;

(3) Explain the criteria used by the Sports, Arts, and Social Development Fund to allocate money to the various sports federations and independence adverts; and,

(4) State the social development programmes carried out by the Sports, Arts, and Social Development Fund and the extent to which this fund has benefited persons with disability.

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

COMMEMORATION OF MENTAL
HEALTH AWARENESS MONTH

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern, namely - Mental Health Awareness Month, which is observed worldwide in May and was first recognized in 1949.

Mental Health Awareness Month began in the United States of America as an initiative of Mental Health America to educate the public about mental health, raise

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awareness surrounding research and treatments, reduce the stigma associated with mental illness and celebrate recovery from mental illness.

In Kenya, we are only beginning to embrace, appreciate and accept mental health as an important aspect of our well-being. Therefore, we are not as schooled in these mental health matters as we should be. Some reasons that make people not seek care for mental illness include stigma and lack of awareness. Signs of mental health conditions and even lack of resources, make us also not seek mental health treatment.

Mental Health Awareness Month offers us an opportunity to raise awareness and reduce the stigma surrounding mental and behavioral health issues, as well as highlight the ways mental illness and addiction can affect all of us; patients, providers, families, and our societies at large.

Hospitals and health systems play an important role in the conversations around mental health care, including creating partnerships that address mental health issues in non-traditional ways. Previously, I served in the Ministry of Medical Services, and there was a serious shortage of doctors in the Department of Mental Health.

Mr. Speaker, Sir, this week, 13th to 19th May, 2024 is mental health awareness week. The theme that has been dedicated for the week is “*Movement: Moving more for our mental health*”. Movement is important for our mental health and many of us struggle to move enough. There are various reasons for this, but during this mental health awareness week, I encourage us, and Kenyans in general, to find moments for movements in their daily routine. Simple but most neglected things such as going for a walk in your neighborhood, putting on your favorite music and dancing around the living room, chair exercises while watching television, count.

As the Chair of the Senate Sports Committee assisted by Sen. Beth Syengo, we are encouraging our Members to go back to the field because we are now starting serious training for the games in December. One of the most important things we can do to help protect our mental health is regular movement. Our bodies and minds are interconnected. Looking after ourselves physically also helps us prevent problems with our mental health. Movement is a great way to enhance well-being.

Life gets busy and it can feel like we do not have time to spend on activities to improve our wellbeing. However, finding moments throughout the day might be easier than we think. I would like to invite all of us to reflect on some simple questions. How often do you find yourself waiting for the kettle to boil, children to come out of school, waiting in your car, waiting for delivery? If you use the time for moving, that will certainly add up. You could do simple things like marching on the spot, flexing your toes and fingers, stretches on your chair. When you are beginning to move more for your mental health, it is recommended that you set goals for yourselves. Simple walking can be a goal. Pushing yourself each day further can be a goal. Perhaps it might be a good idea to keep a movement journal so that you can track your progress.

I would like to encourage us to take a break from sitting. Many of us sit for long periods during the day because of the kind of duties we do. However, we must choose to move because this is the best option that we can most practically do on a day-to-day basis. I was reading the last regrets that most people who are about to die have. This is

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research that was done in old people's homes. The greatest regret is that they did not embrace family enjoyment moments, fun, and laughter as they ought to with their children. Movement, as we have fun and laughter within the family, increases our motivation and the psychological benefits that accompany them.

In this mental health awareness week, I encourage us to create time to play games with our children and friends. Interrupt the extra long working weeks with fun movement and this will give us an energy boost. We can strengthen our personal relationships or make new friends when we take part in movement activities with other people. These social connections are also great for our mental health and well-being.

Let me conclude by reminding us that the world is constantly changing - for better or for worse - and it can be overwhelming to deal with everything going on around us. While society is getting more comfortable discussing mental health, it can still be hard to know where to start when it comes to taking care of our well-being. This May, as we commemorate the Mental Health Awareness Month, let us purpose to—

(a) Learn how modern life affects our mental health and find new resources to navigate our changing world.

(b) Act by building our coping “toolbox” so we can better manage stress, difficult emotions, and challenging situations.

(c) Advocate to improve mental health for ourselves, our friends, families and communities.

The Speaker (Hon. Kingi): We will proceed to the Statement pursuant to Standing Order No. 57 (1) by the Senate Majority Leader.

BUSINESS FOR WEEK COMMENCING
TUESDAY, 21ST MAY, 2024

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1). I hereby present the business of the Senate for the week commencing Tuesday, 21st May, 2024.

Forty-three Bills are pending conclusion in the Senate. Of these Bills, 40 are at the Second Reading stage while three are at the Committee of the Whole stage. A total of 16 Motions are pending conclusion, 20 Petitions are due for reporting by the respective Standing Committees, and, 348 statements are pending before the respective Standing Committees.

The increasing number of Petitions presented in the Senate demonstrates the public's unwavering trust in the Senate. For this reason, I cannot overemphasize the need for Standing Committees to expedite consideration of Petitions referred to them and table reports thereon within the stipulated timeline.

The breakdown of Petitions due for reporting by the various Standing Committees is as follows-

(1) Standing Committee on Agriculture, Livestock and Fisheries, two Petitions;

- (2) Standing Committee on Education, two Petitions;
 - (3) Standing Committee on Justice, Legal Affairs and Human Rights, one Petition;
 - (4) Standing Committee on Land, Environment and Natural Resources, eight Petitions;
 - (5) Standing Committee on National Security, Defence and Foreign Relations, four Petitions;
 - (6) Standing Committee on Roads, Transportation and Housing, two Petitions;
- and,
- (7) Standing Committee on Trade, Industrialization and Tourism, one Petition.

I humbly request Members of the Committee on National Security, Defence, and Foreign Relations as well as their colleagues in the Standing Committee on Land, Environment, and Natural Resources to expedite Petitions before them. They are the committees with the highest numbers of Petitions that are yet to be reported in the House.

I have seen the Chairperson of the Committee, Sen. Methu. I am not sure whether Sen. Cheptumo or the vice-chairperson of the Committee, Sen. Nyamu is here. They need to expedite those Petitions so that citizens can continue to present them before us.

The Senate Business Committee will meet on Tuesday, 21st May, 2024 to consider the business for the week. The tentative business for Tuesday will include business not concluded from today's Order Paper as well as the business indicated in the Notice Paper, which includes Bills at the Second Reading Stage and Motions.

The tentative business for Wednesday, 22nd May, 2024 (Morning Sitting) will include the schedule of Questions as approved by the Senate Business Committee as well as Motions. The summary of the Questions is as follows-

(1) Question No. 019 to the Cabinet Secretary for Agriculture and Livestock Development by Sen. Joyce Korir, MP.

(2) Question No. 021 to the Cabinet Secretary for National Treasury and Economic Planning by Sen. Edwin Sifuna, MP.

(3) Question No. 042 to the Cabinet Secretary for Agriculture and Livestock Development by Sen. Danson Mungatana, MGH, MP.

(4) Question No. 047 to the Cabinet Secretary for Agriculture and Livestock Development by Sen. (Dr.) James Murango, MP and,

Two questions to the Cabinet Secretary for Environment, Climate Change and Forestry.

These questions will be presented before the various Cabinet Secretaries. We have the Cabinet Secretary for Agriculture and Livestock Development and the Cabinet Secretary for National Treasury and Economic Planning who I note has never made a maiden appearance before this House. The Cabinet Secretary for Environment, Climate Change and Forestry, who is a former Senator, will be here to respond to questions by various Members on Wednesday 22nd May, 2024.

I hope Members can find time to come and interact.

Mr. Speaker, Sir, I must appreciate that the last few weeks have been quite interactive and Members have presented their issues before the Cabinet Secretaries who

have come. We must appreciate the office of the Speaker for indulging Members, especially on the sticky topic of what is a related Supplementary Question. We want to beg that you indulge us even further because the Cabinet Secretaries need to know what is happening in their State Departments, whether asked prior, presently, or even in the future.

The business for Wednesday, 22nd May 2024 afternoon sitting will include business not concluded in the Order Paper on Tuesday, 14th May. These are Bills that are in the Second Reading stage. They include the National Construction Authority (Amendment) Bill (National Assembly Bills No.59 of 2023) and the Meteorology Bill (Senate Bills No.45 of 2023) which was moved yesterday. I think Sen. Mungatana, at the rise of the House, was seconding that Bill.

Additionally, we have the Statutory Instruments Bill (Amendment) Bill (National Assembly Bills No.2 of 2023) which we concluded its second reading yesterday, the Wildlife Conservation and Management Bill (Amendment) Bill (Senate Bills No.46 of 2023) and the Nuts and Oil Crop Development Bill (Senate Bills No.47 of 2023).

Mr. Speaker, Sir, various Motions include consideration of National Assembly Amendments to the County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022.). I want to urge my colleagues, that upon the conclusion of the Committee of the Whole Stage this afternoon, if you can stick around, we can conclude with this Motion because the Committee has agreed to the amendments that have been done by our colleagues in the National Assembly. It is a very straightforward matter that you do not need to haggle upon.

Mr. Speaker, Sir, upon considering that Motion this afternoon, should you find that this is a matter that concerns counties as expected, we can take the vote on it. This is a critical Bill, that sets the uniform standard for license payment across all our 47 counties. It is part of the bills that we have been discussing in this House and many others.

There is a Report of the Standing Committee of Health on the alleged irregularities in the procurement of long-lasting insecticide treated nets at Kenya Medical Supplies Agency (KEMSA). This is a Report that has been tabled before this House. I want to urge Members to read and support that Report.

Finally, the business for Thursday will be the business that we will not have concluded on the previous day.

I hereby lay this Statement to the Table of the Senate, today, Thursday 16th May, 2024.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Senate Majority Leader, may you approach the Chair.

(Sen. Cheruiyot approached the Speaker)

Hon, Senators at this juncture allow me to invoke the provisions of Standing Order No.45(2) to rearrange, the sequence of today's Order Paper for the convenience of the House. We will move straight away to Order No.9 and 10 and thereafter we will resume the normal flow of today's business as contained in the Order paper.

Clerk, proceed to call that order, please.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]

The Temporary Chairperson (Sen. Wakili Sigei): Serjeant-at-Arms, could you please ring the Quorum Bell for 10 minutes?

(The Quorum Bell was rung)

Serjeant-at-Arms, continue to ring the Quorum Bell for another five minutes.

(The Quorum Bell was rung)

Order, Hon. Members. Sen. Mandago, Sen. (Prof.) Tom Ojienda Odhiambo, kindly take your seats. Sen. Kisang', Sen. Chimera and Sen. Gataya Mo Fire, kindly take you seats.

(Several Senators sat at their places)

(The Quorum Bell was rung)

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Aaron, please approach the Table.

(Sen. Cheruiyot consulted with the Temporary Chairperson)

Hon. Members, we are unable to raise quorum for purposes of Division.

(Sen. Cheruiyot spoke off record)

Please confirm the quorum.

Order, Members. We would now like to proceed to Division on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023).

Serjeant-at-Arms, please lock the Doors and draw the Bar.

(The Bar was drawn and the Doors closed)

Hon. Senators, log out from your delegate unit. Serjeant-at-Arms, collect the cards not utilised from the delegates' units.

Members, you may now log back. We are now ready for Divisions.

(Question, that Clauses 6,11,20,23,27,28,29,31,31A,31B,32,33,34,35, 36,37,38,47,49, the First Schedule and Second Schedule be deleted as proposed put)

Hon. Members, start voting now.

(Electronic voting in progress)

The Temporary Chairperson (Sen. Wakili Sigei): Sen. Joe Nyutu, please approach the Chair.

(Sen. Joe Nyutu consulted with the Temporary Chairperson)

Hon. Senators, we will now go to the second question. Clauses with amendments.

(Question that Clauses 3,5,7,13,15,19,24,27,29,30,34,39,40,41,42, 44,46,50,51, the Third Schedule and Clause 2 be amended put)

Hon. Members, proceed to vote. Do not vote for whoever is not in the Chamber. Members, please vote.

(Electronic voting in progress)

We are just about to conclude voting.

Sen. Kisang' and Sen. Faki, approach the Chair.

(Sen. Kisang' and Sen. Faki approached the Temporary Chairperson)

We are now progressing to the next question. I will put the question. Hon. Members, start voting now.

(Electronic voting in progress)

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Sen. Tabitha Keroche and Sen. Samson Kiprotich, approach the Chair.

*(Sen. Tabitha Keroche Sen. Cherarkey
approached the Temporary Chairperson)*

THE CONFLICT OF INTEREST BILL (NATIONAL
ASSEMBLY BILLS NO. 12 OF 2023)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 6, 11, 20, 23, 27, 28, 29, 31, 31A, 31B, 32, 33, 34, 35, 36, 37,
38, 47, 49, the First Schedule and the Second Schedule be deleted as proposed, put and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo Marakwet County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda, SC Kisumu County; Sen. Wakili Sigei, Bomet County; and, Sen. Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the Division are as follows-

AYES:25

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

DIVISION

ELECTRONIC VOTING

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(Question, that Clauses 3, 5, 7, 13, 15, 19 (Chair) (Sen. Olekina), 24, 27 (Sen. Olekina), 29, 30, 34 (Sen. Olekina), 39, 40, 41, 42 (Sen. Olekina), 44, 46, 50, 51, the Third Schedule and Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang', Elgeyo Marakwet County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. (Prof.) Tom Ojienda, SC Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wambua, Kitui County; and, Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the division are as follows-

AYES:25

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3 (as amended), 4, 5 (as amended), 7 (as amended), 8, 9, 10, 12, 13 (as amended), 14, 15 (as amended), 16, 17, 18, 19 (as amended), 21, 22, 23 (as amended), 25, 26, 29, 30 (as amended), 39 (as amended), 40 (as amended), 41 (as amended), 42 (as amended), 43, 44 (as amended), 45, 46 (as amended), 48, 50 (as amended), 51 (as amended), the Third Schedule (as amended), 2 (as amended), the Title and Clause 1, be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale,

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Kakamega County; Sen. Kisang', Elgeyo Marakwet County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda, SC Kisumu County; Sen. Wakili Sigei, Bomet County; Sen. Wambua, Kitui County; and, Wambua, Kitui County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, the results of the division are as follows-

AYES:25

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 25 votes to Nil)

The Temporary Chairperson (Sen. Wakili Sigei): Honourable Members, we are now reporting to the House. I would like to ask the Senate Majority Leader to move.

Sen. Methu: Mr. Chairperson, Sir, on behalf of the Leader of the Majority, I beg to move that the Committee do report to the Senate its consideration of the Conflict of Interest Bill, (National Assembly Bill No.12 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

(Several Senators walked out of the Chamber)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, please hold on. Kindly have your seats. Let us conclude this business nicely.

We will have progress reported on the Conflict of Interest Bill (National Assembly Bills No.12 of 2023). Let us have the Chairperson.

CONSIDERATION OF REPORTTHE CONFLICT OF INTEREST BILL (NATIONAL
ASSEMBLY BILLS NO.12 OF 2023)

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Conflict of Interest Bill (National Assembly Bills No.12 of 2023) and its approval thereof with amendments.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

I request Sen. Chimera to second.

The Deputy Speaker (Sen. Kathuri): Where is Sen. Chimera?

Sen. Chimera: I second.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the Conflict of Interest Bill (National Assembly Bills No.12 of 2023) be now read a Third Time.

Sen. (Prof.) Tom Ojienda, SC: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Let us proceed to vote.

(Electronic Voting in progress)

Sen. Kavindu, kindly approach the Clerk's Table.

(Sen. Kavindu Muthama approached the Clerk's Table and registered her vote)

THIRD READING

THE CONFLICT OF INTEREST BILL (NATIONAL
ASSEMBLY BILLS NO.12 OF 2023)

DIVISION**ELECTRONIC VOTING**

*(Question, that the Conflict of Interest Bill (National Assembly Bills
No.12 of 2023) be now read a Third Time, put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Mungatana, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda Odhiambo, Kisumu County; Sen. Wakili Sigei, Bomet County; and, Sen. Wambua, Kitui County.

NOES: Nil.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the results of the Division are as follows-

AYES: 25

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 25 votes to 0)

(The Bill was accordingly read a Third Time and passed)

The Deputy Speaker (Sen. Kathuri): Let us now go back to Order No.8.

BILL*Second Reading*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.2 OF 2023)**DIVISION**

ELECTRONIC VOTING

(Question that the Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023), be now read a Second time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nziopia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Githuku, Lamu County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Kathuri, Meru County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kisang, Elgeyo Marakwet County; Sen. Maanzo, Makueni County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi, Mundigi, Embu County; Sen. Mungatana, MGH, Tana River County; Sen. Murgor, West Pokot County; Sen. Sifuna, Nairobi City County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. (Prof.) Tom Ojienda, Kisumu County; Sen. Wakili Sigei, Bomet County and Sen. Wambua, Kitui County.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the results of the Division are as follows-

AYES: 26

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 26 votes to Nil)

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

The Deputy Speaker (Sen. Kathuri): I now order that the Doors be opened and the Bars be drawn.

(The Bars were drawn and doors opened)

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Hon. Senators, we are now on Order No.13. The business appearing in Order No.9 is deferred.

COMMITTEE OF THE WHOLE

THE GAMBLING CONTROL BILL
(NATIONAL ASSEMBLY BILLS NO.70 OF 2023)

(Committee of the Whole deferred)

The Deputy Speaker (Sen. Kathuri): So, we are on Order No. 13. Clerk, read it out, kindly.

BILL

Second Reading

THE METEOROLOGY BILL (SENATE
BILLS NO.45 OF 2023)

(Sen. Cheruiyot on 15.05.2024)

(Resumption of debate interrupted on 15.05.2024)

The Deputy Speaker (Sen. Kathuri): Sen. Mungatana, you have the Floor.

Sen. Mungatana, MGH: Mr. Deputy Speaker, Sir, yesterday, I was just beginning to Second this Bill when time ran out. This Bill is very critical to manage the weather conditions in this country.

Previously, the Meteorology Department has just been a department within a Ministry. They have had constraints on budgets. They have had issues with the management of their funds. A technical department such as the Meteorological Department, was unable even to purchase important equipment that is necessary for purposes of doing the scientific things that they need to do, so that we can have accurate assessment of the weather and reporting to the citizens of this Republic.

What this Bill is seeking to do is to create an authority that will be semi-independent. This authority will have the power to determine its budget. It will have the ability to source funding. It will be able to collaborate with similar organizations all over the world, and also partner with similar organizations all over the world. These kinds of partnerships become very difficult to happen when you are a department within a ministry. When we establish an authority, the Meteorological Authority as we want to do now, then we can enable this authority to reach its full potential. Previously, the issues of climate change were not a central global agenda. It was okay to put the meteorological

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department as a simple department within a ministry. The issues of climate change have become now a major global agenda.

Kenya, through the President, is heading the Africa Climate Change effort that is done through the heads of states in the African Union (AU). Our President has been at the forefront, pushing the climate change agenda. So, it is incumbent upon us to also do what we can from behind. When we set up the Metrological Authority that will be able to attract funding and enter into global partnerships, then we are heading in the right direction towards the climate change response.

Metrology is a science that requires a lot of research. When you look at the specialists who are employed in the department in the ministry, we are not able to attract the kind of personnel that is required. This is because of the remuneration that is given to all the staffers keeping with the terms and conditions that are within ministries.

Some of the knowledgeable people that are required are highly trained personnel. If we create an independent organization, then that organization will be able to attract other forms of remuneration and compensation to attract highly trained personnel to work in the Kenya Meteorological Service Authority that we are creating through this Bill. If this authority becomes a reality, the Government of Kenya will have a central place where we can invest seriously in research.

Issues related to weather are highly advanced and regulated in more advanced economies. In fact, in those economies, specialization is high because they depend on the weather for their economy to function. So, accuracy around the predictability of how the weather will look determines the productivity of those countries. Therefore, because of the kind of shift and changes that have taken place within the environment and climate we live in, it is necessary, whether we like it or not, to adapt to the new reality.

The new reality is that we have different weather patterns that are emerging. So, we need a new strategy and research methods to deal with them. As the meteorological department is constituted, it cannot handle the changes coming with the new climate realities we live in these years. Setting up this organization will attract the research knowledge and investment required for us to successfully move the Kenyan society to another level.

The issues of predicting climate and climate change preparedness will be tackled under the new authority. These issues are real for us. People from highly climate-affected areas like Tana River County will need more accurate predictions of weather patterns, so that we are prepared. For example, if it is predicted that we will have long rains or long dry spells. The kind of information that will come from this new body will be more reliable. It will help the farmers in Tana River County to invest in accordance to the proper weather patterns. It will help people doing livestock farming in Tana River County predict the weather patterns and invest accordingly. Sometimes, we suffer heavy losses because we experience longer dry spells than anticipated, and our cattle farmers, who value their animals, keep them with the hope that it will rain.

Without proper predictions, we have massive losses because the cows start falling off, then the goats and the sheep because people live on hope and traditional ways of predicting whether it will rain. However, if we have a proper meteorological prediction

that will come with proper investment and a legal framework that we are setting up here in the Senate, the losses our livestock farmers suffer currently will be reduced. This is because proper weather patterns will be predicted. People will know it is time to sell so we do not suffer losses. Farmers in crop production will know the kind of crops to plant. We need more climate-adaptive seeds for different seasons. This will be facilitated by proper climate predictions from this society.

In short, we need to support this Bill as a Senate because we need a proper legal framework. We need to graduate from the meteorological department from being a mere department of the Kenya Meteorological Society. The Kenya Meteorological Authority will have proper investment from the Government, partners, and donors. It will attract proper partnerships from Africa and outside Africa. We will attract qualified personnel to give us fair and more accurate predictions that will stave off any negative effects on the climate against our people.

I urge every Member of the Senate who will speak to this Bill to support what we are doing. We are creating a new legal framework that will enable the meteorological department to transit into the Kenya Meteorological Authority. It will attract all the support, and function as an efficient authority to attract the correct people. Obviously, over time, this will translate into proper weather and climate predictions that will help our farmers in animal and crop production. The farmers will maximize this information by making more profit from their activities. It will also stave off the losses we suffer.

I urge all Members who will have an opportunity to speak to it to support the Bill. Mr. Deputy Speaker, Sir, with those few remarks, I beg to Second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, proceed.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I rise in support of the Meteorology Bill (Senate Bill No.45 of 2023).

The issue of climate change is now a reality. I remember when we had the Africa Climate Summit (ACS) held at the KICC, there was the Nairobi Declaration that came into force on issues of climate change.

I am happy that the issue of meteorology is being given the necessary attention, considering that in the past, they have only used circulars and policy directions from the line Ministry. The issue of the environment is dynamic. We have the Environmental Management Coordination Act and the Climate Change Act, which were put in place. The reality of climate change is here with us. This is why many organizations in various countries are refocusing their energy to the dynamic climate change and discussing climate financing. This decade has shown us that the conversation about climate change is becoming a reality, unlike in the past, when we should have taken it more seriously.

We send our deepest condolences to many Kenyans who have lost their loved ones. I know more than 228 Kenyans lost their lives since March this year and 72 are still missing as per the official records. This comes in the wake of predictions of weather.

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Mr. Deputy Speaker, Sir, with the general information system, nowadays you can use your Android or iPhone to predict the weather status.

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

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

The accuracy of weather is very critical. For instance, in Dubai the other day they used prediction. When you go to other modern countries with advanced technology, their meteorological department predicts and advises people that they should not go out of the house especially when there are heat waves like in America and India. We, therefore, need a Kenya Meteorological Authority that gives the accuracy of the weather patterns.

Mr. Temporary Speaker, Sir, where I come from, by 15th, March we are always ready for planting season, but with the ever-changing dynamic weather, it has moved to April. We used to use traditional mechanisms like visiting the seers like the “Ringis” who would see and say there is no rain today or there is. Therefore, if the accuracy of traditional seers could show us whether the rain is there or not, I expect the technology to be a bit higher, so that we do not depend on “Ringis” to know the weather forecast.

This accountability ensures that as we go into the future, we will have a Kenya Meteorological Authority with accurate state-of-the-art equipment. At the moment we are discussing budgetary estimates by various State Departments in the country and by creating a Kenya Meteorological Authority, they will have the opportunity to present their budget estimates before the environmental committees or the line committees that have been formed in this country, so that they get enough funding.

Mr. Temporary Speaker, Sir, sometimes when you hear from the Kenya Meteorological Department, they say it is raining today and you do not see any rain. Sometimes they say it will not rain and it rains. They need to have enough resources to modernise their equipment and have a well-resourced and competitively qualified human resource.

Today we were lucky there was a delegation of young people who are still in university. Most of them are studying these courses on meteorology. Therefore, we want a weather authority that will be competitive and that will ensure people are hired based on their capacity and ability, going into the future.

I believe this Meteorological Authority will be able to have its headquarters and I am happy with Clause 5(4) which provides that-

“The headquarters of authority shall be in Nairobi, but the authority may establish County Meteorological Offices.”

As you are aware, the Senate is the defender and protector of devolution, so I hope in Kapsabet, where the headquarters of Nandi County will be, we shall have a meteorological department there to allow my farmers to get real-time information. It will also help in developing breeds of livestock we rear and the types of seeds to plant because the advice of the Kenya Meteorological Department will be key. I would want to see this authority in Wote and Kakamega towns too in the spirit of devolution.

The point of maintaining an integrated information system in line with the World Meteorological Organisation Information System is direct. In the last session, we had an opportunity to visit Brazil on a fact-finding mission where Brumadinho Dam had collapsed following our investigations with Solai Dam. We visited the headquarters in Brazil on disaster management. We were told that when a disaster strikes, they get the alert within 20 seconds. When Brumadinho collapsed just the way Solai Dam, Mai Mahiu and Kimende collapsed, they were able to mobilise, within five minutes, almost 20 choppers and create a sub-station for managing the disaster that happened then.

The issue of meteorology is important as it will assist in predictability and ensure that the issue of weather is properly predicted, which is also very critical in the Aviation industry, especially when we are having erratic weather patterns. We saw sand storms in the Middle East and ice storms in America and sometimes the Chicago Airport could not allow the planes to fly when there are challenges of weather in North and South America. Luckily, here in Africa, we do not have rough weather as it is happening there. The weather information is important as there are Kenyans who will be traveling to other countries. If we have an integrated weather information sector, it will assist the aviation Sector.

Timely meteorological information is crucial for search and rescue missions and accident investigations. Whenever accidents happen, meteorological information is important. Sometimes I see people going skiing at Mount Kenya and they get lost and at times it becomes challenging, but when we have this in place, it will help. It will even assist farmers, so that as they cope and do not struggle with the issue of planting; they can ensure that they plant within the right time. In my place, we do not need to use animals, but sometimes when we see the cows are on heat and it is mating season, we know that the weather has changed. However, I do not think this applies to humans.

Mr. Temporary Speaker, Sir, on the weather management authority, this is a straightforward matter. The board is important and it will allow oversight and accountability when running these issues. The Bill essentially tries to provide how the Kenya Meteorological Department shall be. I am happy that Part V of the Bill provides for the Meteorological Training and Research Directorate and the funding of this institution is very critical.

We are getting more funds due to climate action and the passing of the Climate Change Act. I want to thank the President because last Friday was National Tree Planting Day. Green energy and climate financing is a push for more funds. I hope in climate financing we shall introduce the Meteorological Training and Research Institute.

Therefore, it was not just a holiday in vain. I know Kenyans were happy that it was a Friday and a holiday. As you are aware, the young people in this city and across our major towns disappear through what we call *aluta*. They disappear like Jesus Christ from Friday until Monday. It is a challenge to Kenyans that we need to plant trees and we were challenged to at least plant 50 trees, so that it is "*kumalo kufinish*."

I am happy that Clause 30 has provided for financial provision and it is wealth resourced. The Senator of Makueni will agree with me that the reason why most universities are in the red or technically insolvent is because they do not have resources.

They cannot get donations and there is no wealth resource mechanism. That is why the Government has changed the university financing model.

Clause 29 is on the creation of a Meteorological Training and Research Institute. I want to propose, through this board, that they partner with our universities and colleges on the courses that they offer on meteorological issues. They need to give research funds to most of the universities and colleges to ensure that those students have sufficient resources to do their research and build their capacity and even partner with other institutions.

I want to see this partnership and if it is not there, I will bring an amendment to bring that partnership even within the national organisation to see how we can resource and finance this institute. I am happy that the rise of financial funding will be appropriated by Parliament. I know that this matter is in court.

Mr. Temporary Speaker, Sir, some of us argue that the issue of financial appropriation and budget making is a process that involves parliament. However, I do not know why it is viewed that it is only the National Assembly that appropriates finances to state and both levels of the Government. However, I am happy with the wording here, “such monies as may be appropriated by Parliament for purposes of this Authority” although, I know the National Assembly might invoke Article 110(3). I know this is where the rubber will meet the road or the road will meet the rubber because there is push and pull, where we have been arguing on who should appropriate. Many people have seen the Senate as a lesser House because we do not finally appropriate. I hope the Mover of the Bill will note this because it is somewhere in the Constitution that Parliament shall appropriate to independent commissions. It does not say the National Assembly.

On the financial provisions, this generally creates a meteorological public service. The other day, there was an argument of the wage bill in the country. There was even a conference on the wage bill at the Bomas of Kenya. It was tragic because I did not see you as the Speaker of the House or even the committees of Parliament being invited to speak at that wage bill conference. This is because, at the end of the day, Parliament is the one that appropriates money that pays the public service at the county and national levels. The essence of the matter is that while we argue we pay over Kshs1.4 trillion to public servants, most counties have also gone beyond the rules and regulations of the minimum 35 percent put. There is no county that is below 35 percent. Most of them are at 60 percent.

Mr. Temporary Speaker, Sir, you will find the recurrent expenditure is a time-bomb. With the creation of this Bill, there will be perception that we are ballooning the wage bill. That is not the case. This is based on the need’s assessment because when you look at counties, there is a time-bomb happening there. The wage bill is sad.

Where I come from, Nandi County, has hired 4,333 people and over 60 percent of money allocated to Nandi goes to wages, salaries and personal emoluments. We have argued with county assemblies, including Bomet, on whether Parliament and county assemblies should be subjected to 35 percent. Our thinking is that no, because, at the end of the day, most parliamentary work both at the county assembly level and national Parliament is recurrent. We do our work based on recurrent and based on staff. The

difference is that we do not implement or make roads and instead, we hire researchers and clerks and that is the essence we need to ensure.

I would like to inform the House because I have had the pleasure of sitting in the Senate County Public Accounts Committee (CPAC) for almost seven years, the challenge we have and Senators should know this, is that the issue of the wage bill is becoming a serious issue. That is the point I am trying to make.

Mr. Temporary Speaker, Sir, I know Members of the National Assembly the other day were trying to vilify our addition of Kshs415 billion and yet, that is modest. The budget of the country is Kshs4.2 trillion. We should be blaming the National Assembly for delaying because Article 210 talks about latest audited accounts. It is the National Assembly that has taken long to ensure they update the latest audited accounts because we have been using accounts of Kshs1.2 to Kshs3 trillion. So, when we request for Kshs415 billion for counties, we are aware that there are challenges with counties and challenges of the corruption.

Mr. Temporary Speaker, Sir, I know a story from your county in a village called Kiswahili, but the person who spoke did not know Swahili well, yet the village is called Kiswahili. It was about a swept bridge in that village. We want the money to go for development in counties. However, that one is not a justification to deny counties enough resources to do their jobs.

We have a challenge with own-source revenue. There is a potential that has been given to counties by the Commission on Revenue Allocation (CRA). For example, in Nandi, it is Kshs630 million. I do not know for Makeni, but when Sen. Maanzo will be speaking, he will us the revenue potential. The question to ask counties, even Kakamega County is to improve on their own-source revenue, so that they do not depend only on the equitable share revenue that comes from Nairobi.

The soft underbelly in the success of devolution is corruption. This is my free advice as I come to the tail end of my submissions. The National Assembly is the one that appropriates finances to the Ethics and Anti-Corruption Commission (EACC) through the State Department of Justice. The National Assembly should invite EACC to tell us what they are doing about the fight against corruption in counties and other sectors.

Mr. Temporary Speaker, Sir, I saw in the news that EACC had recovered a property of over Kshs3 billion and they are targeting to recover Kshs7 billion. That is good, but we want to know who took this property so that we name and shame them. They should also be charged in a court of law. It is not enough to tell us that you have recovered illicit money or money that is not gotten properly.

I challenge the National Assembly, especially their Justice and Legal Affairs Committee which is led by my brother, that the best way they can assist the counties is to put pressure on EACC to fight corruption in counties. We saw the fertilizer scandal by the County Government of Kenya and we want to know who was implicated. This is because, as we fight the bigger cartels in Nairobi, we should also fight the upcoming, growing and maturing cartels in counties through the EACC and other organs.

Mr. Temporary Speaker, Sir, I want to speak to governors on this aspect of devolution. However, I request that as we form this law, that the officers who will go to

manage county offices be from the Kenya Meteorological Department as well as the authority we shall establish, we do not want the governors to take advantage. I know we have the challenge of a wage bill. You get a governor like a former governor from western Kenya who used to have his VIP toilet and seat carried around. This happened even in Machakos County. Why would you carry a mobile toilet around unless you are having diarrhoea or a stomach ache?

Mr. Temporary Speaker, Sir, why carry your seat? Why not seat on a plastic chair the people have given you? You take your seat from Kapsabet, like my Governor, all the way to Tinderet, around 50 kilometres away. For what? Only to sit? Why not sit on a plastic chair or on anything that is there so as to show that you with the people?

The governors also have a retinue of advisors. One governor has over 10 advisors. What is he being advised on? Does it include advice on girlfriends or what could be the problem? We have heard people being advised by 10 advisors. Even Jesus Christ is the only Counsel and Wonderful Guider as is in the Book of Isaiah and Sen. Maanzo, our Caucus Chairperson of the National Prayer Breakfast, will tell you the only Counsellor is Jesus Christ. Why does a governor have 10 advisors? I have never understood this. What does someone need to know about youth affairs and yet, the youth do not have employment? Why not put a budget on how the youth and women can be empowered?

I support this Bill, Mr. Temporary Speaker, Sir. We should look at the issue of research if we can amend and include partnership with learning institutions.

Mr. Temporary Speaker, Sir, just give me 30 seconds. I also want to send my condolences to you, the people of Bomet and to the best of our local and secular artist, Sweetstar, for losing his beloved mother. We are praying with you and please, take our condolences to him and the music fraternity in Bomet. You know Bomet is the home of our local music.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cherarkey. I can confirm that your condolences will get to the bereaved family.

Proceed, Sen. Maanzo Daniel Kitonga.

Sen. Maanzo: Mr. Temporary Speaker, Sir, the department dealing with weather is very important in the country. The Kenya Meteorological Department is of huge significance to the country, but many times they have not been giving advice.

I like what the Senate Majority Leader is proposing in this law. There is a trend which is common currently. That is setting up as many boards as possible. That has an implication on the wage bill of the country, unless you have a serious justification. We must first know what is wrong with the Kenya Meteorological Department. Are they not well funded? For one to study weather properly, they must have specialised aircrafts, which can fly very high. This can be done in collaboration with the Kenya Air Force in order to take necessary photographs to establish weather patterns.

Weather forecasting is not just done for Kenya, but for the rest of East Africa and the world. It means we must have a system of collaborating with the whole world. That system should be developed by the Ministry dealing with environment and weather issues.

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So far, this department has the support in terms of devolution. Every county in this country has a County Executive Committee Member (CECM) in charge of environment. They even have directors in charge of weather. They may not have sufficient instruments to deal with local weather, but they can collaborate with the Government to have the information shared with them. In fact, if you check your phone now, you can see the weather forecast of any place on earth. The bigger challenge has been predicting how weather will be or when danger is likely to strike. The United States of America (USA) has managed to use that very well. They inform people where and when tornados will occur.

We expected a tornado in East Africa, which was to affect Kenya and we took necessary precautions. However, it ended up in Tanzania and caused serious damage. Climate change is real, but what is the best way to respond? Is it by forming one more board? In fact, since this regime took over, we have had close to 100 boards being formed through proposals by the National Assembly and the Senate.

Previously, under Mwongozo, there was a general regulation of state corporations. It required that we should combine efforts of as many small boards as possible. That is why the Agriculture and Food Authority (AFA) was formed and they have been very effective. We also had sugar and cotton boards. Basically, every product had a board and people mismanaged them. We should come up with smaller and fewer boards in the country. One board should do as many functions as possible. I do not think a board is necessary. What is necessary is to strengthen the Kenya Meteorological Department in this country.

Weather forecast can be read anywhere in the world at any time even using a mobile phone. If you Google any place, it will show you the weather forecast. Therefore, this proposal by the Senate Majority Leader, Sen. Cheruiyot, is totally unnecessary for now. It is another selfish way of creating jobs for certain individuals and ballooning the wage bill. It should be discouraged as much as possible especially by the state. Next time I have an opportunity to address the President, I will tell him about the many boards that have been formed and how they balloon the wage bill and I am sure he will agree with me.

We are now experiencing changes in weather patterns. We plant trees, but we do not water them. That is an exercise in futility. Before you plant a tree, you must know how you are going to water it for the next three months, or forecast the weather properly to know that if you plant trees in different parts of the country, then they will survive.

There are trees that we planted in Makueni during the dry season. Those trees are not likely to survive, unless there is a plan to have them watered for the next three months by school-going children or any other system. We just wasted a lot of public resources. If you plant trees and there is rain for the next three months, you would have succeeded. You should not plant trees at the tail end of a rainy season.

The tree planting holiday should be rethought a fresh. It should be regionalized, so that we all participate. Personally, I plant trees which can survive throughout in Makueni climatic conditions. We have many people in the county planting trees too. We

also plant fruit-bearing trees such as mangoes and oranges. When the weather is appropriate, we also plant avocado and macadamia trees.

I got many seedlings from the Cabinet Secretary for Agriculture and Livestock Development through his counterpart in Makueni, but it was coincidental with his impeachment. Although it appeared as a bribe, I directed that we plant the trees, but we would vote against the Cabinet Secretary who supplied fake fertilizer. Tree seedlings should not be given to Senators as a bribe. The timing should also be right. We have many laws on environment that need to be improved. Weather forecasting should be done for many years.

Mr. Temporary Speaker, Sir, there was a problem in Athi River, where a developer built houses on a riverbed. The concerned Government agencies such as the National Environment Management Authority (NEMA) were taken to court and informed that he was not a riparian landowner. Even Jesus Christ said that you cannot build a house at the bottom of a river. You can only do it on a rock, if you want it to survive during a rainy season. I cautioned people on this Floor, through the television, and those I met, that both the court and the developer were wrong. If I remember well, since I came to Nairobi, Athi River has not been flooding for about 20 years. Every 20 years, that river causes serious floods.

Although a stream flows from there, this time around, it went over the trees just like 20 years ago, and all the godowns in the area were submerged. If we had a proper weather forecast, the developer would have been advised that the houses would be affected by water one day. In fact, they were all affected by water.

Children were woken up at night. Innocent Kenyans bought the houses and now a court order has been given. However, it is not clear how they will be compensated. I suggest a constitutional law suit to deliver the people of Athi River who were deceived to buy houses on the bedrock of a river.

There is also something called contributory negligence. They should have used commonsense to know that a river's course had been diverted and the land was riparian. The Government is acting too late on the issue of riparian land. The late Hon. Michuki would have never allowed something of that nature or a law like this to be brought to Parliament if he was in charge of environment. It is just for the sake of creating employment, which eventually leads to ballooning the wage bill.

It is totally of no consequence other than what scientists are currently doing in the country. The Kenya Meteorological Department needs to be improved. The National Assembly should allocate more resources to them. Universities should also focus on climate change because the issue is getting serious.

We should come up with a law, which protects the environment and helps us focus on the weather better, instead of having a law that is not carefully thought out or drafted, whose aim is simply to create jobs for people, yet the wage bill is already bloated. What then will you do---

(Sen. (Dr.) Khalwale consulted loudly)

The Temporary Speaker (Sen. Wakili Sigei): Order, Sen. (Dr.) Khalwale.

Sen. Maanzo: This law has not said what will happen to the currently existing department. Will the Act dealing with that be repealed? If so, how many Acts of Parliament will be repealed? Will they be split into two or what will happen because there is a law existing?

Mr. Temporary Speaker, Sir, this is clearly over legislation, unnecessary and waste of public resources. I do not support it. I urge other reasonable members of the society like Sen. (Dr.) Khalwale to reject it, so that we can do the right thing and save Kenyans' funds. Let us do the right amendments to the right law to make it better and fund the meteorological department, which has served Kenyans very well so far.

I thank you and oppose.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha Mutinda, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill. I really appreciate the Senate Majority Leader for bringing it.

First, I give my sincere condolences to all the families that have lost their beloved ones during this particular time. We have seen the damage the floods have caused, ranging from the health sector, the road infrastructure and the schools.

I have looked at this Bill and I feel that it comes at a very critical time in our country. At times, we should go beyond looking at issues in a financial perspective. We need to look at what brings us to the positions that we are in and what makes us make the decisions that we make at that particular time. As much as there is always a cost implication, the impact that the decision will bring aboard is very important.

Looking at this Bill, it focuses on addressing very key fundamental issues as far as the weather forecast is concerned. The issues that are going to be addressed are long term. It is more on the provision of regulation, coordination, monitoring, management and control of the meteorological services.

Mr. Temporary Speaker, Sir, the Bill also focuses on having an authority called the Kenya Metrological Service Authority which will be undertaking all activities necessary for the proper performance of functions under this particular Act, that may be lawfully done or performed by anybody or corporate responsible for the provision of meteorological services in Kenya; among many other services that are going to be embarked on.

I listened to my colleague from Makueni County and his disapproval was so much on the financial implications. We are at a time of climate change and more specific, the climate financials. There is a lot of funding in matters climate change. In the Committee on Finance and budget that I sit as the Vice-Chairperson, we allocate conditional funds mostly on matters climate change to different counties. So, funding is already in place. What needs to be understood as far as this Bill is concerned is the impact the personnel will bring on board, so that when we have disasters such as floods, there are better mitigation measures.

More dams should be put in place because this water from floods should have been collected. We note that as a country, we also experience drought. However, if we set dams aside, some of these climate change effects such as drought can be addressed when

we have enough tapped water. This can be mitigated by the funds that will be set aside or the ones that are already in place to put up dams that can massively collect enough water especially, in the dry regions.

Where I come from in the Eastern Region, Kitui precisely, we have water issues. This Bill will give priority to some of these regions that experience drought on how to improve water catchment to enhance agriculture thus resulting to food security and also economic empowerment for our country at large.

I have noted that the Bill also has a provision for digitalization. During the meteorological studies, information can be relayed digitally to Kenyans throughout. If the system is digitalized, then this prompt information creates awareness of the rescue centers in case of disasters.

Two weeks ago, the Committee on Finance and Budget had a conference with the Ministry of Finance and the caucus for climate change in Mombasa. We noted that two counties; my County of Nairobi and Mombasa have not adhered to the basic conditions, so that they can receive the Financing Locally-led Climate Action Programme (FLLoCA) funds. These are funds that can be utilized in these counties; which are among the big cities in Kenya, especially during disasters.

It is good that counties adhere to these conditions. As much as we are focusing on giving them more funds, they should also ensure that they tap all funding available for them. As far as the donors are concerned, they should adhere to those basic requirements, so that they can receive those funds for utilisation.

We have had cases where counties have complained of late disbursement. However, you realise that apart from the monies that come from the national Government to their County Revenue Funds (CRF) accounts, we still have monies from donors just lying around because, the personnel mandated to account for them do not adhere to that on time hence causing delays. These funds are available. We are always allocating them conditionally to the different counties.

In the same Bill, as far as the qualifications of the Director General are concerned, I am happy to note that they are specific unlike in the other Bills sometimes. It is an issue that I have always raised. Clause 19(3)(c) of the Bill indicates that the person should have a first degree in meteorology and a masters in a degree relevant to the science from a recognised university in Kenya and around the world. However, the positive is that it is a degree from meteorology studies. This is very important because we have seen cases in Nairobi whereby people have been given opportunities to be in the Department of Disaster Management yet the qualifications and responsibilities are not matching. That gives us a challenge because output cannot be much and if it will be there, it might not meet the standards that are required to come with it.

I support.

Sen. Mumma: Mr. Temporary Speaker, Sir, thank you for the opportunity to contribute to this Bill.

Meteorological services are very important for any country as in Kenya. We have a department that deals with meteorological issues, but it is not well resourced as at now. In my view, the question we should be asking ourselves is what we need to do in order to

resource the Meteorological Department, give them the support required in terms of training and facilities for them to carry out what they need to.

Mr. Temporary Speaker, Sir, I have read through this Bill. It is largely about turning that directorate into an authority. I bring to the attention of this House that in 2015, the Jubilee Government of retired President Uhuru Kenyatta and current President, then Deputy President William Samoei Ruto established a task force under the leadership of Hon. Abdi Kadir. The reason for that task force was to advise Government on how to rationalize on the number of parastatals in this country. That was found to be necessary because with the 2010 Constitution, we came up with 47 counties and key functions were devolved to the counties. What we needed was a lean set of only key parastatals that would deliver on key mandates.

One of the other issues this task force was addressing was the fact that majority of the task forces that Kenya has depend on the Exchequer. They do not make money even though the assumption is that when you come up with a parastatal, it will operate more efficiently and will save this country money.

Mr. Temporary Speaker, Sir, most of our parastatals cost the taxpayers more than they are assisting them. Even as I support those who work in meteorology, I urge the country to invest more so that we can facilitate them to serve us better. I am reluctant to support the idea of a law to establish a parastatal.

That is what this law is doing. From Clause 3, this law has the objective apparently of setting up this Authority but also implementing an international treaty that is relevant to Kenya. However, when you read the clauses, it is preoccupied with setting up this Authority. It has said little about the ratification and the obligations that Kenya has around the international treaty that it purports to be domesticating.

Mr. Temporary Speaker, Sir, if those who work in meteorology are listening to me, it is that we urge the executive to give better budgets to the department of meteorology and to invest more in research. Looking at the current budget, there is very little money that has been put in sectoral research to assist universities, for instance, to work in partnership with the Ministry of Agriculture, the Ministry of Water and even Ministry of Health to provide the necessary knowledge that would make us deliver better on the objectives of the government.

I urge the Majority Leader that even as you are looking at this, I do not think you are helping the President. The Kenya Kwanza Government has been increasing taxes all along. One of the reasons for doing that is because purportedly we do not have enough funds to deliver on the services. You will not be able to deliver on the services when you are easily allowing the Majority sides in Parliament to manufacture parastatals. They will only deplete the funds that we have.

Mr. Temporary Speaker, Sir, I wish to indicate that I would want the Executive to invest more in the meteorological department. Give them better linkages and better equipment. Link them to digital open-source resources for more collaboration internationally and enable them to work without creating another parastatal that will deplete the meager funds that we have. Therefore, I support the idea of helping this department, but not the idea of manufacturing another parastatal.

I oppose.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Senator Mumma. Hon. Senators, there being no other Member interested in contributing further to this Bill, I call upon Sen. (Dr.) Khalwale to reply.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, on behalf of the Leader of the Majority, I am privileged to make the following response: I am responding to the Bill on meteorology, which is here for the reasons that were moved by the Leader of the Majority.

I take this opportunity to thank all Members who have presented their presentations on the Floor this afternoon. I have heard the sentiments from both sides, including the sentiments from the Senator for Makueni, the distinguished Sen. Maanzo in his rejections. I confirm to the House that everything will be done to address the concerns by the Senator for Makueni to see if we can carry the Bill along with the concerns he has raised.

Mr. Temporary Speaker, Sir, like all speakers who have spoken, this is a very important Bill, especially coming now when we are just in the midst of a crisis that arose from excessive rainfall. We support this Bill and urge Members of the public that we should sometimes not challenge nature.

In the absence of heavy rain, people deliberately go and settle in the path of seasonal rivers. When it rains, rivers come through their natural course. When it finds people there, they call it flooding. That is not flooding. The river is simply following its usual path. Why did you go there in the first place? Therefore, I appeal to Kenyans to avoid such a careless settlement and consider settling elsewhere.

We have genuine cases such as in Tana River. What you see floods doing to the people of Tana River is not like what you see elsewhere; people deliberately settle on the path of a river. In the case of Tana River, the river actually breaks its banks and that makes sense.

Mr. Temporary Speaker, Sir, having said that, I beg to reply. I request that putting of the question on this Bill be deferred to a later date.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Dr. Khalwale.

Hon. Senators, pursuant to the provisions of Standing Order No.66, putting of the question on the Bill is deferred to the next sitting of the House. I have granted your request to defer the putting of the question to the next sitting.

(Putting of the question on the Bill deferred)

Hon. Senators, I will rearrange the Order Paper, so that we deal with Order No.12. Clerk, please call out Order No.12.

BILL*Second Reading*THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION)
BILL (SENATE BILLS NO.38 OF 2023)*(Sen. (Dr.) Khalwale on 14.5.2024)**(Resumption of debate interrupted on 14.5.2024)*

The Temporary Speaker (Sen. Wakili Sigei): Sen. Boni, you were interrupted while you were making your contribution. You have got a balance of 59 minutes to contribute.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I had just opened my mouth before my time was up. Therefore, allow me to repeat that I rise to move that the Public Transport (Motorcycle Regulation) Bill (Senate Bills No.38 of 2023) be read a second time. This is a Bill that seeks to pave way for an Act of Parliament to provide for the regulation of the *boda boda* industry and for connected purposes.

This is an important Bill. If it becomes law, my belief is that it may be cited as a Public Transport (Motorcycle Regulation) Act. This Act shall apply to all motorcycles used for commercial purposes, including transport services. For example, what we ordinarily call *boda boda* which is two-wheeled and motorized and *tuktuk* which is three-wheeled and motorized. Both of them can be used as a means of transport for human beings and for carrying goods. This Bill is so important that one should highlight the fact that we are speaking to an important industry. The *boda boda* industry employs 1.5 million people in Kenya. It also contributes Kshs202 billion to the economy every year but it operates without a law.

Mr. Temporary Speaker, Sir, this is way over what tea from your region contributes. The tea sector contributes Kshs147.3 billion. What is more in this industry? In 2023, 10,000 *boda bodas* were reported to have crashed. That confirms that we have to think through and provide the relevant legislation to make it safe and profitable and ensure that the industry is not abused.

I want to go to Clauses 4 and 5. These are Clauses seeking to establish the County Motorcycle Transport and Safety Board. This Bill anticipates and contemplates a situation whereby in every county, we will have a transport and safety board that will ensure that many of the issues we have spoken to in this Bill are implemented at the county level. I propose that the board at the county level comprises of a chairperson appointed by the county governor; the County Executive Committee Member (CECM) responsible for matters relating to transport; the CECM responsible for matters relating to finance; the County Attorney; the county police commander or a representative designated in writing; four persons appointed by the CECM responsible for matters relating to transport; and, two persons appointed by the CECM responsible for matters

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relating to transport to represent groups with special interests in the motorcycle transportation industry.

In Clause 6, I have given the functions of the Board. In a nutshell, the Board shall be responsible for the regulation, management and coordination of all matters relating to the motorcycle transport sector within the county.

Without prejudice to the generality of the Subsection (1) in Clause 6, the functions of the Board shall include the following-

(a) developing policies, regulations, and guidelines on motorcycle transport and safety matters within the county;

(b) managing and controlling motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;

(c) ensuring compliance with the provisions of this Act and any other laws related to the transport sector within the county;

(d) conducting research and collecting data on transport and safety matters within the county; and,

(e) developing and implementing programs to promote road safety, including training and education of riders and passengers.

Mr. Temporary Speaker, Sir, the issue of training both passengers and riders is a serious matter in this country. Many hospitals across the country have been forced to designate a particular ward purely for *boda boda* accident victims. When you go there, you will find the unfortunate young people who sustained these injuries hanging there, either limp up or neck put in plaster and all manner of things. This is where the law is going.

To organize the *boda boda* industry, we must provide specifications for the registration of motorcycle riders. I propose that no person shall use a motorcycle for commercial purposes in the county unless that person is registered in accordance with this law. If a person wishes to operate a motorcycle for commercial purposes in a county, I propose that person should be registered by the board. An application for registration shall be made to the board in a prescribed form and shall be accompanied by a prescribed fee. The board shall issue thereafter a certificate of registration compliance to the applicant after it is satisfied that the motorcycle meets the requirements prescribed under this law. I hope that the certificate of registration shall be renewed annually upon payment of a prescribed fee.

I would like members of the *boda boda* industry to appreciate the fact that it is better to have a board, which understands the economic dynamics of Kakamega and prescribes a fee that is reasonable to operators in Kakamega County than one in Vihiga, Busia, Kitale, and Bungoma counties,

In this law, once you are recognized by one county, there is cross-border recognition, so that you do not have to go to another county to get further registration. Once you are recognized in one county, then you can operate in the other. If, for example, Nairobi being a City, the licensing for registration is more expensive than in Kajiado County, which is nearby, then a *boda boda* rider is free to go and register in Kajiado County and is free to ride into Nairobi because there will be cross-border recognition.

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Clause 8 is mainly the issue of cross-county recognition for registration, which I have explained. We have to appreciate that the *boda boda* industry is a business. Therefore, Clause 9 attempts to provide for how the *boda boda* riders can make a saving, either directly to the bank, but, preferably join savings and cooperative societies. The registration to join these societies has been provided for in this Clause to help young people from being exploited by unscrupulous adults. It states-

“9. (1) A person who owns or operates a motorcycle for commercial purposes shall register with a Savings and Cooperative Societies recognized under the Cooperative Societies Act.

(2) Each Savings and Cooperative Societies shall provide proof of registration of an owner or rider confirming their membership at the request of the Board.

(3) For the purposes of this Act, the membership of a Savings and Cooperative Societies by a rider of a bodaboda shall not be for the purpose of forming a gang or cartel by the riders.”

Clause 10 provides for the training of *boda boda* riders. That is straightforward, but just allow me to mention that-

“10.(1) A person shall not operate a motorcycle unless they have successfully completed a training course approved by the Board.”

One of the reasons why many of our children either lose their lives or sustain grievous injuries in *boda boda* riding is that the little boy, aged 17, is given a key. He is shown on the handles how to change gears and told to start. This boy, because he has been riding a bicycle, knows how to balance two wheels. He is told to move and without any knowledge of the highway code, the boy then crashes shortly after take-off. This will be the cure.

“(2) The Board shall ensure that training courses authorized driving schools include training on—

(a) safe and defensive riding techniques;

(b) traffic laws and regulations;

(c) customer care and etiquette;

(d) handling of emergency situations; Training of riders. The Public Transport (Motorcycle Regulation) Bill, 2023 865

(e) basic motorcycle maintenance; and

(f) security awareness and precautions.

(3) Upon completion of the training course, a rider shall be provided with a certificate.”

I hope to legislate in Clause 11 to provide for responsibilities to an owner of a motorbike. It should be appreciated that a very large percentage of the young people riding motorbikes for business purposes are not the owners of these machines. So, this law is deliberately giving the owner who has employed the rider responsibilities, which include-

“11.(1) Every owner of a motorcycle operating for commercial purposes shall not cause or permit any person to ride their motorcycle unless such person is the holder of a valid driving licence or a valid provisional licence endorsed in respect of that class of motorcycles and a valid employment contract.”

Mr. Temporary Speaker, Sir, why is this important? An owner must have an employment contract with the youth. It is usually very cozy and fine when business is booming, but as soon as the young rider then is involved in an accident, he is normally abandoned by the owner of the motorbike.

The boy will be there stuck with bills; the relatives do not know what to do. The owner has disappeared into thin air, especially in instances where the owner had not registered the motorbike.

Clause 11 continues to state that-

“(2) Every owner shall issue to the rider—

(a) two helmets which comply with the standards established by the Kenya Bureau of Standards and are of the prescribed colour;

(b) two reflective jackets which are of the prescribed colour.”

Why two in both cases? Because the Bill is going to insist that it is a crime for you to ride a *boda boda* when you are not wearing a helmet and not donning a reflective jacket.

It works. I remember the Clerk-at-the-Table, Mr. Ruge, we recently had a tour of Kigali together and it was impressive. There is order. Everybody, including the passenger, was wearing a helmet and a reflective jacket. Also, when the traffic lights turned red, all the motor vehicles including motorcycles stopped until they turned green. This Bill will inculcate into these young people that that will be the order of the day.

Mr. Temporary Speaker, Sir, we all live in Nairobi, especially one of the premier roads in Nairobi is the road that cuts between the National Parliament and the Senate chambers. On the other side, we have County Hall and Bunge Tower. On this road, you will be lucky if you do not crash. *Boda bodas* come from either way without caring whether they are riding on the left or right.

Having said that, we will also insist that a motorcycle owner should never ask a youth to ride a motorbike that is not insured. If a youth is found to be riding a motorcycle that is not insured, the responsibility of breaking that law will not rest with the rider, but with the owner for giving the youth a motorcycle that is not insured. The rider should not be harassed, but provide the address of the owner of the motorbike and continue with his business as the police look for the owner and deal with him.

This law also gives responsibilities to riders, which include that. The Bill in Clause 12(1) states that every rider of a two-wheeled motorcycle shall-

“(a) have a valid driving license issued by the Authority;

(b) have a certificate of registration issued by the Board;

(c) ensure that they shall not ride or carry a person on a motorcycle without the prescribed protective gear properly fastened;

The gear should not be carried on the arm, as some do. The helmet should be fastened on the head.

The law proposes that-

(d) every rider should not carry more than one person at a time;”

If you go to Malinya and watch the behavior from Malinya to Kakamega, especially on a bullfighting day, a *boda boda* rider normally carries up to five men to enjoy bullfighting at Malinya Stadium. They want to save, so five people sit on one motorbike.

I usually see it and cover my eyes. These are my strongest supporters, yet they do things that endanger their lives. I cannot shout at them because I will be chasing away my votes. However, now I have an opportunity to regulate them, so that they come to enjoy bullfighting safely and return home safely. Further, it states-

“(e)ensure that passengers are carried on a proper seat with foot rests securely fixed to the motorcycle behind the rider's seat;

(f) ensure that a passenger sits astride the motorcycle.”

I have never understood why lady *boda boda* riders, especially in Kisumu, do not like sitting on the motorbike astride. Instead, they sit across the motorbike. When the motorbike takes full flight and turns, the motorbike continues the journey, and the woman is thrown off the bike. This is Sen. Mumma's county, that is why she is laughing.

The Clause further states-

“(g) ensure that the headlights of the motorcycle are on at all times when riding;

Also, ensure that loads ---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, there is an intervention by Sen. Mandago.

Sen. Mandago: Mr. Temporary Speaker, Sir, I would like to inform the Senator for Kakamega County so that he does not wonder why the women in Kisumu sit like that. The women in Kisumu County observe decency.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, proceed.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, the Senator for Uasin Gishu is right. However, I was reporting what I observed. If what I observed is acceptable to the law enforcers and distinguished Senators, you will make a proper suggestion. Nonetheless, I find the sitting position by the women in Kisumu County extremely risky. When the riders make a curve, and the lady is seated across the motorbike, they fall as it proceeds. I do not know how it pleases Sen. Mandago.

Further-

“(h) ensure that loads exceeding fifty kilograms and passengers are not carried at the same time;”

This means that if your passenger has luggage, you can carry the passenger with the luggage not exceeding 50 kilogrammes. However, Members, you could suggest if you want to increase the number of riders in one motorbike or the weight carried by passengers.

“(i)keep the protective gear clean, dry, and generally wearable condition”.

In Rwanda, you will be impressed. You will see some of the riders who are tech moving with disposable paper towels, which they quickly put in the helmet and the passenger puts on, so that the sweat of the previous rider does not affect the current one.

“(j) ensure that the rear number plates are visible at all time;

(k) overtake on the right hand side and not overtake in the same lane occupied by vehicle being overtaken;”

All of you in this House are drivers. Personally, one of the reasons why I never drive is because I fear the *boda boda* riders. I would not want to hit any of them. They are so aggressive because they have not been trained and do not know that you cannot overtake on the left side. You could take a left turn and find a *boda boda* rider overtaking. They must be told that they must forever overtake on the right side, but outside the lane.

“(m) observe all traffic rules as provided under the Traffic Act;”

They must observe traffic lights, especially in cities like Nairobi, Mombasa, Kisumu, and Nakuru, which are fitted with traffic lights. *Boda bodas* must be reminded that they must forever observe traffic lights.

“(n) not park in undesignated areas”

We shall ask governors to assist our *boda bodas* in creating designated parking areas. The billions we give governors could be used to put shades in designated areas so that the *boda* business looks dignified. In the rules and regulations, we could introduce punishment for governors who fail to provide these shades and designated areas.

Clause 12(2) of the Bill states that-

“(2) Every rider of a three wheeled motorcycle shall—

(a) not ride a motorcycle unless that person has a valid driving licence issued by the Authority;

(b) not ride unless that person has a valid certificate of registration issued by the Board;

(c) not ride a motorcycle without properly wearing a seat belt or carry passengers who have not worn their seat belts.”

By seat belts, we are referring to passengers being carried by tuk-tuks. They must have safety belts.

“(h)not to lane split where other motor vehicles are traveling at a speed exceeding ten kilometers per hour or in public roads near junctions, interchanges, turnoffs, or highway entries and exits;

(i) keep the seat belts in a clean, dry and generally wearable condition;

(j) observe all traffic rules as provided under the Traffic Act”

What are the responsibilities of a passenger under this law? The passenger should have a helmet and reflective jacket. They should not board or be carried on a motorcycle that is already in use. This means if a passenger is going to force a rider to lift him when that rider already has goods or other passengers, the passenger has a responsibility to answer for that breakage of the law.

“13 For purposes of this Act –

(2) (a) a child who is less than nine years old cannot be carried alone, but should be carried together with an adult provided that the child is seated between the rider and the adult and wears a helmet designed for children;”

I invite Members to help me think around this issue because a majority of the *boda boda* riders carry school children to school and some of those children are below nine years and some of the parents do not have time to accompany their children to school. Members, what shall we do? For instance, you are on the road and a child who is four years old is on the bike alone carried by the *boda boda* rider, so when an accident happens, invariably that child is thrown off and the child loses their life. Perhaps, as a doctor, I would say that we should create a seat belt that should wrap the child at the back with the rider, so that when the rider tries to evade an accident the child is not thrown off.

Finally, every passenger in a two-wheeled motorcycle should wear a seat belt as I said and not board or be carried by a motorcycle that already has a maximum number of passengers as prescribed in this law.

Mr. Temporary Speaker, Sir, employment contracts must be between the employer and the rider and no person shall use or operate a three-wheeled motorcycle with an engine capacity exceeding 250 cubic capacity on a public road unless authorised by law. Since the bigger bikes are too powerful and even overtake us with our four-wheel drives.

I have spoken to the area of carriage of passengers and loads. The only thing I want to add on loads is, if you are carrying wide objects, the law intends to make it not permissible for you to carry luggage that is too wide. When the luggage is too wide and put across the seat, it endangers the other passengers. So, you either carry it straight or keep it short. The law has prescribed that.

I have provided in the law the requirements needed for the bike to qualify to be an ambulance. Motorcycles are being used as ambulances so we have to accept it. A proper design should be done, which I do not want to belabour by explaining.

The law also speaks to unauthorised goods. A person shall not transport any unauthorised goods, including contraband or goods restricted under the narcotic drugs and psychotropic substances under the law or carry firearms. Some unscrupulous *boda boda* riders are used in promoting crime and this is the purpose of this particular inclusion.

On the issue of insecurity, you all know that there are times when other road users' lives are threatened by the *boda boda* riders. This law prohibits ganging. *Boda boda* riders will be discouraged from operating like gangs. You know of the story of a young lady who hit a *boda boda* rider, the young man did not incur serious injuries, but his bike was destroyed. The young woman was attacked by a gang of this *boda boda* riders. We want to tell them that they are businessmen and not members of a gang or militia.

We are prohibiting riding on pavements and we have provided for general penalties which include, a person who contravenes any provision of this Act and whose penalty is not provided for elsewhere under this Act, commits an offence and is liable to a

conviction or a fine not exceeding Kshs20,000 or imprisonment for a term not exceeding six months or both.

Mr. Temporary Speaker, Sir, that is what I wish to say for now. As I had indicated, the Senator for Tana River wanted to second, but yesterday, Sen. Nyamu had prepared talking notes to second. Since she has arrived in the House, I request Sen. Nyamu to second this very important law.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Nyamu, proceed to second the Bill.

Sen. Nyamu: Mr. Temporary Speaker, Sir, I rise to second this Bill by the Majority Whip, the Kakamega Senator, Sen. (Dr.) Khalwale, which seeks to regulate the *boda boda* sector.

Despite numerous efforts made by the Government to regulate the *boda boda* sector, including having the National Transport and Safety (NTSA) Regulations, 2015 and having a task force in 2019, the sector remains very informal and unregulated.

This *boda boda* sector provides a large opportunity for employment among our youth. It directly employs over one million youths. Many of the youths are earning from being motorcycle riders, taxis, *boda boda* mechanics, spare part vendors and other roles. This sector contributes largely to curbing unemployment in Kenya by providing self-employment opportunities. In rural areas, motorcycles have provided affordable mobility options, connecting people to essential services like health, schools, markets and also to workplaces.

A research by a private company Car and General was done in 2023. It highlighted that not only does this sector employ a large number of youths and alleviate unemployment to a certain degree, it also largely contributes to the revenue of the country to the tune of Kshs350 billion according to the report. This translates to Kshs1 billion and 3.4 per cent of our Gross Domestic Product (GDP) a day. There was also a year when it surpassed the revenues of one of the most profitable private companies in this country, Safaricom.

Despite many *boda boda* riders having special licenses and joined Saccos for *boda bodas*, it is still not enough. Further streamlining of this sector is key because we still have associations of crimes, reckless driving and errant riders in this sector.

Mr. Temporary Speaker, Sir, in urban areas, *boda boda* riders are very popular for taking short rides so streamlining is going to contribute largely to the smooth flow of traffic and reduce reckless driving which causes most of the accidents. It is also worth noting that in 2008, the Government zero rated the import duty for *boda bodas* up to 2,050cc, making it widely affordable in many homesteads. The huge number that resulted from this was not foreseen and the regulations are key so that we mainstream this sector as one of our public transport providers.

Mr. Temporary Speaker, Sir, in the same breath, one of the factors that curtail the growth and potential of this industry is lack of a proper policy framework that recognizes the *boda boda* as part and parcel of our main transport providers. This is so that we can have a budget and manpower directed to this sector so that we can maximize its potential.

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As the Sponsor of the Bill has made reference to, Rwanda has managed to regulated their motorcycle transport and taxis sector by modernizing it, through the initiative called Smart Kigali and we can borrow a leaf from our neighbouring country who have successfully done it by passing this law.

On legal clarity and having laws in this sector is going to help in creating the rights and responsibilities of all those involved. It is time we went that way by passing this Bill. Further, this Bill is going to impact largely the public safety of our roads and in the transport industry.

With that, Mr. Temporary Speaker, Sir, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. Wakili Sigei): Hon. Members, I see there is interest in contributing to this Bill and I ask Sen. Oketch Gicheru to proceed to contribute to the Bill.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I stand here very proud of the Senator for Kakamega, Dr. Boni Khalwale. He is one of the veterans and fewest Members of Parliament who consistently looks at contributions in this House that touch at the grassroots level – the micro and macro-economic level of our society.

I have seen Sen. (Dr.) Khalwale talk passionately, sometimes controversially so, against the Government on issues of sugarcane because this affects people at the very basic level. Seeing that the Senator has spent a lot of time coming up with this wonderful Bill to look at the *boda boda* sector, which in the swathe of the hustler nation, I would beg to argue that it is the biggest hustler population in the country.

The National Transport and Safety Authority (NTSA) which is charged with looking at the road safety in our country gives us statistics of 1.5 million *boda boda* riders within our borders today. This means that if you were to unionize this group of individuals, it would become the biggest union in our country. That is why if we do not pay attention to them and how we can make them not only effective on our roads, but also make them more economically viable or even better, then we will lose a big population in the economic arrangement in our country. This is a Bill that could easily transform this country in an unimaginable way.

There are a number of places Sen. (Dr.) Khalwale has touched on and I want to reiterate on them and, perhaps bring some ideas because I have been in this industry. I am among the entrepreneurs in this industry although many people may not know that and I have built some ideas in terms of developing internet of things devices that can lock *boda bodas*, track them or enable their riders get credit facilities from institutions that offer these services. It will become easier for them to acquire resources to take them forward.

Mr. Temporary Speaker, Sir, it is an area where concern comes from the safety perspective of our roads. I read the Bill and I see that the bulk of it looks at safety. However, there is also an opportunity here for us to look at safety and magnify their economic potential. If you go to Rwanda, you see safety being popularised. There is an organization of *boda bodas* in Rwanda and I know that most of us were in Rwanda a few

months ago when we went for the East African Legislative Assemblies (EALA) games. We saw the organization of *boda bodas* in Rwanda and the discipline they have. If you are to quantify the impact of that discipline and organization in terms of the economic input to the economy, then, that is very big. However, they have also not scratched the whole surface of this industry. For instance, if you have *boda bodas* who are now 1.5 million, the Bill could explore riders who own their motor bikes and those who do not. For us to have safety that is self-regulating and does not have a lot of Government regulation, is there an opportunity to have a motorcycle owners association in that Bill?

Mr. Temporary Speaker, Sir, I would like the Senator to consider that. If there is such an association in that Bill, then they can have the mandate to put some of the regulations required in order to allow members of that association put some measures and rules that ensure people on the road abide by those rules. If they are not abiding to them, then they should not be given motorbikes to ride. This is because, the association is unionized and organized by the owners.

Further, is there an opportunity of putting a motorcycle riders association? This is so that riders are subjected to the association's laws, rules and regulations. For instance, some of the accidents that we get into are avoidable, and sorry for use of a better word, very silly accidents. Here in Nairobi, we have seen good feeder roads between Serena and Nairobi Town, which goes all the way to Uhuru Park. You will find *boda boda* riders with people from Serena turning right into that road, just because there is traffic jam on the other side. They basically do their business on the wrong side of the road.

This is a discipline issue that if the riders had an association and they put their rules in a way that could discourage that bad behaviour, they could be able to self-regulate. This is because, most of the times we cannot invest in policing systems to police 1.5 million people. However, because they are many on the road, they can self-regulate and tell the one on the wrong that he is doing a wrong thing and that he should not belong in their association or ride between this and that quarter.

Mr. Temporary Speaker, Sir, that is how the *matatu* industry has been able to instill discipline in their membership. When they know the routes their members are taking, those members cannot do some things on those routes because they are self-regulating. There is one element of self-regulation that this Bill has the opportunity to help us do, both on the side of the owners and riders.

The Senator has spent a lot of time and research with regard to the different---

ADJOURNMENT

The Temporary Speaker (Hon. Wakili Sigei): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday, 21st May, 2024, at 2.30 p.m.

Sen. Oketch, you will have a balance of 13 minutes when the House resumes.

The Senate rose at 6.30 p.m.

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