

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 12th March, 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?

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

Then, kindly proceed to call the first Order.

MESSAGE FROM THE NATIONAL ASSEMBLY

REJECTION BY THE NATIONAL ASSEMBLY OF THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS No.10 OF 2022)

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly to reject the Employment (Amendment) Bill (Senate Bills No.10 of 2022) at Second Reading.

The Message dated Thursday, 7th March, 2024, was received on Friday, 8th March, 2024 in the Office of the Clerk of the Senate. Pursuant to the provisions of Standing Orders No.41 and 149 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly:

WHEREAS the Senate considered and passed the Employment (Amendment) Bill (Senate Bills No.10 of 2022) without amendments on Tuesday, 1st August, 2023 and referred it to the National Assembly for consideration;

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AND WHEREAS on Tuesday, 5th March, 2024, the National Assembly considered and rejected the Bill, thereby committing it to a Mediation Committee, pursuant to Article 112(1)(a) of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders No.149 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committee on the said Bill.

Hon. Senators, consequent to the said decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution-

1. Hon. Eric Muchangi, MP
2. Hon. Gitonga Murugara, MP
3. Hon. Mary Emaase, MP
4. Hon. Lilian Siyoi, MP
5. Hon. (Dr.) Wilberforce Oundo, MP
6. Hon. Irene Mayaka, MP
7. Hon. Ruth Odinga, MP

Hon. Senators, pursuant to the provisions of Standing Orders No.166(2) of the Senate Standing Orders and in consultation with the Majority and Minority Leaders, I will at the appropriate time, appoint Senators to the Joint Mediation Committee.

Thank you.

Next Order.

(Several Senators walked into the Chamber)

The Speaker (Hon. Kingi): Hon. Senators, take your seats. Kindly be orderly.

PAPERS LAID

The Speaker (Hon. Kingi): Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, Tuesday, 12th March, 2024-

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

Report of the Auditor-General on Financial Statements of Makueni County Bursary Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Uasin Gishu County Cooperative Enterprise Development Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Machakos County Assembly Housing and Car Loan Scheme Fund for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of Kericho County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kajiado County Youth and Women Enterprise Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Marsabit Mortgage Scheme Fund for the year ended 30th June, 2023.

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

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

Report of the Auditor-General on Financial Statements of Baringo County Lake Bogoria Community Grant for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Baringo County Co-operative Development Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Narok County Assembly Car Loans, Grants and Mortgages Scheme Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Narok – County Revenue Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Maasai Mara Community Support Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Makueni County Bursary Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Makueni County Emergency Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kakamega County Alcoholic Drinks Control Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kakamega County Small Scale Trade Development Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kakamega County Education Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kakamega County Investment and Development Agency Limited for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Kisumu - County Revenue Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Assembly of Kisumu Car Loan and Mortgage Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Kisumu - Receiver of Revenue for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Kisumu County Covid-19 Emergency Response Fund for the year ended 30th June, 2023.

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Report of the Auditor-General on Financial Statements of the County Executive of Siaya for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of County Government of Siaya – County Revenue Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Siaya County Education Bursary Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Siaya County Emergency Fund for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Executive of Vihiga for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Assembly of Vihiga for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of the County Government of Vihiga - Receiver of Revenue for the year ended 30th June, 2023.

Report of the Auditor-General on Financial Statements of Vihiga County Sports Fund for the year ended 30th June, 2023.

Thank you.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Labour and Social Welfare or any Member of that Committee?

REPORT ON THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL, 2022

Sen. Miraj: Mr. Speaker, Sir, on behalf of the Chairperson of the Standing Committee on Labour and Social Welfare, I beg to lay the following Paper on the Table of the Senate, today, 12th March, 2024-

Report of the Standing Committee on Labour and Social Welfare on its consideration of the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bills No. 46 of 2022).

(Sen. Miraj laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICE OF MOTION

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

(Sen. Crystal Asige walked into the Chamber)

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Be patient with her as she walks in.

DESIGNATION OF A MONTHLY CAR FREE DAY
AND COUNTY CAR FREE ZONES

Sen. Crystal Asige: Pardon me, Mr. Speaker, Sir.

I beg to give notice of the following Motion-

THAT, AWARE THAT Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan (NCCAP) identifies transportation as the fourth largest contributor to greenhouse gas emissions, which if uncontrolled, will result to the negative impact of climate change with adverse effects to millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown, leading to increased road accidents, carbon emission and vehicle congestion, costs of which are in excess of Kshs100 billion in Gross Domestic Plan (GDP) per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, Ministry of Environment, Climate Change and Forestry, in collaboration with the Council of Governors and the National Climate Change Council to-

(i) identify, publicize, and execute suitable monthly car-free days and County car-free zones in urban areas across the country;

(ii) identify and develop County Car-Free Zones, also known as “pedestrians’ precincts”, in urbanized areas, where its infrastructure and activities are restricted to pedestrians alone;

(iii) provide affordable, safe and universally designed public transport access to and around these car-free zones, including, but not limited to, the development of Bus Rapid Transport (BRT) in the urban areas;

(iv) design inclusive mobility infrastructure that supports non-motorised transport facilities, such as pedestrian spaces, bicycle lanes and green spaces, within the Central Business District (CBD) of every County; and,

(v) ensure inter-modal connectivity among the various transport modes.

I thank you.

QUESTIONS AND STATEMENTS

STATEMENTS

BOUNDARY DISPUTE BETWEEN
KWALE AND KILIFI COUNTIES

Sen. Chimera: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from Standing Committee on Devolution and Intergovernmental Relations regarding boundary disputes between Kwale and Kilifi counties.

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In the Statement, the committee should-

(1) Explain the scope of the boundary dispute between Kwale and Kilifi counties, especially in Kanjaocha Village in Samburu/Chengoni Ward in Kwale County, disclosing the underlying causes of disputes as well as any obstacles impeding its resolution.

(2) State reasons for the frequent clashes between the Gede, Mitangani and Duruma communities, clarifying whether they are linked to the boundary disputes.

(3) Outline any steps taken by the national and county governments to resolve the disputes and explain the basis for the recent declarations by the county commissioners from the respective counties regarding the matter.

(4) Provide recommendations to mitigate the adverse impact of the dispute, including double taxation of traders by the county governments in boundary regions pending resolution of the disputes.

(5) Provide recommendations for conclusive resolutions of the disputes, outlining any targeted interventions required of the national and county governments.

The Speaker (Hon. Kingi): Proceed, Sen. Sifuna.

ALLEGED USE OF EXCESSIVE FORCE BY THE POLICE
DURING KMPDU PEACEFUL PROCESSION

Sen. Sifuna: Mr. Speaker, Sir, for the record, I am holding brief for Sen. Oketch Gicheru of Migori.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the use of unnecessary and excessive force by the police during the peaceful procession by the Kenya Medical---

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators. The Senator for Nandi, can you not locate your seat? It is somewhere here.

(Laughter)

Proceed, Sen. Sifuna.

Sen. Sifuna: Mr. Speaker, Sir, allow me to begin from the top. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the use of unnecessary and excessive force by the police during the peaceful procession by the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) on Thursday, 29th February, 2024.

In the Statement, the Committee should-

(1) State whether the Nairobi Regional Police Commander was notified by the KMPDU of their intention to hold a peaceful procession on Thursday, 29th February, 2024, and requested to provide security for the procession.

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(2) Outline the protocols for police engagement during demonstrations, explaining why KMPDU's peaceful march was disrupted by the police who unprovoked and in close range launched tear gas at KMPDU members, gravely injuring the union's Secretary General, Mr. Davji Atellah, and several young medical interns.

(3) Disclose the identities of all officers who launched teargas at the procession, particularly targeting the union's Secretary General, and provide a status update on disciplinary proceedings initiated against the said officers.

(4) Indicate whether the Government has or intends to provide medical assistance and compensate those who were injured by the police during the procession.

(5) Outline any measures put in place to guard against intimidation and harassment of individuals exercising their constitutional right to demonstrate peacefully and to safeguard similar incidents in the future.

I have read the Statement on behalf of Sen. Oketch Gicheru, MP. He is the Senator for Migori County.

The Speaker (Hon. Kingi): Next is Sen. Veronica Maina.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for this opportunity. I have two Statements and I believe I can read both of them.

EFFECTS OF PROPOSED ENERGY REGULATIONS, 2024

Sen. Veronica Maina: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy regarding the effects of the proposed energy (electricity market, bulky supply and open access) regulations by the Energy and Petroleum Regulatory Authority (EPRA) on the electricity sector in the country.

In the Statement, the Committee should-

(1) Explain the capacity of the proposed Energy Regulations 2024, to pave the way---

The Speaker (Hon. Kingi): Sen. Veronica Maina, your colleagues cannot hear you. Just use the other microphone.

Sen. Veronica Maina: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy regarding the effects of the proposed energy (electricity market, bulky supply and open access) regulations by the Energy and Petroleum Regulatory Authority (EPRA) on the electricity sector in the country.

In the Statement, the Committee should-

(1) Explain the capacity of the proposed Energy Regulations, 2024, to pave the way for a more dynamic and potentially more cost-effective energy market for Kenyan consumers.

(2) State strategies and measures put in place by the Ministry of Energy to ensure a smooth and successful transition upon doing away with the monopoly in electricity transmission and distribution currently enjoyed by Kenya Power.

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(3) Elucidate any potential challenges and opportunities that are likely to be brought by the proposed regulations with a view to safeguarding consumer interests throughout this transformation.

(4) Outline the extent to which Independent Power Producers (IPPs) ignite healthy competition, potentially resulting in streamlining of the electricity market and ensuring optimal resource utilization, thereby fortifying the nations power infrastructure and reliability.

(5) Explain any oversight mechanism the Government has put in place to ensure that the envisioned benefits for Kenyans are realised to the fullest, particularly enhanced money market efficiency, the possibility of affording consumers a broader spectrum of choices of service providers as well as inventive solutions and reduced electricity prices.

I have a second Statement on the efficiency and competitiveness of the Port of Mombasa.

EFFICIENCY AND COMPETITIVENESS OF
THE PORT OF MOMBASA

Sen. Veronica Maina: 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 regarding the efficiency and competitiveness of the Port of Mombasa.

In the Statement, the Committee should-

(1) Report on the efficiency of the Port of Mombasa, providing details on how the vessel waiting and turnaround time---

(Sen. M. Kajwang' consulted loudly)

The Speaker (Hon. Kingi): Order, Sen. M. Kajwang'. I have been watching you keenly. Now you are on the sixth minute just exchanging greetings. Kindly make use of the Lounge because it has no Standing Orders.

Proceed, Sen. Veronica Maina.

Sen. Veronica Maina: In the Statement, the Committee should-

(1) Report on the efficiency of the Port of Mombasa, providing details on how the vessel waiting and turnaround time, as well as the cargo dwell time compared with internally set targets and with other major ports in the region.

(2) State the impact of operations of the Port of Mombasa on Kenya's overall economic growth and development goals, particularly in terms of trade facilitation, job creation and revenue generation.

(3) Outline measures put in place by the Government to further increase efficiency at the port to ensure its continued competitiveness in facilitating international trade.

(4) Explain what the Government is doing to incentivize the use of rail transport for cargo shipments, particularly through the Standard Gauge Railway (SGR), to ease pressure on road infrastructure.

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The Speaker (Hon. Kingi): The next one is by Sen. Wafula.

POLICIES GOVERNING CONFIRMATION OF
APPOINTMENT IN THE PUBLIC SERVICE

Sen. Wafula: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the policies governing confirmation of appointment in public service after probation period.

In the Statement, the Committee should-

(1) Elucidate the specific conditions and requirements necessary for public servants to be confirmed in appointment following completion of the probation period in public service.

(2) Spell out the guidelines governing public servants serving under probation, highlighting both acceptable practices and potential violations that may lead to demotion or disciplinary action.

(Loud consultations)

The Speaker (Hon. Kingi): Order, hon. Senators! Sen. Miraj and Sen. Nyamu, you may consult, but keep it in low tones

Sen. Wafula: The third question is as follows-

(3) Conduct an investigation and furnish a comprehensive report on the recent matter at Kenya Railways concerning an officer who served on probation as General Manager of Supply Chain Management from 24th June, 2023 to 15th February, 2024 and was further appointed to the position of Procurement Manager following the completion of a probation period.

(iv) Recommend measures to be implemented by the relevant authorities to mitigate disputes between Government and civil servants serving on probation.

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

EXCLUSION OF APBET INSTITUTIONS FROM
EDUCATION FRAMEWORK

Sen. Sifuna: Mr. Speaker, Sir, I have two Statements. With your kind permission, I request that I take both of them.

First, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Education regarding the exclusion of Alternative Provision of Basic Education and Training Institutions, formerly known as (APBET) institutions, from the education framework.

In the Statement, the Committee should -

(1) State the number of APBET institutions operating in Nairobi City County and within the nomadic communities across Kenya, indicating their respective enrolment figures.

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(2) Explain the failure by Government to recognize APBET institutions, consequently denying them the institutions and their learners' access to national and county government support and services, including competition which are available to other comparable learning institutions.

(3) Clarify whether the Government intends to formulate regulations for APBET institutions that are feasible and distinct from regulations for conventional schools, and if so, provide timelines for the same.

(4) Highlight any initiatives taken by government to ramp up enrolment of learners to APBET institutions, especially within the nomadic communities where the population is largely excluded from formal school systems.

OWNERSHIP OF KARIOKOR ESTATE IN STAREHE CONSTITUENCY

Sen. Sifuna: Thank you, Mr Speaker, Sir. Secondly, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing on the ownership of Kariokor Estate in Starehe Constituency, Nairobi County.

In the Statement, the Committee should -

(1) Clarify whether the residents of Kariokor Estate are the lawful owners of the housing units as per the terms outlined in the tenant purchase agreement of 1965 and further avail that tenant purchase agreement to the Senate.

(2) Explain why rent for the units is being remitted to a special kitty instead of direct remittance to the County Government of Nairobi City.

(3) Disclose the identity of the entity receiving rent from the units outlining any existing agreements between the County Government of Nairobi and that entity.

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda Odhiambo, SC. That Statement is dropped.

WELL-BEING OF POLICE OFFICERS WHILE ON DUTY

(Statement dropped)

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

DISBURSEMENT AND UTILIZATION OF UWEZO FUND

Sen. Okenyuri: 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 disbursement of UWEZO of fund by the Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSMEs), development.

In the Statement, the Committee should -

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(1) Provide a countrywide report of the total amount of loans disbursed from the wares of fund since its establishment in the year 2014 to date, clearly indicating the amount released to each of the 290 constituencies for the three intended categories, that is youth, women, and Persons with Disabilities (PwDs) for the same period.

(2) Provide a report of the total amount of non-performing loans, resulting from the fund, and outline the strategies put in place by the relevant ministry to recover the defaulted loans.

(3) Report on its assessment on the economic impact the fund has had in expanding access to finances for the youth, women, and PwDs for business and enterprise development since its inception.

(4) Provide the most recent audited reports by the Auditor-General on the fund and outline the measures being put in place by the Ministry to ensure prudent and efficient use of the fund as anticipated in the Public Finance Management (PFM) Act.

The Speaker (Hon. Kingi): Se. Munyi Mundigi, you have the Floor.

STATUS OF ECDE TEACHERS TRAINING IN THE COUNTRY

Sen. Munyi Mundigi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education concerning the state of Early Childhood Development Education, (ECDE) teachers training in the country.

In the Statement, the Committee should-

(1) Provide the enrolment figures for both the Diploma in Primary Education and the Diploma in ECDE across the Teachers Training Collages (TTC).

(2) Outline the Cabinet Secretary's effort to increase ECDE training enrolment to TTCs while ensuring immediate compliance with the National Pre-Primary Policy Guidelines that stipulate that tutors of ECDE teachers possess minimum qualification of degree in ECDE, noting an increase in students switching from their diploma in ECDE to Diploma in Primary Education due to entry qualification adjustment.

(3) Detail the immediate measures being taken by the Ministry to encourage the appropriate methodological training approach for the Diploma in ECDE at TTCs considering that current tutors in TTCs are preliminarily trained for Primary Education.

(4) Specify the number of licensed private ECDE Teachers Training Colleges offering the Diploma in ECDE, providing an update on the current status of preliminary registered Private ECDE Training Colleges that offer ECDE teachers training before the restructuring of teachers' education and further, outline plans for the licensing of additional private ECDE training colleges.

(5) Spell out the Ministry's engagement with the stakeholders in the education sector towards addressing the challenges facing the training of ECDE teachers in order to guarantee the country suitably trained teachers.

The Speaker (Hon. Kingi): Sen. Fatuma Dullo, you have the Floor. That Statement is dropped.

UTILIZATION OF EMERGENCY RELIEF FUNDS IN
ISIOLO COUNTY

(Statement dropped)

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

STATE OF MARKETS IN VIHIGA COUNTY

Sen. Osotsi: Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the conditions of markets within Vihiga County.

In the Statement, the Committee should-

(1) Report on the state of key markets in Vihiga County, including but not limited to Mbale, Majengo, Lwanda, Serem, Chavakali, Cheptulu, Shamakhokho, Esibuye and Mudete, specifically addressing the availability and functionality of essential services such as water supply, street lighting, waste management and sanitation.

(2) Provide a status update of all the markets improvement and or expansion projects initiated by the Vihiga County Government from the Financial Year (FY) 2013/2014 to date.

(3) Provide a breakdown of the Own Source Revenue (OSR) generated by the County Government from each market for the FY 2018/2019 to date, giving a comparison of the revenue to the total costs incurred for the services construction projects and market improvements as well as amount retained from the revenue.

(4) State the impact of the February, 2024 tax boycott by the traders at Luanda Market on revenue collection, stating measures if any that the county has taken to resolve the aggrievances by traders.

(5) State any reasons for the delay in appointment of the municipal managers for markets designated as municipalities under the Urban Area and Cities Act and provide the expected timelines for these appointments.

I thank you.

The Speaker (Hon. Kingi): Senator for Nandi County, proceed. Sen. Tabitha Keroche is certainly not the Senator for Nandi County.

Sen. Cherarkey: Mr. Speaker, Sir, the Senator of Nakuru County is confusing me.

CRITERIA USED BY ATHLETICS KENYA TO SELECT
TEAM TO 13TH ALL AFRICA GAMES

Mr. Speaker, Sir, I rise, pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the criteria used

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by Athletics Kenya (AK) to identify and select officials and team representing Kenya in the upcoming 13th Edition of the Africa Games in Accra, Ghana.

In the Statement, the Committee should-

(1) Outline the criteria used by Athletics Kenya to select the team and officials who will represent Kenya, stating the level of preparedness by all the federations and teams currently preparing for the All Africa Games to be held in Accra, Ghana.

(2) State the reasons that prompted the Kenya National Sports Council to advise the federations to scale down on representatives to the All Africa Games, yet they the games had been budgeted for in the Financial Year 2023, explaining the fate of those left out from the 259 athletes and officials who were initially slated to travel to Ghana.

(3) Explain any actions that the Ministry of Sports in collaboration with the Athletics Kenya has taken to ensure that the morale and team spirit of team Kenya remains high considering that athletes had boycotted the track exercises at the Nyayo National Stadium because they were disgruntled.

(4) Finally, provide a list of all sponsors currently in contract with all the sports federations on the sponsorship and partnership detailing what they have contributed in support of Kenya's preparation at the All Africa Games in Accra, Ghana.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Kinyua.

STATUS OF LAND OWNERSHIP DOCUMENTS
FOR RESIDENTS OF NANYUKI AND
LAIKIPIA COUNTIES

Sen. Kinyua: 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 on the status of the processing of land ownership documents for residents of Nanyuki and Makutano/Ngobit Wards in Laikipia County.

In the Statement, the Committee should-

(1) Provide a status update on the processing of title deeds and green cards for residents of Kanyoni and Shalom villages of Nanyuki and Makutano/Ngobit Wards respectively, stating challenges encountered, if any.

(2) State when the State Department of Lands and Physical Planning, in partnership with the National Land Commission, will issue the affected residents title deeds and green cards for their parcels of land, while ensuring the accuracy of the land ownership documents.

(3) Disclose the measures the Ministry of Lands, Public Works, Housing and Urban Development is implementing to streamline and accelerate the issuance of land ownership documents such as green cards and title deeds in the country, thereby reducing application backlogs.

I thank you.

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

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EVICTIONS IN NDABIBI-MAELA, NAIVASHA SUB -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 Land, Environment and Natural Resources regarding the status and reason for eviction of 140,000 people living in Ndabibi-Maela Ward Naivasha Sub-County.

In the Statement, the Committee should-

(1) State the reason for forceful evictions of 140,000 people living in Ndabibi-Maela Ward in Naivasha County and motive behind the destruction of 40,000 homesteads, illegal curfews, stealing of harvested maize by General Service Units (GSU) officers, use of live ammunitions against civilians in their residents, inhuman acts of violence, rape, arbitrary arrest, illegal detention of more than 100 people in police cells outside Nakuru County.

(2) Explain why the Government used force to repossesses private land, fencing, establishing illegal boundaries in a private land that is legally registered and own by the Ndibithi Farmers Company Limited, with valid title deed number LR/1417 and LR/1695, measuring 2,504 acres issued by the colonial government in 1924 to Lord Coville a white settler who gifted the land on 12th March, 1974 to his 202 former workers registered under the name Ndibithi Farmers Company Limited, which was registered on 26th May, 1972.

(3) Explain why the Government sent hundreds of GSU police officers to forcibly evict, torture, harass, threaten and frog march naked women in the presence of their sons, sexually abusing them and removing women in their houses at night, while their husbands watched helplessly, guarding off the private property despite the court order No.E018 of 2024, issued by the Naivasha Law Courts on 29th February, 2024, where Ndibithi Farmers Company Limited were granted permission to continue living in their land.

The court instructed anyone who feels they own part of the land to produce documents to prove ownership. Otherwise, what is in court is a land title deed number LR1417 and L1695, measuring 2,504 acres, belonging to 202 former workers and nobody has ever challenged this fact in court.

(4) Explain why Government officials namely, the area chief, division officer, and sub-county commissioners, are leasing out and collecting illegal fees on private land owned by Ndabibi Farmers Company.

INCREASED NUMBER OF DROPPED CALLS
ON THE SAFARICOM NETWORK

Sen. Methu: 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 on the increased number of dropped calls on the mobile network telecommunications service provider, Safaricom.

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In the Statement, the Committee should-

(1) Explain why callers on the Safaricom Network are increasingly experiencing dropped calls when using the calling services on the network, despite its market dominance.

(2) Outline any measures put in place by the Communication Authority of Kenya to protect Kenyans from such substandard service.

RESETTLEMENT OF INTERNALLY DISPLACED PERSONS FROM MARSABIT COUNTY

Sen. Chute: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the resettlement of Internally Displaced Persons (IDPs) from Saku Constituency in Marsabit County.

In the Statement, the Committee should-

(1) State the number of IDPs from Gabra Scheme, Konso Banchale, Ola Daba, and Isacko Umuro villages in Saku Constituency in Marsabit County, who were forced out of their homes during the intercommunal clashes that occurred in the county over seven years ago.

(2) Inform the Senate of the humanitarian assistance extended to the IDPs, providing details on any initiatives by the Government to resettle the IDPs.

(3) Outline any steps taken by the Government to conclusively address the root cause of such conflicts in the county and prevent a recurrence of the same.

(4) State any contingency plans put in place by the Government to mitigate the effects of any future clashes.

DISTRIBUTION OF RELIEF SUPPLIES TO RESIDENTS OF MARSABIT COUNTY

I rise, pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the distribution of relief supplies to the residents of Marsabit County.

In the Statement, the Committee should-

(1) State the type, quality, packaging and price of relief supplies distributed to residents of Marsabit County, who have been severely affected by drought and other extreme weather conditions.

(2) Provide a list of all organizations and transport service providers that have been contracted to supply and transport relief aid to the affected areas in the last two years, indicating the total costs incurred in the transportation.

(3) Explain why relief supplies are offloaded miles away from the designated locations, as was the case with the non-food items meant for people of Manyata Nebei in Korr, which were left at Laisamis Constituency.

Thank you, Mr. Speaker, Sir.

STATUS OF INFRASTRUCTURE PROJECTS
UNDERTAKEN BY ALL COUNTY GOVERNMENTS IN
THE EDUCATION SECTOR

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the status of infrastructure projects undertaken by all county governments in the education sector.

In the Statement, the Committee should-

(1) Provide an audit report on the total budget utilized by all 47 counties in the provision of infrastructure to primary and secondary schools, detailing the amount of money spent, and indicate whether these activities have in any way disadvantaged Early Childhood Development Education Centres (ECDEs)

(2) Provide a status of all preschools, ECDEs and nursery schools constructed by respective county governments.

(3) Give a detailed report of primary and secondary schools built by the respective county governments, particularly the Narok County Government, indicating the budget used from Financial Year 2019/2020 to date.

The Speaker (Hon. Kingi): There was a Statement that was supposed to be made pursuant to Standing Order No.52. Although we have passed requests under this Standing Order, I will allow Sen. Omogeni to issue the Statement due to its importance.

DISBURSEMENT OF FUNDS TO
COUNTY OFFICES BY THE PSC

Sen. Omogeni: Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern namely, the operating expenses of the county offices.

I take this opportunity to inform the House of the progress made in the disbursement of funds to county offices by the Parliamentary Service Commission (PSC). I do this appreciating my duty to this House, which approved my appointment as a Commissioner to the PSC on Wednesday, 9th November, 2022.

I wish to notify the House that the PSC as at Thursday 7th March, 2023, received and processed operational returns from 39 county offices. The Commission proceeded to process payments for the offices for their office operations for January to March, 2024.

I wish to notify hon. Senators that the vouchers for payments of the disbursements for the mentioned quarter are in the cash office pending payment.

Mr. Speaker, Sir, I wish to bring to the attention of the House that we requested for Exchequer from the National Treasury, but as of 7th March 2024, we have not been funded. As an interim measure, the Commission has facilitated the payment of staff salaries for the period of January and February, 2024.

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I, therefore, wish to bring to the attention of all Senators that though they are required to account for their office expenses for January, February, and March 2024, we have been unable to disburse these monies to the respective accounts due to the Exchequer not being released by the National Treasury.

I, therefore, request Senators to take note for general information and not to confront me on the corridors as to why money has not reached their accounts.

I thank you.

The Speaker (Hon. Kingi): I will allow comments on these Statements, two Senators from each side.

Sen. Wambua, proceed.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity. I thank Commissioner, Sen. Omogeni, for updating the House on the status of the release of funds, especially for operations of our respective county offices.

Mr. Speaker, Sir, we are now beginning to play hide and seek with the electorate and even our members of staff. This is because the funds that Sen. Omogeni has made reference to for the operations, Senators will use for tea in their offices and for hiring taxis to different destinations.

The amount of debt that has been accumulated by the respective offices of Senators are staggering. Since January, that amount has not been received in our counties. It puts us in a very awkward situation. We require other Government offices to operate and deliver services, but we are unable to operationalize our own offices.

Mr. Speaker, Sir, this is a matter that the National Treasury must begin to take more seriously than they do. Disbursements to different votes for Parliament should not be an afterthought. It should be a priority issue. Moreover, monies that were due in January have not been released to date and there is no sign that it will be released tomorrow or the day after. Therefore, the National Treasury must take note.

I thank the Parliamentary Service Commission (PSC) for that update.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I have heard our good Commissioner. As a House, we have absolute confidence in them. I want to encourage them. The PSC must realize that under Article 248 and 249 of the Constitution, it enjoys absolute independence. In fact, if you allow, I would like to quote Article 249(2) (a) and (b), which states that-

“The commissions and the holders of independent offices—

(a) are subject only to this Constitution and the law; and

(b) are independent and not subject to direction or control by any person or authority.”

Given this provision and that the National Assembly has done the necessary appropriation - I am not addressing Sen. Omogeni, but the Commission. At what point do you lose your independence that the envisaged independence of the budget of Parliament ends up being subject to the direction of the Executive? We would like you to briefly tell us that you are up to the job. If there are challenges you are facing, then approach Parliament, so that we can adversely engage the Executive.

If Parliament is going to fail because you are losing your independence, that is the beginning of failure of Government. If Parliament is unable to oversight the Executive, you open up avenues for corruption and all that.

(Applause)

We, therefore, would like to encourage you and tell you that we are behind you. This is not personal. It is about the Constitution of Kenya. The Executive must be oversighted. We are here equipped, ready, willing and energetic. We want to do it. The old era where people used to do what they like when they are in an Executive Office should be brought to an end.

(Applause)

Mr. Speaker, Sir, you have seen in this House we have invited Cabinet Secretaries to come and answer questions arising from their portfolio. The Cabinet Secretaries know that this new trend was pioneered by their nominating authority; the President of Kenya, but they still tell us to go to hell.

Members, we must exercise the power of the purse of Parliament, if we want the Executive to perform.

(Applause)

The Speaker (Hon. Kingi): Hon. Senators, the contribution by the two hon. Senators should sum it all.

Before I ask the Clerk to call the next Order, I have got this Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KITENGELA MAGEREZA SECONDARY SCHOOL

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting teachers and students from Kitengela Magereza Secondary School in Kajiado County. The delegation comprises 10 teachers and 90 students, who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving welcoming visitors to Parliament, I extend a warm welcome to them. On behalf to the Senate and my own behalf, I wish them a fruitful visit. I ask Sen. Tobiko, under one minute, to extend a word of welcome.

Sen. Tobiko: Thank you, Mr. Speaker, Sir, for giving me the opportunity to welcome students from Kitengela Magereza Secondary School to the Senate. I am

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delighted to see the students here at the Senate. I hope the visit motivates them to go and work hard, study and be the future Senators and Members of Parliament (MPs) in this country. Additionally, they can become Presidents and all other professions.

Mr. Speaker, Sir, it delights me particularly because I built this school when I was a MP from ground zero to what it is today.

(Applause)

Additionally, it was voted one of the best secondary schools funded using the National Government Constituencies Development Fund (NG-CDF) and one of the best 20 nationally. Therefore, I invite the Senate to one time visit the school and see what it looks like.

Mr. Speaker, Sir, they are most welcomed in the Senate.

The Speaker (Hon. Kingi): Next Order, Clerk.

Clerk, just have a seat. Before we start some war in Kajiado County, I will allow Sen. Seki, under one minute, to extend a welcome to the visiting delegation.

Sen. Seki: Thank you, Mr. Speaker, Sir. I thought you forgot that I am an elected Senator.

The Speaker (Hon. Kingi): Proceed, Sen. Seki. Of course, you are the elected Senator for Kajiado.

Sen. Seki: Thank you, Mr. Speaker, Sir. I take this opportunity to also welcome the students from Kitengela Magereza Mixed Secondary School, together with the teachers, on behalf of the Senate.

I am the Senator for Kajiado. I appreciate you coming here today to learn from this Senate. I also thank Sen. Tobiko for being a pillar of our county, particularly Kajiado East and for establishing this school in 2017. We can now see the fruits by you being here.

As you go back home, you would have learned quite a lot.

I thank you.

The Speaker (Hon. Kingi): Next Order, Clerk.

PROCEDURAL MOTION

ALTERATION OF MEETING HOURS FOR 13TH AND 14TH MARCH 2024

The Senator Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

THAT, notwithstanding the Resolutions of the Senate made on 15th February, 2024, pursuant to Standing Order No.32 on the approval of the Senate Calendar (Regular Sessions) for the Third Session, 2024 and pursuant to Standing Order No.34(4)(b), the Senate resolves to alter its hours of meeting on Wednesday, 13th March, 2024 and Thursday, 14th March, 2024 as follows-

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(i) Morning sittings at 9.00 am to 1.00 pm; and,
(ii) afternoon sittings at 2.30 pm until conclusion of business listed in the Order Paper of the day;

in order to investigate the proposed removal from office, by impeachment, of the Honourable (Dr.) Robert Monda, the Deputy Governor of Kisii County.

Mr. Speaker, Sir, this is a Procedural Motion for good order of the House, to realign our timetable. We have specific business provided in the Standing Orders that we transact Question time with Cabinet Secretaries and Motions for Members every Wednesday morning and the normal, ordinary business that we do on Wednesdays in the afternoon.

On Thursdays as well, we normally do not have morning sittings, but because of the important exercise that is before us, we have to meet on Thursday morning as well.

In the afternoon on that Thursday, when we reconvene after lunch at 2. 30 p.m., we hope to sit until late into the night, as is a practice now established, to listen to the impeachment Motion after Senators have listened to the proceedings and eventually take a vote to decide the fate of the Hon. Deputy Governor of Kisii County.

Therefore, we need to pass this Motion today to be able to transact tomorrow in a straightforward matter. This is a straightforward issue. I do not think I need to converse beyond that.

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

I thank you, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Madzayo): Thank you, Mr. Speaker, Sir. I second the Motion.

The Speaker (Hon. Kingi): Hon. Senators, kindly, take your seats.

Hon. Senators, I now proceed to propose the question.

(Question proposed)

Hon. Senators, this being a Procedural Motion, you may elect to debate this Motion or allow me to put the question so that we vote.

Hon. Members: Put the Question!

The Speaker (Hon. Kingi): Very well. With your concurrence, hon. Senators, I will proceed thus.

It is my determination that this matter, being a Procedural Motion, does not concern or affect counties. Therefore, hon. Senators, I shall proceed to put the question and voting shall be by voice.

(Question put and agreed to)

Next Order.

Hon. Senators, allow me to invoke Standing Order No.45(2) for the convenience of the House to rearrange today's Order Paper. We will skip Order No.9 and move straight away to Order No.10.

Clerk, can you proceed to call Order No.10?

COMMITTEE OF THE WHOLE

(Order for the Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. Abdul Haji)
in the Chair]*

THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO.75 OF 2023)

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, we are now in the Committee of the Whole to consider the Affordable Housing Bill (National Assembly Bills No.75 of 2023).

Clause 3

Sen. Omogeni: Mr. Temporary Chairperson, I am proposing an amendment to Clause 3 that seeks to delete the words “institutional housing” appearing immediately after the words “affordable housing” in paragraph (b).

The justification is, if you look at the definition of institutional housing projects, this relates to building houses for prisons and universities and is not within the rights envisaged under Article 43 of the Constitution.

Thank you.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senator. When you are moving the amendment, just state that you propose the amendment as it appears on the Order Paper.

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

THAT Clause 3 of the Bill be amended in sub-clause (1) —

(a) by deleting the words “institutional housing” appearing immediately after the words “affordable housing” in paragraph (b); and

(b) by deleting the words “institutional housing” appearing immediately after the words “affordable housing” in paragraph (c).

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The Temporary Chairperson (Sen. Abdul Haji): That is how we should move since there are many amendments. Your justification should be short.

(Question of the amendment proposed)

Division will be at the end.

Clause 4

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Levy shall be paid at the rate of one-point five percent of

(a) the net salary of an employer; or

(b) the net salary of an employee

provided that the amount paid to the collector shall not exceed Kshs2,500.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 5

Sen. Thangw'a: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 5 of the Bill be amended in subsection (2) by deleting the words “business or company which” and substituting therefor the words “person who”.

The justification is that this amendment seeks to capture all legal persons and not just businesses or companies. This amendment will ensure equity in application of the exemption.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 6

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 6 of the Bill be amended—

(a) by renumbering the current paragraph as sub-clause (1); and

(b) by inserting the following new sub-clause—

(2) The Cabinet Secretary shall provide by notice in the Gazette that the following persons are exempt from section 4 to the extent specified in the notice—

(a) any person who enters into a subsisting mortgage that is not contemplated under this Act;

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- (b) any person residing in a rural area and is in possession of a certificate of title registered in their name;
- (c) any person engaged in agricultural farming or business activities whose annual turnover is less than Kshs288,000 per year;
- (d) any person aged fifty years and over and is engaged in informal business activities;
- (e) any person with less than five years remaining to statutory retirement at the time of the enactment of this Act; and
- (f) any person diagnosed with a terminal illness by a certified medical professional.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 7

Sen. Thangw'a: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 7 of the Bill be deleted and substituted with the following new clause—

Default on Payment of amount of Levy.	7. Where an amount of the Levy remains unpaid after the when it becomes due and payable by a person liable to remit unpaid amount shall be due and payable for each month or part thereof that the amount remains unpaid and shall be summarily recovered as a civil debt for the person liable to remit the amount.
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The justification is that the Levy seeks to raise financing for the provision of the right to housing and therefore delays should be discouraged. This provision seeks to ensure that delays are reduced.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 8

(Question, that Clause 8 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 9

Sen. Thangw'a: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 9 of the Bill be amended –

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- (a) in paragraph (d) by deleting the words “section 38” and substituting therefor the words “section 42”; and
 - (b) by inserting the following new paragraph immediately after paragraph (e)—
- (ea) loans approved by the Cabinet Secretary for the time being in charge of the National Treasury;
- The justification is that this amendment seeks to correct a cross-referencing error.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 10

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 10 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “institutional housing” appearing immediately after the words “affordable housing”; and
- (b) by deleting sub-clause (2).

The justification is that---

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, let me explain. We have two amendments for Clause 10; one by Sen. Omogeni and another one by the Chairperson of Standing Committee on Roads, Transportation and Housing. If Sen. Omogeni’s amendment is carried, part (b) of the proposed amendment by the Committee will be dropped.

Sen. Omogeni, you can proceed.

Sen. Omogeni: Mr. Temporary Chairman, Sir, the justification is to remove institutional housing projects from entities that will benefit from affordable housing.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

There is a further amendment to Clause 10 by the Chairperson of the Standing Committee on Roads, Transportation and Housing.

Sen. Thangw’a: Temporary Chairman, Sir, I beg to move—
THAT Clause 10 of the Bill be amended—

- (a) in subclause (1) by deleting the word “development” appearing immediately after the words “funds for the” and substituting therefor the words “design, development and maintenance”;

- (b) in subclause (2)—

- (i) by deleting the word “development of affordable housing schemes” appearing in paragraph (d) immediately after the words “facilitate the” and substituting therefor the words “design, development and maintenance of affordable housing schemes in all counties”;

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(ii) by inserting the following new paragraph immediately after paragraph (g)—
(h) facilitate the provision of services to the projects under the management of the Fund.

The justification is that this amendment seeks to include aspects of design and maintenance in the purpose of the Fund and empower the boards to provide post-development services to projects still under the management.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 11

The Temporary Chairperson (Sen. Abdul Haji): We also have two amendments for this; one by Sen. Omogeni and another one by the committee. The two amendments are not conflicting. We will begin with the one by Sen. Omogeni.

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 11 be amended

(a) in sub-clause (1) by deleting paragraph(b); and

(b) by deleting sub-clause (3) and substituting therefor the following new subclause

(3) The monies shall be allocated to county governments as a conditional grant in accordance with the Public Finance Management Act and on such conditions as may be prescribed by the Cabinet Secretary for the time being responsible for the National Treasury.

The justification is to have all the monies collected for affordable housing be given to county governments as conditional grants in accordance with the Public Finance Management (PFM) Act and in line with the provisions of the Sixth Schedule that demarcates functions between national and county governments, development functions being a preserve of county governments. If the boards were to undertake this function, it will be in conflict with clear and unequivocal provisions of the Constitution.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Let us now have the amendment by the Chairperson Standing Committee on Roads, Transportation and Housing.

Sen. Thangw'a: Mr. Temporary Chairman, Sir, I beg to move—
THAT Clause 11 (4) of the Bill be amended—

(a) in paragraph (a) by deleting the word “two” and substituting therefor the word “point five (0.5%)”;

(b) by inserting the following new paragraph immediately after paragraph (b)—

(c) not less than point five percent (0.5%) of the monies to the county committees for the administration of the County Committees as may be approved by the Cabinet Secretary for the time being responsible for the National Treasury.

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(c) by inserting the following new subsection immediately after subsection 4–(4A) The monies under subclause (4)(c) shall be appropriated as a conditional grant to county governments

This amendment seeks to reduce payment that may be made to the Kenya Revenue Authority (KRA) for services provided from the current 2 per cent to 0.5 per cent. This is because the Authority is already mandated to carry out the task of collection of payments due to the Government.

Also this amendment seeks to facilitate the county committees to carry out their functions. Remember the first Bill did not have county boards. We introduced that in this clause. This amendment also seeks to ensure that 0.5 per cent monies to counties governments are allocated through provision of a conditional grant under the additional allocation due to county governments.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 12

Sen. Thangw’a: Mr. Temporary Chairman, Sir, I beg to move— THAT Clause 12 of the Bill be amended in sub-clause (3) by deleting the words “National Assembly” and substituting therefor the word “Parliament”.

The justification; this amendment seeks to ensure that the investment plan is tabled before both Houses of Parliament. This will ensure that the Senate as the protector of counties and their governments is apprised of the five-year affordable housing investment program.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 13

The Temporary Chairperson (Sen. Abdul Haji): We have two amendments, one is by Sen. Omogeni and the other by the Committee. If Sen. Omogeni’s amendment is carried, the Committee’s amendment will be dropped.

Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move— THAT Clause 13 be amended as in sub-clause (3) by deleting the words “the National Assembly for approval before disbursing funds out of the Fund” and substituting therefor the word “Parliament”.

The justification is that the proposed Bill creates a Board that should be in charge of dealing with investment programmes on all housing projects in counties. This will be

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in conflict with the Sixth Schedule, Part II, Section 8 of the Constitution that reserves housing and development as a function of counties.

The amendment proposes, therefore, that this function be undertaken by each county, which shall submit annual investment programmes to the Senate and not to the National Assembly. Further, it proposes that each county will submit their annual investment programmes to the Senate.

Thank you, Mr. Temporary Speaker, Sir.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang'wa: Mr. Temporary Chairman, Sir, I beg to move-

THAT clause 13 of the Bill be amended in sub-clause (3) by deleting the words “the National Assembly for approval before disbursing funds out of the Fund” and substituting therefor the word “Parliament”.

This amendment seeks to ensure that the annual investment programme is tabled before both Houses of Parliament. This will ensure that the Senate as the protector of counties and their governments is apprised of the annual investment program.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 14

The Temporary Chairperson (Sen. Abdul Haji): We have two amendments on this. One by Sen. Omogeni and the other one by the Committee and the amendments are not in conflict.

Proceed, Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang'wa: Thank you, Mr. Temporary Chairman, Sir. This is just correction of grammar.

I beg to move-

THAT clause 14 of the Bill be amended in sub-clause (3)—

(a) by deleting the word “his” appearing in paragraph (b) and substituting therefor the word “their”;

(b) by deleting the word “his” appearing in paragraph (c) and substituting therefor the word “their”;

The justification is that this amendment seeks to introduce gender-neutral language.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Abdul Haji): Division at the end. We have further amendments.

Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move—
THAT clause 14 of the Bill be amended—

(a) in sub-clause (3) by deleting paragraph (e) and substituting the following new paragraph—

(e) three persons who shall be nominated from the following bodies and appointed by the Cabinet Secretary.

(i) the Law Society of Kenya;

(ii) the Institute of Certified Public Accountants of Kenya; and

(iii) the Board of Registered Architects and Quantity Surveyors.

The justification is to remove the Cabinet Secretary from having the sole discretion of appointing three members to the proposed Board and instead, substitute it with appointees of three professional bodies - the Law Society of Kenya (LSK), the Institute of Certified Public Accountants of Kenya (ICPAK) and the Board of Registered Architects and Quantity Surveyors to enhance transparency.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 15

The Temporary Chairperson (Sen. Abdul Haji): We have two amendments for Clause 15, one by the Committee and one by Sen. Omogeni. The amendments do not conflict.

Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Temporary Chairman, Sir, I beg to move -
THAT Clause 15 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “institutional housing” appearing immediately after the words “affordable housing”;

(b) in sub-clause (2) —

(i) by deleting the words “ and institutional housing” appearing immediately after the words “affordable housing” in paragraph (a); and

(ii) by deleting the words “institutional housing” appearing immediately after the words “affordable projects in paragraph (c);

The justification is to remove institutional housing as one of the beneficiaries of affordable housing as that is not envisaged right under Article 43 of the Constitution.

I thank you.

(Question of the amendment proposed)

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The Temporary Chairperson (Sen. Abdul Haji): Division at the end. We have further amendments.

The Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang'wa: Mr. Temporary Chairman, Sir, I beg to move-

THAT Clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

(da) inspect and enforce compliance to this Act, guidelines and regulations set under the Act.

The justification is that this amendment seeks to empower the Board to inspect developments funded by the Fund and enforce compliance with the Act.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 16

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang'wa: Thank you, Mr. Temporary Chairman, Sir, I beg to move-

THAT clause 16 of the Bill be amended—

(a) in sub-clause (1) –

(i) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) has ten years' experience in a senior management position in the public service or private sector; and

(ii) by inserting the following new paragraph—

(c) meets the requirements of Chapter Six of the Constitution.

The justification is that this amendment seeks to provide for the years of experience for the Chairperson. In addition, the amendment recognizes that the Chairperson is in charge of policy and will be assisted by the Chief Executive Officer who will provide technical guidance.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 17

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang'wa: Thank you, Mr. Temporary Chairman, Sir, I beg to move:

THAT clause 17 of the Bill be amended—

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- (a) in sub-clause (1) by deleting the words “other than the *ex-officio* members” appearing immediately after the word “Board”;
- (b) in sub-clause (2)–
 - (i) by deleting the words “other than an *ex-officio* member” appearing immediately after the word “Board” in the introductory sentence;
 - (ii) by deleting the words “his or her” appearing in paragraph (d) and substituting therefor the word “their”; and
- (c) in sub-clause (3) by deleting the words “other than an *ex-officio* member” appearing immediately after the word “Board”.

The justification is that this amendment seeks to remove reference to Chief Executive Officer in provisions that relate to the tenure of office of the Board. It also seeks to introduce gender-neutral language and remove reference to Chief Executive Office in the provisions of the tenure of the office of the Board.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 18

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang’wa: Mr. Temporary Chairman, Sir, I beg to move-
THAT Clause 18 of the Bill be amended by deleting the words “other than an *ex-officio* member” appearing immediately after the word “member”.

The justification is that this amendment seeks to remove reference to the Chief Executive Officer in provisions that relate to the filling of a vacancy that arises in the Board.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 19

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, Standing Committee on Roads, Transport and Housing, proceed.

Sen. Thang’wa: I beg to move the amendment-
THAT Clause 19 of the Bill be amended in sub-clause (1) by inserting the word “First” immediately after the words “accordance with the”

The justification is that this amendment seeks to clarify, which amongst the three Schedules, the Section is referring to.

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(Question of the amendment proposed)

Clauses 20, 21 and 22

(Question, that Clauses 20, 21 and 22 be part of the Bill, proposed)

Division will be at the end.

Clause 23

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, Standing Committee on Roads, Transport and Housing.

Sen. Thang'wa: Thank you, Mr. Temporary Chairman, Sir. I wish to move the amendment-

THAT clause 23 of the Bill be amended—

- (a) in sub-clause (2) by inserting the following new paragraph—
- (c) meets the requirements of Chapter Six of the Constitution; and
- (b) by inserting the following new sub-clause—

(3) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

The justification is that the amendment seeks to align the Bill to the leadership and integrity provisions under the Constitution. It also seeks to introduce the tenure of office for the Chief Executive Officer that is in line with the *Mwongozo* Code of Governance

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clauses 24, 25, 26, 27, 28, 29, 30 and 31

(Question, that Clauses 24, 25, 26, 27, 28, 29, 30 and 31 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end. Proceed, Sen. Abass.

New Clause 32

Sen. Abass: Mr. Temporary Chairman, Sir, I beg to move-

THAT the Bill be amended by deleting Clause 32 and substituting therefor the following new section—

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Allocation of
land.
No. 6 of 2012

32. (1) The provisions of the Land Act shall, subject to subsection (2), apply to the allocation of public land for the implementation of the affordable housing scheme and development of institutional housing scheme.

(2) Land held by a county government shall not be allocated unless the Board has, in the prescribed manner-

(a) sought and obtained the approval of the respective county executive committee and county assembly; and

(b) carried out public participation and stakeholder engagement with the affected community within the county.

We did away with the first one, as it appeared on the Order Paper, in consultation with the Committee.

The Temporary Chairperson (Sen. Abdul Haji): Go ahead, Sen. Omogeni.

Sen. Omogeni: Mr. Temporary Chairman, Sir, I had moved an amendment that was doing away with institutional housing. However, the amendment by Sen. Abass is retaining institutional housing, which I proposed to be deleted. I want your directions.

The Temporary Speaker (Sen. Abdul Haji): Sen. Abass, would you want drop the institutional housing scheme in your amendment to Clause 32(1)?

Sen. Abass: Mr. Chairman, Sir, I will not drop it.

(Question of the New Clause 32 proposed)

(New Clause 32 read the First Time)

*(Question, that New Clause 32 be read a
Second Time proposed)*

The Temporary Speaker (Sen. Abdul Haji): Division at the end.

Clause 33

The Temporary Chairperson (Sen. Abdul Haji): Proceed, Chairperson Standing Committee on Roads, Transportation and Housing.

Sen. Thang'wa: Thank you, very much, Mr. Temporary Chairperson. I beg to move-

THAT Clause 33 of the Bill be amended-

(a). In sub-clause (1) by deleting the word "Fund" appearing immediately after the word "The" and substituting therefor the word "Board".

(b). In sub-clause (2) by deleting the word "Fund" appearing immediately after the words "Act, 2012, the" and substituting therefor the word "Board".

The justification is that this amendment seeks to clarify that it is the board that is empowered to enter into contract on behalf of the fund.

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(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 34

The Temporary Chairperson (Sen. Abdul Haji): There are two amendments. The Committee will have to drop the amendments if Sen. Omogeni's amendment goes through.

Proceed, Sen. Omogeni.

Sen. Omogeni: Mr. Speaker, Sir, I beg to move—
THAT Clause 34 of the Bill be deleted.

The justification is to remove institutional development as beneficiaries of affordable housing.

Thank you.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end. There is a further amendment by the Chairperson of the Committee. Proceed,

Sen. Thang'wa: Mr. Temporary Chairperson. I beg to move—

THAT Clause 34 of the Bill be amended by deleting the word "Fund" and substituting therefor "Board".

Justification is that this amendment seeks to clarify that it is the Board that is empowered to enter into contracts on behalf of the Fund.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 35

The Temporary Chairperson (Sen. Abdul Haji): We have two amendments. The Committee will have to drop their amendment if Sen. Abass's amendment goes through.

Sen. Abass: Mr. Temporary Chairperson, I beg to move—

THAT the Bill be amended by deleting clause 35 and substituting therefor the following new clause —

Agreement with
private
institutions and
persons.

35. (1) The Board may enter into an agreement with a private institution—
(a) to develop and construct affordable housing units and associated social and physical infrastructure; and
(b) for the supply of goods and materials in connection with the construction of affordable housing units.

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(2) The Board shall, before entering into an agreement under subsection (1), publish in at least two newspapers of nationwide circulation and on electronic media, a notice of intention to enter into an agreement and invitation of tenders from the public in the prescribed form.

(3) The Cabinet Secretary may, in consultation with the Board, prescribe guidelines for the publication of a notice under subsection (2) and invitations to tender.

Mr. Temporary Chairperson, the amendment of Clause 35 is a vital measure to ensure transparency, fairness and public participation.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

There is a further amendment by the Chairperson Standing Committee on Roads, Transportation and Housing.

Sen. Thang'wa: Mr. Temporary Chairperson, Sir. I beg to move-

THAT Clause 35 of the Bill be amended by deleting the word "Fund" and substituting therefor the word "Board".

Justification is that this amendment seeks to clarify that it is the board that is empowered to enter into contract on behalf of the fund.

(Question of the further amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 36

Sen. Thang'wa: I beg to move-

THAT Clause 36 of the Bill be amended in Sub-clause (1) by deleting the word "Fund" and substituting therefor the word "Board".

Justification is the same as the previous one.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 37

(Question, that Clause 37 be part of the Bill, proposed)

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The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 38

The proposed amendment by Sen. Abass will be dropped if the Committee's amendment will go through.

Sen. Thang'wa: The Temporary Chairperson, Sir, if you could give me one minute to consult with Sen. Abass.

(Sen. Thang'wa consulted Sen. Abass)

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, maybe Sen. Abass could go first before I move my amendment.

Sen. Abass: Mr. Temporary Chairperson, Sir, having compared notes, we found that these things are the same for the Chairperson and myself. Therefore, I drop mine.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, say that you withdraw yours.

Sen. Abass: I withdraw my amendment.

*(The proposed amendment to Clause 38
by Sen. Abass withdrawn)*

The Temporary Chairperson (Sen. Abdul Haji): Very well. Chairperson, move the amendment, please.

Sen. Thang'wa: Thank you, very much. We consulted very fast on that one. The Temporary Chairperson, Sir, I beg to move:-

THAT, Clause 38 of the Bill be deleted and substituted with the following new clause-

Eligibility 38.(1) A person is eligible for allocation of one
Criteria. affordable housing unit if the person meets the criteria prescribed in the
 regulations.

(2) In this section, a person means a natural person.

Mr. Temporary Chairperson, Sir, this amendment seeks to clarify that a person refers to a natural person and that the said person may only access one unit. This will ensure that the objectives of the Bill to ensure that Kenyans have access to affordable housing is achieved.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

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Clause 39

The Temporary Chairperson (Sen. Abdul Haji): We have two amendments for Clause 39 and they are not conflicting.

Chairperson?

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move- THAT, Clause 39 of the Bill be amended in sub clause (1) by deleting the word "Section 30" and substituting therefor the words "Section 38".

This amendment seeks to correct a cross-referencing error.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end. There is a further amendment by Sen. Abass. Proceed.

Sen. Abass: Mr. Temporary Chairperson, Sir, I think there was confusion. Clause 39 is withdrawn.

(Proposed amendment to Clause 39 by Sen. Abass withdrawn)

Clause 40

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 40 of the Bill be amended by-

(a) renumbering the current paragraphs as subclause (1) and

(b) by inserting the following sub-clause

(2) The Cabinet Secretary may in consultation with the Board issue regulations for the better carrying out of subsection (1).

This amendment seeks to clean up on the numbering.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 41

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 41 of the Bill be amended by deleting the words "where applicable"

In consideration of our Muslim brothers and sisters, I wish to withdraw that amendment.

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, for the record, could you state that you are withdrawing Clause 41.

(Proposed amendment to Clause 41 by Sen. Thang'wa withdrawn)

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I wish to withdraw Clause 41 that we were amending by deleting “where applicable” for the sake of our Muslim brothers and sisters.

Sen. Sifuna: On a point of order Mr. Temporary Chairperson, Sir. I want some clarity on how he withdrew a clause. I thought he should be proposing to delete the Clause. Let him put it clearly so that we get it properly.

The Temporary Chairperson (Sen. Abdul Haji): I will make the clarification, Sen. Sifuna. Now the amendments to Clause 41 have been withdrawn.

(Question of the amendment proposed)

Division will be at the end.

Clause 42

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move:

THAT, Clause 42 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clauses-

(4) A person who made a voluntary saving and has not been allocated an affordable housing unit-

(a) may withdraw their savings by issuing ninety days' written notice to the agency for refund with any accrued interest;

(b) may apply to the Board for approval of issuance of an affordable housing unit;

(5) An application in sub-section (4) will be accompanied by an agreement that the applicant agrees to have their saved deposits and the land upon which the unit is to be built to be used as collateral.

(6) Upon approval by the Board, the applicant shall cause a charge on the title in subsection (5) to be executed in favour of the Board.

This amendment provides for use of voluntary savings and the land title deeds at the rural areas as collateral for the use of an affordable mortgage to facilitate the development of a rural affordable housing unit by a voluntary contributor who has been denied or who has not been allocated affordable housing unit.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 43

(Question, that Clause 43 be part of the Bill, proposed)

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Division will be at the end.

Clause 44

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move:-

THAT, Clause 44(2) of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) to a fine not exceeding twenty million shillings or imprisonment of a term not exceeding ten years, or both; and.

This amendment seeks to increase the penalty for misappropriation of the monies of the Fund. We have increased from Kshs10 million to Kshs20 million and a term not exceeding 10 years if you misappropriate this money.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Sen. Abass, what is it?

Sen. Abass: Mr. Temporary Chairperson, Sir, I think you have omitted two of my amendments; that is Clause 37(a) and Clause 42(a).

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, those are new clauses. We will come back to them.

Clause 45

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 45 of the Bill be amended in sub-clause(1) by deleting the words "he is" appearing in paragraph (b) (i) and substituting therefor the word "they are."

This amendment seeks to introduce gender-neutral language.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 46

(Question, that Clause 46 be part of the Bill, proposed)

Division will be at the end.

Clause 47

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move-

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THAT clause 47 of the Bill be amended— (a) in sub-clause (2) by inserting the following new paragraphs—

(i) immediately after paragraph (a)— (ab) criteria for eligibility of allocation of an affordable housing unit under section 38 after paragraph (a);

(ii) immediately after paragraph (i);

(j) the typology and dimensions for affordable housing units relative to the incomes of the individual applicants;

(k) the procedural guidelines for the Board to off-take affordable housing units under an affordable housing scheme;

(m) the interest rate or administration fee for a loan issued under section 41; and

(n) criteria for eligibility of allocation of a low interest mortgage under section 42.

(b) by inserting the following new sub-clauses—

(3) The Cabinet Secretary shall table before Parliament, the regulations made under this section within thirty days of commencement of this Act.

(4) Regulations made under this section shall not take effect unless approved by a resolution passed by Parliament.

(5) If a House of Parliament does not make a resolution either approving or rejecting any regulations within fifteen sitting days after submission to it for approval, the House shall be deemed to have approved those regulations.

This amendment seeks to empower the Cabinet Secretary to develop regulations that will ensure the better carrying into effect of the provisions of this Act. Also, this amendment seeks to set the timelines within which the Cabinet Secretary is required to table the amendments before Parliament; the timelines for consideration and approval of the regulations by Parliament.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

Clause 48

Sen. Thang'wa: Mr. Temporary Chairperson, I beg to move-

THAT, Clause 48 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)-

(4) Any ongoing project or programme on affordable housing implemented pursuant to a commitment or obligation under subsection

(3) shall be deemed to be a project or programme commenced under this Act.

This amendment seeks to save the ongoing projects and programmes as the rest of the Bill is operationalized upon enactment.

The Temporary Chairperson (Sen. Abdul Haji): Yes, Sen. Omogeni?

Sen. Omogeni: Mr. Temporary Chairperson Sir, I want to get your direction on Clause 48. As you know, there is a High Court decision; Petition No.181 of 2023, that

declared Section 84 of the Finance Act unconstitutional and that was the basis for the collection of these funds.

So, the entire Clause 48 is unconstitutional in view of the declarations already made by the courts. It will have a retrospective application, which is not allowed.

The Temporary Chairperson (Sen. Abdul Haji): Yes, Sen. Cheruiyot.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Chairperson, Sir. If Sen. Omogeni was in the House on the day that I moved the Bill, I made reference to the specific clause and said that as Parliament, it is our constitutional duty to legislate.

There is no happening outside the precincts of Parliament that can influence Parliament as it makes its decision on a law making process whichever way. It does not matter what the courts may have said on a particular topic.

Article 94 of the Constitution of Kenya gives the Senate and the National Assembly the only responsibility of making law. Therefore, that is not an issue that should forestall us.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Sen. Omogeni, do you want to comment?

Sen. Omogeni: Mr. Temporary Chairperson, Sir, the issue that I have with this clause is that it goes contrary to the High Court's decision. The Court decision says that you cannot collect any taxes before you have a legal framework in place.

You can only collect the tax once the legal framework is in place. I have a copy of the High Court decision with me here. As a House, we are bound. When a court makes a decision, you cannot seek cover under Article 94 of the Constitution of Kenya because court decisions are binding on all of us.

So, if the court has declared a tax to be unconstitutional, you cannot legitimize that tax through legislation. You cannot pass a legislation that has retrospective effect.

The import of Clause 48 is to legislate retrospectively so that whatever was done without a legal framework will be given force of law by the passage of this Act, which is unconstitutional.

Sen. (Dr.) Khalwale: Mr. Temporary Chairperson, on a point of order.

The Temporary Chairperson (Sen. Abdul Haji): I will allow one person and then you before we close it.

Sen. Boni, two minutes, please.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Chairperson. The discussion taking place now is the reason we have the Committee of the Whole.

Sen. Omogeni, the reading we have is that we are now making the law that will align with the fears that caused the courts to make that pronouncement.

Once we legislate the way we have done, going forward, we will be doing something, which will be aligned to what the courts wished. It is up to you as an active Member of the Azimio Coalition and a legislator to go and visit the issue of the money already collected. We are legislating for going forward.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Wambua, you have the Floor.

Sen. Wambua: Thank you Mr. Temporary Chairperson, Sir. I need protection from Sen. Omogeni.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Omogeni, please.

Sen. Wambua: Mr. Chairman, Sir, there is an issue that has been raised by the Senate Majority Leader. The court pronounced itself on this matter and said that the collection of tax was unconstitutional. The Senate Majority Leader has said that it is the work of Parliament to legislate in whichever way.

Mr. Temporary Chairperson, Sir, I want a ruling from you whether Parliament can legislate outside the Constitution. This is because the Constitution is very clear. It protects itself. The supremacy of the Constitution, and it says in black and white in Article 5 that-

“Any law including customary law, that is inconsistency with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid”.

The courts cannot make Parliament superior to the Constitution. Any legislation must be done within the Constitution.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senators.

Sen. Omogeni, you are the one who brought these contentious issues at this point in time and you were doing very well before. You have brought several amendments. If you felt that this clause was unconstitutional, you should have made your amendments at that time so that we can proceed.

Furthermore, the court, throughout the Bill, felt that there was no legal framework. This is the legal framework that is now being made. So, Sen. Omogeni, I will have to rule the we proceed. You should have brought an amendment in due time.

Therefore, we proceed.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

Clause 49

Sen. Thang’wa: Mr. Temporary Chairperson, Sir, I beg to move-

THAT Clause 49 of the Bill be amended in sub-clause (1) by inserting the word “before” after the word “immediately”.

This amendment seeks to ensure greater clarity by inserting the word “before” after the word “immediately”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

New Clauses

Sen. Thang'wa: Mr. Temporary Chairperson, Sir, I beg to move—
THAT the Bill be amended by inserting the following new clauses immediately after clause 11—

New Clause 11A

Investments
By the board **11A.** The Board may, with the approval of the by the
Cabinet Secretary in charge of Treasury, invest any
income that is not immediately required.

(Question of the New Clause 11A proposed)

(New Clause 11A read a First Time)

*(Question, that New Clause 11A be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

New Clause 11B

Sen. Thangwa: Thank you, Mr. Temporary Chairperson, Sir. I beg to move—
THAT the Bill be amended by inserting the following new clauses immediately after clause 11A—

Borrowing by
the Board **11B.** The Board may, with the approval of the Board. Cabinet
Secretary in charge of Treasury, borrow funds for the
advancement of the objectives of the Act.

(Question of the New Clause 11B proposed)

(New Clause 11B read a First Time)

*(Question, that New Clause 11B be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

New Clause 31A

Sen. Thang’wa: Mr. Temporary Chairperson, Sir, I beg to move-
THAT, the Bill be amended by inserting the following new clauses immediately after clause 31-

**PART 111(A)-ROLE OF THE COUNTY GOVERNMENTS
IN AFFORDABLE HOUSING**

Establishment of
County Rural and Urban
Affordable Housing
Committees

- 31A.** (1) There is established in every county, a
County Rural and Urban Affordable Housing
Committee.
- (2) The County Committee shall consist of the following-
- (a) a non-executive chairperson who shall be nominated by the county governor;
 - (b) the County Executive Committee member responsible for matters relating to housing or their representative designated in writing;
 - (c) three other persons who shall be nominated by the county governor, of whom—
 - (i) one shall be a representative of a registered association of traders operating in the county;
 - (ii) one shall be a representative of a registered residential association; in the county;
 - (iii) one shall be a member of the public residing within the county; and
 - (b) the chief officer for the time being in charge of housing, who shall be an ex-officio member and the secretary to the County Committee.
- (3) A person nominated under subsection (2)(a) and Subsection(2)(d) shall be vetted and approved by the county assembly.
- (4) In nominating a person as a member under subsection (2) (a) and subsection (2) (d), the county governor shall—
- (a) ensure that not more than two-thirds of the members are of the same gender;
 - (b) ensure that ethnic minorities within the county are adequately represented; and
 - (c) consider marginalized groups including youth and persons with disability.
- (5) The members of the Committee shall be appointed within thirty days of the commencement of this Act.

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This is the part where we are putting the role of county governments in the Affordable Housing Bill.

(Question of the New Clause 31A proposed)

(New Clause 31A read a First Time)

*(Question, that New Clause 31A be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division at the end.

New Clause 31B

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

THAT, the Bill be amended by inserting the following new clause immediately after clause 31A-

Qualifications

for appointment

31B. (1) A person qualifies to be appointed as the

Chairperson of the County Committee if that person-

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

(b) has at least five years' experience in matters relating to housing, built environment, banking, or finance;

(c) has resided in the county for a period of not less than five years.; and

(d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the County Committee, if the person—

(a) meets the requirements of Chapter Six of the Constitution;

(b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;

(c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person; and

(d) is not disqualified under any other written law from appointment as such.

(Question of the New Clause 31B proposed)

(New Clause 31B read a First Time)

*(Question, that New Clause 31B be read
a Second Time proposed)*

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The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end

New Clause 31 C

The Temporary Chairperson (Sen. Abdul Haji): Chairperson kindly move.

Sen. Thang'wa: I beg to Move that the Bill be amended by inserting the following New Clause 31C-

Tenure of office.

31C. (1) The Chairperson and members of the County Committee, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.

(2) Notwithstanding the provisions of subsection (1), a member of the County Committee may be removed from office if that person—

(a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the Chairperson;

(b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;

(c) is convicted of an offense involving anti-economic crimes or corruption;

(d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;

(e) violates Chapter Six of the Constitution; or

(f) fails to disclose any interest in a matter under consideration by the Committee as provided for under this Act.

(Question of the New Clause 31C proposed)

(New Clause 31C read a First Time)

*(Question, that New Clause 31C be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 31D

The Temporary Chairperson (Sen. Abdul Haji): Chairperson kindly move.

Sen. Thang'wa: I beg to Move that the Bill be amended by inserting the following New Clause 31D-

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Remuneration of **31D.** The Chairperson and the members of the County
the County Committee shall be paid such sitting allowances or other
Committee remuneration for expenses as recommended by the Salaries and
members. Remuneration Commission.

(Question of the New Clause 31D proposed)

(New Clause 31D read a First Time)

*(Question, that New Clause 31D be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 31E

The Temporary Chairperson (Sen. Abdul Haji): Chairperson kindly move.

Sen. Thang'wa: I beg to move that the Bill be amended by inserting the following New Clause 31E-

Conduct of affairs **31E.** (1) The conduct of affairs and business of the County
and business of Committee shall be in accordance with the First Schedule of
the County this Act.

Committee. (2) Subject to subsection (1), the Committee may amend its
own procedures for the better carrying out of its functions.

(Question of the New Clause 31E proposed)

(New Clause 31E read a First Time)

*(Question, that New Clause 31E be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 31F

The Temporary Chairperson (Sen. Abdul Haji): Chairperson kindly move.

Sen. Thang'wa: Thank you, Mr. Temporary Chairperson, Sir. I beg to move that the Bill be amended by inserting the following New Clause 31F-

Functions of the County Committee. **31F.** (1) The County Committee shall—

- (a) in consultation with the Board, develop a framework for the attainment of affordable housing in the county;
- (b) advise the governor on affordable housing programmes within the county;
- (c) develop a five-year affordable housing investment programme for the county and annual housing investment programme for the county;
- (d) collaborate with the boards of cities and municipalities in developing plans for social and physical infrastructure related to affordable housing pursuant to section 21 of the Urban Areas and Cities Act;
- (e) make periodical written reports on the five-year affordable housing investment programme for the county and annual housing investment programme for the county to the Board;
- (f) to make annual reports to the county assembly on the implementation of affordable housing in the county; and (g) to perform such other duties as may be assigned by the county governor in writing.

Cap 303, Laws of Kenya.

(Question of the New Clause 31F proposed)

(New Clause 31F read a First Time)

(Question, that New Clause 31F be read a Second Time proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 31G

The Temporary Chairperson (Sen. Abdul Haji): Chairperson, kindly move.

Sen. Thang'wa: Thank you, Mr. Temporary Chairperson, Sir. I beg to move, that the Bill be amended by inserting the following New Clause 31G-

County legislation. **31G.** Nothing in this Act shall preclude county governments from enacting legislation related to affordable housing in the counties.

(Question of the New Clause 31G proposed)

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(New Clause 31G read a First Time)

*(Question, that New Clause 31G be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 37A

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, kindly move.

Sen. Abass: Thank you, Mr. Temporary Chairperson, Sir. I beg to move—
THAT the Bill be amended by inserting the following new section immediately
after clause 37 —

Priority of
ownership for
slum residents.

37A. (1) The Board shall, where an affordable housing project
is to be implemented on land on which exists a settlement, —
issue a notice, in the prescribed form, to the residents in that
settlement of the intended implementation of the project
put in place a mechanism for the resettlement of the residents; and
offer to the residents in that settlement, the first right of purchase of
a unit in the project.

(Question of the New Clause 37A proposed)

(New Clause 37A read a First Time)

*(Question, that New Clause 37A be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 42A

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, kindly move your
amendment.

Sen. Abass: Thank you, Mr. Temporary Chairperson, Sir. I beg to move that the
Bill amended by inserting the following New Clause 42A immediately after Clause 42.

Issuance of a
certificate of
ownership.

42A. (1) The Board shall, with the approval of the Cabinet
Secretary, transfer the ownership of an affordable housing unit to a
qualified applicant upon completion of payment of the agreed price.

(2) The Registrar shall not, without the written consent of the
Board, register a transfer of any housing unit under this Act.

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Services, Senate.*

(3) The certificate of the Board that any affordable housing unit has been sold to an individual under the provisions of this Act shall be conclusive evidence of consent under subsection (2).

(4) The registration of an owner of affordable housing units shall be undertaken in accordance with the Sectional Properties Act.

(Question of the New Clause 42A proposed)

(New Clause 42A read a First Time)

*(Question, that New Clause 42A be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 42B

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, kindly, move your amendment.

Sen. Abass: Thank you, Mr. Temporary Chairperson, Sir. I beg to move that the Bill amended by inserting the following New Clause 42B immediately after Clause 42.

Restrictions as to ownership. **42B.** A person shall not acquire more than one affordable housing unit developed under this Act.

(Question of the New Clause 42B proposed)

(New Clause 42B read a First Time)

*(Question, that New Clause 42B be read
a Second Time proposed)*

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

New Clause 42C

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, kindly move your amendment.

One moment Sen. Abass. What is your point of order Sen. M. Kajwang'?

Sen. M. Kajwang': Mr. Temporary Chairperson, Sir, as per the procedure in this House, even in the Committee of the Whole, when the Chair proposes a Question, ideally, you pause to find whether there is a Member with a comment on any clause that

has been proposed to be part of a Bill. However, you are moving too fast. Even when we want to make any comment following your proposal, it becomes difficult to catch up, particularly, on Clause 42B. I wanted to comment on your proposal just before you put the Question. I was requesting that you move a little bit slowly at the proposal so that you only put the Question if there is no comment from the Members.

This is the stage of law-making. In the Second Reading, we are debating but at this point, we are writing the law with a fine toothpick. Mr. Temporary Chairperson, Sir, I beg that you allow me to make some comments on New Clause 42B and in subsequent proposals you can allow Members to contribute.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Sen. M. Kajwang'. You have been in this House for a long time and you know very well how to catch the Chair's eye. You did it when you wanted to make a point of order and I gave you an opportunity to interject. In the same way, if you wanted to make your contribution to any of the clauses; we have a screen here. You should have pressed your intervention button and we would have seen and given you an opportunity.

(Sen. Sifuna spoke off record)

Pardon me, Sen. Sifuna? Kindly, give him the microphone.

Sen. Sifuna: Mr. Temporary Chairperson, Sir, if you can confirm from your dashboard my button has been pressed yet I have not been able to catch your eye. The point that Sen. M. Kajwang' is making is that if you move as fast as you are between proposing and putting off the Question, then your fingers are not that fast.

Trust me. You will not even have the opportunity to look at the screen. Kindly, let us just allow Members to make any contributions they have by pausing. I know it is Ramadhan. I was going to say to take a sip of water but kindly catch your breath.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senator. Sen. M. Kajwang', proceed.

Sen. M. Kajwang': Thank you, Mr. Temporary Chairperson, Sir. I raised that point to remind us of our solemn duty as lawmakers that legislation should never be rushed. I thank you for giving me this opportunity.

Clause 42B seeks to put restrictions on ownership. It says that a person shall not acquire more than one affordable housing unit developed under this Act. The question is whether this is an Act that is going to serve us for one, two or the next 100 years. What timeframe are we legislating on?

If you put it in law and cast it in stone that a person cannot acquire more than one affordable housing unit and we get to the point where the project becomes so successful that all Kenyans who wish to apply have done so and have been allocated housing units; are you going to shut down the scheme or come back to Parliament to amend it so that the next round of Kenyans can benefit?

We must be careful in the manner in which we legislate. We must also ensure whenever we make amendments at the Committee of the Whole stage; we should ask ourselves whether those amendments have been subjected to public participation. I know

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that at the Third Reading Stage, any Member has a right to rise and make amendments subject to certain consultations with the Chair of the respective Committee. However, does it take away the right of the public to be part of the decisions we make? Does it take away the constitutional responsibility to ensure that we inject the views and voice of the public into what we do?

I think this is a fairly dangerous amendment because it comes from a position of want; a position that we are in and that could be easily solved in five or 10 years. Once the situation has been solved in 10 years and every Kenyan has access to affordable housing; even if they are not bought from this project, there are those who come from communities like mine--- I am still speaking to this amendment--- There are certain cultural dimensions to home ownership that we do not take into account when we are legislating.

We think that everyone comes from Singapore and South Korea, but we come from Kenya. In my community, when a boy gets to the age of 18 or 19, he is compelled to build his first house called a *Simba*. About 90 percent of men in my community have access to houses---

The Temporary Chairperson (Sen. Abdul Haji): Sen. M. Kajwang', if you could please summarize, so that we can get a response to that argument.

Sen. M. Kajwang': Mr. Temporary Chairperson, Sir, as per the practice in this House, if there is a limitation of debate, it is done before the Member takes the Floor.

(Loud Consultations)

In the Committee of the Whole, we have agreed when you propose a Question any Member has a right to comment. Therefore, if you would allow me my 15 minutes. If there is a need for limitation of debate, that Motion can be made after I have finished my submission. Those are the rules of this House, not Government. When we are discussing a matter so important to Kenyans, we cannot be casual about the application of the law.

The Chair cannot be directed to commit illegalities and unconstitutional behaviors. When I took the Floor, I was entitled to 15 minutes to discuss the proposal. If any Member wants to limit debate, they can only do it after I have sat down. Those are the rules of the House. They are in this blue book and not in any political party document.

Mr. Temporary Chairman, Sir, if you allow me, I will be done with my contribution to New Clause 42B in 15 minutes then yield the Floor to other Members to make their comments.

The Temporary Chairperson (Sen. Abdul Haji): Sen. M. Kajwang', we are in the Committee of the Whole.

Sen. M. Kajwang': Mr. Temporary Chairman, Sir, when you propose a question in the Committee of the Whole, all of us have a right to comment on it. That is why we are requesting that you slow down between proposing a question and putting it. Those are the rules of debate. Until Sen. Cheruiyot feels outwitted, it is what it is. These are the rules of the House.

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The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairman, Sir. I hope there is only one Chairman.

(Loud consultations)

Mr. Temporary Chairman, Sir, please protect me from hecklers in the House. I would like to address you in total silence.

(Sen. Sifuna spoke off record)

The Temporary Chairperson (Sen. Abdul Haji): I have allowed him to raise his point of order. Let him proceed. We will listen to him in silence. I am sure he will state the Standing Order he is on before he sits down.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Chairman, Sir, for protecting me. I take great exception to Sen. M. Kajwang's conduct. If it were another Senator, I would have assumed that probably he did not know the traditions of this House and what we do in Third Reading stage.

Sen. M. Kajwang' is being cheeky. I watched him when he entered the Chamber and I heard him ask his colleagues why they were not filibustering.

(Sen. Sifuna spoke off record)

Mr. Temporary Chairman, Sir, please protect me.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Sifuna, let him finish.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairman, Sir, I am not in the mood to engage in a heckling debate. Please protect me.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Cheruiyot, you are protected. Please proceed.

The Senate Majority Leader (Sen. Cheruiyot): Sen. M. Kajwang' knows that in the Third Reading, you try to persuade hon. Members by stating why you are not in support of the proposed amendments in a quick witty comment; hardly beyond a minute. After that, you allow the Chairperson or the person moving the amendment to convince you why that amendment is important. This is not the debate stage.

Hon. Senators: Point of order!

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, we need to conclude on Sen. M. Kajwang's issue.

Sen. Sifuna, what is your point of order?

Sen. Sifuna: Mr. Temporary Chairman, Sir, I would like your attention. I am drawing your attention to Standing Order No.185 on general application of rules in Committee of the Whole. Allow me to read it.

“Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in the Committee of the Whole as in the Senate.”

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Mr. Temporary Chairman, Sir, therefore, nobody should rise to tell you that there are traditions. Traditions are only applied where there is no express provision of the Standing Orders. Sen. M. Kajwang' is within his right. I am surprised that somebody has told us many times that he is doing the third term in this House yet he has no idea which Standing Order he is referring to.

Mr. Temporary Chairman, Sir, when someone stands up on a point of order, you must insist on which Standing Order he is rising. I have read the Standing Orders of this House. We will not be threatened by claims of people that they have been here for 10 terms yet they cannot read simple English.

Mr. Temporary Chairman, Sir, allow us to debate in the normal fashion because that is what the law says. Do not be intimidated by anybody telling you that he was elected before your grandfather was born. We are all here now and are subject to the same rules. We must speak in accordance with the Constitution and the Standing Orders.

Nobody should tell us about traditions. The Standing Orders dictate the traditions of the House. I dare anybody else to stand up and read---

(Loud consultations)

The Temporary Chairperson (Sen. Abdul Haji): Order! Hon. Senators, let us have some order.

(Sen. Abass and Sen. Sifuna stood up in their places)

Sen. Sifuna and Sen. Abass, please sit down. No more points of order. I cannot allow it anymore because it is getting out of hand.

Sen. Omogeni, do have a point on order on the same matter? Sen. Omogeni, proceed.

(Loud consultations)

Order, Senators! Let us hear what he has to say.

Sen. Omogeni: Mr. Temporary Chairman, Sir, I have said on this Floor that I have tremendous respect for Sen. Cheruiyot. He is a young Senator who has a bright future. However, shouting at us is not right. He needs to allow us to raise our points of order.

We are in this House because we derive our powers from the Constitution. Sen. Sifuna has referred to Standing Order No.185. I want us to bear in mind Article 124(1) of the Constitution. It states that—

“Each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.”

Mr. Temporary Chairman, Sir, the Standing Order that Sen. Sifuna has read has a bearing on what is happening. The same Standing Orders that allow us to raise issues

when we are legislating flow from power that is donated to you by Article 124 of the Constitution.

It is high time some of us moved to court to challenge some of these Standing Orders that limit our right to make contributions on behalf of the people of Nyamira, Homa Bay, and Nairobi who have elected us---

(Sen. Cherarkey spoke off record)

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senator, have you made your point?

Sen. Omogeni: Mr. Temporary Chairman, Sir, please protect me from Sen. Cherarkey.

The Temporary Chairperson (Sen. Abdul Haji): Let us hear him in silence.

Sen. Omogeni: Mr. Temporary Chairman, Sir, do not take this House back to where we were in Section 2A of the old Constitution. We are now operating under the Constitution of 2010.

Sen. Cherarkey, there are Kenyans who died to put this Constitution in place. We have to remind you about the history---

(Loud consultations)

The Temporary Chairperson (Sen. Abdul Haji): Order, hon. Senators! Sen. Omogeni, please conclude.

Sen. Omogeni: Mr. Temporary Chairman, Sir, we are in this House by virtue of powers that are bestowed on us by the Constitution 2010. Under Article 124, you have no right to limit us.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senator.

Let me make a ruling, so that we move forward. I have to make a ruling, so that you can either proceed or not.

Sen. M. Kajwang', I have to make a ruling on this matter. The ruling also touches on the issues you raised.

Hon. Senators, I believe what has been raised by the learned Senators in this House, who are very aware of the Standing Orders and whatever Standing Orders and clauses they have raised on the matter touching on the Constitution, is very clear. The Standing Orders are applied alongside the traditions and practices of this House.

(Applause)

When we are in the Committee of the Whole, interventions should be very brief and there is no time limitation. It is just meant to be a very brief intervention.

(Sen. Cherarkey consulted loudly)

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The same way when we are in the standing--- Silence, Sen. Cherarkey.

When we were in the Committee of the Whole, it is the same way that we do not have a seconder for anything that is moved or any question that is put.

This said hon. Senators, we will proceed as we were proceeding. If there is any clause that you want to make an intervention on, we will give you an opportunity to do so, but be very brief on the matter.

(Sen. M. Kajwang' stood up in his place)

Sen. M. Kajwang' you may not stand. You have raised ---

(Sen. M. Kajwang' spoke off record)

Can I finish my ruling? You had concluded and you had raised your matter. You had raised a matter on Clause 42 (b). At this point, I will give Sen. Abass an opportunity to address the issues you had raised.

(Loud consultations)

It is only one sentence, Sen. M. Kajwang', how could you have not finished it?

(Sen. M. Kajwang' spoke off record)

Sen. M. Kajwang', why not listen to the reply? Let us listen to the reply. You had spoken for good five minutes before we interrupted you.

(Sen. M. Kajwang' spoke off record)

(Sen. M. Kajwang' stood up in his place)

Sen. Kajwang', please sit. Let Sen. Abass reply to your issue.

(Loud consultations)

Sen. Abass: Okay, order! Let me give the rationale. I will explain myself.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, address the Chair.

Sen. Abass: Mr. Temporary Chairman, Sir, Clause 42(b) limits the individuals to owning one house. This mentions many things. The concentration of units will be in few hands and it ensures equitable distribution among the intended beneficiaries.

You could have 100 wives and children, but you can always buy one house. We are taking care of the interest of those people.

(Loud consultations)

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We should take care of the interest of these people. These houses are meant for the poor people with low income. There is no way; you can buy 100 houses at the same time. Therefore, this clause justifies.

(Loud consultations)

Order! I am not taking about the clause, I am explaining myself.

(Several Senators approached the Temporary Chairperson at the Table)

The Temporary Chairperson (Sen. Abdul Haji): Order, Senators! Senators, please sit down.

(Loud consultations)

Sen. Abass: Clause 42 (b) limits one to owning only one house.

(Sen. Cheruiyot stood up in his place)

The Temporary Chairperson (Sen. Abdul Haji): The Senate Majority Leader, please sit down.

(Sen. M. Kajwang' stood up in his place)

Sen. M. Kajwang' sit down.

Hon. Senators, I am not sure if Sen. M. Kajwang' was in the House when I made a ruling about justification and any interventions in the House will be limited for two minutes.

(Loud consultations)

I made that ruling in this House. I gave him two minutes. Therefore, Sen. M. Kajwang' as a way forward, we will listen to Sen. Abass then I will give you an opportunity, not more than two minutes to say what you have to say.

Proceed, Sen. Abass.

Sen. Abass: Hon. Senators, let me explain myself. Clause 42 (b) is meant to safeguard people so that every Kenyan must have affordable housing.

(Sen. Sifuna spoke off record)

Order, my friend! I am not addressing you.

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The Temporary Chairperson (Sen. Abdul Haji): Sen. Abass, address the Chair.

Sen. Abass: Okay. Mr. Temporary Chairman, Sir, I am trying to explain why we are limiting these houses to one person; for one individual, one house. For instance, you could have 100 wives, 10 to 20 children, but we are saying these houses are meant for the poor people and for the low-income earners.

If we say that we are allowing everybody to buy what he wants, then everyone will not get what he wants. What we want is for those people to get what they want, so that these houses can be equally distributed. Consequently, that is the justification of this clause.

The Temporary Chairperson (Sen. Abdul Haji): Let us have Sen. M. Kajwang'.

Sen. M. Kajwang: Mr. Temporary Chairman, Sir, that was exactly my problem with this provision. That we are legislating for poverty, not for prosperity. When I was making my submission, I was saying that after five to 10 years, everyone has a house. So, what are we going to put in the law that since Sen. Cheruiyot already has a house somewhere in Langata, and after ten years there are additional and excess houses, that will stop him from going for the second round?

Mr. Temporary Chairman, Sir, that is poor legislative drafting and those are poor proposals that should not come in this law.

Article 117 of the Constitution talks about Powers and Privileges of Parliament. It provides unfettered freedom of speech and expression. Those people who today want to limit my speech and expression, we shall wait for you and your day will come when someone will have to stand up for your right of expression and freedom of speech.

Mr. Temporary Chairman, Sir, I believe because the two minutes are not over, that even after I have prosecuted my reservations on Clause 42 (b), that all other Members with a contrary view must also be allowed to contribute because this is the only time when Senators can write laws.

Finally, when I am here ---

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senator.

Sen. Kathuri, proceed.

Sen. Kathuri: Mr. Temporary Chairman, Sir, when we get to the Third Reading of the Bill, the purpose is to bring any amendment that you feel was not captured in the Bill. By doing so, you can convince Members and then we subject it to the vote.

Sen. M. Kajwang' had all the opportunity during the Second Reading and the Third Reading to bring an amendment, which could have cured his problem. He could have an amendment that it should be open-ended, so that we bring it to the vote at the Third Reading.

(Applause)

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, let us make progress. The people I am giving a chance, Deputy Speaker, are supposed to comment on Clause 42(b) and not on the conduct of other Senators in this House.

I will now give an opportunity to Sen. Maanzo.

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(Loud Consultations)

The Temporary Chairperson (Sen. Abdul Haji): Order, Senators! Sen. Maanzo will be heard in silence.

Sen. Maanzo: Mr. Temporary Chairman, Sir, just before I comment on this, I want to talk about my 10 years' experience now that we talked about traditions in the National Assembly.

On a matter which generates a lot of interest like this particular one, the Chairman will ordinarily allow as many as possible to comment so that out of that, Members could make a clear decision whether to amend further or to remain with the same position when we vote.

Mr. Temporary Chairman, Sir, my issue with this particular amendment is that one "may apply to the Board for approval of issuance of an affordable mortgage to develop a rural affordable housing unit."

(Loud Consultations)

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, let us hear him in silence.

Sen. Maanzo: Mr. Temporary Chairman, Sir, this particular amendment begins to contradict the whole purpose of the housing. It goes on to create a situation whereby some people get more privileged than others. It creates discrimination, where you may enrich some people more than others.

There should be a way of limiting to make sure if it is affordable housing; it is a unit for everyone across the board. If you have to do round two, then it balances. You do not begin round two when somebody else does not have a house yet and they are deserving. So, it is discriminatory.

Mr. Temporary Chairman, Sir, I submit.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senator. Senator Abbas, you have a comment.

Sen. Abass: Thank you, Mr. Temporary Chairperson. I wish to withdraw that amendment to the Bill.

(Applause)

An hon. Member: On a point of order, Mr. Temporary Chairman, Sir.

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, what are you doing? Why do you not listen? Hon. Senators, since Sen. Abbas has withdrawn the amendments, this matter will not be put to vote. It is that withdrawn.

(Proposed Amendment by Sen. Abass withdrawn)

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Sen. M. Kajwang', you have you have actually won the debate.

New clause 42C

The Temporary Chairperson (Sen. Abdul Haji): Sen. Abbas, proceed to move.

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

THAT the Bill be amended by inserting the following new sections immediately after section 42 –

Restrictions to owners of affordable housing unit. **42C.** Except with the prior written consent of the Board, a purchaser of an affordable housing unit under this Act shall not by contract, agreement or otherwise, sell or agree to sell his or her unit or any interest therein to any other person.

Sen. Sifuna: On a point of order, Mr. Temporary Chairman, Sir.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Sifuna, what is your intervention?

Sen. Sifuna: Mr. Temporary Chairman, Sir, you should ordinarily allow us to make points of order.

(Loud consultations)

I have been given the microphone. This is disorderly conduct by the Senate Majority Leader.

There is a reason I am rising on my feet, pursuant to Standing Order No.121. I have seen the Senate Majority Leader essentially throw a tantrum and smack the desks with his documents there. Yet he has the audacity to accuse me of being disorderly. You have thrown a tantrum. You are doing it again.

(Loud consultations)

The Temporary Chairperson (Sen. Abdul Haji): Order, Sen. Orwoba!

Sen. Sifuna: Mr. Temporary Chairman, Sir, there is only one opportunity for you to have order in this House; that is enforcement of the rules equally.

If it were anybody on the minority side who was throwing the tantrum that I have seen the Senate Majority Leader do, he would have been thrown out of the House. Why is he being treated specially?

(Loud Consultations)

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I want a ruling on each point of order that we raised because we must have a record of how this House treats people and how you apply the rules.

Mr. Temporary Chairman, Sir. Please do not pretend you did not see it. I know you are a good man. You have seen it and you must bear true witness.

The Temporary Chairperson (Sen. Abdul Haji): Seen what?

Sen. Sifuna: Mr. Temporary Chairman, Sir, the tantrum that---

The Temporary Chairperson (Sen. Abdul Haji): No, I did not see.

Sen. Sifuna: Mr. Temporary Chairperson, Sir, I saw you seeing it. Do not be like that. We are in the holy month of Ramadhan. Please tell the truth.

(Loud Consultations)

The Temporary Chairperson (Sen. Abdul Haji): Senators, bear with us a minute. We need to clear this screen so that we can have some order. If you have your button red, just switch it off. I will tell you when to switch it on.

For intervention on New Clause 42C, press now.

The Senate Majority Leader (Sen. Cheruiyot): How many people each side?

The Temporary Chairperson (Sen. Abdul Haji): I will give two people.

I will allow two interventions from both sides. On the Minority side, we will have Sen. Wambua and Sen. Omogeni. On the Majority side, we will have Sen. Cherarkey and the Chairperson of the Committee.

Proceed, Sen. Wambua.

Sen. Wambua: Mr. Temporary Chairman, Sir, on that proposed amendment 42(C) I totally and completely oppose it. Yes, we will do that but it is an amendment that goes contrary to the Constitution on property rights. The law itself has been declared by the courts to be unconstitutional. Then, you are bringing an amendment that is completely unconstitutional. On this one, I strongly and totally oppose.

The Temporary Chairperson (Sen. Abdul Haji): Thank you. Sen. Cherarkey, you may have the Floor.

Sen. Cherarkey: Mr. Temporary Chairman, Sir, what we are trying to cure on this New Clause 42(C) is what we saw in the National Housing Cooperation (NHC) a few years back where the intended beneficiaries ended up not being the intended.

Mr. Temporary Chairman, Sir, in the principle of equity, equality, morality and the law, we must ensure that we cushion against people being given houses through the affordable programme, then they resale those houses through the cartels that are in the NHC.

I support this New Clause 42(c). We shall not be lectured. If you want to be lectured, you can go to the University of Nairobi during public lectures. I support this clause because it will promote equity, equality and fairness in terms of access.

Finally, we need to protect the people who are beneficiaries of this programme.

Sen. Omogeni: Mr. Temporary Chairman, Sir, Sen. Cherarkey is my colleague. I know he is new in the profession, but there are some basic concepts in constitutionalism that Sen. Cherarkey should know.

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Remember, the law that we want to enact will give Kenyans an opportunity to purchase houses. We are not going to give these houses to Kenyans for free. So, the moment you are taxed and you are given an opportunity to purchase, that becomes your property.

Sen. Cherarkey, through the Chair, if you never went to law school to study constitutional law, I will read for you Article 40 of the Constitution. I am trying to help you. This is what Article 40 states.

(Loud consultations)

Mr. Temporary Chairman, Sir, can you protect me?

The Temporary Chairperson (Sen. Abdul Haji): Order, Sen. Cherarkey! He still has time.

Sen. Omogeni: Now, I am trying to help you on this one.

(Loud consultations)

The Temporary Chairperson (Sen. Abdul Haji): Senate Majority Leader, order!

Sen. Omogeni: You should throw Sen. Cherarkey out. This is not for anybody else, but for Sen. Cherarkey. Let him sit attentively and listen.

Article 40 (2) on protection of the right to property says:

“Parliament shall not enact a law---”

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senator.

(Question of the New Clause 42C proposed)

(New Clause 42C read a First Time)

(Question, that New Clause 42C be read a Second Time proposed)

Division will be at the end.

The First Schedule

The Temporary Chairperson (Sen. Abdul Haji): The Chairperson, Standing Committee on Roads, Transport and Housing, you may proceed.

(Loud consultations)

Order, Senators! The Senate Majority Leader, you are wasting the most time now.

(Sen. Sifuna spoke off record)

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Sen. Sifuna, you cannot be exchanging words, let us hear from the Chairperson.

Sen. Thangw'a: Thank you, Mr. Chairman, Sir.

I beg to move-

THAT the First Schedule of the Bill be amended—

(a) in paragraph 1 by deleting the words “at least half” appearing in sub-paragraph (4) and substituting therefor the word “majority”; and

(b) in paragraph 2 by deleting the words “fifty plus one” and substituting therefor the words “majority”.

The justification for this is that this amendment seeks to clarify the number of members who can convene an extraordinary meeting which is the majority of the members of the committee.

The Temporary Chairperson (Sen. Abdul Haji): Hon. Senators, before I put the question, since the Schedule and what is remaining is what was in the Bill, I do not see any need for debate. However, if somebody wants to stand and either support, I will only give them one minute. Since there is nobody, I will put the question.

(Question of the amendment proposed)

Division will be at the end.

Second Schedule

(Question, that the Second Schedule be part of the Bill, proposed)

Division will be at the end.

Third Schedule

The Temporary Chairperson (Sen. Abdul Haji): There is an amendment to be moved by Sen. Omogeni. There are two amendments for this, but they are not conflicting.

Sen. Omogeni: Mr. Chairman, Sir, I beg to move-

THAT the Third Schedule of the Bill be amended by deleting paragraphs 2, 3, 4, 5 and 6.

The justification is that if you read the Third Schedule, the heading states the list of agencies for implementing the affordable housing programmes and projects. That amendment proposes to leave the county governments as the sole agents that will undertake housing programmes and projects.

The justification is that under the Fourth Schedule, Part 2, Section 8 of the Constitution, housing and development is a function of county governments. Therefore, it will be unconstitutional to allow the agencies listed in number 2, 3 and 4, which is the one that I had most concern about, that is the State Department for matters relating to

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affordable housing. That will be going outside the constitutional mandate of policy that is reserved for national Government, the NSSF as an independent entity that cannot take over functions of county governments.

Mr. Temporary Chairman, Sir, I propose that all those bodies listed from 2, 3, 4, 5 and 6 be deleted.

On Clause 2 of the same Schedule, we seek to delete the reference to institutional housing.

I want to make a correction. I referred to the Sixth Schedule in all references I have made in my amendments initially; it should actually be the Fourth Schedule of the Constitution.

I thank you.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Abdul Haji): Division will be at the end.

There is a further amendment by the Chairperson Standing Committee on Roads, Transport and Housing.

Sen. Thangwa: Mr. Temporary Chairman, Sir, I beg to move-

THAT the Third Schedule of the Bill be amended by inserting the following new paragraphs immediately in paragraph 5—

5A. National Construction Authority.

5B. State Department responsible for matters relating to Public Works.

We believe counties are agencies that are supposed to handle this work so, we are increasing more agencies to that part.

In Clause 2, this amendment seeks to remove the description of plinth area from the substantive legislation in favour of having the same defined under regulation. Also, the amendment seeks to define the term county committee.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Maanzo, one minute.

Sen. Maanzo: Mr. Temporary Chairman, Sir, when we make law, it must first go with the Constitution and then the Statute. The moment you fundamentally amend the original part of the Bill, even though we stand for devolution, and housing should be fully devolved, what the Chairperson has introduced, tend to reverse what had already been passed.

It is important, therefore, that they flow with the Constitution. This is not flowing and the amendment becomes automatically unconstitutional.

Mr. Temporary Chairman, Sir, I conclude.

The Temporary Chairperson (Sen. Abdul Haji): Sen. Sifuna. I am following the screen. You said you will intervene.

(Sen. Sifuna spoke off record)

Sen. Sifuna: Mr. Temporary Chairman, Sir, with all due respect, I know it is causing some irritation to Sen. Cheruiyot when we do the jobs we were elected to do. I do

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not know why they are in a rush. They should allow us to speak to the amendments that are being proposed.

I support the amendment that has been proposed by Sen. Omogeni. You can see---

(Loud consultations)

Allow me to say what I want to say. Allow me say my own things. You cannot be shouting all the time when we are talking.

(Sen. Cheruiyot spoke off record)

Mr. Temporary Chairperson, Sir, please protect me from the Senate Majority Leader.

The Temporary Chairperson (Sen. Abdul Haji): Let him be heard. He has one minute to be heard.

Sen. Sifuna: Let him say what he wants to say. Let me sit down and listen. Say what you want to say. This is not your House.

(Several Senators spoke off record)

Sen. Wambua: Mr. Temporary Chairman, Sir, it will be difficult for you and for this House, if the management of who speaks and who does not is directed by Sen. Cheruiyot.

I fully support the amendment proposed by Sen. Omogeni that the units of national Government that have been put in this housing programme be deleted and we retain the county governments. Our responsibility as the Senate is to protect the interests of counties and county governments and devolution.

Mr. Temporary Chairperson, Sir, it is not our work to claw back on devolution by introducing national Government agencies in functions that are supposed to be devolved. That is what we are saying.

I thank you, Mr. Temporary Chairperson, Sir.

Sen. M. Kajwang': Mr. Temporary Chairperson, Sir, a motorcycle is defined by two attributes. It has an engine and two wheels. The minute you come up with a motorcycle Bill like what Sen. (Dr.) Khalwale has come up with, then you alter the definition of the motorcycle and remove the engine from it; leaving it only two wheels, then that is no longer a motorcycle.

That is the mischief that Sen. Thang'wa is introducing here. We are dealing with the Affordable Housing Bill and we are changing the definition of affordable housing at this point, after subjecting it to public participation. That is unconstitutional because one cannot alter materially the substance of a Bill at this point, in time.

Mr. Temporary Chairperson, Sir, I wish that Sen. Thang'wa can gracefully withdraw that amendment. This is because we cannot be deleting the plinth and only maintaining the income status.

The Temporary Chairperson (Sen. Abdul Haji): Thank you, Senators.

(Question of the amendment proposed)

Division will be at the end.

Clause 2

The Temporary Chairperson (Sen. Abdul Haji): Clause 2 has two amendments, but they are not conflicting. Proceed, Sen. Omogeni--- Okay, let us start with the amendment by the Chairperson, Standing Committee on Roads, Transportation and Housing. We will have to drop the amendment by Sen. Omogeni.

(Applause)

(Proposed amendment by Sen. Omogeni dropped)

Sen. Thangwa: Thank you very much, Mr. Temporary Chairman, Sir. I beg to move-

THAT Clause 2 of the Bill be amended—

(a) by deleting sub-clause (2) and inserting the following new sub-clause —

For purposes of this Act, “affordable housing unit” refers to —

- (b) a social housing unit means a house targeted to a person whose monthly income is below twenty thousand shillings;
- (c) an affordable housing unit means a house targeted at a person whose monthly income is between twenty thousand and one hundred and forty-nine thousand shillings;
- (d) affordable middle-class housing unit means middle to high-income housing targeted at persons whose monthly income is over one hundred and forty-nine thousand shillings; or
- (e) rural affordable housing unit means a house under section 42 targeted at a person living in any area which is not an urban area.

(a) by inserting the following new definition—

“County Committee” means the County Affordable Housing Committee established under Part IV of this Act;

The amendment seeks to remove the description of the plain area from substantive legislation in favour of having the same defined under regulation. The amendment also seeks to define the term county committee.

[The Temporary Chairperson (Sen. Abdul Haji) left the Chair]

[The Temporary Chairperson (Sen. Veronica Maina) in the Chair]

The Temporary Chairperson (Sen. Veronica Maina): Is there anyone who wants to contribute to it?

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Proceed, Sen. Maanzo.

Sen. Maanzo: Madam Temporary Chairperson, my contribution is brief. That there must be consistency. The whole idea is devolution. Housing is a devolved function. Therefore, the moment you introduce an element that takes it back to a national function, it becomes unconstitutional.

I oppose.

The Temporary Chairperson (Sen. Veronica Maina): Sen. Cherarkey, you only have a minute.

Sen. Cherarkey: Madam Temporary Chairperson, when you look at the Fourth and Third Schedules of the Constitution in devolved and national Government functions, it is cross-cutting. Therefore, it is a misnomer to say housing is fully devolved yet when it comes to policy and implementation, it is cost-shared between both the national and county governments.

The Committee is in order.

I support.

(Question of amendment proposed)

The Temporary Speaker (Sen. Veronica Maina): Division will be at the end.

Title

The Temporary Chairperson (Sen. Veronica Maina): I invite the Chairperson Standing Committee on Roads, Transportation and Housing to move this amendment.

Sen. Thang'wa: Madam Temporary Chairperson, I wish to withdraw that amendment.

(Proposed amendment withdrawn)

The Temporary Chairperson (Sen. Veronica Maina): That has been withdrawn; there is no need to proceed.

(Question, that the Title be part of the Bill, proposed)

Division will be at the end.

Clause 1

Sen. Thang'wa: Thank you very much, Madam Temporary Chairperson. Having dropped the Title, I wish to also withdraw this amendment.

(Proposed amendment to Clause 1 withdrawn)

(Applause)

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(Question, that Clause 1 be part of the Bill, proposed)

Division will be at the end.

It is the end of these amendments.

Sen. Omogeni: Madam Temporary Chairperson, I must seek your discretion and allow me to move the amendment on Clause 2 under Standing Order No.1.

The Temporary Chairperson (Sen. Veronica Maina): Are you withdrawing it?

Sen. Omogeni: No, I am moving the amendment.

The Temporary Chairperson (Sen. Veronica Maina): Proceed.

Sen. Omogeni: Madam Temporary Chairperson, I beg to move- THAT Clause 2 of the Bill be amended by deleting the definition of the word “institutional housing”

The justification is to remove the definition of the words institutional housing to align it with my other proposed amendments in the Bill.

Thank you, Madam Temporary Chairperson.

The Temporary Chairperson (Sen. Veronica Maina): So, you have brought back the amendment?

Sen. Omogeni: Yes, I have now brought back the amendment. That is Clause 2 of the Third Schedule.

(Question of amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

I now ask the Mover to report progress.

PROGRESS REPORTED

THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO.75 OF 2023)

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Chairperson, pursuant to Standing Order No.153, I beg to move that the Committee of the Whole do report the progress on its consideration of the Affordable Housing Bill (National Assembly Bills No.75 of 2023) and seek leave to sit again today.

(Question put and agreed to)

(The House resumed)

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

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The Deputy Speaker (Sen. Kathuri): Hon. Members, please have your seats. Sen. Madzayo and Sen. Tabitha Keroche, let us transact business.
What is your point of order, Senate Majority Leader?

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.34(4)(a) to move that the House extends its sitting time until conclusion of the Order No.10 on the Order Paper.

I request the Senate Deputy Majority Whip to second.

Sen. (Dr.) Lelegwe Ltumbesi: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, what is the mood of the House?

(Loud consultations)

Let me give two Members from each side an opportunity to comment. I start with Sen. Sifuna.

Sen. Sifuna: Mr. Deputy Speaker, Sir, it has become a habit every time there is a matter such as this, instead of allowing more debate on the matters that are before the House, you would see how we were being rushed in the Committee of the Whole. We could not even speak to the amendments that are being brought here.

It is hypocrisy for you to extend the sitting of the House, so that you can achieve your nefarious political ends. I issue a very stern warning to the Senate Majority Leader; he is abusing the rules of this House. When we want time to make meaningful contributions to specific legislations like we were doing in the Committee of the Whole, he was the one who was making sure that Members could not speak to the matters that are important to the constituency; the people who elected us. Now he is going to keep us here; I do not know what he wants us to do now. If I were on the Majority side---

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna, you cannot file that question direct to him. Just file it through me and then I will make the determination.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I do not trust you as a conduit for the messages that I want to transmit. I would rather he hears directly from me.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Sifuna.

Sen. Sifuna: Mr. Deputy Speaker, Sir, I have not finished.

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The Deputy Speaker (Sen. Kathuri): I had just allowed two minutes for each Member and you are done with yours.

Sen. Cheptumo, you have the Floor.

Sen. Cheptumo: Mr. Deputy Speaker, Sir, if you look at the demeanor of Sen. Sifuna, he is supporting the extension of the House. At some point, he was smiling. That is my opinion. I may be wrong, but that is my opinion. He is my friend, anyway.

Mr. Deputy Speaker, Sir, there is a justifiable reason why the Senate Majority Leader sought an extension. We are done with the Committee of the Whole and what is remaining is a small part of this process.

It is only fair that we allow a small extension so that we sort out this. It is not out of order; it is prudence in good faith for this House.

The Deputy Speaker (Sen. Kathuri): Actually, I am giving Members who have not spoken this afternoon an opportunity.

Sen. Osotsi, you have the Floor.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I have been sitting here. I came to this House to contribute to this Committee of the Whole debate. However, I am surprised that we were gagged and we could not make our contribution to this Bill.

Now the Senate Majority Leader wants us to finish this process this evening, I wonder why the hurry because we will still be here on Tuesday, next week, to pass this Bill.

In any case, this Bill with the amendments that have been proposed, will go into the Mediation Committee. So, why are we rushing through when in any case, it is going through the Mediation Committee? This is just fertile ground for opposition of this Bill in court.

The Deputy Speaker (Sen. Kathuri): Last but not least, Sen. Munyi Mundigi?

Sen. Munyi Mundigi: Asante, Bw. Naibu Spika. Ninaunga mkono tuweze kupiga kura kwa sababu walio wachache wote wako hapa Bungeni leo. Ninamwona Katibu Mkuu, *the Senate Minority Leader* na hata Mwenyekiti wa Kamati ya Mazingira ambaye huwa haonekani hapa lakini, leo wote wamekuja ili waongee mambo ya makazi ya bei nafuu ili wasikike kule nje.

(Applause)

Naunga mkono ili tuweze kupiga kura tusaidie mwananchi wa Kenya kwa sababu Kaunti 47 zinahitaji nyumba.

(Loud consultations)

Nilipoenda Colorado, North Carolina na kwengine kote niliona nyumba nzuri. Kaunti ambayo itakuwa na bahati sana ni ya rafiki yangu; Kaunti ya Nairobi City.

Kaunti ya Embu inataka nyumba na wakati ule mwingine, tunaomba kura---

The Deputy Speaker (Sen. Kathuri): Your time is over, Sen. Munyi Mundigi.

Hon. Senators, kindly do not direct the Chair. I am competent enough to run this House. I do not want any directions from any quarter.

(Laughter)

(Question put and agreed to)

Sen. Cheruiyot, why are you elated this afternoon? What is the problem? I now call upon the Temporary Chairperson to report.

Sen. Veronica Maina: Mr. Deputy Speaker, Sir. I beg to report that the Committee of the Whole has considered the Affordable Housing Bill, (National Assembly Bills No.75 of 2023) and seeks leave to sit again today.

The Deputy Speaker (Sen. Kathuri): I call up on the Mover.

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

The Deputy Speaker (Sen. Kathuri): Sen. Methu, kindly proceed.

Sen. Methu: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Let us move on to the next Order.

COMMITTEE OF THE WHOLE

(Order for the Committee Read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Veronica Maina) in the Chair]

THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY BILLS NO.75 OF 2023)

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators we are now going to Division. I request you to settle down and the Serjeant-At-Arms to ring the bell for 10 minutes. Once we have a quorum, the bell will stop ringing.

(The Division Bell was rung)

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Hon. Senators, we can now settle down so that we can move into Division.
Serjeant-at-Arms, you may close the Doors and draw the Bar.

(The Bar was drawn and Doors closed)

(Sen. Oketch Gicheru, sat next to the Sen. Cheruiyot)

Sen. Oketch Gicheru, resume your seat away from the Senate Majority Leader.

(Sen. Kinyua and Sen. Thang'wa stood up in their places)

Sen. Kinyua and Sen. Thang'wa, kindly settle down.

Hon. Senators, we are proceeding to Division. I request you to log out of the system.

Serjeant-at-Arms, please pick up any cards that are not attended.

Hon. Senators, please log back into the system.

(Sen. Cherarkey consulted loudly)

Sen. Cherarkey, pay attention please. Sen. Thang'wa, please settle.

Hon. Senators, I will now put the question, which is that Clause 34 be deleted as proposed by Sen. Omogeni. You may proceed to vote.

Sen. Korir and Sen. Mariam Omar will vote for their delegations.

DIVISION

ELECTRONIC VOTING

(Question, that Clause 34 be deleted put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. Madzayo, Kilifi County; Sen. M. Kajwang', Homa Bay County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

NOES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. Korir; Bomet County;

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Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wamatinga, Nyeri County;

The Temporary chairperson (Sen. Veronica Maina): Hon. Senators, these are the results for the Division:

AYES: 11

NOES: 27

ABSTENTIONS: 0

The "Nays" have it.

(Question negated by 27 votes to 11)

We will proceed to vote on the New Clauses. We have about 12 New Clauses. You can proceed to vote.

DIVISION

ELECTRONIC VOTING

(Question, that New Clauses 11A, 11B, 31A, 31B, 31C, 31D, 31E, 31F, 31G, 37A, 42A and 42C as proposed be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo Marakwet County; Sen. Korir, Bomet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Omar, Mandera County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wamatinga, Nyeri County.

NOES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mwaruma, Taita Taveta County; Sen. Omogeni, Nyamira County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

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The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, these are the results of that Division on New Clauses.

AYES: 27

NOES: 11

ABSENTIONS: 0

The “Ayes” have it.

(Question carried by 27 votes to 11)

The Temporary Chairperson (Sen. Veronica Maina): The Ayes have it.

(Applause)

We are proceeding to the next Division. Hon. Senators, both the front and back doors are locked. Please do not attempt to leave the Chamber before we finish. Thank you.

We are proceeding to the next Division on Clauses with amendments. I will begin with amendments proposed by Sen. Omogeni.

Please proceed to vote.

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 6, 10, 11, 13, 14, 15, Third Schedule and Clause 2 be amended as proposed by Sen. Omogeni, put and the Senate proceeded to vote by County Delegation)

AYES: Sen. M. Kajwang’, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

NOES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. Korir, Bomet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen.

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Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wamatinga, Nyeri County.

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, these are the results of the third Division.

AYES: 9

NOES: 28

ABSTENTIONS: 0

The Nays have it.

(Question negated by 28 votes to 9)

We are proceeding to the fourth Division. These are amendments by the Chairperson of the Committee.

DIVISION

ELECTRONIC VOTING

(Question, that Clause 5, Clause 7, Clause 9, Clause 10, Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 23, Clause 32, Clause 33, Clause 34, Clause 35, Clause 36, Clause 38, Clause 39, Clause 40, Clause 42, Clause 44, Clause 45, Clause 47, Clause 48, Clause 49, Third Schedule and Clause 2 be amended as proposed by the Chairperson, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. Korir, Bomet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wamatinga, Nyeri County.

NOES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. M. Kajwang', Homa Bay; Sen. Madzayo, Kilifi County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

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The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, these are the results of the fourth Division.

AYES: 27

NOES: 11

ABSENTIONS: 0

The “Ayes” have it.

(Question carried by 27 votes to 11)

The Temporary Speaker (Sen. Veronica Maina): We are proceeding to the fifth Division on all Clauses.

Sen. Majority Leader and Sen. Osotsi, proceed and vote.

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3 (as amended), 4 (as amended), 5(as amended), 6(as amended), 7(as amended), 8, 9(as amended), 10(as amended), 11(as amended), 12(as amended), 13(as amended), 14(as amended), 15(as amended), 16(as amended), 17(as amended), 18(as amended), Clause 19(as amended), 20, 21, 22, 23(as amended), 24, 25, 26, 27, 28,29, 30, 31, 32(as amended), 33(as amended), 34(as amended), 35(as amended), 36(as amended), Clause 37, 38(as amended), 39(as amended), 40(as amended),Clauses 41, 42(as amended), 43, 44(as amended), 45(as amended), Clauses 46, 47(as amended), 48(as amended), 49(as amended), New Clauses 11A, 11B., 31A, 31B, 31C 31D, 31E, 31F, 31G, 37A, 42A, 42C, First Schedule (as amended), Second Schedule, Third Schedule(as amended), Clause 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. Abdul Haji, Garissa County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Cheptumo, Baringo County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’au County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang’wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Korir, Bomet County; and, Sen. Wamatinga, Nyeri County.

NOES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. M. Kajwang’, Homa Bay; Sen. Madzayo, Kilifi County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen.

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Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi County; and, Sen. Wambua, Kitui County.

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, this is the results of the fifth Division

AYES: 27

NOES: 11

ABSTENTION: 0

(Question carried by 27 votes to 11)

That brings us to the end of the Division on the Affordable Housing Bill (National Assembly Bill No.75 of 2023).

I now call upon the Mover to proceed and report.

The Senate Majority Leader (Sen. Cheruiyot): Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Affordable Housing Bill (National Assembly Bill No.75 of 2023), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Chairperson, I beg to report that the Committee considered the Affordable Housing Bill (National Assembly Bills No.75 of 2023) and its approval thereof with amendments.

(Question put and agreed to)

The Temporary Chairperson (Sen. Veronica Maina): You can now draw the Bars and open the Doors.

(The Bars were drawn and Doors opened)

(The House resumed)

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

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we are going to the final voting.

Draw the Bar and close the Doors.

(The Bars were drawn and the Doors closed)

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

The Deputy Speaker (Sen. Kathuri): A point of order on what now, even before we begin transacting business?

Sen. Wambua, what is your point of order?

Sen. Wambua: Thank you, Mr. Speaker, Sir. For the correctness of the records of the voting, we have realised on this side that Sen. (Dr.) Murango has voted in this Division yet he is not in the Chamber and he does not have a delegation. How did that happen?

The Deputy Speaker (Sen. Kathuri): Yes, Sen. Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, on this side, we equally noted that on the fourth Division, Sen. Faki, the Senator for Mombasa County was not in the House and his vote has been recorded. We need that to be checked as well.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, this is a very simple matter and it is provided for in our Standing Orders. Anything that is provided for in our Standing Orders should not bring any problem in this House.

If you go to Standing Order No.90, and I read verbatim-

“If, after an electronic or a roll call vote has been made, it is discovered that the number has been inaccurately reported or that an error has occurred in the names on the division lists, that fact shall be reported to the Senate and the Speaker shall direct that the necessary correction be made.”

I now direct that the necessary correction should be made on those two Senators who have voted and yet are not in this House.

I now call upon the Chairperson to report.

CONSIDERATION OF REPORT AND THIRD READING

THE AFFORDABLE HOUSING BILL (NATIONAL ASSEMBLY NO.75 OF 2023)

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Affordable Housing Bill (National Assembly Bills No.75 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 the Senator for Nyandarua to second.

Sen Methu: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): The Mover, kindly proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I beg to move that the Affordable Housing Bill (National Assembly Bills No.75 of 2023) be now a Third Time.

I request the Deputy Senate Majority Leader to second.

Sen. Tabitha Keroche: Mr. Deputy Speaker, Sir, I second.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we shall now proceed to Division. Serjeant-at-Arms, kindly ring the Division Bell for two minutes.

(The Division Bell was rung)

Hon. Senators, I assure that this House will remain a House of debate and nobody will be stifled. Therefore, withdraw your cards. We do not want the same mistake to repeat itself. The Serjeant-at-Arms, ensure that no card is unattended.

I want a confirmation from the Serjeant-at-Arms, that there are no unattended cards. I will vote manually. Log in and proceed to vote.

(Electronic voting in progress)

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Order, Hon. Senators. Take your seats. Sen. Munyi Mundigi and Senate Majority Whip, take your seats.

Take your seat, Sen. Cystal Asige. You will be sorted out.

(Sen. Cheruiyot consulted loudly)

Order, Senators! Senate Majority Leader, conclude that *Kamkunji* then we get the results. Take, your seat, kindly.

THIRD READING

THE AFFORDABLE HOUSING BILL
(NATIONAL ASSEMBLY BILLS NO. 75 OF 2023)

DIVISION

ELECTRONIC VOTING

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(Question, that the Affordable Housing Bill (National Assembly Bills No. 75 of 2023) be now read a Third Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Gataya, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Korir, Bomet County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Murgor, West Pokot County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; and, Sen. Wamatinga, Nyeri County.

NOES: Sen. Crystal Asige, Mombasa County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mwaruma, Taita Taveta County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Osotsi, Vihiga County; Sen. Sifuna, Nairobi City County; and, Sen. Wambua, Kitui County.

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

AYES: 27

NOES: 10

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to 10)

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

The Deputy Speaker (Sen. Kathuri): Now, draw the Bars and open the Doors.

(The Bars were drawn and the Doors opened)

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, having concluded business in Order No.10 and the time being 6.55 p.m., it is time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow Wednesday 13th March, 2024 at 9.00 a.m.

The Senate rose at 6.55 p.m.

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