



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIRST SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 09, 2022 AT 2.30 P.M.**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair-

**i.) On the visiting delegation from the Nigeria National Assembly Service Commission**

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Nigeria National Assembly Service Commission who are here on a benchmarking visit. The delegation comprises of Directors and is led by the Secretary to the Commission.

Honorable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

<b>S/No.</b>	<b>Name</b>	<b>Designation</b>
1.	Ikharo Lucky Uankhehi	Secretary to the Commission
2.	Lipede Omobolanle Olufunke	Director, Planning, Research & I T
3.	Ahmed Fatima Bala Binta	Director, Admin. & Employee Relations
4.	Ahmed Malami	Director, Procurement & General Services

- |     |                         |   |
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| 5.  | Mambula Janet Jesse     | Director, Public Affairs                    |
| 6.  | Ekeji James Ihenacho    | Director, Zonal Offices & Legislative Aides |
| 7.  | Odo Innocent Onyema     | Director, Finance & Accounts                |
| 8.  | Ribadu Ismaila          | Director, Promotion & Discipline            |
| 9.  | Sopitan Olusola Olawale | Director, Establishment, Records & Training |
| 10. | Bintube Yagana Waziri   | Director, Appeals & Legal Services          |
| 11. | Omori James James       | Deputy Director, Information Technology     |

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you!”

ii.) **On visiting delegation from Uasin Gishu County**

“Honourable Senators,

I would like to acknowledge, in the Speakers Gallery, the presence of Mr. Haron Sitienei, Director of Information and Research Services from the County Assembly of Uasin Gishu County who is at Senate for a study visit.

You may stand to be acknowledged in the Senate tradition.

Honourable Senators,

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of the visit.

I thank you.”

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE APPROVAL OF MEMBERS TO SERVE IN THE PARLIAMENTARY SERVICE COMMISSION.**

The Speaker conveyed the following Message from the National Assembly-

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of Members of Parliament for appointment to the Parliamentary Service Commission.

Pursuant to the said Standing Order, I now report the Message-

“PURSUANT to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

IN ACCORDANCE with the provisions of Article 127(2) of the Constitution, by a resolution passed on Tuesday, 8<sup>th</sup> November, 2022, the National Assembly approved the appointment of the following Members to the Parliamentary Service Commission –

*(a) under sub-section (c)(i) –*

- (i) The Hon. Faith Gitau, M.P.
- (ii) The Hon. Mohamed Ali, M.P.
- (iii) The Hon. Sen. Nderitu Kinyua, M.P.
- (iv) The Hon. Sen. Joyce Korir, M.P.

*(b) under sub-section (c)(ii) –*

- (i) The Hon. Mishi Juma Khamisi Mboko, M.P.
- (ii) The Hon. King’ola Patrick Makau, M.P.
- (iii) The Hon. Sen. Fatuma Adan Dullo, CBS, M.P.

NOW THEREFORE, in accordance with the said provisions of the Standing Orders, I hereby convey the aforementioned resolution of the National Assembly and invite the Senate to also consider and approve the appointment of the seven (7) Members of Parliament to the Parliamentary Service Commission.”

Honourable Senators,

As you may have observed, a Notice of Motion on this matter is listed on today’s Order Paper. The Senate Majority Leader will, therefore, at the appropriate time, be called upon to give a Notice of Motion for approval of Members to serve in the Parliamentary Service Commissions and further move a Motion on the same, with the leave of the House.

I thank you.”

## 5. **PAPERS**

The following Papers were laid on the Table of the House: -

- i.) Report by the National Treasury on Public Debt Management for the financial year 2020/2021.

- ii.) Report of the Committee on Assumption of the Office of the President submitted pursuant to Section 19 of the Assumption of the Office of the President Act, 2012.
- iii.) Report of the Auditor General on the Special Audit on utilization of commercial loans in Kenya.
- iv.) Annual report by the National Land Commission for the financial year 2021/2022.
- v.) Report of the Auditor General on the Financial Statement of Kericho County Bursary Fund the year ended 30<sup>th</sup> June, 2021.
- vi.) Report of the Auditor General on the Financial Statement of Kericho County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- vii.) Report of the Auditor General on the Financial Statement of Kericho County Agricultural Development Fund for the year ended 30<sup>th</sup> June, 2021.
- viii.) Report of the Auditor General on the Financial Statement of Siaya County Assembly Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- ix.) Report of the Auditor General on the Financial Statement of Siaya County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2021.
- x.) Report of the Auditor General on the Financial Statement of Vihiga County Sports Fund for the year ended 30<sup>th</sup> June, 2021.
- xi.) Report of the Auditor General on the Financial Statement of Malindi County Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xii.) Report of the Auditor General on the Financial Statement of West Pokot County Car & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xiii.) Report of the Auditor General on the Financial Statement of Kapenguria Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xiv.) Report of the Auditor General on the Financial Statement of Marsabit County Assembly Car & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.

- xv.) Report of the Auditor General on the Financial Statement of Kirinyaga County Executive Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- xvi.) Report of the Auditor General on the Financial Statement of Kirinyaga County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- xvii.) Report of the Auditor General on the Financial Statement of Trans Nzoia County Youth & Women Development Fund for the year ended 30<sup>th</sup> June, 2021.
- xviii.) Report of the Auditor General on the Financial Statement of Samburu County Covid-19 Emergency Response Fund for the year ended 30<sup>th</sup> June, 2021.
- xix.) Report of the Auditor General on the Financial Statement of Samburu County Community Conservancies Fund for the year ended 30<sup>th</sup> June, 2021.
- xx.) Report of the Auditor General on the Financial Statement of Garissa Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxi.) Report of the Auditor General on the Financial Statement of County Assembly of Nyeri Car Loan & Mortgage (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxii.) Report of the Auditor General on the Financial Statement of Nyeri County Assembly of Nyeri Car Loan & Mortgage (Staff) Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxiii.) Report of the Auditor General on the Financial Statement of Nyeri County Elimu Fund for the year ended 30<sup>th</sup> June, 2021.
- xxiv.) Report of the Auditor General on the Financial Statement of Othaya Mukurwe-ini Water Services Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxv.) Report of the Auditor General on the Financial Statement of Tetu Aberdare Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxvi.) Report of the Auditor General on the Financial Statement of Nairobi City County Assembly Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxvii.) Report of the Auditor General on the Financial Statement of Baringo County Executive Car Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2021.

- xxviii.) Report of the Auditor General on the Financial Statement of Baringo County Youth & Women Fund for the year ended 30<sup>th</sup> June, 2021.
- xxix.) Report of the Auditor General on the Financial Statement of Baringo County Cooperative Development Fund for the year ended 30<sup>th</sup> June, 2021.
- xxx.) Report of the Auditor General on the Financial Statement of Baringo County Micro & Small Enterprise Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxi.) Report of the Auditor General on the Financial Statement of Eldama Ravine Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxii.) Report of the Auditor General on the Financial Statement of Nakuru County Executive Car Loan & Mortgage Loan Staff Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxiii.) Report of the Auditor General on the Financial Statement of County Assembly of Nakuru Car Loan, Grant & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxiv.) Report of the Auditor General on the Financial Statement of Nawasscoal Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxv.) Report of the Auditor General on the Financial Statement of Naivasha Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxvi.) Report of the Auditor General on the Financial Statement of Machakos County Assembly Car Loan & Housing Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxvii.) Report of the Auditor General on the Financial Statement of Machakos County Assembly Staff Car Loan & Housing Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxviii.) Report of the Auditor General on the Financial Statement of Murang'a County Assembly Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxix.) Report of the Auditor General on the Financial Statement of Murang'a Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.

- xl.) Report of the Auditor General on the Financial Statement of Fort Beverage Industries Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xli.) Report of the Auditor General on the Financial Statement of Makueni County Fruit Development & Marketing Authority for the year ended 30<sup>th</sup> June, 2021.
- xlii.) Report of the Auditor General on the Financial Statement of Mbooni Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xliii.) Report of the Auditor General on the Financial Statement of Embu County Youth Trust for the year ended 30<sup>th</sup> June, 2021.

*(The Senate Majority Whip)*

- xliv.) Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security and Foreign Affairs on the approval hearing for the Nominee for appointment to the position of Inspector General of the National Police Service.

*(The Chairperson, Standing Committee on National Security and Foreign Affairs)*

6. **NOTICE OF MOTION - REPORT OF THE JOINT COMMITTEE OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL AFFAIRS AND THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN AFFAIRS ON THE APPROVAL HEARING FOR THE NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE**

(The Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

THAT, the Senate adopts the Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Affairs on the approval hearing for the nominee to the position of Inspector General of the National Police Service, laid on the Table of the Senate on Wednesday, 9<sup>th</sup> November, 2022, and pursuant to Article 245(2)(a) of the Constitution, Section 12 of the National Police Service Act, Section 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order 77 of the Senate, the Senate approves the nomination of Eng. Japhet Koome Nchebere, for appointment to the position of Inspector General of the National Police Service.

7. **NOTICE OF MOTION - APPOINTMENT OF MEMBERS OF PARLIAMENT TO THE PARLIAMENTARY SERVICE COMMISSION**

(The Senate Majority Leader)

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the Senate approves the appointment of the following Members of Parliament to the Parliamentary Service Commission-

(a) *under sub-section (c) (i) -*

- (i) Hon. Faith Wairimu Gitau, M.P.
- (ii) Hon. Mohamed Ali Mohamed, M.P.
- (iii) Sen. John Kinyua Nderitu, M.P.
- (iv) Sen. Joyce Korir, M.P.

(b) *under sub-section (c) (ii)-*

- (i) Hon. Mishi Juma Khamisi Mboko, M.P.
- (ii) The Hon. King'ola Patrick Makau, M.P.
- (iii) The Hon. Sen. Fatuma Adan Dullo, CBS, M.P.

8. **STATEMENTS - PURSUANT TO STANDING ORDER 53(1)**

- i.) The Senator for Machakos County (Sen. Agnes Kavindu, MP) sought a statement from the Standing Committee on Tourism, Trade and Industrialization concerning the liquidation of Drumvale Farmers Cooperative Society Limited.
- ii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the delayed payment to transport providers during and after the August 2022 General Elections by the Independent Electoral and Boundaries Commission (IEBC) in Embu County.

9. **MOTION - REPORT OF THE JOINT COMMITTEE OF THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL AFFAIRS AND THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN AFFAIRS ON THE APPROVAL HEARING FOR THE NOMINEE FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal

Affairs and the Senate Standing Committee on National Security, Defence and Foreign Affairs on the approval hearing for the nominee to the position of Inspector General of the National Police Service, laid on the Table of the Senate on Wednesday, 9<sup>th</sup> November, 2022, and pursuant to Article 245(2)(a) of the Constitution, Section 12 of the National Police Service Act, Section 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order 77 of the Senate, the Senate approves the nomination of Eng. Japhet Koome Nchebere, for appointment to the position of Inspector General of the National Police Service.

*(Sen. (Prof) Tom Ojienda on behalf of the Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, the Senate adopts the Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Affairs on the approval hearing for the nominee to the position of Inspector General of the National Police Service, laid on the Table of the Senate on Wednesday, 9<sup>th</sup> November, 2022, and pursuant to Article 245(2)(a) of the Constitution, Section 12 of the National Police Service Act, Section 8 of the Public Appointments (Parliamentary Approval) Act, and Standing Order 77 of the Senate, the Senate approves the nomination of Eng. Japhet Koome Nchebere, for appointment to the position of Inspector General of the National Police Service.

10. **MOTION - APPOINTMENT OF MEMBERS OF PARLIAMENT TO THE PARLIAMENTARY SERVICE COMMISSION**

Order read;

Motion made and Question proposed;

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the Senate approves the appointment of the following Members of Parliament to the Parliamentary Service Commission-

(a) *under sub-section (c) (i) -*

- (i) Hon. Faith Wairimu Gitau, M.P.
- (ii) Hon. Mohamed Ali Mohamed, M.P.
- (iii) Sen. John Kinyua Nderitu, M.P.
- (iv) Sen. Joyce Korir, M.P.

(b) *under sub-section (c) (ii)-*

- (i) Hon. Mishi Juma Khamisi Mboko, M.P.
- (ii) The Hon. King'ola Patrick Makau, M.P.
- (iii) The Hon. Sen. Fatuma Adan Dullo, CBS, M.P.

*(The Senate Majority Leader)*

Debate arising;

Amendment proposed;

THAT the Motion be amended in paragraph (b) by deleting the name of "Hon. Sen. Fatuma Dullo, CBS, MP" and substitute therefor the name of "Hon. Sen. Erick Okong'o Mogeni, SC, MP"

*(The Senate Minority Leader)*

Debate arising on the amendment;

There being no other Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question on amendment put and agreed to.

Question on the Motion as amended proposed pursuant to Standing Order 67 (11).

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the Senate approves the appointment of the following Members of Parliament to the Parliamentary Service Commission-

(a) *under sub-section (c) (i) -*

- (i) Hon. Faith Wairimu Gitau, M.P.
- (ii) Hon. Mohamed Ali Mohamed, M.P.
- (iii) Sen. John Kinyua Nderitu, M.P.
- (iv) Sen. Joyce Korir, M.P.

(b) *under sub-section (c) (ii)-*

- (i) Hon. Mishi Juma Khamisi Mboko, M.P.
- (ii) The Hon. King'ola Patrick Makau, M.P.
- (iii) Sen. Erick Okongó Mogeni, SC, M.P.

Debate on Motion as amended resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the Motion did not affect counties.

Question put and agreed to.

### **RESOLVED ACCORDINGLY**

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the Senate approves the appointment of the following Members of Parliament to the Parliamentary Service Commission-

(a) *under sub-section (c) (i) -*

- i. Hon. Faith Wairimu Gitau, M.P.
- ii. Hon. Mohamed Ali Mohamed, M.P.
- iii. Sen. John Kinyua Nderitu, M.P.
- iv. Sen. Joyce Korir, M.P.

(b) *under sub-section (c) (ii)-*

- i. Hon. Mishi Juma Khamisi Mboko, M.P.
- ii. The Hon. King'ola Patrick Makau, M.P.
- iii. The Hon. Sen. Erick Okong'o Mogeni, SC, MP

### **11. MOTION - PROMOTION OF MENTAL HEALTH FACILITIES FOR MOTHERS**

THAT, AWARE THAT according to the World Health Organization, globally 10% of pregnant women and 13% of women who have just given birth experience a mental condition, referred to as perinatal depression, which is higher in developing countries with 15.6% during pregnancy, and 19.8% after child birth;

FURTHER AWARE that women who go through still birth and those that lose their children during delivery are taken to the general maternity ward where other mothers with healthy babies are recovering, causing them mental anguish and adversely impacting their mental health;

NOTING THAT integrating mental health care into primary healthcare settings requires training in psychiatric care and providing consulting support to primary care providers, considering that there are not enough mental health care providers to meet the current and growing need for mental health services;

APPRECIATING THAT the Health Act under section 6 (1) (b) provides that every person has a right to reproductive health care which includes the right of access to appropriate health care services that will enable mothers go safely through pregnancy, childbirth, and the postpartum period which should include the integration of mental health in perinatal care as recommended by the National Mental Health Taskforce in its “Mental Health and Wellbeing towards Happiness and National Prosperity” report;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the Council of Governors to:

- (i) ensure that all county health facilities with maternity wings, allocate a separate ward for recovery for the mothers who have gone through still birth or those that have lost their babies during delivery;
- (ii) facilitate continuous mental health training and the provision of counselling support in the perinatal wards for all primary care providers in all counties;
- (iii) establish counselling facilities at all county health facilities with maternity wings to provide counselling therapy to mothers who lose their children through a miscarriage, during delivery, or through still birth; and,
- (iv) establish counselling facilities at all county health facilities with maternity wings to provide counselling therapy to mothers who are suffering from perinatal and postpartum depression.

*(Sen. Hamida Kibwana, MP – 8/11/2022)*

Order deferred.

And there being no other business in the order paper, the Speaker adjourned the Senate at ten minutes past six O'clock without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** – at ten minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, November 10, 2022 at 2.30 p.m.*