



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, APRIL 18, 2024 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call out the Orders of the day.

4. **PAPERS LAID**

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

- i.) The Fisheries Management and Development (Fish Levy Trust Fund) Regulations, Legal Notice No. 52 of 2024.
- ii.) The Fisheries Management and Development (Marine Fisheries) Regulations, Legal Notice No. 53 of 2024.
- iii.) Report of the Auditor General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2021.
- iv.) Report of the Auditor General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2022.
- v.) Report of the Auditor General on Financial Statements of Kisumu County Social Health Insurance Fund for the year ended 30th June, 2023.
- vi.) Report of the Auditor General on Financial Statements of the City of Kisumu for the year ended 30th June, 2023.

- vii.) Report of the Auditor General on Financial Statements of the Kisumu County Education Fund for the year ended 30th June, 2023.
- viii.) Report of the Auditor General on Financial Statements of Gulf Water Services Company Limited for the year ended 30th June, 2023.
- ix.) Report of the Auditor General on Financial Statements of Nyanas Water and Sanitation Company Limited for the year ended 30th June, 2023.
- x.) Report of the Auditor General on Financial Statements of the County Government of Kiambu – County Revenue Fund for the year ended 30th June, 2023.
- xi.) Report of the Auditor General on Financial Statements of the County Government of Kiambu – Receiver of Revenue for the year ended 30th June, 2023.
- xii.) Report of the Auditor General on Financial Statements of Kiambu County Health Services Facility Improvement Fund (HSFIF) for the year ended 30th June, 2023.
- xiii.) Report of the Auditor General on Financial Statements of Kiambu Water and Sewerage Company Limited for the year ended 30th June, 2023.
- xiv.) Report of the Auditor General on Financial Statements of Baringo County Executive Mortgage Scheme Fund for the year ended 30th June, 2023.
- xv.) Report of the Auditor General on Financial Statements of Baringo County Assembly (Staff) Car Loan and Mortgage Fund for the year ended 30th June, 2023.
- xvi.) Report of the Auditor General on Financial Statements of Baringo County Older Persons and Persons with Disability Fund for the year ended 30th June, 2023.
- xvii.) Report of the Auditor General on Financial Statements of the County Government of Bomet – County Revenue Fund for the year ended 30th June, 2023.
- xviii.) Report of the Auditor General on Financial Statements of Bomet County Bursary Fund the year ended 30th June, 2023.
- xix.) Report of the Auditor General on Financial Statements of Bomet County Education Revolving Fund for the year ended 30th June, 2023.
- xx.) Report of the Auditor General on Financial Statements of Bomet County Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023.
- xxi.) Report of the Auditor General on Financial Statements of Bomet Municipality for the year ended 30th June, 2023.

- xxii.) Report of the Auditor General on Financial Statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2023.
 - xxiii.) Report of the Auditor General on Financial Statements of Mavoko Water and Sewerage Company Limited for the year ended 30th June, 2023.
 - xxiv.) Report of the Auditor General on Financial Statements of Kathiani Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xxv.) Report of the Auditor General on Financial Statements of Mwala Water and Sewerage Company Limited for the year ended 30th June, 2023.
 - xxvi.) Report of the Auditor General on Financial Statements of Matungulu Kangundo Water and Sewerage Company Limited for the year ended 30th June, 2023.
 - xxvii.) Report of the Auditor General on Financial Statements of Nakuru City for the year ended 30th June, 2023.
 - xxviii.) Report of the Auditor General on Financial Statements of Nakuru County Executive (Staff) Car Loan Scheme Fund the year ended 30th June, 2023.
 - xxix.) Report of the Auditor General on Financial Statements of Nakuru County Persons with Disabilities Fund for the year ended 30th June, 2023.
 - xxx.) Report of the Auditor General on Financial Statements of Nakuru Water Sanitation Services Company Limited for the year ended 30th June, 2023.
 - xxxi.) Report of the Auditor General on Financial Statements of Nakuru Rural Water and Sanitation Company Limited for the year ended 30th June, 2023.
 - xxxii.) Report of the Auditor General on Financial Statements of Nawasscoal Company Limited for the year ended 30th June, 2023.
 - xxxiii.) Report of the Auditor General on Financial Statements of Naivasha Municipality for the year ended 30th June, 2023.
 - xxxiv.) Report of the Auditor General on Financial Statements of Naivasha Water and Sanitation Company Limited for the year ended 30th June, 2023.
- (The Deputy Senate Majority Whip)*
- xxxv.) Statement on the business of the Senate for the week commencing Tuesday, 23rd April, 2024.

(The Senate Majority Leader)

5. **NOTICE OF MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA**

(Sen. Miraj Abdillahi, MP, on behalf of Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

6. **QUESTIONS AND STATEMENTS**

a) Kauli za Jumla kwa mujibu wa Kanunu za Kudumu 52 (1)

Seneta wa Kaunti ya Mombasa (Sen. Mohammed Mwinyihaji, MP) alitoa kauli kuhusiana na hali ngumu ya kazi na kunyayaswa kwa wafanyikazi wa Export Processing Zone (EPZ), hususan wafanyakazi wa kampuni ya Ashton Apparels Jijini Mombasa.

Seneta huyo aliangazia swala la mashirika ya EPZ kufaidika na mpango wa African Growth and Opportunity Act (AGOA) unaoruhusu bidhaa kutoka nchi za Kiafrika kusafirishwa kwenda Marekani. Hata hivyo, alieleza jinsi baadhi ya mashirika hayo yanavyokandamiza haki za wafanyakazi na kuhatarisha sekta hii muhimu ya ajira kwa Wakenya.

Seneta huyo aliendelea kuelezea visa vingi vya unyanyasaji wa wafanyakazi vinavyoendelea katika mashirika hayo, kama vile kuzuiliwa kujiunga na

vyama vya wafanyakazi, hujuma za kijinsia, kufanyishwa kazi bila mikataba, ubaguzi na mazingira duni ya kazi.

Seneta huyo alisisitiza umuhimu wa Serikali kushughulikia suala hili kwa makini ili kuepuka kupoteza fursa ya AGOA na vilevile kulinda haki za wafanyakazi. Zaidi, Seneta alitaka Kamati ya Leba na Ustawi wa Jamii kufuatilia suala hili kwa karibu.

b) Statement pursuant to Standing Order 53 (1)

Nominated Senator (Sen. Karen Nyamu, MP) sought a Statement from the Standing Committee on Roads, Transportation and Housing regarding the traffic congestion in Nairobi City and its environs.

c) Statements pursuant to Standing Order 56(1) (b)

- i.) The Vice-Chairperson, Standing Committee on Information, Communication and Technology made a Statement relating to the activities of the Committee for the period, January to March, 2024.
- ii.) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights made a Statement relating to the activities of the Committee for the period, January to March, 2024.
- iii.) The Vice - Chairperson, Standing Committee on Labour and Social Welfare made a Statement relating to the activities of the Committee for the period, January to March, 2024.
- iv.) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries made a Statement relating to the activities of the Committee for the period January to March, 2024.
- v.) The Chairperson, Standing Committee on Health made a Statement relating to the activities of the Committee for the period, January to March, 2024.

d) Statement pursuant to Standing Order 57(1)

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 23rd April, 2024.

7. THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)

(The Senate Majority Leader)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Land, Environment and Natural Resources.

8. **THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**
(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 30th November, 2023)
(Division)***

Order deferred.

9. **THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 28th March, 2024)
(Division)***

Order deferred.

10. **THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)**
(The Senate Majority Leader)

(Second Reading)

***(Resumption of debate interrupted on Tuesday 16th April, 2024)
(Division)***

Order deferred.

11. **THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogolla, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday 16th April, 2024)

Order deferred.

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

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Gambling Control Bill (National Assembly Bills No. 70 of 2023) be now read a Second Time.

(The Senate Majority Leader – 17.04.2024)

Debate interrupted on Wednesday, 17th April, 2024 (Afternoon Sitting) resumed;

And there being no Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested for the deferment of the putting of the Question to a later date.

And the Speaker acceding to the request, deferred the putting of the Question to a later date.

13. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 25 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the County Governments (Amendment) Bill (Senate Bills No. 25 of 2023) be now read a Second Time.

(Sen. Samson Cherarkey, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 66 (3), the Mover requested for the deferment of the putting of the Question to a later date.

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) acceding to the request, deferred the putting of the Question to a later date.

14. **THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**

(Sen. Omar Mariam Sheikh, MP)

(Second Reading)

Order deferred.

15. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

(Second Reading)

Order deferred.

16. **THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**

(Sen. Mohamed Abass Sheikh, MP)

(Second Reading)

Order deferred.

17. **THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)**

(Sen. Kathuri Murungi, MP)

(Second Reading)

Order deferred.

18. **MOTION - APPROVAL OF CONDITIONAL GRANT FOR THE CONSTRUCTION OF MOMBASA MUNICIPAL STADIUM**

(Sen. Mohamed Mwinyihaji Faki, MP)

THAT AWARE THAT Part 2 of the Fourth Schedule to the Constitution of Kenya obligates County Governments with the responsibility to develop, establish, manage, and maintain sports and cultural facilities which includes stadiums, sports arenas, cultural centers, and other related infrastructure;

NOTING THAT the entire Coastal region of the Country lacks a modern stadium built to international standards, thereby depriving the people the benefits that come with stadia and sports facilities;

CONCERNED THAT the construction of the Mombasa Municipal Stadium has encountered delays and setbacks since the inception of the project in 2019 due to financial constraints, which has since been halted depriving the community of the much-needed facility;

NOW THEREFORE the Senate resolves that the National Treasury and the Ministry of Youth Affairs, Creative Economy and Sports allocates a conditional grant to the County Government of Mombasa amounting to 1.7 billion Kenya Shillings for the completion of the Mombasa Municipal Stadium.

Order deferred.

19. **MOTION - ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA**

(Sen. Johnes Mwaruma, MP)

AWARE THAT Article 43 (1) (a) of the Constitution of Kenya provides that every person has the right to the highest attainable standard of health, including reproductive health care;

NOTING THAT in Kenya, we have five National Teaching and Referral hospitals with Kenyatta University Research and Teaching Hospital in Kiambu

County and Moi Teaching and Referral Hospital in Eldoret, Uasin Gishu County being the only ones outside Nairobi County;

CONCERNED THAT the bed capacity, medical equipment and human capital in these National Teaching and Referral hospitals are not sufficient to absorb all the patients seeking specialized treatment;

FURTHER CONCERNED THAT many Kenyans with critical health conditions travel long distances in order to access specialized services in Moi Teaching and Referral Hospital in Eldoret or Nairobi where the other four National Teaching and Referral hospitals are located, leading to high cost of travel, augmented disease and in some cases deaths along the way;

NOW THEREFORE the Senate urges-

1. The Ministry of Health to:
 - i. Establish National Teaching and Referral hospitals in the Coast, Eastern, North Eastern, Nyanza and Western regions; and
 - ii. Fully equip the National Teaching and Referral Hospitals with modern medical equipment, medical supplies and personnel; and
2. The County Governments to allocate more funds to their respective health dockets to adequately facilitate their County Level 5 and Level 6 hospitals in order to enhance provision of critical health services to reduce the demand for such services from the National Teaching and Referral Hospitals.

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at ten Minutes past Six O'clock without Question put, pursuant to the Standing Orders.

20. **SENATE ROSE** - at ten Minutes past Six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, April 23, 2024 at 2:30 p.m.*