



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

MORNING SITTING

WEDNESDAY, SEPTEMBER 20, 2023 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **MOTION – REGULATION OF ELECTRONIC CIGARETTES IN KENYA**
(Sen. Catherine Mumma, MP)

THAT, AWARE THAT Section 68 (1) (b) of the Health Act, 2017 provides for interventions by the national government to reduce the use of tobacco and other addictive substances and to counter exposure of children and others to tobacco smoke, and Section 32 of the Tobacco Control Act, 2007 provides for the right of every person to a smoke free environment including the protection from exposure to second-hand smoke;

CONCERNED THAT, while the Tobacco Control Act, defines key terms and covers topics including, but not limited to, restrictions on public smoking, tobacco advertising, promotion and sponsorship, and packaging and labelling of tobacco products, Section 2 of the Act does not contemplate non tobacco products and therefore lacks restrictions on the use, advertising, promotion and sponsorship, or packaging and labelling of synthetic nicotine in the form of e-cigarettes resulting in the increase in popularity and consumption of e-cigarettes among the youth including minor children;

...../Motion

NOW THEREFORE, the Senate resolves that the Ministry of Health should urgently convene an all-inclusive stakeholder forum to:

1. Develop a national policy regulating e-cigarettes and all related elements, including vape pens, e-liquids, flavors and their marketing and advertising in mainstream media as well as social media; and
 2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.
9. **MOTION - REPORT OF THE SENATE DELEGATION TO THE 67TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN (CSW 67) HELD IN NEW YORK, FROM 6TH TO 17TH MARCH 2023**
(Sen. Fatuma Dullo, MP)

THAT, the Senate notes the Report of the Senate Delegation to the 67th Session of the Commission on the Status of Women (CSW) held in New York, from 6th to 17th March, 2023, laid on the Table of the Senate on Thursday, 29th June, 2023.

10. **MOTION - REPORT OF THE 146TH ASSEMBLY OF THE INTER - PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023**
(Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

11. **MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**
(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

...../Motion

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

...../Notice

NOTICE

The Senate resolved on 15th February, 2023 as follows:-

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

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...../Appendix

APPENDIX

QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 018 The Senator for Turkana County (Sen. James Lomenen, MP) to ask the Cabinet Secretary for Foreign and Diaspora Affairs: -

- (a) What are the reasons for the Kenya Government's inaction in assisting and hastening the release of the pastoralists from Turkana County, who were arrested in Uganda and charged in court martials in Moroto District in Uganda, for crossing over in search of pasture during the recent drought experienced in the country?
- (b) When will the Government intervene to ensure the release of the pastoralists?

Question No. 019 Nominated Senator (Sen. George Mbugua, MP) to ask the Cabinet Secretary for Health: -

- (a) What measures has the Government taken to ensure that reproductive health services are accessible to Persons with Disabilities (PWDs) in compliance with Article 43 (a) of the Constitution?
- (b) Could the Cabinet Secretary provide a list of all the medical facilities equipped with disability-friendly infrastructure and, indicate the training programmes developed and resources deployed by the Government to medical practitioners to ensure they are adequately prepared to attend to PWDs?
- (c) What is the Government doing to also ensure that such services as occupational therapy, speech therapy and behavioural therapy, which are essential for children living with disabilities, are all covered by the National Health Insurance Fund (NHIF)?

Question No. 020

**Nominated Senator (Sen. George Mbugua, MP)
to ask the Cabinet Secretary for Labour and
Social Protection: -**

- (a) Could the Cabinet Secretary provide a report on all Persons with Disabilities (PWDs) employed in the public sector, and indicate the level of compliance with section 13 of the Persons with Disabilities Act, No. 14 of 2003, which requires the reservation of 5% of all casual, emergency and contractual positions for PWDs as stipulated in the Persons with Disabilities Act, No. 14 of 2003?
- (b) What measures is the Government taking to ensure compliance with this legal provision both in the public and private sectors?
- (c) What measures has the Government taken to create public awareness to help combat stigma and ableism targeted at PWDs as required by the Act?
- (d) What is the implementation status in Kenya of the Convention on Rights of Persons with Disabilities (CRPD) which requires the promotion of the full realization of all human rights for PWDs, which Kenya ratified in May 2008?

NOTICE PAPER

Tentative Business for

Wednesday, September 20, 2023 (Afternoon Sitting)

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, September 20, 2023 (Afternoon Sitting).

A. BILLS AT COMMITTEE OF THE WHOLE

- i.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)
(Sen. Crystal Asige, MP)
- ii.) *THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)
(Sen. Enoch Wambua, MP)
- iii.) *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)

B. BILLS AT THE SECOND READING STAGE

- i.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)
- ii.) *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2023)
(Sen. Beth Syengo, MP)

C. MOTIONS

- i.) ADOPTION OF THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY, ON ITS OWN MOTION, INTO CONDUCT OF SENATOR GLORIA ORWOBA, MP AND TO ESTABLISH IF THE CONDUCT CONSTITUTED BREACH OF PARLIAMENTARY PRIVILEGE.
(The Chairperson, Committee of Powers and Privileges)
- ii.) CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CENTRAL BANK OF KENYA
(The Chairperson, Standing Committee on Finance and Budget)

...../Notice Paper

(No. 079) WEDNESDAY, SEPTEMBER 20, 2023 (MORNING SITTING) (1442)

- iii.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)

- iv.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE
(The Chairperson, Standing Committee on Health)

- v.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL
(The Chairperson, Standing Committee on Health)
