



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**MORNING SITTING**

**WEDNESDAY, NOVEMBER 22, 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 - 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.

*(Resumption of debate interrupted on 1<sup>st</sup> November, 2023 – Balance of time – 2hrs)*

9. **MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(Sen. William Cheptumo, MP)

**THAT AWARE THAT**, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

**CONCERNED THAT**, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

**FURTHER CONCERNED THAT**; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

**NOW THEREFORE**, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:
  - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
  - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

...../Motion

10. **MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

**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 identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

**CONCERNED THAT** the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

**NOW THEREFORE** the Senate urges the Ministry of Roads and Transport, 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;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

11. **MOTION - REPORT OF THE AD-HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANISATIONS AND CIRCUMSTANCES LEADING TO MORE THAN 95 DEATHS IN SHAKAHOLA, KILIFI COUNTY.**

(Chairperson of the Ad-Hoc Committee)

**THAT**, the Senate adopts the Report of the Ad-Hoc Committee to investigate the proliferation of religious organisations and circumstances leading to more than 95 deaths in Shakahola, Kilifi County laid on the Table of the Senate on Thursday, 19<sup>th</sup> October, 2023.

...../Motion

12. MOTION - REPORT OF THE 146<sup>TH</sup> 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 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11<sup>th</sup> to 15<sup>th</sup> March, 2023, laid on the Table of the Senate on Tuesday 2<sup>nd</sup> May, 2023.

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...../Notice

**NOTICE**

The Senate resolved on 15<sup>th</sup> 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.

**KEY**

**\*\*\*\*- Denotes a Majority /Minority Party Bill**

**\*\*\*- Denotes a National Assembly Bill**

**\*\*- Denotes a Committee Bill**

**\*- Denotes any other Bill**

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APPENDIX

QUESTIONS AND STATEMENTS

QUESTIONS

**Question No. 030      The Senator for Tharaka Nithi County (Sen. Mwenda Gataya Mo’Fire, MP) to ask the Cabinet Secretary for Roads and Transport:-**

- (a) Why has project RWC 150/D474 for the construction of Kajiunduthi – Iriga – Chogoria – Weru – Mutindwa – Kiriani – Marima Road in Tharaka Nithi County stalled since its launch in 2016?
- (b) What measures is the Government taking to ensure the completion of the project, and could the Cabinet Secretary provide a timeline for this?
- (c) What stopgap measures is the Government taking to ensure that the roads remain motorable in all seasons, particularly in Gitumbani, Mutindwa, Gantwaki, Kajiunduthi, Kiriani and Marima areas?

**Question No. 047      Nominated Senator (Sen. Peris Tobiko, CBS, MP) to ask the Cabinet Secretary for Roads and Transport:-**

- (a) Is the Cabinet Secretary aware of the absence of speed bumps at crucial locations along the route from Imaroro to Isara in Kajiado County, particularly around market centers, schools and near bridges, which has contributed to numerous accidents in these areas?
- (b) Are there plans to erect speed bumps strategically along the route and, if so, could the Cabinet Secretary indicate the timelines for the same?

**Question No. 048      Nominated Senator (Sen. Peris Tobiko, CBS, MP) to ask the Cabinet Secretary for Roads and Transport:-**

Could the Cabinet Secretary state whether there are plans to upgrade the Isinya-Konza road to bitumen standard and, if so, indicate the projected timelines for the same?

**Question No. 056**

**The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Roads and Transport:-**

- (a) What Corporate Social Responsibility (CSR) activities have been done for the local communities by the contractors undertaking road construction projects in Kirinyaga County?
- (b) Could the contractors, through the Ministry of Education, consider making infrastructural improvements in at least one public primary and secondary school in the project area, as part of their CSR?

**Question No. 060**

**The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Roads and Transport:-**

- (a) Why has the project for the upgrading to bitumen standard of Mururi-Urumandi-Ngucui-Mahigaiini-Nyamindi-Kianugu-Kiumbu Road in Mwea Constituency, in Kirinyaga County, not commenced, despite the award of the contract?
- (b) Could the Cabinet Secretary indicate the status of the contract for the construction of the said project, considering the delay in its execution?
- (c) What measures is the Government taking to ensure the commencement of the project, and could the Cabinet Secretary provide a timeline for its completion?

**Question No. 065**

**The Senator for Kakamega County (Sen. (Dr.) Boni Khalwale, CBS, MP) to ask the Cabinet Secretary for Roads and Transport:-**

- (a) Could the Cabinet Secretary confirm that, following the Presidential Directive to upgrade Kakamega Airstrip to an international airport, the leadership of Kakamega County undertook public participation, obtained consent to relocate residents from the earmarked land and conducted a survey and valuation of the land for purposes of compensation?
- (b) What steps is the National Government taking to execute the Presidential Directive?

**Question No. 067**

**The Senator for Meru County (Sen. Kathuri Murungi, MGH, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning:-**

- (a) Could the Cabinet Secretary explain why there has been a delay in the disbursement of funds to the National Health Insurance Fund (NHIF), which has led to the non-payment of approved claims of over Kshs. 11.6 Billion to beneficiaries by the NHIF?
- (b) Could the Cabinet Secretary provide timelines within which the funds will be released to the NHIF to enable timely payment of the approved claims to the intended beneficiaries?
- (c) What measures has the Government put in place to ensure the expeditious disbursement of funds to pay the pending claims, pending the planned establishment of a Social Health Insurance Fund to replace the existing National Health Insurance Fund?

**Question No. 074**

**The Senator for Kisii County (Sen. Richard Onyonka, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning:-**

- (a) Could the Cabinet Secretary provide detailed information on the Government-to-Government (G-to-G) agreement between Kenya and the Gulf countries for the supply of fuel, including the terms of the agreement, the countries or entities involved and the duration of the agreement?
- (b) What is the per-litre cost of oil under this agreement and how does this cost compare to the prevailing market rates?
- (c) Could the Cabinet Secretary state any discount or any other favourable terms the Government has received as a result of the single-source purchase of oil, indicating the total savings the Government has realized since the signing of the agreement?
- (d) What are the reasons for any debt or financial obligations that may have accumulated from the time the Government started purchasing oil through the G-to-G agreement, and could the Cabinet Secretary indicate the nature of debts and projected timelines for their settlement?



**Question No. 070**

**The Senator for Elgeyo Marakwet County (Sen. William Kisang, MP) to ask the Cabinet Secretary for Youth Affairs and Sports:-**

- (a) Could the Cabinet Secretary state the number of sports training camps in the country and, Elgeyo Marakwet County in particular, and indicate whether they are duly registered and licensed?
- (b) How many foreign athletes are currently training in the said camps?
- (c) Could the Cabinet Secretary clarify whether the foreign athletes are registered, and indicate the type of visa granted to them?
- (d) What is the Government doing to facilitate knowledge exchange between local and foreign athletes using Kenyan training camps, and to ensure that local talent is not overshadowed?

**Question No. 071**

**The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Youth Affairs and Sports:-**

- (a) What has occasioned the delay in the completion of the project for the construction of Wang'uru International Stadium in Mwea Constituency in Kirinyaga County, which was launched in 2020?
- (b) Could the Cabinet Secretary disclose the pending works and state the projected date of completion?
- (c) What is the total budgeted cost of the project and could the Cabinet Secretary provide the status of payments to respective contractors, and also disclose the outstanding payment?

**Question No. 072**

**The Senator for Kisii County (Sen. Richard Onyonka, MP) to ask the Cabinet Secretary for Youth Affairs and Sports:-**

- (a) What was the total amount of money utilized by the Government in organizing and hosting the 2023 World Rally Championship (WRC) Safari Rally event, and could the Cabinet Secretary provide a breakdown of the expenditure and disclose any funding received from WRC-International?

- (b) Could the Cabinet Secretary provide details of the audit findings by the Office of the Auditor General (OAG) on the utilization of public funds in organizing and hosting the WRC Safari Rally?
- (c) Are there any outstanding bills related to the WRC Safari Rally and, if so, could the Cabinet Secretary provide information on the nature of the bills and projected timelines for their settlement?

**Question No. 073**

**The Senator for Kisii County (Sen. Richard Onyonka, MP) to ask the Cabinet Secretary for Youth Affairs and Sports:-**

- (a) Could the Cabinet Secretary disclose the total funds received by the Sports, Arts and Social Development Fund (SASDEF) since July 2022, and indicate how the funds have been expended during the same period?
- (b) Could the Cabinet Secretary provide a list of all stakeholders, organizations and individuals that have benefited from grants from the Fund, stating the specific purposes for which these funds were allocated to each recipient?

**NOTICE PAPER**

**Tentative Business for**

**Wednesday, November 22, 2023 (Afternoon Sitting)**

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*(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, November 22, 2023 (Afternoon Sitting)

**A. BILLS AT THE COMMITTEE OF THE WHOLE**

- i.) \*THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)  
(Sen. Mariam Sheikh Omar, MP)
- ii.) \*THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)  
(Sen. Maureen Tabitha Mutinda, MP)
- iii.) \*THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)  
(Sen. Enoch Wambua, MP)
- iv.) \*THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)  
(Sen. Crystal Asige, MP)
- v.) \*THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)  
(Sen. Crystal Asige, MP)
- vi.) \*THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)  
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

**B. BILLS AT THE SECOND READING STAGE**

- i.) \*\*THE EQUALIZATION FUND APPROPRIATION BILL, (SENATE BILLS NO. 30 OF 2023) (DIVISION)  
(The Chairperson, Standing Committee on Finance and Budget)
- ii.) \*THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023) (DIVISION)  
(Sen. Miraj Abdillahi Abdulrahman, MP)
- iii.) \*THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023) (DIVISION)  
(Sen. Samson Cherarkey, MP)

- iv.) \*\*THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)  
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- v.) \*\*\*THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)
- vi.) \*THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)  
(Sen. Beatrice Ogolla, MP)
- vii.) \*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)  
(Sen. Miraj Abdillahi Abdulrahman, MP)
- viii.) \*THE RICE BILL (SENATE BILLS NO. 19 OF 2023)  
(Sen. James Kamau Murango, MP)
- ix.) \*\*\*THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)  
(The Senate Majority Leader)

**C. MOTIONS**

- i.) REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET (DIVISION)  
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)
- ii.) 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)
- iii.) 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)
- iv.) 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)
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