



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

MORNING SITTING

WEDNESDAY, MARCH 20, 2024 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 - DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**
(Sen. William Cheptumo, MP)

THAT AWARE THAT, cattle rustling/banditry 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 health 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:

...../Motion

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry 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/banditry and settle all internally displaced persons occasioned by the menace.

(Resumption of debate interrupted on Wednesday, 6th March, 2024 – Morning Sitting – Balance of time 56 minutes)

9. MOTION - REPORT OF THE 147TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN LUANDA, ANGOLA ON 23RD TO 27TH OCTOBER, 2023

(Sen. Catherine Mumma, MP)

THAT, the Senate notes the Report of 147th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Luanda, Angola on 23rd to 27th October, 2023 laid on the Table of the Senate on Thursday 29th February, 2024.

10. MOTION - REPORT OF THE 63RD SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND 43RD SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS IN BRUSSELS, BELGIUM.

(Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Report of the 63rd Session of the OACPS Parliamentary Assembly and 43rd Session of the ACP-EU Joint Parliamentary Assembly Meetings in Brussels, Belgium laid on the table of Senate on Wednesday, 6th December, 2023.

11. MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 13TH PLENARY ASSEMBLY OF THE FORUM OF PARLIAMENTS OF THE MEMBER STATES OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR), HELD IN JUBA, SOUTH SUDAN

(Sen. Roba Ali Ibrahim, MP)

THAT, the Senate notes Report of the Parliament of Kenya Delegation to the 13th Plenary Assembly of the Forum of Parliaments of the Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in Juba, South Sudan, laid on the table of Senate on Thursday, 7th December, 2023.

...../**Motion**

- 12. **MOTION - REPORT OF THE 9TH INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM FROM 15TH TO 17TH SEPTEMBER, 2023**
(Sen. John Methu, MP)

THAT, the Senate notes Report of the 9th Inter-Parliamentary Union (IPU) Global Conference of Young Parliamentarians held in Hanoi, Vietnam from 15th to 17th September, 2023 laid on the table of Senate on Tuesday, 5th March, 2024.

- 13. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 2021.**
(The Chairperson, Committee on County Public Investments and Special Funds)

THAT, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;
- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023.

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NOTICE

The Senate resolved on 14th February, 2024 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

QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 010 The Senator for Kisumu County [Sen. (Prof.) Tom Ojienda, SC, MP] to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide comprehensive data and records on road accidents involving tractors transporting sugarcane from farms to factories in sugarcane growing areas in Kisumu County since 2017?
- b) How many of these accidents are attributable to unroadworthy tractors and incompetency of tractor drivers, respectively?
- c) What is the Government doing to strengthen and streamline regular monitoring and enforcement of the licensing of tractor drivers as well as the inspection of the tractors?
- d) What measures are in place to also ensure proper maintenance of roads in sugarcane growing regions and, could the Cabinet Secretary state plans to compensate all the persons affected by road accidents involving these tractors?

Question No. 011 The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide an overview of the performance metrics of Kenya Airways (KQ), particularly the gross and operational profit or loss for the half-year ended June 2023, explaining how the profits or loss compare against other key industry players?
- b) Could the Cabinet Secretary provide a comprehensive account of all financial support, including Government bailouts and loans from the Export-Import Bank of the United States of America, extended to Kenya Airways over the last 10 years, highlighting the respective amounts received and the purposes for which the support was extended?

- c) Which foreign consultancy firms have been engaged by KQ in the last 10 years to revitalize the airline, and could the Cabinet Secretary indicate the respective amounts paid to each, as well as provide an overview of the recommendations made by the firms?
- d) What was the rationale behind the decision of Kenya Airways (KQ) to ground the Boeing 787-8 Dreamliner registered as 5YKZJ, the Boeing 737-7U8 registered as 5YKQH and Boeing 737-7U8 registered as 5Y-KQG, and could the Cabinet Secretary also explain why the option of converting these aircraft into cargo planes was not pursued and identify the authority that approved the removal of parts from these aircrafts?

Question No. 012

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) When will the ongoing project for the expansion of Kerenga Airstrip be completed?
- b) What is the total budgetary allocation for the project, and could the Cabinet Secretary provide a detailed breakdown of the expenditures incurred so far?
- c) Could the Cabinet Secretary provide a detailed assessment of the quality of works for the project, stating what the Government is doing to hold accountable the contractor, and any other individuals, responsible for any identified lapses?

Question No. 013

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide a status update on all projects for the construction and upgrade of roads undertaken by the National Government in Nandi County since 2013, explaining any discrepancies between the contractual and actual dates of completion?
- b) What are the reasons for the delay in resumption of construction of Kaiboi-Chepterwai Kapkatembu, Chemuswo-Chomisia-Danger, Timboroa- Maraba-

Kopere, Mugundoi-Nandi Hills, Nandi Hills-Himaki, Lessos- Kesses-Chetiret and Chepterit-Tulon-Moi University roads in Nandi County, which have stalled, and could the Cabinet Secretary also outline steps taken by the Government to expedite the resumption and completion of these projects?

Question No. 014 The Senator for Kitui County (Sen. Enoch Wambua, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) What is the status of compensation to residents whose parcels of land were acquired for the construction of the Kibwezi-Athi-Mutomo-Kitui-Migwani Road?
- b) Could the Cabinet Secretary indicate the outstanding balance of compensation, and state when it will be paid out?

Question No. 015 The Senator for Kitui County (Sen. Enoch Wambua, CBS, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) What is the current state of the Ithookwe airstrip in Kitui County and are there any plans to upgrade it to commercial status?
- b) Could the Cabinet Secretary provide an update on the construction progress of the Tseikuru and Mutomo airstrips in Kitui County?

Question No. 016 The Senator for Meru County (Sen. Kathuri Murungi, MGH, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide a schedule of pending bills currently owed by the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KENHA) to contractors engaged in road construction projects across the country, clearly indicating the proportion that constitute accumulated interest and penalties from delayed payments?
- b) What occasioned the delay in settling bills due for payment by the two Government entities, resulting in the accumulation of avoidable interest and penalties that overshoot the costs of the respective projects to untenable levels?

- c) What measures has the Government put in place to ensure the timely settlement of bills as they fall due, and could the Cabinet Secretary provide a timeline for the settlement of the existing pending bills?
- d) Could the Cabinet Secretary also explain mechanisms the Government has put in place to improve the quality of procurement and project management processes to mitigate against irregular award of tenders, inflation of project costs and certification as complete, of projects that have not attained the requisite standards?

Question No. 031

The Senator for Bungoma County (Sen. David Wakoli, MP) to ask the Cabinet Secretary for Roads and Transport: -

- a) Could the Cabinet Secretary provide a timeline for the rehabilitation and expansion of the Lwakhakha-Chwele-Kimilili-Kamukuywa Road to accommodate the increasing traffic, including heavy trucks plying the route?
- b) Could the Cabinet Secretary indicate the progress made in acquiring land for the expansion of the said road, stating the due diligence followed and the timelines for compensation of residents whose land will be acquired for the project?

Question No. 006

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

- a) Could the Cabinet Secretary indicate the staffing levels at Kirinyaga University, indicating the number of academic, administrative and support staff?
- b) What proportion of each cadre of staff in the university is from the local community, and could the Cabinet Secretary clarify whether there is a policy in place requiring universities to employ a fixed quota of staff from the local community?
- c) What measures has the Government put in place to ensure that institutions of higher learning involve the local community in their operations?

Question No. 022 The Senator for Tharaka-Nithi County (Sen. Mwenda Gataya Mo Fire, MP) to ask the Cabinet Secretary for Education: -

- a) Could the Cabinet Secretary state when the Government will disburse Kshs. 9 million allocated to Kamutuandu Primary School in Gatunga Ward in Tharaka-Nithi County for infrastructural development, being the balance of the Ksh. 10 million which was allocated to the school in the Financial Year (FY) 2019/ 2020?
- b) Could the Cabinet Secretary explain the reasons for the delay in the disbursement of the Kshs. 9 million to the school?

Question No. 024 The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Education: -

- a) Are there plans by the Government to establish a National Polytechnic or Technical Training Institute (TTI) in Kirinyaga County, and if so, could the Cabinet Secretary clarify whether budgetary allocation for the same will be made in the financial year 2024/ 2025?
- b) What initiative has the Government taken to establish at least one National Polytechnic or Technical Training Institute (TTI) in all the 47 counties?

Question No. 027 The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to ask the Cabinet Secretary for Education: -

- a) Could the Cabinet Secretary confirm that Visa Oshwal Primary School in Westlands Constituency, standing on land registered as LR 209/5996, was categorized by the Ministry of Education as a Public School in 1997?
- b) Could the Cabinet Secretary provide the history of ownership of the said land and explain what the Government is doing to settle the land ownership tussle between the school and the private developer laying claim to the land?
- c) What is the fate of the 2500 learners of the Visa Oshwal Primary School, in light of the impending eviction by the private developer?

Question No. 034

The Senator for Migori County (Sen. Eddy Oketch, MP) to ask the Cabinet Secretary for Education: -

- a) What progress has the Government made in putting up necessary infrastructure, including classrooms, libraries and laboratories, in readiness for the enrollment of the first cohort of the Competency-based Curriculum (CBC) class to join Grade Nine, and could the Cabinet Secretary confirm whether the progress aligns with the originally set timelines?
- b) How is the Government actively promoting awareness of the CBC curriculum, and could the Cabinet Secretary clarify whether the Government undertakes consultations on curriculum review with other key stakeholders, including parents, teachers and publishers?
- c) Could the Cabinet Secretary also provide an update on the implementation of the recommendations of the Presidential Working Party on Education Reform?

Question No. 035

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

- a) How much money did the Ministry of Education set aside for learner capitation grants in the academic years 2023 and 2024, and could the Cabinet Secretary state the proportion that has so far been disbursed for each of the years?
- b) What measures has the Government put in place to ensure timely disbursement of the capitation?

Question No. 001

The Senator for Kisumu County [Sen. (Prof.) Tom Ojienda, SC, MP] to ask the Cabinet Secretary for Interior and National Administration: -

- a) Could the Cabinet Secretary provide a status update on investigations into the inter-communal clashes that occurred in Sondu town, which lies in the border region of Kericho and Kisumu counties, during the demonstrations in June and July, 2023?
- b) What progress has the Government made in the disarmament of armed groups in the town?

- c) What measures has the Government put in place to promote peaceful coexistence and prevent a recurrence of inter-communal clashes in the town?

Question No. 002

The Senator for Tharaka-Nithi County (Sen. Mwenda Gataya Mo Fire, MP) to ask the Cabinet Secretary for Interior and National Administration: -

- a) Are there plans by the National Government to construct offices, deploy administrative officers and provide necessary equipment to Chiakariga Sub-County in Tharaka-Nithi County, which was established in 2022 but remains non-functional and, if so, could the Cabinet Secretary provide timelines for the same?
- b) What specific measures has the Ministry also undertaken to fast-track the establishment of offices for other Government institutions, including the National Treasury Office, within the Sub-County?
- c) Could the Cabinet Secretary provide a status update on the construction of a Divisional Police Headquarters as well as required police stations in the Sub-County?
- d. What other specific measures has the Government taken to enhance access to National Government services by residents of the Sub-County?

Question No. 008

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -

- a) Could the Cabinet Secretary provide a status report on the issuance of title deeds to public schools, particularly in Kirinyaga County?
- b) What measures have been put in place to expedite the issuance of title deeds to public schools in Kirinyaga County that are yet to receive them?

Question No. 017

The Senator for Marsabit County (Sen. Mohamed Chute, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -

- a) Could the Cabinet Secretary indicate the respective value of each parcel of Government-owned land that has been designated for the Affordable Housing Project in Nairobi, Mombasa, Nakuru and Kisumu counties, and indicate how many of the said parcels are currently being or have been developed since 2017?
- b) What is the value of parcels of land assigned to respective developers for the construction of affordable housing, and could the Cabinet Secretary indicate the projected cost, per square meter, of each housing unit as well as the interest rate to be charged to buyers of the units?
- c) How many of the houses under the project are under Public-Private Partnership (PPP) arrangement, and could the Cabinet Secretary state the respective percentage contribution of the government *vis-a-vis* the developers?
- d) Could the Cabinet Secretary halt all transactions involving public land until a mutually beneficial formula to both the Government and developers is agreed upon?

Question No. 018

The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -

- a) Who holds the title deed for the parcel of land on which the Tom Mboya Social Hall in Makadara Constituency in Nairobi City County stands, and could the Cabinet Secretary indicate the ownership history of the said parcel of land?
- b) Could the Cabinet Secretary explain the circumstances under which the parcel of land came into the custody of a private developer, who has already commenced construction works?
- c) What measures has the Ministry put in place to reclaim public land that has been illegally acquired or encroached upon as well as forestall further land grabbing?

Question No. 021

The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

- a) What has occasioned the failure by the e-Citizen digital platform to process and reflect payments made to some institutions such as the National Health Insurance Fund (NHIF), and could the Cabinet Secretary explain steps taken to remedy the situation?

- b) Where does the convenience fee charged and all other payments that fail to reflect on the platform end up?

- c) Could the Cabinet Secretary report on the safety, efficiency, efficacy and reliability of the e-Citizen digital payment platform, in light of the numerous complaints of delays and technical issues that followed the onboarding of a significant number of Government services on the platform?

NOTICE PAPER

Tentative Business for

Wednesday, March 20, 2024 (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, March 20, 2024 (Afternoon Sitting).

A. COMMITTEE OF THE WHOLE

- i) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- ii) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)
(Sen. Samson Cherarkey, MP)
- iii) ***THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)
(The Senate Majority Leader)
- iv) *THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2023)
(Sen. Godfrey Osotsi, MP)
- v) ***THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2022)
(Sen. Samson Cherarkey, MP – Co-sponsor)

B. BILLS AT THE SECOND READING STAGE

- i) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang', MP)
- ii) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)
- iii) *THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)
(Sen. Kathuri Murungi, MP)
- iv) ***THE SUGAR BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2022)
(Sen. David W. Wafula, MP – Co-sponsor)

- v) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)
- vi) ***THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)
(The Senate Majority Leader)

C. MOTION

- i) REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE 2024 MEDIUM TERM DEBT MANAGEMENT STRATEGY
(The Chairperson, Standing Committee on Finance and Budget)
 - ii) REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020
(The Chairperson, County Public Accounts Committee)
 - iii) REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF WEST POKOT COUNTY ASSEMBLY FOR THE FINANCIAL YEAR 2018/2019 AND REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF ISIOLO, KIAMBU, KITUI, MARSABIT, NAROK, NYAMIRA, TRANS NZOIA, WEST POKOT AND MURANG'A COUNTY ASSEMBLIES FOR THE FINANCIAL YEAR 2019/2020.
(The Chairperson, County Public Accounts Committee)
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