



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER, 22, 2023, AFTERNOON SITTING

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 Hon. 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 the Orders of the day.

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication from the Chair: -

Visiting Delegation from the County Assembly of Embu

“Hon. Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Embu. The delegation comprises seven (7) Members and four (4) Officers of the Committee on Broadcasting and Library Services who are on a benchmarking visit with their counterparts in the Senate.

Hon. Senators,

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

1. Hon. Murithi Kiura - Chairperson
2. Hon. Jane Njue - Vice Chairperson
3. Hon. Mary Kavinda - Member
4. Hon. Daniel Kithinji - Member
5. Hon. Dancan Mbui - Member
6. Hon. Yvone Mati - Member
7. Hon. Augustin Njeru - Member
8. Martin Mwendu - Senior Clerk Assistant
9. Mutugi Njue - Principal Communications Officer
10. Caroline Mbogo - Hansard Officer
11. Nicasio Machaki - Sergeant - at - Arms

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

I thank you.”

5. **PAPERS LAID**

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

- i.) Report of the Auditor General on the financial statement of Nyakach County Level IV Hospital (County Government of Kisumu) for the year ended 30th June, 2022.

(The Senate Majority Whip on behalf of the Senate Majority Leader)

- ii.) Report of the Standing Committee on National Security, Defence and Foreign Relations on its consideration of the Public Holidays (Amendment) Bill (Senate Bills No. 31 of 2023)

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

6. **NOTICE OF MOTION - APPEAL TO COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES**

(Sen. George Mbugua on behalf of Sen. Richard Onyonka, MP)

THAT, AWARE of the crucial role played by indigenous trees in purification of air and combating of climate change, protection against floods and water pollution, in the field of medicine, nutrition and timber production, among other roles;

APPRECIATING that the National Government, through the National Landscape and Ecosystem Restoration Programme, plans to increase the national forest cover to 30% by planting fifteen (15) billion trees and, in furtherance of the Programme, gazetted 13th November, 2023 as a Public Holiday to allow Kenyans to plant trees;

CONCERNED that the Government is yet to establish elaborate measures for the growing and protecting of indigenous trees and to involve such crucial players as the County Governments, hence impeding the sustainability of the programme;

NOW, THEREFORE, the Senate urges the 47 county Governments to set aside land and resources to be used in the planting and protection of indigenous trees, in support of the initiatives by the National Government.

7. **QUESTIONS AND STATEMENTS**

Statements Pursuant to Standing Order 53(1)

- i.) The Senator for Embu County (Sen. Alexander Mundigi, MP) sought a statement from the Standing Committee on Energy regarding the seizure by the Government of a Kshs. 17billion oil consignment at the Port of Mombasa.
- ii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement on behalf of the Senator for Wajir County (Sen. Mohamed Abass, MP) from the Standing Committee on National Security, Defence and Foreign Relations regarding the emergency response interventions to the floods in Wajir County.
- iii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the review of charges, fees and levies relating to Immigration and Citizen Services.
- iv.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding gender-based violence incidents in the political space in Kenya.
- v.) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism regarding harassment and removal of street vendors particularly those with disabilities from the Central Business District (CBD) by the County Government of Nairobi.
- vi.) Request for a Statement by the Senator for Nandi County (Sen. Samson Cherarkey, MP) from the Standing Committee on National Security, Defence and Foreign Relations regarding the harassment and brutality by Police Officers on Peter Kiplimo and Irene Chemutai at Cheptulu Police Station in Hamisi, Vihiga County was **dropped** in the absence of the Senator.
- vii.) Request for a Statement by Nominated Senator (Sen. Hezena Lemaletian, MP) from the Standing Committee on Health regarding the prevalence of throat cancer in Samburu County was **dropped** in the absence of the Senator.
- viii.) Request for a Statement by the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on Roads, Transportation

and Housing regarding the state of operational capacity of Kisumu International Airport) was **dropped** in the absence of the Senator.

- ix.) Request for a Statement by the Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, MP) from the Standing Committee on Trade, Industrialization and Tourism regarding trade viability of Kisumu International Airport was **dropped** in the absence of the Senator.

8. **MOTION – REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and, pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

***(Resumption of debate interrupted on Thursday 19th October, 2023)
(Division)***

Order deferred.

9. **THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 30 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

***(Resumption of debate interrupted on Wednesday 18th October, 2023
– Afternoon Sitting)
(Division)***

Order deferred.

10. **THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO.29 OF 2023)**

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

***(Resumption of debate interrupted on Thursday, 16th November, 2023)
(Division)***

Order deferred.

11. **THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday 21st November, 2023)

(Mover to reply)

Order deferred.

12. **COMMITTEE OF THE WHOLE**
THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

(Sen. Mariam Sheikh Omar, MP)

Order deferred.

13. **COMMITTEE OF THE WHOLE**
THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)

(Sen. Maureen Tabitha Mutinda, MP)

Order deferred.

14. **COMMITTEE OF THE WHOLE**
THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)

(Sen. Enoch Wambua, MP)

Order deferred.

15. **COMMITTEE OF THE WHOLE**
THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)

(Sen. Crystal Asige, MP)

Order deferred.

16. **COMMITTEE OF THE WHOLE**
THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)

(Sen. Crystal Asige, MP)

Order deferred.

17. **COMMITTEE OF THE WHOLE**
THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

Order deferred.

18. **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Coffee Bill (Senate Bills No. 10 of 2023) be now read a Second Time.

*(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries -
16.11.2023)*

Debate interrupted on Thursday, 16th November, 2023 resumed;

And there being no more Senators wishing to contribute;

Mover replied;

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

And the Speaker, acceding to the request, nominated Thursday, 23rd November, 2023 as the day when the Question shall be put.

19. **MOTION - REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE**

Order read;

Motion made and Question proposed in amended form pursuant to Standing Order 62;

THAT, the Senate adopts the Reports of the Standing Committee on Health, laid on the Table of the Senate on 31st May, 2023, regarding inquiry into the following:

- i. the death of the late Edward Otieno Onyango on 12th September, 2022 at Mama Lucy Kibaki Hospital due to alleged medical negligence;
- ii. the death of the late Maureen Anyango on 7th September, 2022 due to alleged medical negligence at Mama Lucy Kibaki Hospital; and
- iii. the circumstances that led to the death of the late Master Travis Maina on 11th October, 2022 at the Kenyatta National Hospital.

(Sen. Esther Okenyuri, MP on behalf of the Chairperson, Standing Committee on Health)

Debate arising;

And there being no more Senators wishing to contribute;

Mover replied;

Before the Question was put, and pursuant to Standing Order No. 84 (1), Temporary Speaker (Sen. Wakili Hillary Sigei, MP) informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Reports of the Standing Committee on Health, laid on the Table of the Senate on 31st May, 2023, regarding inquiry into the following:

- i. the death of the late Edward Otieno Onyango on 12th September, 2022 at Mama Lucy Kibaki Hospital due to alleged medical negligence;
- ii. the death of the late Maureen Anyango on 7th September, 2022 due to alleged medical negligence at Mama Lucy Kibaki Hospital; and
- iii. the circumstances that led to the death of the late Master Travis Maina on 11th October, 2022 at the Kenyatta National Hospital.

20. **THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Food and Feed Safety Control Co-Ordination Bill (National Assembly Bills No. 21 Of 2023) be now read a Second Time.

(The Senate Majority Whip on behalf of the Senate Majority Leader)

Debate arising;

And the time being thirty minutes past six O'clock, Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

21. **SENATE ROSE** – at thirty minutes past six O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, November 23, 2023 at 2:30 p.m.*