



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

MORNING SITTING

WEDNESDAY, SEPTEMBER, 20, 2023 AT 9.30 AM

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

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

And there being no Quorum at the expiry of ten minutes;

The Speaker caused the Bell to be rung for a further ten minutes;

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

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

4. **COMMUNICATION FROM THE CHAIR - VISITING DELEGATION FROM THE FEDERAL PARLIAMENT OF SOMALIA**

The Speaker conveyed the following communication from the chair: -

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this morning of a visiting delegation from the Federal Parliament of Somalia. The delegation is undertaking a benchmarking visit with their counterpart Committee in the Senate.

Honourable Senators,

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

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|---------------------------------|---|--|
| 1. Sen. Ali Shaban Ibrahim | - | Deputy Speaker |
| 2. Sen. Zamzam Ibrahim Ali | - | Chief Whip |
| 3. Sen. Fartun Abdikadir Farah | - | Deputy Chief Whip |
| 4. Sen. Maryam Farah Kahiye | - | Chairperson of Foreign Affairs Committee |
| 5. Sen. Sainab Ismail Mohamed | - | Chairperson of Resource Committee |
| 6. Sen. Hassan Dahir Yarow | - | Member of ROP Committee |
| 7. Sen. Deka Hassan Hussein | - | Chairperson of Internal Affairs Committee |
| 8. Sen. Said Abdi Hussein | - | Secretary of Constitutional Oversight Committee |
| 9. Sen. Saredo Mohamed Hassan | - | Chairperson of Women Caucus |
| 10. Sen. Osman Mohamed Mohamoud | - | Chairperson of Social Affairs Committee |
| 11. Sen. Naima Hassan Mohamoud | - | Chairperson of Justice Committee |
| 12. Sen. Aden Abdinasir Mohamed | - | Chairperson of Defence and Security Committee |
| 13. Sen. Laila Ahmed Ismail | - | Member of Finance Committee |
| 14. Mr. Abdinasir Ibrahim Guled | - | Secretary General |
| 15. Mr. Daud Dahir Hassan | - | Director of Plenary, Committees, Speakers and Protocol |
| 16. Mr. Mohamed Salad Osman | - | Senate Media Office |
| 17. Ms. Muno Abdi Barre | - | Standing Committee Secretariat |

Honourable Senators,

In our tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

5. **QUESTIONS AND STATEMENTS**

QUESTIONS

- a) **Question 018** by Senator for Turkana County (Sen. James Lomenen, MP) to the Cabinet Secretary for Ministry of Foreign and Diaspora Affairs on

alleged inaction of the Kenya Government to hasten the release of the Turkana pastoralists arrested in Uganda was deferred in the absence of the Cabinet Secretary;

- b) **Question 019** by Nominated Senator (Sen. George Mbugua, MP) to the Cabinet Secretary for Health concerning accessibility of health facilities and services to Persons With Disabilities (PWDs) was deferred in the absence of the Cabinet Secretary;
- c) **Question 020** by Nominated Senator (Sen. George Mbugua, MP) to the Cabinet Secretary for Labour, Social Security and Services on compliance with the Persons With Disabilities Act with regard to the reservation of employment to PWDs was answered by the Cabinet Secretary.

6. **MOTION – REGULATION OF ELECTRONIC CIGARETTES IN KENYA**

Order read;

Motion made and Question proposed;

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;

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.

(Sen. Catherine Mumma, MP)

Debate arising;

And there being no more Senator wishing to contribute;

Mover replied;

Pursuant to Standing Order 84(1), the Speaker ruled that the Motion did not affect counties;

Question put and agreed to.

RESOLVED ACCORDINGLY-

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;

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 2. Establish rules to govern the production, sale, advertising and consumption of synthetic nicotine, and control the illicit trade of counterfeit products.
7. **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)

Order read;

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.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3), in the absence of the Mover.

8. **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)

Order read;

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.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3), in the absence of the Mover.

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

Order read;

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;

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.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3), in the absence of the Mover.

And there being no other business in the Order Paper, the Speaker adjourned the Senate at thirty-six minutes past Twelve O'clock without Question put, pursuant to the Standing Orders.

10. **SENATE ROSE** - at thirty-six minutes past Twelve O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, September 20, 2023 at 2.30 p.m.*

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