



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
THURSDAY, OCTOBER 22, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As Listed in the Appendix)
6. Notices of Motion
7. Statements (As Listed in the Appendix)
8. **MOTION** – (Sen. Fatuma Dullo)
(Ministry of Interior and Coordination of National Government)

WHEREAS Article 51 of the Constitution of Kenya protects the rights of detained persons, persons held in custody and other imprisoned persons under the law, and requires Parliament to enact legislation to provide for the humane treatment of such persons with due regard to the relevant international human rights instruments;

OBSERVING that international instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Basic Principles for the Treatment of Prisoners set standards on the treatment of persons, including the right to be treated with respect; protection from discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

AWARE of the deplorable state of correctional services throughout the country including poor living conditions in the institutions of both officers and prisoners, the poor state of sanitation and nutrition, overcrowding, lack of proper medical attention, frequent outbreak of communicable diseases and frequent reports of deaths of inmates leading to a high rate of recidivism and the inability of former inmates to reintegrate into society;

...../Motion

APPRECIATING the urgent need to align the Prisons Act and Borstal Institutions Act with the Constitution of Kenya and the international instruments on the rights of detained persons;

NOW THEREFORE, the Senate resolves to establish a Select Committee to undertake an inquiry into the policy and legislation pertaining to the treatment of detained persons as well as the state of correctional institutions in Kenya, including prisons and Borstal institutions, and to submit a Report to the Senate within three months, with recommendations on such policy and legislative interventions as may be necessary to align the existing legislation on correctional services with the Constitution of Kenya and in compliance with international standards on the rights of detained persons and such other recommendations as may be necessary;

AND FURTHER that the Members of the Select Committee are-

1. Sen. Fatuma Dullo
2. Sen. (Dr.) Zipporah Kittony
3. Sen. (Dr.) Boni Khalwale
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Stewart Madzayo
6. Sen. Liza Chelule
7. Sen. Judith Sijeny
8. Sen. Mutula Kilonzo Jr.
9. Sen. Stephen Sang'
10. Sen. Joy Gwendu
11. Sen. Moses Kajwang'

(Resumption of Debate interrupted on Thursday, 8th October, 2015)
(Balance of Time – 1 hr 16 mins)

9. **MOTION** – (Sen. Zipporah Kittony)
(Ministry of Transport and Infrastructure)

THAT, AWARE that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

CONCERNED that the economic cost of the congestion is estimated to be Kshs.1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

APPRECIATING the government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and

...../**Motion**

2. Creating regulations to:-

- a) Require all deliveries to business premises to be done at night;
- b) Require construction on roads that are in use to be done at night;
and
- c) Reroute heavy commercial vehicles to use the bypasses.

(Resumption of Debate interrupted on Thursday, 17th September, 2015)

(Balance of Time – 1 hr 57 mins)

10. **MOTION**- (Sen. Kiraitu Murungi)
(Department of Land)

GIVEN the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

CONSIDERING the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

NOTING the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

FURTHER NOTING that the boundaries in counties have not been surveyed and no beacons have been fixed;

CONCERNED that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

THIS HOUSE urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

11. **MOTION** – (The Chairperson, Standing Committee on Roads and Transportation)
(Ministry of Roads and Infrastructure)

THAT, this House adopts the Report of the Standing Committee on Roads and Transportation on visits to Lamu and Nakuru Counties, laid on the table of the House on Wednesday, 29th July, 2015.

...../Motion

12. **MOTION** – (The Chairperson, Sessional Committee on Implementation)
(Ministry of Agriculture, Livestock and Fisheries)

THAT, this House adopts the report of the Sessional Committee on Implementation on its visit to Mombasa, Kilifi and Kwale Counties to follow up on the resolution of the House to support the coconut industry, undertaken between 25th and 28th April, 2015, laid on the table of the House on Wednesday, 29th July, 2015.

13. ****THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**
(Chairperson, Committee on Legal Affairs and Human Rights)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 21st October, 2015)

14. ***THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)**
(Sen. David Musila)

(Second Reading)

15. ***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**
(Sen. Omar Hassan)

(Second Reading)

KEY

********* – Denotes a Majority /Minority Party Bill

******** – Denotes a National Assembly Bill

****** – Denotes a Committee Bill

***** – Denotes any other Bill

NOTICE

The Senate resolved on 11th February, 2015 as follows:-

THAT, pursuant to Standing Order 100 (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.

...../Appendix

APPENDIX

1. PAPER

The Report on Bi-Annual Alcohol and Drug Abuse from the National Authority for Campaign against Alcohol and Drug Abuse (NACADA)

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

2. STATEMENTS

- a) The Chairperson of the Standing Committee on Land and Natural Resources to issue a statement on the ongoing property development at the junction of Loresho Ridge Road and Lower Kabete Road (Sen. Kembi-Gitura);
- b) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a statement on the killing of Mr. Joshua Mwangi, a First Year student of Maseno University (Sen. Henry Ndiema);
- c) The Chairperson of the Sessional Committee on Devolved Government to issue a statement on recent floods in Nairobi and across the country (Sen. Dan Mwazo);
- d) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the status of road construction projects in urban centres by the Kenya Urban Roads Authority (KURA) (Sen. Henry Ndiema).
