



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE SENATE
ORDER PAPER

WEDNESDAY, JULY 07, 2021 AT 2.30 P.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 34 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 6th July, 2021)

(Division)

9. ***THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)
10. ***THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**
(Sen. Mercy Chebeni, MP)
11. ****THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**
(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

...../Bills

- 12. **COMMITTEE OF THE WHOLE**
***THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**
(Sen. (Arch.) Sylvia Kasanga, MP)
- 13. **COMMITTEE OF THE WHOLE**
***THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
- 14. **COMMITTEE OF THE WHOLE**
***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)**
(Sen. Johnes Mwaruma, MP)
- 15. ***THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
- 16. ***THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILLS NO. 36 OF 2020)**
(Sen.(Dr.) Agnes Zani, MP)
(Second Reading)
- 17. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON INQUIRY INTO THE OPERATIONALIZATION OF THE NATIONAL CONSTRUCTON AUTHORITY (DEFECTS LIABILITY) REGULATIONS**
(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of the National Construction Authority (Defects Liability) Regulations, laid on the Table of the Senate on Thursday, 24th September, 2020.

- 18. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE ALLEGED NEGLIGENCE BY THE KENYATTA NATIONAL HOSPITAL IN THE MEDICAL CASE OF THE LATE (PROF.) KEN WALIBORA, PRIOR TO HIS DEATH**
(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on the alleged negligence by the Kenyatta National Hospital in the medical case of the late (Prof.) Ken Walibora, prior to his death, laid on the Table of the Senate on Tuesday, 30th March, 2021.

...../Motions

19. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON INQUIRY INTO ALLEGATIONS OF IRREGULARITIES BY THE KENYA MEDICAL SUPPLIES AUTHORITY IN PROCUREMENT OF PHARMACEUTICAL EQUIPMENT**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30th March, 2021.

20. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION IN KENYA**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021

21. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS, CONCERNING THE IMPASSE ON THE BUDGETARY ESTIMATES FOR FINANCIAL YEAR 2020/2021 FOR KIRINYAGA COUNTY BETWEEN THE COUNTY EXECUTIVE AND THE COUNTY ASSEMBLY**

(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 impasse on the budgetary estimates for financial year 2020/2021 for Kirinyaga County, between the County Executive and the County Assembly, laid on the Table of the Senate on Tuesday, 25th May, 2021.

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...../Key

KEY

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

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

**** - Denotes a Committee Bill**

***- Denotes any other Bill**

NOTICE OF AMENDMENTS

NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020) at the Committee Stage —

CLAUSE 5

THAT clause 5 of the Bill be amended in the proposed new section 2E (5) by—

(a) deleting paragraph (e) and substituting therefore the following new paragraph—

(e) is removed by the county executive committee member for being unable to perform the functions of the office by reason of mental or physical infirmity.

(b) inserting the following new subclause immediately after subclause (5)

(5A) Before the removal of a member under subsection (5)(e), the county executive committee member shall request the Council to—

(a) investigate the circumstances giving rise to the proposed removal; and

(b) make recommendations on whether or not the member should be removed from office.

CLAUSE 8

THAT clause 8 of the Bill be amended by deleting the proposed new section 4B and substituting therefor the following new section—

Removal of member of Board from office. **4B.** (1) A member of the Board may be removed from office for —

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct;
- (c) incompetence or negligence of duty; or
- (d) any other ground that would justify removal from office under any written law.

(2) Before the removal of a member of the Board under subsection (1)(a), the Cabinet Secretary shall request the Board to—

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

CLAUSE 15

THAT clause 15 of the Bill be amended -

- (a) in the proposed new section 9D by inserting the following new paragraph immediately after paragraph (e)—
 - (ea) the number of mental health patients admitted on an emergency basis that the mental health facility or unit has discharged, are still under its care or have died in the course of treatment;
- (b) in the proposed new section 9F(2) by inserting the words “side effects” immediately after the words “likely duration” in paragraph (b).

CLAUSE 32

THAT clause 32 of the Bill be amended in the proposed new section 20A(2) by inserting the following new paragraph immediately after paragraph (b) —

- (ba) a supporter of the person with mental illness;

CLAUSE 33

THAT clause 33 of the Bill be amended in the proposed new section 21 by inserting the words “A person” immediately before the word “with mental illness” in subsection (2).

CLAUSE 38

THAT clause 38 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) subsection (1) and substituting therefor the following new subsection—
 - (1) The person in charge or a mental health practitioner in charge of any patient shall enable communication by the patient through letters, telephone calls and emails to the recipients where practicable.

CLAUSE 50

THAT the Bill be amended by deleting clause 50 and substituting therefor the following new clause—

Amendment of section 54 of Cap. 248.	<p>50. The Principal Act is amended by deleting section 54 and substituting therefor the following section—</p> <p>Regulations. 54. The Cabinet Secretary shall, in consultation with the Board and the Council of County Governors, make regulations—</p> <ul style="list-style-type: none"> (a) prescribing the form of the supportive decision making agreement; (b) generally regulating the equipping, administration, control and management of mental health units; (c) for the care, treatment and rehabilitation of person with mental illness; (d) prescribing the procedure of admission of out-patient patients; and (e) for the better carrying out of the provisions of this Act.
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APPENDIX

1. PETITIONS

- i.) Petition to the Senate by former employees of the Kenya United Steel Company Ltd (KUSCO), concerning their plight, following termination of their employment.

(Sen. Mwinyihaji Mohamed Faki, MP)

- ii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate concerning the resettlement of Internally Displaced Persons in Nyandarua County;
- iii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate on alleged illegal encroachment of land covering the villages of Pangani, Nyatha, Kaisari, Mavuno, Promoko and Widho in Lamu County by Witu Livestock Cooperative Society;
- iv.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by Friends of Ondiri Wetland Kenya (FOWK) on the gazettelement of Ondiri Wetland, Kiambu County;
- v.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate on delayed adjudication and settlement of squatters on Machungwani land situated in Mboghoni Ward in Taveta Constituency of Taita Taveta County;
- vi.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by residents of Ngare Mara, Isiolo County, on the alleged illegal encroachment of community land by the school of artillery, Kenya Defence Forces (KDF);
- vii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate regarding the acquisition of Karare land in Marsabit County by the Kenya Defence Forces (KDF);
- viii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate by residents of Tinderet Sub-county, Nandi County, on the operations of Karebe Gold Mining Ltd in Nandi County;
- ix.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate concerning alleged exchange and final transfer of titles for parcels of land known as Lari Nyakinyua Solai farm (located in Solai, Nakuru County) and Riyobei farm Limited (located in Gilgil, Nakuru County);

...../Appendix

- x.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate regarding alleged unlawful encroachment and forceful occupation of Barwaqo plots within Bulla Mpya Ward, Mandera East Constituency, Mandera County;
- xi.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate, concerning alleged historical land injustices involving plot No. 162/V/M.N.CR 1070, in Mombasa County;
- xii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate regarding Mwakitau land ownership dispute between Mwakitau residents and Isangaiwishi Group Ranch in Taita Taveta County; and
- xiii.) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to the Senate regarding alleged impending evictions of residents of Msambweni area in Taita Taveta County by a private company.

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

2. PAPERS

- i.) Report of the East African Legislative Assembly Committee on Communication, Trade and Investment on the capacity building for Members, held between 22nd to 25th October, 2020 in Arusha, Tanzania;
- ii.) Report of the East African Legislative Assembly Committee on General Purpose on the capacity building workshop to enhance the capacity of Members in Legislative and Budget Oversight held between 26th to 29th October, 2020 in Arusha, Tanzania;
- iii.) Report of the East African Legislative Assembly Committee on Regional Affairs and Conflict Resolution on the capacity building of Members, held between 26th to 29th October, 2020 in Arusha, Tanzania;
- iv.) Report of the East African Legislative Assembly Committee on Legal, Rules and Privileges on the oversight activity on compliance with the EAC Protocols and Laws by EAC institutions (Phase Two) held between 1st to 5th November, 2020 in Arusha, Tanzania;
- v.) Report of the East African Legislative Assembly Committee on Accounts to assess the status of implementation of the Assembly recommendations on the EAC audited accounts for the East African Court of Justice and East African Community Competition Authority for the Financial year ended 30th June, 2017 and 2018 held virtually between 17th to 21st January, 2021 in Arusha, Tanzania;

(The Senate Majority Leader)

...../Appendix

- vi.) The Report of the Standing Committee on Health on the stalemate between the Government of Kenya and the United States Agency for International Development (USAID) on HIV/AIDS commodities; and
- vii.) The Report of the Standing Committee on Health on the Mental Health (Amendment) Bill, Senate Bills No. 28 of 2020.

(Chairperson, Standing Committee on Health)

3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) The Senator for Vihiga County (Sen. George Khaniri, MP), to make a statement concerning the increasing rate of unemployment caused by the COVID-19 global pandemic;
- ii) The Senator for Vihiga County (Sen. George Khaniri, MP), to make a statement regarding exports of raw bananas and broccoli to South Korea;
- iii) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP), to make a statement regarding the activities of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) for 2020;
- iv) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP), to make a statement concerning menstrual health management;
- v) The Senator for Mombasa County, (Sen. Mwinyihaji Mohamed Faki, MP), to make a statement concerning the poor service provision and alleged mismanagement by water, sanitation and sewerage companies; and
- vi) Nominated Senator (Sen. Halake Abshiro, MP), to make a statement concerning the persistent state of insecurity in Isiolo County.

b) Pursuant to Standing Order 48 (1)

- i) The Senator for Lamu County (Sen. Anuar Loitiptip, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign relations regarding the maritime border dispute in the Indian Ocean between Kenya and Somalia;
- ii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP), to seek a statement from the Standing Committee on Health regarding the cancellation of tender for the supply, delivery, installation and commissioning of enterprise resource planning (ERP) and claims management system;

...../Appendix

- iii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP), to seek a statement from the Standing Committee on Finance and Budget regarding the use of the Kenya Ports Authority (KPA) as collateral to M/S China Exim Bank in the financing of the Standard Gauge Railway (SGR);
- iv) Nominated Senator, (Sen. Judith Pareno, MP) to seek a statement from the Standing Committee on Energy regarding the KenGen wind power project in Ngong Hills;
- v) The Senator for Nyamira County (Sen. Okong'o Mogeni, MP), to seek a statement from the Standing Committee on Roads and Transportation regarding the collapse of parts of a building housing the County Assembly of Nyamira in Nyamira County;
- vi) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding suspension of flights between Kenya and Somalia;
- vii) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning alleged non-conferment of citizenship status by the government to foreigners married to Kenyans;
- viii) The Senator for Mombasa County (Sen. Mohamed Faki, MP), to seek a statement from the Standing Committee on Roads and Transportation regarding alleged suspension of ferry services to pedestrians in Mombasa County.
- ix) The Senator for Bomet County (Sen. (Dr.) Christopher Langat, MP), to seek a statement from the Standing Committee on Education regarding alleged irregular promotion of teachers by the Teachers' Service Commission;
- x) Seneta wa Kaunti ya Mombasa (Sen. Mwinyihaji Mohamed Faki, MP), kuomba kauli kutoka kwa Kamati ya Habari, Mawasiliano na Teknolojia kuhusu kucheleweshwa kwa ulipaji wa mishahara ya wafanyikazi wa Shirika la Posta nchini;
- xi) The Senator for Bungoma County (Sen. Moses Wetang'ula, MP), to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged mysterious disappearances and killings in Kenya;

- xii) The Senator for Mombasa County (Sen. Mwinyihaji Mohamed Faki, MP), to seek a statement from the Standing Committee on Trade, Tourism and Industrialization regarding the status of the Mama Ngina Waterfront in Mombasa County;
- xiii) Nominated Senator (Sen. Halake Abshiro, MP), to seek a statement from the Standing Committee on Roads and Transportation regarding the deplorable state of Uhuru-Mawingo road in Nyandarua County;
- xiv) Nominated Senator (Sen. Petronila Were Lokorio, MP), to seek a statement from the Standing Committee on Health regarding the alleged change of ownership status of the General Kago Funeral Home in Kiambu County;
- xv) The Senator for Nyandarua County (Sen. Paul Githiomi Mwangi, MP), to seek a statement from the Standing Committee on Roads and Transportation regarding the demolition, by the Kenya Railways Corporation, of properties in Ol-Kalou, Nyandarua County;
- xvi) Nominated Senator (Sen. (CPA) Farhiya Ali, MP), to seek a statement from the Standing Committee on Education regarding alleged dismissal of Mr. (CPA) Spence Sankale Ololchike, by the Maasai Mara University Council; and
- xvii) Nominated Senator (Sen. Beatrice Kwamboka Makori, MP), to seek a statement from the Standing Committee on Health regarding the status of treatment equipment and facilities at the Mbagathi Referral Hospital.

c) Pursuant to Standing Order 51(1)(b)

- i) The Chairperson, Standing Committee on Health to make a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Information and Technology to make a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to make a statement relating to the activities of the Committee.