



**REPUBLIC OF KENYA**

**THE SENATE**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**VOTES AND PROCEEDINGS**

**THURSDAY, JULY 08, 2021 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **PETITIONS**

Pursuant to Standing Order 230(2)(1), the Speaker presented to the Senate a Petition by Mr. Wilson Amge Arap Langat, a resident of Baringo County, on alleged corruption, land historical injustices, abuse of human rights, fraudulent use of office for personal gain and oppression of individual rights.

Pursuant to Standing Order 231, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Justice, Legal Affairs and Human Rights pursuant to Standing Order 232(1).

4. **PAPERS LAID**

The following Papers were laid on the Table of the Senate –

- i.) 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
- ii.) The Report of the Standing Committee on Health on the Mental Health (Amendment) Bill, Senate Bills No. 28 of 2020.

*(Sen. Mary Senate, MP, on behalf of the Chairperson, Standing Committee on Health)*

**5. STATEMENTS****a) Pursuant to Standing Order 47 (1)**

- i.) The Senator for Vihiga County (Sen. George Khaniri, MP) made a statement regarding export of raw bananas and broccoli to South Korea.

Whereupon the Senator stated that Kenya is known for its agriculture and agricultural products all over the world including tea, coffee, avocados and many other produce and,

The Senator informed the Senate that in 2018, South Korea's Prime Minister, Lee Nak-Yeon pledged to support the key regions that produce broccoli and raw bananas in Kenya, especially during the rapidly increasing demand of these items in South Korea and that the South Korea animal and plant quarantine agency would exempt raw bananas and broccoli from Kenya from undergoing stringent pest risk tests and measures. These tests usually lead to goods worth insurmountable goods worth millions being destroyed, returned to the exporter or banned from the country in totality in the event that the required standards are not met.

The Senator observed that South Korea had thus waived these tests and only requires that the products be accompanied by a phyto-sanitary (plant health) certificate issued by the Kenya plant health inspectorate service (KEPHIS) and yet, in spite of this waiver and three years down the line, exporters are yet to increase their sales to South Korea and production of the two still remains the same.

The Senator noted that this is an opportunity that would help boost the socio-economic development of Kenyans particularly during these COVID-19 pandemic and urged leaders to encourage their constituents to take advantage of this opportunity.

- ii.) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) made 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.

The Senator informed the Senate that Kenya is a Member State of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), which brings together the National Parliaments of the twelve ICGLR Member States, with a view to incorporating a parliamentary dimension in addressing the root causes of conflicts, as well as constraints to development, in the Great Lakes region.

The Senator noted that during the 2020 session, the Forum, like many other parliamentary organizations, was greatly affected by the effects of the prevailing COVID-19 global pandemic. However, the Forum was able to move above and beyond the challenges of the pandemic by utilizing technology to implement its programmes and activities. Virtual meetings of the Forum's committees discussed among others - the effects of the pandemic on peace and security in the region; the case of Member States; the role of Parliament in Promoting Good Governance; the Impact of COVID-19 on Economic Development in the Great Lakes Region; Social Challenges Faced by Households due to COVID-19, and Focus on Domestic Violence.

The Senator further noted that during the 10<sup>th</sup> Ordinary Session of the Plenary Assembly of the FP-ICGLR, held in Bujumbura on 4<sup>th</sup> to 7<sup>th</sup> December, 2019, the General Secretariat undertook an assessment on *"Managing cross-border conflicts in the Great Lakes Region"*. The Forum further undertook an assessment on *"the role of Parliament in promoting good governance in the Great Lakes Region"*, in line with the FP-ICGLR mission to facilitate effective engagement of Parliaments in the implementation of the Pact, plans, through its Committee on Democracy and Good Governance.

The Senator commended the Rt. Honorable Speaker of the Senate, Senator Kenneth Lusaka, EGH, MP, for being elected as the President of the FP-ICGLR during the 11<sup>th</sup> Ordinary Session of the Plenary Assembly of the Forum that took place virtually on 7<sup>th</sup> May, 2021.

**b) Pursuant to Standing Order 48 (1)**

- i. The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP), sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding suspension of flights between Kenya and Somalia;
- ii. The Senator for Mombasa County (Sen. Mohamed Faki, MP), sought a statement from the Standing Committee on Roads and Transportation regarding alleged suspension of ferry services to pedestrians in Mombasa County.
- iii. Seneta wa Kaunti ya Mombasa (Sen. Mwinyihaji Mohamed Faki, MP), aliomba kauli kutoka kwa Kamati ya Habari, Mawasiliano na Teknolojia kuhusu kucheleweshwa kwa ulipaji wa mishahara ya wafanyikazi wa Shirika la Posta nchini;
- iv. The Senator for Bungoma County (Sen. Moses Wetang'ula, MP), sought a statement from the Standing Committee on National

Security, Defence and Foreign Relations regarding alleged mysterious disappearances and killings in Kenya;

- v. The Senator for Mombasa County (Sen. Mwinyihaji Mohamed Faki, MP), sought a statement from the Standing Committee on Trade, Tourism and Industrialization regarding the status of the Mama Ngina Waterfront in Mombasa County;
- vi. Nominated Senator (Sen. Petronila Were Lokorio, MP), sought a statement from the Standing Committee on Health regarding the alleged change of ownership status of the General Kago Funeral Home in Kiambu County; and
- vii. The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP), sought a statement from the Standing Committee on Education regarding the delay in construction and relocation of Voi Girls' Secondary School in Voi, Taita Taveta County.

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

- i) Sen. Mary Senate, MP, on behalf of the Chairperson, Standing Committee on Health made a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Labour and Social Welfare made a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Land, Environment and Natural Resources made a statement relating to the activities of the Committee.

**d) Pursuant to Standing Order 52 (1)**

The Senate Deputy Majority Leader issued a statement on the Business of the Senate for the week commencing Tuesday, 13<sup>th</sup> July, 2021.

**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, 6<sup>th</sup> July, 2021)***

***(Division)***

Order deferred.

9. **THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021) be now Read a Second time.

*(Sen. (Dr.) Alice Milgo, MP)*

**Adjournment of Debate Pursuant to Standing Order 105 (1)**

Motion made and Question proposed;

THAT, debate be now adjourned.

*(Sen. (Dr.) Alice Milgo, MP)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

10. **THE COFFEE BILL (SENATE BILLS NO. 22 OF 2020)**

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

*(Second Reading)*

Order for Second Reading read;

Order deferred.

11. **THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 26 OF 2020)**

(Sen. (Dr.) Abdullahi Ali, MP)

*(Second Reading)*

Order for Second Reading read;

Order deferred.

12. **THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2021)**

(Sen. Beatrice Kwamboka, MP)

*(Second Reading)*

Order for Second Reading read;

Order deferred.

13. **THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILLS NO. 32 OF 2020)**

(Sen. Mercy Chebeni, MP)

*(Second Reading)*

Order for Second Reading read;

Order deferred.

14. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 31 OF 2020)**

(Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

Order deferred.

15. **COMMITTEE OF THE WHOLE**  
**THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**

(Sen. (Arch.) Sylvia Kasanga, MP)

Order deferred.

16. **COMMITTEE OF THE WHOLE**  
**THE COOPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order deferred.

17. **COMMITTEE OF THE WHOLE**  
**THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)**

(Sen. Johnes Mwaruma, MP)

Order deferred.

18. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL  
(SENATE BILLS NO. 33 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bills No. 33 of 2020) be now Read a Second time.

*(Sen. (Dr.) Agnes Zani, MP)*

**Adjournment of Debate Pursuant to Standing Order 105 (1)**

Motion made and Question proposed;

THAT, debate be now adjourned.

*(Sen. (Dr.) Agnes Zani, MP)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

19. **THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL  
(SENATE BILLS NO. 36 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order for Second Reading read;

Motion made and Question proposed-

THAT, the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 36 of 2020) be now Read a Second time.

*(Sen. (Dr.) Agnes Zani, MP)*

**Adjournment of Debate Pursuant to Standing Order 105 (1)**

Motion made and Question proposed;

THAT, debate be now adjourned.

*(Sen. (Dr.) Agnes Zani, MP)*

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79, the Deputy Speaker ruled that the Question did not affect counties;

Question put and agreed to.

20. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON INQUIRY INTO THE OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION 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, 24<sup>th</sup> September, 2020.

Order deferred.

21. **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, 30<sup>th</sup> March, 2021.

Order deferred.

22. **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, 30<sup>th</sup> March, 2021.

Order deferred.



23. **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

Order deferred.

24. **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, 25<sup>th</sup> May, 2021.

Order deferred.

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

25. **SENATE ROSE** - at thirty-eight Minutes past five O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, July 13, 2021 at 2:30 p.m.*

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