



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIRST SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 25, 2022 AT 2.30 PM**

1. The Senate assembled at thirty minutes past two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair-

**i) On visiting teachers and students from Nduundune Secondary School in Makueni County**

“Honorable Senators,

In the public gallery, we have 48 students accompanied by three (3) teachers from Nduundune Secondary School in Makueni County who are in the Senate on an education tour. You may stand so that you are acknowledged in the Senate tradition.

Honorable Senators,

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

I thank you!”

**ii) On visiting teachers and students from Huruma Girls High School in Nairobi County**

“Honorable Senators,

In the public gallery, we have 112 students accompanied by three (3) teachers from Huruma Girls High School in Nairobi County who are in the Senate on an education tour. You may stand so that you are acknowledged in the Senate tradition.

Honorable Senators,

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

I thank you!"

4. **PAPERS**

The following papers were laid on the table of the Senate:-

- i.) Report of the Auditor General on the Financial Statements of Mandera County Executive for the year ended 30<sup>th</sup> June, 2021.
- ii.) Report of the Auditor General on the Financial Statements of Mandera County Assembly for the year ended 30<sup>th</sup> June, 2021.
- iii.) Report of the Auditor General on the Financial Statements of Mandera Municipality for the year ended 30<sup>th</sup> June, 2021.
- iv.) Report of the Auditor General on the Financial Statements of Vihiga County Executive for the year ended 30<sup>th</sup> June, 2021.
- v.) Report of the Auditor General on the Financial Statements of Vihiga County Assembly for the year ended 30<sup>th</sup> June, 2021.
- vi.) Report of the Auditor General on the Financial Statements of West Pokot County Executive for the year ended 30<sup>th</sup> June, 2021.
- vii.) Report of the Auditor General on the Financial Statements of West Pokot County Assembly for the year ended 30<sup>th</sup> June, 2021.
- viii.) Report of the Auditor General on the Financial Statements of Siaya County Executive for the year ended 30<sup>th</sup> June, 2021.
- ix.) Report of the Auditor General on the Financial Statements of Siaya County Assembly for the year ended 30<sup>th</sup> June, 2021.
- x.) Report of the Auditor General on the Financial Statements of Samburu County Executive Staff Mortgage (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xi.) Report of the Auditor General on the Financial Statements of Samburu County Assembly Staff Mortgage (Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xii.) Report of the Auditor General on the Financial Statements of Samburu County Bursary Fund for the year ended 30<sup>th</sup> June, 2021.

- xiii.) Report of the Auditor General on the Financial Statements of Samburu County Youth & Women Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2021.
- xiv.) Report of the Auditor General on the Financial Statements of Samburu County Persons Living with Disability Fund for the year ended 30<sup>th</sup> June, 2021.
- xv.) Report of the Auditor General on the Financial Statements of Kilifi County Health Services Improvement Fund for the year ended 30<sup>th</sup> June, 2021.
- xvi.) Report of the Auditor General on the Financial Statements of Kilifi County Micro Finance (Mbegu) Fund for the year ended 30<sup>th</sup> June, 2021.
- xvii.) Report of the Auditor General on the Financial Statements of Kilifi County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- xviii.) Report of the Auditor General on the Financial Statements of Taita Taveta County Executive Car Loan & Mortgage Revolving Fund for the year ended 30<sup>th</sup> June, 2021.
- xix.) Report of the Auditor General on the Financial Statements of Taita Taveta County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- xx.) Report of the Auditor General on the Financial Statements of Mombasa County Assembly Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- xxi.) Report of the Auditor General on the Financial Statements of Mombasa County Elimu Fund for the year ended 30<sup>th</sup> June, 2021.
- xxii.) Report of the Auditor General on the Financial Statements of Tana River County Executive for the year ended 30<sup>th</sup> June, 2021.
- xxiii.) Report of the Auditor General on the Financial Statements of Tana River County Assembly for the year ended 30<sup>th</sup> June, 2021.
- xxiv.) Report of the Auditor General on the Financial Statements of Tana River County Car Loan Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxv.) Report of the Auditor General on the Financial Statements of Tana River County Assembly Car Loan Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxvi.) Report of the Auditor General on the Financial Statements of Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2021.

- xxvii.) Report of the Auditor General on the Financial Statements of Embu County Executive Car Loan & Mortgage (Committee Members) Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxviii.) Report of the Auditor General on the Financial Statements of Embu County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- xxix.) Report of the Auditor General on the Financial Statements of Embu County Education Support Fund for the year ended 30<sup>th</sup> June, 2021.
- xxx.) Report of the Auditor General on the Financial Statements of Municipality of Kathwana for the year ended 30<sup>th</sup> June, 2021.
- xxxi.) Report of the Auditor General on the Financial Statements of Embu Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxii.) Report of the Auditor General on the Financial Statements of Embu Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxiii.) Report of the Auditor General on the Financial Statements of Ngagaka Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxiv.) Report of the Auditor General on the Financial Statements of Elwak Municipality for the year ended 30<sup>th</sup> June, 2021.
- xxxv.) Report of the Auditor General on the Financial Statements of Vihiga County Executive Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxvi.) Report of the Auditor General on the Financial Statements of Vihiga Municipal Board for the year ended 30<sup>th</sup> June, 2021.
- xxxvii.) Report of the Auditor General on the Financial Statements of Kericho County Executive Staff Car Loan Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxviii.) Report of the Auditor General on the Financial Statements of Kericho County Assembly Staff Car & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxix.) Report of the Auditor General on the Financial Statements of Laikipia County Assembly (Staff Car & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- xl.) Report of the Auditor General on the Financial Statements of Laikipia County Co-operative Development Fund for the year ended 30<sup>th</sup> June, 2021.

*(The Senate Majority Whip)*

5. **STATEMENTS****a) Pursuant to Standing Order 52 (1)**

- i) The Senator for Kisumu County, (Sen. Tom Ojienda, MP) made a statement concerning border dispute between Kisumu and Nandi County round Chemelil, Muhoroni, Miwani, Kibigori, Kibos, Koru and Kopere areas, and between Kisii, and Kericho County around Sondu area.

The Senator drew the attention of Senators to relevant laws that were applicable in resolution of boundary disputes. He went on to seek for the invocation of the constitutional and statutory framework on the resolution of inter-county boundary disputes in respect of the alleged border dispute between Nandi County and Kisumu County over Chemelil, Muhoroni, Miwani, Kibigori, Kibos, Koru and Kopere towns located in Kisumu County & Kericho and Kisumu Counties over the Sondu Town/Area, located in Kisumu County.

The Senator requested the Speaker to refer the Statement to the relevant House Committee to intervene and get responses on the following issues:

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- 1) Investigate the alleged border disputes between Kisumu and Nandi Counties over Chemelil, Muhoroni, Miwani, Kibigori, Kibos, Koru and Kopere towns & Kisumu and Kericho Counties over the Sondu Town/Area, located in Kisumu County;
- 2) Explain the way forward in resolving the aforementioned border disputes, in view of the prevailing constitutional and statutory framework on the resolution of inter-country boundary disputes and alteration of county boundaries; and
- 3) Cause the establishment of an independent commission by Parliament for the resolution of the border disputes.

Thereafter, pursuant to Standing Order 52 (3) the Speaker referred the Statement to the Standing Committee on Devolution and Intergovernmental Relations and Standing Committee on National Security, Defence and Foreign Relations for consideration and reporting to the Senate.

- ii) Nominated Senator (Sen. Hezena Lemaletian, MP) made a statement regarding insecurity situation in Samburu County.

Thereupon, the Senator informed the Senate that for months, Samburu County had been embroiled in bloody conflicts and witnessed a rise in cases of cattle rustling that had claimed lives of security forces and local residents, that had resulted to wanton destruction of property.

The Senator further informed the Senate that, sporadic bandit attacks in several parts of Samburu County had become the norm and residents of the County were living in fear of attacks and counter-attacks. She further

informed the Senate that the situation is a ticking time bomb, which if not addressed with urgency in a consultative and comprehensive manner, will lead to the loss of many innocent lives in the area.

The Senator stated that the government has been thus far been unresponsive to a conflict that has seen more than 4,500 households displaced across the County and the numbers are expected to rise as more raids are witnessed.

The Senator urged security agencies to take decisive action against the bandits and their supporters so as to restore calm in the region, and that the conflict continues to negatively impact the lives and livelihoods of the local population and especially pregnant and lactating mothers, children below five (5) years and other vulnerable groups such as the elderly and disabled.

The Senator requested the Speaker to refer the Statement to the relevant House Committee to intervene and get responses on the following issues.

Thereafter, pursuant to Standing Order 52 (3) the Speaker referred the Statement to the Standing Committee on National Security, Defence and Foreign Relations for consideration and reporting to the Senate.

- iii) The Senator for Nandi County (Sen. Samson Cherargei, MP) issued a statement on an issue of general topical concern and national importance, namely: the passing on of one of Kenya's most decorated boxer Mr. Philip Waruinge.

Thereupon, the Senator informed the Senate that the late Waruinge who died on 19<sup>th</sup> October 2022 aged 77 was a legendary boxer who represented Kenya in various boxing events in the world arena, He started his boxing career in the late 1960s at the historic Madison Square Garden in Nakuru and became a renowned boxer admired by many. He was the first African boxer to win the coveted Val Barker trophy in the 1968 Olympics Games.

The Senator informed the Senate that, Waruinge turned professional Boxer in 1973 as a super bantamweight and fought largely in Japan. In 1976 he attempted to take the WBC Bantamweight title in a boxing match against Carlos Zarate of Mexico but was outclassed and was knocked out in the fourth round. Two years later he decided to retire having competed in 25 professional bouts, winning 14, losing 10 and drawing 1.

The Senator informed the Senate that it was unfortunate that Kenya has a lost a legend who died as a poor man despite the glory he brought to the country. He called on the ministry of sports to be sportsmen and women centered to ensure such patriots are accorded decent lives even after they retired.

**b) Pursuant to Standing Order 53 (1)**

- i) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a Statement from the Standing Committee Health regarding the operationalization of the NHIF cover in Marsabit County.
- ii) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, MP) aliomba kauli kutoka kwa Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa kuhusu kuvunjiliwa mbali kwa Kitengo cha Upepelezi wa Jinai.
- iii) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on Finance and Budget concerning the alleged Kshs.1.31billion fine imposed by the Chinese Bank on the Government of Kenya for defaulting on the Standard Gauge Railway (SGR) loan.
- iv) The Senator for Tana River County (Sen. Danson Mungatana, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding the diversion of River Tana in the Tana Delta Region of Tana River County.
- v) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the drought mitigation programmes in Arid and Semi-Arid Lands (ASALs).
- vi) The Senator for Kitui County (Sen. Enoch Wambua, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the status of payment of the one-off honorarium to former councilors.
- vii) The Senator for Lamu County (Sen. Joseph Kamau, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged threats to the security of certain communities in Lamu County.

**6. MOTION – PARKING CHARGES IN INSTITUTIONS OFFERING ESSENTIAL SERVICES TO THE PUBLIC**

Order read,

Motion made and Question proposed;

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions, airports, shopping malls and other public utilities are offered

in urban centers, and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education, shopping and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions, airports, shopping malls and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant parking fees.

*(Sen. Edwine Sifuna, MP – 19.10.2022)*

Debate interrupted on Wednesday, 19<sup>th</sup> October, 2022 resumed;

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

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Wednesday, October 26, 2022 at 2.30 p.m.*