



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIRST SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, OCTOBER 26, 2022 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 Deputy Speaker.
3. **PAPERS**

The following Papers were laid on the Table of the House: -

- i.) Report of the Auditor General on the Financial Statement of Kajiado County Executive Staff Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- ii.) Report of the Auditor General on the Financial Statement of County Assembly of Kajiado Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- iii.) Report of the Auditor General on the Financial Statement of Kajiado County Youth & Women Enterprise Fund for the year ended 30<sup>th</sup> June, 2021.
- iv.) Report of the Auditor General on the Financial Statement of Kajiado County Disability Mainstreaming Fund for the year ended 30<sup>th</sup> June, 2021.
- v.) Report of the Auditor General on the Financial Statement of Kajiado County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- vi.) Report of the Auditor General on the Financial Statement of Kajiado County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2021.
- vii.) Report of the Auditor General on the Financial Statement of Nol-Turesh Loitokitok Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.

- viii.) Report of the Auditor General on the Financial Statement of Olekejuado Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- ix.) Report of the Auditor General on the Financial Statement of Oololaiser Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- x.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet County Executive Car and Mortgage Revolving Fund for the year ended 30<sup>th</sup> June, 2021.
- xi.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet Education Fund - Executive for the year ended 30<sup>th</sup> June, 2021.
- xii.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet County Assembly Catering Services Revolving Fund for the year ended 30<sup>th</sup> June, 2021.
- xiii.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet County Assembly Car & Mortgage Revolving Fund for the year ended 30<sup>th</sup> June, 2021.
- xiv.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet Alcoholic Drinks & Control Fund for the year ended 30<sup>th</sup> June, 2021.
- xv.) Report of the Auditor General on the Financial Statement of Iten Tambach Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xvi.) Report of the Auditor General on the Financial Statement of West Pokot County Assembly Car & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- xvii.) Report of the Auditor General on the Financial Statement of West Pokot County Assembly Staff Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- xviii.) Report of the Auditor General on the Financial Statement of West Pokot County Bursary Education Development & Infrastructure Fund for the year ended 30<sup>th</sup> June, 2021.
- xix.) Report of the Auditor General on the Financial Statement of Migori County Executive Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.

- xx.) Report of the Auditor General on the Financial Statement of Migori 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 Statement of Migori County Ward Development Fund for the year ended 30<sup>th</sup> June, 2021.
- xxii.) Report of the Auditor General on the Financial Statement of Migori Water & Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxiii.) Report of the Auditor General on the Financial Statement of Mandera County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2021.
- xxiv.) Report of the Auditor General on the Financial Statement of Elwak Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxv.) Report of the Auditor General on the Financial Statement of Mandera Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxvi.) Report of the Auditor General on the Financial Statement of Busia County Agricultural Development Fund for the year ended 30<sup>th</sup> June, 2021.
- xxvii.) Report of the Auditor General on the Financial Statement of Busia County Alcoholic Drinks Control Fund for the year ended 30<sup>th</sup> June, 2021.
- xxviii.) Report of the Auditor General on the Financial Statement of Nyamira County Executive Car Loan & Mortgage Fund for the year ended 30<sup>th</sup> June, 2021.
- xxix.) Report of the Auditor General on the Financial Statement of Nyamira County Assembly Car & Mortgage Loan Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxx.) Report of the Auditor General on the Financial Statement of Nyamira County Education Bursary Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxi.) Report of the Auditor General on the Financial Statement of Nyamira County Emergency Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxii.) Report of the Auditor General on the Financial Statement of Nyamira Municipality for the year ended 30<sup>th</sup> June, 2021.
- xxxiii.) Report of the Auditor General on the Financial Statement of Bomet County Executive Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.

- xxxiv.) Report of the Auditor General on the Financial Statement of Bomet County Assembly Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxv.) Report of the Auditor General on the Financial Statement of Bomet County Education Revolving Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxvi.) Report of the Auditor General on the Financial Statement of Bomet County Bursary Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxvii.) Report of the Auditor General on the Financial Statement of Bomet Water Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- xxxviii.) Report of the Auditor General on the Financial Statement of Kilifi County Assembly Car & Mortgage Loan Fund for the year ended 30<sup>th</sup> June, 2021.
- xxxix.) Report of the Auditor General on the Financial Statement of Kilifi County Ward Scholarship Fund for the year ended 30<sup>th</sup> June, 2021.
- xl.) Report of the Auditor General on the Financial Statement of Kilifi Municipality for the year ended 30<sup>th</sup> June, 2021.
- xli.) Report of the Auditor General on the Financial Statement of Kilifi – Mariakani Water & Sewerage Company Ltd for the year ended 30<sup>th</sup> June, 2021.

*(The Senate Majority Whip)*

4. **NOTICE OF MOTION - INTEGRATING CLIMATE EDUCATION INTO NATIONAL EDUCATION CURRICULUM**

(Sen. Moses Kajwang', MP)

AWARE THAT climate change is a complex social and scientific issue which is characterized by uncertain and context specific knowledge, demanding that educators engage in inquiry and co-learning with students, while noting the lack of time and curriculum opportunities to address climate change in the classroom;

COGNIZANT OF THE FACT that the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations;

NOTING THAT Climate change is a global nightmare with consequences that are already quite visible and should be a priority for the national education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

FURTHER NOTING THAT climate change education explores mitigation and adaptation at both local and global level, critical and creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine are appropriate actions to respond to climate change;

ACKNOWLEDGING THAT the Climate Change Act 2016 addresses the integration of climate change into various disciplines and subjects of the national education curriculum at all levels, as well as requiring that the National Climate Council advises public agencies responsible for regulating universities and tertiary institutions curricula on integration of climate change into their curricula;

NOW THEREFORE the Senate calls upon the Ministry of Education in liaison with the Kenya Institute for Curriculum Development to:

1. Mainstream climate change education throughout formal education systems through integrating climate education in the school curriculum to creatively prepare children and young people for a rapidly changing, uncertain, risky and possibly dangerous future; and
2. Train and equip teachers and school administrators with the necessary information and skills to teach climate education and explore new approaches to learning that can contribute to the transformation of unsustainable climate systems, values and routines.

5. **NOTICE OF MOTION - EFFECTS OF UPSTREAM ACTIVITIES ON THE RIVER TANA TO THE RESIDENTS OF TANA DELTA**

(Sen. Danson Mungatana, MP)

THAT, AWARE THAT water is a fundamental resource to life, livelihood, food security and sustainable development and an economic good, which is critical for the sustainable development of the country;

FURTHER AWARE THAT the River Tana plays an important role in the lives of the communities living along its banks including Garissa and Tana River Counties whose main economic activities are livestock keeping, farming and fishing;

RECOGNIZING THAT Article 43 (1) (d) of the Constitution of Kenya, provides that every Kenyan has the right to clean and safe water in adequate quantities;

NOTING THAT the residents of Tana River County have perennially suffered from acute effects of flooding and inadequate supply of water to its residents and their livestock;

COGNIZANT THAT the challenge of flooding has predominantly been caused by KenGen's release of huge amounts of water from the seven forks dams which combine with rain water from the highlands;

FURTHER COGNIZANT THAT the hoarding of water at the seven forks dams and other significant upstream activities such as irrigation and small scale dams limits the amount of water that flows downstream through River Tana significantly affecting agricultural activities in irrigation schemes such as Bura, Galole and other small scale irrigation schemes in the Tana Delta as a result of inadequate water supply to the canals that channel the water to the irrigation schemes;

CONCERNED THAT limited water supply to the hinterland and irrigation schemes cause severe hunger to the residents of Tana River, death of livestock and conflicts between farmers and herders, and that floods cause deaths, displacements and other challenges like waterborne diseases such as cholera downstream at Tana Delta;

NOW THEREFORE, the Senate urges the Ministry of Water, Sanitation and Irrigation in conjunction with the Water Resources Authority (WRA) to;

- i) conduct stakeholder participation before undertaking any major upstream activity including construction of dams, before the release of water during rainy season and limiting flow of water to River Tana during the dry season;
- ii) develop a policy in line with the Nile Treaty of 1959 to guarantee average annual flow of the River Tana; and
- iii) come up with mitigation measures to the perennial floods and water scarcity to the residents of Tana Delta.

## **6. STATEMENTS**

### **a) Pursuant to Standing Order 52 (1)**

The Senator for Migori County (Sen. Eddy Oketch, MP) made a statement concerning alleged predatory asset-based lending by micro-finance lending companies in Kenya.

Thereupon, the Senator stated that Kenya has experienced an exponential growth of approximately 80% in the number of micro-lending companies between 2016 and 2022, which he attributed to the high unemployment and underemployment levels in country. This has led a significant number of Kenyans to turn to loans for establishment of businesses and/or supplement their meagre incomes.

The Senator observed that microfinance and loan facilities from formal banking institutions remained inaccessible to the average Kenyan due to

their lengthy and complicated procedures and thresholds which are unfavourable to low income earners. Additionally, he stated that micro lending companies offering unsecured loans offered low value loans which were not sufficient to finance or establish a good business venture.

The Senator stated that this situation had made the average Kenyan to opt for asset-based loans, with loans backed by collateral of motorcycles and motor vehicles being the most common and attractive collateral for borrowing. Furthermore, the Senator averred that, micro-lenders are offering their products at exorbitant interest rates averaging 4.5% per month and 54% per annum, therefore placing the borrowers at a great disadvantage due to the prevailing economic conditions.

The Senator concluded by stating the need to protect the average Kenyan from such predatory practices from micro finance institutions and urged the Senate to intervene and engage the National Treasury and Economic Planning, so as to establish regulations for all asset-based micro lending companies that place a ceiling on the interest rates chargeable on loans.

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

- i.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Education regarding the operationalization of the Technical and Vocational Education and Training (TVET) institutions in Marsabit County.
- ii.) Nominated Senator (Sen. Gloria Orwoba, MP) sought a statement from the Standing Committee on Information, Communication and Technology regarding the localization of digital data storage.
- iii.) Nominated Senator (Sen. Hamida Kibwana, MP) sought a statement from the Standing Committee on Health concerning alleged incidents of negligence at Mama Lucy Kibaki Hospital in Nairobi County.
- iv.) The Senator for Nairobi City County (Sen. Edwine Sifuna, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources regarding compensation to owners of compulsorily acquired land to pave way for the coal and power projects in Kwasasi and Baharini villages in Lamu County.

**c) Pursuant to Standing Order 58**

- i.) **Nomination of the Senator for Elgeyo Marakwet County (Sen. Kipchumba Murkomen, MP) to serve as Cabinet Secretary for the Ministry of Roads, Transport and Public Works.**

The Senator for Elgeyo Marakwet County (Sen. Kipchumba Murkomen, MP), made a personal Statement regarding his nomination by His

Excellency the President, to serve as the Cabinet Secretary for the Ministry of Roads, Transport and Public Works.

Thereupon, the Senator expressed gratitude to the people of Elgeyo Marakwet County for electing him to the Office of Senator for the county. He further expressed gratitude to His Excellency the President for nominating him to serve as the Cabinet Secretary for Roads, Transport and Public Works.

The Senator stated that during his time in Parliament, he had served in various positions including; Chairperson of the Standing Committee on Devolution and Inter-Governmental Relations Committee, a Member of the Senate Business Committee, a member of the Standing Committee on Legal Affairs and Human Rights, a member of the Sessional Committee on County Public Accounts and Investments Committee, a Member of the Speakers Panel, a Member of the Pan African Parliament, the Deputy Senate Majority Leader and Senate Majority Leader, all of which exposed him to the workings of Parliament and making him a better legislator.

The Senator further stated that he had learnt valuable lessons during his service as Senator for Elgeyo Marakwet County, which he intends to take into account in his new capacity as Cabinet Secretary.

In conclusion, the Senator thanked the Speaker, the Leadership of the Senate and all Honourable colleagues, as well as his partners at M/S Sing'oei, Murkomen & Sigei Advocates (SMS Advocates LLP), and the secretariat of the Senate for their support throughout his tenure as the Senator for Elgeyo Marakwet County.

Notwithstanding provisions of Standing Order 58, the Deputy Speaker allowed Honourable Senators to make comments on the statement.

ii.) **Nomination to the position of Cabinet Secretary in the Ministry of Environment and Forestry, of Nominated Senator (Sen. Roselinda Soipan, MP).**

Nominated Senator (Sen. Soipan Tuya, MP), made a personal Statement regarding her nomination by His Excellency the President, to serve as the Cabinet Secretary for the Ministry of Environment and Forestry. Thereupon, the Senator expressed her gratitude to the Almighty God and the people of Narok County for electing her to the position of County Member of the National Assembly for two terms. She also expressed gratitude to the leadership of the United Democratic Alliance (UDA) for nominating her to serve as a Senator.

The Senator highlighted that during her tenure as a Member of Parliament, she had served in various positions including the Vice Chairperson of the Standing Committee on Devolution and Inter-



Governmental Relations, a member of the Standing Committee on Health, and a member of the Powers and Privileges Committee, and a member of the Speaker's Panel in the National Assembly.

The Senator informed the House that she was the first woman from the Maasai community to be nominated for appointment to the position of Cabinet Secretary, and emphasized that this was a major win not only for women from the said community, but to all women in Kenya. She called upon female Senators to diligently and selflessly perform their constitutional roles and to step-up and offer leadership on pertinent issues for consideration by the Senate.

The Senator concluded by expressing gratitude the people of Narok County, the Speaker of the Senate and the National Assembly, and the Senate Leadership for their support during her tenure as a Member of Parliament.

7. **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 Tuesday, 25<sup>th</sup> October, 2022 resumed;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Hillary Sigei, MP) ruled that the Motion does not affect counties.

Question put, agreed to.

### **RESOLVED ACCORDINGLY**

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.

8. **MOTION - PROMOTION OF MENTAL HEALTH FACILITIES FOR MOTHERS**  
(Sen. Hamida Kibwana, MP)

THAT, AWARE THAT according to the World Health Organization, globally 10% of pregnant women and 13% of women who have just given birth experience a mental condition, referred to as perinatal depression, which is higher in developing countries with 15.6% during pregnancy, and 19.8% after child birth;

FURTHER AWARE that women who go through still birth and those that lose their children during delivery are taken to the general maternity ward where other mothers with healthy babies are recovering, causing them mental anguish and adversely impacting their mental health;

NOTING THAT integrating mental health care into primary healthcare settings requires training in psychiatric care and providing consulting support to primary care providers, considering that there are not enough mental health care providers to meet the current and growing need for mental health services;

APPRECIATING THAT the Health Act under section 6 (1) (b) provides that every person has a right to reproductive health care which includes the right of access to appropriate health care services that will enable mothers go safely through pregnancy, childbirth, and the postpartum period which should include the integration of mental health in perinatal care as recommended by the National Mental Health Taskforce in its “Mental Health and Wellbeing towards Happiness and National Prosperity” report;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the Council of Governors to:

- (i) ensure that all county health facilities with maternity wings, allocate a separate ward for recovery for the mothers who have gone through still birth or those that have lost their babies during delivery;
- (ii) facilitate continuous mental health training and the provision of counselling support in the perinatal wards for all primary care providers in all counties;
- (iii) establish counselling facilities at all county health facilities with maternity wings to provide counselling therapy to mothers who lose their children through a miscarriage, during delivery, or through still birth; and,
- (iv) establish counselling facilities at all county health facilities with maternity wings to provide counselling therapy to mothers who are suffering from perinatal and postpartum depression.

Order deferred.

And there being no other business, the Temporary Speaker (Sen. Hillary Sigei, MP) adjourned the Senate at seven minutes past six O'clock without Question put, pursuant to the Standing Orders.

9. SENATE ROSE – at seven minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, October 27, 2022 at 2.30 p.m.*

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