



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**MORNING SITTING**

**WEDNESDAY, JUNE 21, 2023 AT 9.30 AM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **MOTION - INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING**  
(Sen. Wahome Wamatinga, MP)

**THAT, AWARE THAT** water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya's vulnerability to climate change;

**NOTING THAT** there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

**APPRECIATING THAT** the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

...../Motion

**NOW THEREFORE** the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

*(Resumption of debate interrupted on Wednesday, 14<sup>th</sup> June, 2023 – morning sitting)  
(Balance of time 1hr 23 mins)*

9. **MOTION - REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING**

(Sen. Karen Nyamu, MP)

**THAT, AWARE THAT** minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

**CONCERNED THAT**, despite the increase in Kenya’s minimum wage in May 2022 by 12% to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

**NOW THEREFORE** the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB) with a view of raising the minimum wage by at least 50% as from 1<sup>st</sup> May, 2023.

10. **MOTION - INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA**

(Sen. William Cheptumo, MP)

**AWARE THAT**, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

**FURTHER AWARE THAT**, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

...../Motion

**ACKNOWLEDGING THAT** Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

**APPRECIATING THAT**, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

**CONCERNED THAT**, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

**NOW THEREFORE** the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors:-

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and
- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

11. **MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**

(Sen. Wahome Wamatinga, MP)

**THAT AWARE THAT** the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

**NOTING THAT** the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

**COGNIZANT THAT** the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

...../Motion

**NOW THEREFORE** the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

12. **MOTION - ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN AUTHORITIES**

(Sen. (Dr.) Oburu Oginga, MP)

**THAT AWARE THAT** the communities around the lake rely on fishing as their main economic activity, their source of food and employment;

**CONCERNED THAT** the fishermen have reported harassment from the Ugandan security personnel including arbitrary arrests and imposition of unreasonable fines;

**FURTHER CONCERNED THAT** in November, 2021 the Kenya International Boundaries office formed a Joint Committee with the Ugandan authorities that did not effectively delineate the boundaries that would have helped avoid conflict between the two Countries;

**NOW THEREFORE** the Senate resolves that-

- a) the Ministry of Foreign and Diaspora Affairs in collaboration with the Ministry of East African Community (EAC), the ASALs and Regional Development engages the counterpart ministries in the Republic of Uganda to;
  - i) Fast-track the delineation of the Kenya-Uganda boundary;
  - ii) Develop measures to curb the arrests of Kenyan fishermen by Ugandan authorities;
  - iii) Institute a protocol for sustainable development of the Lake Victoria Basin on the sharing of resources between partner states; and
- b) The Ministry of Interior and National Administration to deploy the Kenya Coast Guard in the territorial waters of Lake Victoria to enforce maritime security and safety.

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**NOTICE**

The Senate resolved on 15<sup>th</sup> February, 2023 as follows:-

**THAT**, pursuant to Standing Order 111 (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.

**KEY**

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

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

**\*\* - Denotes a Committee Bill**

**\*- Denotes any other Bill**

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APPENDIX

QUESTIONS AND STATEMENTS

QUESTIONS

**Question No. 015      The Senator for Marsabit County (Sen. Mohamed Said Chute, MP) to ask the Cabinet Secretary for Investments, Trade and Industry: -**

- a. Could the Cabinet Secretary state the type and quantity of goods being imported by corporations and individuals prequalified by the Kenya National Trading Corporation(KNTC)?
- b. What is the procedure used by KNTC to identify and prequalify companies which import the goods, and could the Cabinet Secretary state how many were awarded business, those currently importing goods, and indicate the type and packaging of these commodities being imported during FY 2021/2022 and FY 2022/2023?
- c. Could the Cabinet Secretary disclose the financial state of KNTC, and also indicate how much has been paid to the respective suppliers and how much is outstanding?

**Question No. 016      The Senator for Marsabit County (Sen. Mohamed Said Chute, MP) to ask the Cabinet Secretary for Agriculture and Livestock Development: -**

- (a) Could the Cabinet Secretary disclose the food commodities being imported duty-free, stating the approved packaging and container sizes?
- (b) Which companies have applied for prequalification to import food commodities duty-free from September, 2022 to date, and how many of these have been issued with permits to import?
- (c) How many companies have so far imported goods and what actions will the Ministry take against the prequalified companies which have not complied with the terms of engagement?

...../Appendix

**Question No. 024**      **The Senator for Marsabit County (Sen. Mohamed Said Chute, MP) to ask the Cabinet Secretary for Agriculture and Livestock Development: -**

- (a) How much money has been disbursed in respect of the Kenya Climate Smart Agriculture Project, which is funded by the World Bank, to counties forming the Frontier Counties Development Council, particularly Marsabit County, from 2017 to date?
- (b) What is the status of implementation of programmes under the project?
- (c) Could the Cabinet Secretary clarify whether there has been an audit of the project and, if so, provide the audited financial and impact assessment reports for the years 2017 to 2022?

**Question No. 018**      **The Senator for Turkana County (Sen. James Lomenen, MP) to ask the Cabinet Secretary for Foreign and Diaspora Affairs: -**

- (a) What are the reasons for the Kenya Government's inaction in assisting and hastening the release of the pastoralists from Turkana County, who were arrested in Uganda and charged in court martials in Moroto District in Uganda, for crossing over in search of pasture during the recent drought experienced in the country?
- (b) When will the Government intervene to ensure the release of the pastoralists?

**Question No. 023**      **The Senator for Samburu County (Sen. (Dr.) Lelegwe Ltumbesi, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development:-**

- (a) What measures is the Government taking to ensure full operationalization of the Samburu Land Registry, that was opened in 2021, to enable residents of Samburu County have access to land registration services and issuance of title deeds?
- (b) When will the Government also deploy a Land Registrar to Samburu County?

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## **NOTICE PAPER**

### **Tentative Business for**

**Wednesday, June 21, 2023 (Afternoon Sitting)**

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*(Published pursuant to Standing Order 43 (1))*

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, June 21, 2023 (Afternoon Sitting).

#### **A. BILLS AT COMMITTEE OF THE WHOLE STAGE**

- i.) \*THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILLS NO. 5 OF 2023)  
(Sen. Beth Syengo, MP)
- ii.) \*THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2022)  
(Sen. Samson Cherarkey, MP)

#### **B. BILLS AT THE SECOND READING STAGE**

- i.) \*THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022) (Division)  
(Sen. Maureen Tabitha Mutinda, MP)
- ii.) \*THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)  
(Sen. Enoch Wambua, MP)
- iii.) \*THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)  
(Sen. Crystal Asige, MP)
- iv.) \*THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)  
(The Chairperson, Standing Committee on Labour and Social Welfare)
- v.) \*THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)  
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)
- vi.) \*\*THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)  
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)



- vii.) \*THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)  
(Sen. Samson Cherarkey, MP)

**C. MOTIONS**

- i.) RECORD OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD IN GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA ON 23<sup>RD</sup> OCTOBER – 12<sup>TH</sup> NOVEMBER, 2022.  
(Sen. Danson Mungatana, MP)
- ii.) DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS  
(Sen. William Cheptumo, MP)
- iii.) DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES  
(Sen. Crystal Asige, MP)
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