



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

MORNING SITTING

WEDNESDAY, AUGUST 02, 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 - 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;

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;

...../Motion

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.

9. **MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

THAT AWARE THAT, Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;

...../Motion

- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

10. **MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA**

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

...../Notice

NOTICE

The Senate resolved on 15th 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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QUESTIONS AND STATEMENTS

QUESTIONS

Question No. 031

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (a) Could the Cabinet Secretary provide an update on the status of construction of canals and drains in Mutithi ward under the Mwea Irrigation Development Project, and also state why the construction has delayed?
- (b) What measures is the Government taking to ensure the completion of the project, to enable farmers resume normal farming activities, and could the Cabinet Secretary provide a timeline for this?

Question No. 042

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (a) Why has Gakuyuini Irrigation Water Project, that was meant to add more than 500 acres under cultivation to Mwea Irrigation Scheme in Wamumu Ward, Kirinyaga County, taken so long to implement?
- (b) Could the Cabinet Secretary apprise the Senate on the status of its implementation and indicate whether any funds have been allocated to the project in the Financial Year 2023/24?
- (c) Could the CS provide a tentative commencement and completion timeline for the project so that the over 1000 intended beneficiaries can benefit and the President's stated intention to increase land under irrigation and improve food security through increased rice production is achieved.

Question No. 033

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

- (a) Could the Cabinet Secretary provide the reasons for the failure by the Chief Conservator of Forests to approve the use of land in Njukiini Forest for wayleave and right-of-way for the Ngariama Njukiini Water Projects in Kirinyaga County?
- (b) What measures is the Government taking to ensure that the land is availed for the said project, and could the Cabinet Secretary provide a timeline for the commencement and completion of the project?

Question No.041

The Senator for Kirinyaga County (Sen. James Murango, MP) to ask the Cabinet Secretary for Public Service, Gender and Affirmative Action: -

- (a) What criteria is used by the Ministry to categorize and gazette areas as hardship zones in the country, and could the Cabinet Secretary state why Mwea Constituency in Kirinyaga County has not been gazetted as a hardship zone, considering the adverse conditions in most parts of the constituency?
- (b) When does the Ministry intend to classify Mwea Constituency as a hardship area in order to compensate public servants who serve in the region under adverse conditions?

NOTICE PAPER

Tentative Business for

Wednesday, August 02, 2023 (Afternoon Sitting)

(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, August 02, 2023 (Afternoon Sitting).

A. BILL AT THE FIRST READING STAGE

*THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)

(Sen. Miraj Abdillahi Abdulrahman, MP)

B. BILLS AT COMMITTEE OF THE WHOLE

i.) *THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

ii.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)

(Sen. Crystal Asige, MP)

iii.) *THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)

(Sen. Enoch Wambua, MP)

A. BILLS AT THE SECOND READING STAGE

i.) *THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)

(Division)

ii.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)

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

iii.) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)

(Sen. Samson Cherarkey, MP)

B. MOTIONS

i.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE

(The Chairperson, Standing Committee on Health)

...../Notice Paper

ii.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE

(The Chairperson, Standing Committee on Health)

iii.) ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL

(The Chairperson, Standing Committee on Health)
