



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**MORNING SITTING**

**WEDNESDAY, AUGUST 09, 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.

***(Resumption of debate interrupted on Wednesday, 2<sup>nd</sup> August, 2023-  
Morning Sitting – Balance of time – 2hrs 7mins)***

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;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and

...../**Motion**

- 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.

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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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**QUESTIONS AND STATEMENTS**

**QUESTIONS**

**Question No. 021**      **Nominated Senator (Sen. George Mbugua, MP) to ask the Cabinet Secretary for Education: -**

- (a) What are the reasons for the delay in reviewing the Basic Education Act, 2013 to align it with the Constitution and the Convention on the Rights of Persons with Disabilities (UNCRPD), to address the right to inclusive education for learners with disabilities and special needs?
- (b) Could the Cabinet Secretary provide a status report on the operationalization of the National and County Education Boards, as stipulated in the Act?
- (c) What specific policy guidelines are in place to ensure the implementation of the home-based education programme, as stipulated in the Sector Policy for Learners and Trainees with Disabilities (2018) and, could the Cabinet Secretary state the number of beneficiaries, teachers involved in the programme as well as the amount of funds utilized from 2020 to date?
- (d) Could the Cabinet Secretary provide the reasons for non-implementation of the policy, and state the measures in place to ensure the full implementation of the policy during the 2023/2024 financial year?

**Question No. 027**      **Nominated Senator (Sen. Joyce Korir, MP) to ask the Cabinet Secretary for Education: -**

- (a) Why has project W.P Item No-D106RV/BM/1502 Job No-101117A for the construction of a Library Block, hostels, a Multipurpose Hall and Lecture Halls at Bomet University stalled for almost a year?
- (b) What measures is the Government taking to ensure the completion of the project?
- (c) Could the Cabinet Secretary provide an update on the findings of the Task Force that was established to address the issue of tarmacking of the grounds adjacent to the Library Block, the hostels, the Multipurpose Hall and Lecture Halls at the institution?

...../Appendix

**Question No. 034** **Nominated Senator (Sen. Peris Tobiko, CBS, MP) to ask the Cabinet Secretary for Education: -**

- (a) Could the Cabinet Secretary state the purpose of the Grade Six (6) Kenya Primary School Education Assessment (KPSEA), providing a per-county breakdown of learners in both public and private schools that sat for the assessment in the 2022 academic year and indicating how many of them transitioned to Junior Secondary Schools?
- (b) What criteria did the Ministry apply in the placement of learners in Junior Secondary Schools and when will the learners in Grade Seven (7) transition to the existing secondary schools?
- (c) What is the status of implementation of the Competency Based Curriculum (CBC), particularly in Junior Secondary Schools, in view of the concerns that minimal to no learning is taking place?
- (d) To what extent has the Ministry availed resources to facilitate proper learning in Junior Secondary Schools, and could the Cabinet Secretary provide per-county details of the implementation of CBC, including capitation for learners in the schools, distribution of learning materials, teacher to learner ratio as well as infrastructure put up so far?

**Question No. 035** **Nominated Senator (Sen. Mariam Omar Sheikh, MP) to ask the Cabinet Secretary for Education: -**

- (a) Is the Cabinet Secretary aware that Muslim students in some public schools are not allowed to wear *Hijab* and trousers, in addition to the prescribed school uniform, particularly at the Kenya High School and Alliance Girls' High School, thereby forcing some of them to seek admission in other schools?
- (b) Why are the students being discriminated against despite the clear provision in Article 32 (4) of the Constitution that "*A person shall not be compelled to act, or engage in any act, that is contrary to the person's belief or religion*"?

- (c) What action is the Government taking to ensure inclusivity in all public-funded schools and enjoyment of the Constitutional right by students who come from religious backgrounds that require additional attire meant to protect and safeguard their honour?

**Question No. 037**

**The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Education: -**

- (a) Could the Cabinet Secretary state the amount of funds allocated as capitation to all public primary and secondary schools in the financial year 2022/2023, indicating the amount already disbursed as well as the amount outstanding?
- (b) Could the Cabinet Secretary explain the procedure in the disbursement of the funds to the schools and indicate measures the Government has put in place to ensure timely disbursement of the funds?
- (c) Why are parents with children in public schools required to buy learning materials, when such materials ought to be provided by the Government?
- (d) Could the Cabinet Secretary provide a list of all pre-qualified suppliers of textbooks and other learning materials, indicating the total amount owed in pending bills to the suppliers and the respective schools and companies involved?

**Question No. 038**

**The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Education: -**

- (a) Could the Cabinet Secretary provide an update on the status of the delocalization programme, that entails the transfer of teachers from their native place of birth to another locality?
- (b) What are the reasons for the delayed reversal of the delocalization policy by the Teachers Service Commission (TSC), following TSC's commitment to do so in January 2023?

- (c) Could the Cabinet Secretary state the total number of teachers from Nandi County awaiting the reversal?

**Question No. 039**      **The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Education: -**

- (a) Could the Cabinet Secretary indicate when a lifestyle audit was conducted last on senior officers at the Teachers Service Commission (TSC), including the Chief Executive Officer?
- (b) Are there plans by the Government to conduct further lifestyle audits on senior officers at the TSC, and if so, provide a timeline for this?

**Question No. 040**      **The Senator for Nandi County (Sen. Samson Cherarkey, MP) to ask the Cabinet Secretary for Education: -**

- (a) Could the Cabinet Secretary state the total amount owed by the Teachers Service Commission (TSC) to teachers' SACCOS and the two (2) trade unions namely, the Kenya Union of Post Primary Education Teachers (KUPPET) and the Kenya National Union of Teachers (KNUT)?
- (b) Why has TSC delayed the remittance of union and SACCO dues for teachers, and could the Cabinet Secretary provide a timeline for the remittance of the dues?

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## **NOTICE PAPER**

### **Tentative Business for**

### **Wednesday, August 09, 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, August 09, 2023 (Afternoon Sitting).

#### **A. 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 AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)  
(Sen. Maureen Tabitha Mutinda, MP)
- iii.) \*THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)  
(Sen. Crystal Asige, MP)
- iv.) \*THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)  
(Sen. Enoch Wambua, MP)
- v.) \*THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)  
(Sen. Crystal Asige, MP)
- vi.) \*THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)  
(Sen. Mariam Sheikh Omar, MP)

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

- i.) THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)  
(Sen. Mariam Sheikh Omar, MP) *(Division)*
- ii.) \*\*\*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)  
(The Senate Majority Leader)
- iii.) \*\*THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)  
(The Chairperson, Standing Committee on Finance and Budget)

...../Notice Paper

- iv.) \*\*THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)  
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- v.) \*THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)  
(Sen. Samson Cherarkey, MP)

**C. 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)
- 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)
- iv.) REPORT OF THE 146<sup>TH</sup> ASSEMBLY OF THE INTER – PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023  
(Sen. Kathuri Murungi, MP)

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