



TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 24, 2020 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 Speaker.
3. **PETITION**

Pursuant to Standing Order 230(2)(a), the Speaker presented to the Senate a Petition by Mr. Kimutai Arap Chelule and two (2) other residents of Kericho County concerning land LR No. 3977 and No. 3978 in Kericho County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment thereon and, subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, Justice, Legal Affairs and Human Rights, and National Security, Defence and Foreign Relations, pursuant to Standing Order 232 (1).

4. **PAPERS**

The following Papers were laid on the Table of the Senate-

- i) Report of the Auditor General on the Financial Statements of the County Assembly of Nyandarua for the year ended 30th June, 2019;
- ii) Report of the Auditor General on the Financial Statements of the County Executive of Nyandarua for the year ended 30th June, 2019;
- iii) Report of the Auditor General on the Financial Statements of the Nyeri County Executive for the year ended 30th June, 2019;
- iv) Report of the Auditor General on the Financial Statements of the Nyeri County Assembly for the year ended 30th June, 2019;
- v) Report of the Auditor General on the Financial Statements of the Laikipia County Assembly for the year ended 30th June, 2019;
- vi) Report of the Auditor General on the Financial Statements of the Laikipia County Executive for the year ended 30th June, 2019;
- vii) Report of the Auditor General on the Financial Statements of the County Executive of Bomet for the year ended 30th June, 2019;
- viii) Report of the Auditor General on the Financial Statements of the County Assembly of Bomet for the year ended 30th June, 2019;

- ix) Report of the Auditor-General on the Financial Statements of Embu County Assembly for the year ended 30 June, 2019;
- x) Report of the Auditor-General on the Financial Statements of Embu County Executive for the year ended 30 June, 2019;
- xi) Report of the Auditor-General on the Financial Statements of TaitaTaveta County Executive for the year ended 30 June, 2019;
- xii) Report of the Auditor-General on the Financial Statements of TaitaTaveta County Assembly for the year ended 30 June, 2019;
- xiii) Report of the Auditor-General on County Executive of Makueni for the year ended 30 June, 2019;
- xiv) Report of the Auditor-General on County Assembly of Makueni for the year ended 30 June, 2019.
- xv) port of the Auditor-General on County Executive of Machakos for the year ended 30 June, 2019; and
- xvi) Report of the Auditor-General on County Assembly of Machakos for the year ended 30 June, 2019.

(The Senate Majority Leader)

- xvii) Statement on the Business of the Senate for Tuesday, 1st December, 2020.

(The Deputy Senate Majority Leader)

5. NOTICE OF MOTION – FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

(Sen. (Arch.) Sylvia Kasanga, MP)

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation and Part(2)(4) of the Fourth Schedule appoints cultural activities as a function of County Governments;

NOTING that while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information on existing policies has been available to the Kenyan public;

ACKNOWLEDGING that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life’s activities;

CONCERNED that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to-

- 1) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties;
- 2) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties; and
- 3) Partner with the Council of Governors on the formulation and implementation of policy in accordance with Part (2)(4) of the Fourth Schedule of the Constitution.

6. **STATEMENTS**

a) Pursuant to Standing Order 47(1)

- (i) Nominated Senator (Sen. Falhada Iman, MP) made a statement regarding the effectiveness of emergency medical services during the COVID-19 pandemic.

The Senator stated that Kenya was currently experiencing the second wave of coronavirus infections, with hundreds of new cases in recent weeks and a high death toll since the easing of the protocols and guidelines intended to mitigate against the transmission of the disease. The Senator also pointed out that various hospitals had already raised alarm over lack of capacity to accommodate the rising COVID-19 patients and that emergency medical care services remain underdeveloped, under-equipped and ineffective to deal with the pandemic.

Further, the Senator averred that most counties did not have adequate ambulance services and relied on private companies to provide these services. As a result, most Kenyans had resorted to transferring patients to hospitals by private means due to the cost, scarcity and lack of a well-connected, reliable central dispatch ambulance system in the country.

The Senator concluded by stating that there was need for traffic police officers to enforce the traffic regulations pertaining to ambulance services for better response in incidences of emergency medical care and that the Kenya National Highways Authority (KENHA) should consider designating special lanes, especially on the highways, for ambulances.

- (ii) The Senator for Mombasa County (Sen. Mohammed Faki, MP) made a statement regarding the alleged transfer of Kenya Ferry Services to the Kenya Ports Authority.

Thereupon, the Senator informed the Senate that in the last two weeks there had been allegations that plans were underway to transfer the functions of the Kenya Ferry Services (KFS) to the Kenya Ports Authority (KPA). He stated that after the MV Mtongwe Ferry capsized on 29th April 1994, leaving over 250 people dead the government established a commission of inquiry into the operations of the KFS, whose observations indicated that the KFS was underfunded and poorly managed as a Department of KPA.

The Senator further informed that Senate that the government implemented the recommendations of the commission of inquiry through Sessional Paper No. 3 of 1998, including granting the KFS autonomy from KPA, in a bid to improve service delivery and operations. The Senator averred that the proposed handing over of KFS back to KPA was in violation of the KPA Act that has given KPA the specific mandate of managing ports in Kenya, but did not extend this mandate to managing the operations of ferries.

Further, the Senator argued, that Article 186 and Schedule 4 Part 2 of the Constitution of Kenya, provides that ferry services are a function of the county governments and should, therefore be transferred to county governments. He urged the national government to consider transferring the service, under Article 187 of the Constitution, to the County Government of Mombasa as a more prudent way to improve its operations.

In conclusion, the Senator emphasized the importance of KFS autonomy against being run as a department within KPA, which was also facing a myriad of challenges.

b) Pursuant to Standing Order 48(1)

- i) Nominated Senator (Sen. Millicent Omanga, MP), sought a statement from the Standing Committee on Roads and Transportation regarding the state of Public Service Vehicles (PSV) sector during the COVID-19 pandemic.

- ii) Nominated Senator (Sen. Millicent Omanga, MP), sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the rampant cases of insecurity in the Nairobi Central Business District (CBD).
- iii) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP), sought a statement from the Standing Committee on Tourism, Trade and Industrialization regarding the measures put in place by the Kenya Wildlife Services (KWS) and private sanctuaries to support Persons with Disabilities (PWDs) to access National Game Parks, Game Reserves and Animal Orphanages.
- iv) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP), sought a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding the measures put in place by county governments to support Persons with Disabilities (PWDs) during the COVID-19 pandemic.
- v) The Senator for Nyamira County (Sen. Okong'o Mogeni, MP), sought a statement from the Standing Committee on Health regarding the death of Ms. Martha Kemunto Ochoki at the Nyamira County Referral Hospital.
- vi) The Senator for Bomet County (Sen. (Dr.) Christopher Lang'at, MP) sought a statement from the Standing Committee on Labour and Social Welfare concerning an alleged declaration of redundancy of 719 employees, by M/S James Finley Tea Limited.

b) Pursuant to Standing Order 51 (1) (a)

The Chairperson, Standing Committee on Labour and Social Welfare made a statement concerning the status of statements referred to the Committee pursuant to Standing Order 47(1) and 48(1).

The Chairperson informed the Senate that the Committee had so far dealt with thirteen (13) statements in the Fourth Session and that the Committee was awaiting for responses from relevant authorities on a number of them in order to conclude consideration of all statements referred to the Committee.

The Chairperson further informed the Senate that the Committee had received responses on five Statements sought by respective Senators and had shared with them the said responses but was unsatisfied with a few of them including on a statement sought by Sen. Fatuma Dullo, MP, from the Ewaso Nyiro North Development Authority, while a response on statements sought by Sen. (Dr.) Abdullahi Ali, MP, and Sen. (Dr.) Getrude Musuruve, MP, respectively on work injury benefits, were being awaited.

The Chairperson concluded by giving a roadmap on dealing with pending statements and unsatisfactory responses from the implementing government agencies, including conducting site visits and hearings on the respective subject matters.

c) Pursuant to Standing Order 51 (1) (b)

The Chairperson, Sessional Committee on County Public Accounts and Investments made a statement relating to the activities of the Committee for the period 6th May – 31st October, 2020.

d) Pursuant to Standing Order 52(1)

The Deputy Senate Majority Leader issued a statement on the Business of the Senate for Tuesday, 1st December, 2020.

7. MOTION - DEBATE ON THE PRESIDENTIAL ADDRESS TO PARLIAMENT – (2ND DAY)

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 12th November, 2020 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 17th November, 2020-

- i) The Seventh (7th) State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Thursday, 12th November, 2020;
- ii) The 7th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- iii) The 7th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya;
- iv) The Summary of the 7th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya;
- v) The Annual Report to Parliament on the State of National Security;

- vi) The Report on the Ease of Doing Business: Reform Milestones 2014-2020; and
- vii) The Office of the Director of Public Prosecutions Consolidated Annual Report for the financial years 2017/2018, 2018/2019 & 2019/2020.

(The Senate Majority Leader – 17.11.2020)

Debate interrupted on Tuesday, 17th November, 2020 resumed;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Judith Pareno, MP) adjourned the Senate without Question put.

8. **SENATE ROSE** – at thirty Minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, December 01, 2020 at 2:30 p.m.*

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