



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (FIRST SESSION)
THE SENATE
ORDER PAPER

WEDNESDAY, OCTOBER 26, 2022 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - PARKING CHARGES IN INSTITUTIONS OFFERING ESSENTIAL SERVICES TO THE PUBLIC**
(Sen. Edwine Sifuna, MP)

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;

...../Motions

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.

(Resumption of debate interrupted on Tuesday, 25th October, 2022 – balance of time – 2hrs)

9. **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:

...../Motions

- (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.

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NOTICE

The Senate resolved on 5th October, 2022 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.

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APPENDIX

1. PAPERS

- i.) Report of the Auditor General on the Financial Statement of Kajiado County Executive Staff Car Loan & Mortgage Scheme Fund for the year ended 30th 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 30th June, 2021.
- iii.) Report of the Auditor General on the Financial Statement of Kajiado County Youth & Women Enterprise Fund for the year ended 30th June, 2021.
- iv.) Report of the Auditor General on the Financial Statement of Kajiado County Disability Mainstreaming Fund for the year ended 30th June, 2021.
- v.) Report of the Auditor General on the Financial Statement of Kajiado County Emergency Fund for the year ended 30th June, 2021.
- vi.) Report of the Auditor General on the Financial Statement of Kajiado County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.
- vii.) Report of the Auditor General on the Financial Statement of Nol-Turesh Loitokitok Water & Sewerage Company Ltd for the year ended 30th June, 2021.
- viii.) Report of the Auditor General on the Financial Statement of Olekejuado Water & Sewerage Company Ltd for the year ended 30th June, 2021.
- ix.) Report of the Auditor General on the Financial Statement of Oloolaiser Water & Sewerage Company Ltd for the year ended 30th 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 30th June, 2021.
- xi.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet Education Fund - Executive for the year ended 30th 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 30th June, 2021.

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- xiii.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet County Assembly Car & Mortgage Revolving Fund for the year ended 30th June, 2021.
- xiv.) Report of the Auditor General on the Financial Statement of Elgeyo Marakwet Alcoholic Drinks & Control Fund for the year ended 30th June, 2021.
- xv.) Report of the Auditor General on the Financial Statement of Iten Tambach Water & Sewerage Company Ltd for the year ended 30th June, 2021.
- xvi.) Report of the Auditor General on the Financial Statement of West Pokot County Assembly Car & Mortgage Fund for the year ended 30th 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 30th 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 30th June, 2021.
- xix.) Report of the Auditor General on the Financial Statement of Migori County Executive Car Loan & Mortgage Fund for the year ended 30th June, 2021.
- xx.) Report of the Auditor General on the Financial Statement of Migori County Assembly Car Loan & Mortgage Fund for the year ended 30th June, 2021.
- xxi.) Report of the Auditor General on the Financial Statement of Migori County Ward Development Fund for the year ended 30th June, 2021.
- xxii.) Report of the Auditor General on the Financial Statement of Migori Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- xxiii.) Report of the Auditor General on the Financial Statement of Mandera County Education Bursary Fund for the year ended 30th June, 2021.
- xxiv.) Report of the Auditor General on the Financial Statement of Elwak Water & Sewerage Company Ltd for the year ended 30th June, 2021.

- xxv.) Report of the Auditor General on the Financial Statement of Mandera Water & Sewerage Company Ltd for the year ended 30th June, 2021.
- xxvi.) Report of the Auditor General on the Financial Statement of Busia County Agricultural Development Fund for the year ended 30th June, 2021.
- xxvii.) Report of the Auditor General on the Financial Statement of Busia County Alcoholic Drinks Control Fund for the year ended 30th June, 2021.
- xxviii.) Report of the Auditor General on the Financial Statement of Nyamira County Executive Car Loan & Mortgage Fund for the year ended 30th 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 30th June, 2021.
- xxx.) Report of the Auditor General on the Financial Statement of Nyamira County Education Bursary Fund for the year ended 30th June, 2021.
- xxxi.) Report of the Auditor General on the Financial Statement of Nyamira County Emergency Fund for the year ended 30th June, 2021.
- xxxii.) Report of the Auditor General on the Financial Statement of Nyamira Municipality for the year ended 30th 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 30th 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 30th June, 2021.
- xxxv.) Report of the Auditor General on the Financial Statement of Bomet County Education Revolving Fund for the year ended 30th June, 2021.
- xxxvi.) Report of the Auditor General on the Financial Statement of Bomet County Bursary Fund for the year ended 30th June, 2021.
- xxxvii.) Report of the Auditor General on the Financial Statement of Bomet Water Company Ltd for the year ended 30th June, 2021.

- xxxviii.) Report of the Auditor General on the Financial Statement of Kilifi County Assembly Car & Mortgage Loan Fund for the year ended 30th June, 2021.
- xxxix.) Report of the Auditor General on the Financial Statement of Kilifi County Ward Scholarship Fund for the year ended 30th June, 2021.
- xl.) Report of the Auditor General on the Financial Statement of Kilifi Municipality for the year ended 30th June, 2021.
- xli.) Report of the Auditor General on the Financial Statement of Kilifi – Mariakani Water & Sewerage Company Ltd for the year ended 30th June, 2021.

(The Senate Majority Leader)

2. NOTICES OF MOTION

i.) **INTEGRATING CLIMATE EDUCATION INTO NATIONAL EDUCATION CURRICULUM**

(Sen. Moses Kajwang², 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.

ii.) **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.

3. STATEMENTS

a) Pursuant to Standing Order 52 (1)

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

b) Pursuant to Standing Order 53 (1)

- i.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Health regarding the operationalization of the Technical and Vocational Education and Training (TVET) institutions in Marsabit County.
- ii.) Nominated Senator (Sen. Gloria Orwoba, MP) to seek 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) to seek 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) to seek 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.
- v.) The Senator for Mombasa County (Sen. Mwinyihaji Faki, MP) to seek a statement from the Sessional Committee on Delegated Legislation regarding review of remuneration and benefits of state officers by the Salaries and Remuneration Commission (SRC).
- vi.) The Senator for Kilifi County (Sen. Stewart Madzayo, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the drought situation in Kilifi County.

NOTICE PAPER

Tentative Business for

Thursday, October 27, 2022

(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 Thursday, October 27, 2022.

MOTIONS

- i.) INTEGRATING CLIMATE EDUCATION INTO NATIONAL EDUCATION CURRICULUM
(Sen. Moses Kajwang', MP)

 - ii.) EFFECTS OF UPSTREAM ACTIVITIES ON THE RIVER TANA TO THE RESIDENTS OF TANA DELTA
(Sen. Danson Mungatana, MP)

 - iii.) ADJOURNMENT OF THE SENATE
(The Senate Majority Leader)
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