



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MARCH 22, 2023 AT 2.30 P.M.**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.

3. **QUORUM IN THE SENATE**

The Speaker having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was a Quorum, invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

**a) Visiting delegation from the Parliament of Namibia**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Parliament of Namibia. The delegation comprises Members and Parliamentary Officers of the Standing Committee on Implementation and co-ordination who are on a benchmarking visit with the counterpart Committee in the Senate.

Honourable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

- |                                |                           |
|--------------------------------|---------------------------|
| 1. Hon. Victoria M. Kauma, MP  | Leader of the Delegation. |
| 2. Hon. John Likando, MP       | Member                    |
| 3. Hon. Peter Kazongominja, MP | Member                    |
| 4. Hon. Melania Ndjago, MP     | Member                    |
| 5. Hon. Hans Nambodi, MP       | Member                    |

6. Hon. Alfeus K. Abraham, MP	Member
7. Hon. Olivia T. Hanghuwo, MP	Member
8. Mr. Barney Karuuombe	Parliamentary Officer
9. Ms. Moono Matengu	Parliamentary Officer
10. Mr. Bernard Mwira	Parliamentary Officer

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.”

**b) Visiting delegation from the County Assembly of Makueni**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from the County Assembly of Makueni. The delegation comprises staff of the County Assembly of Makueni who are in the Senate on a one-week training of Committee Clerks.

Honourable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

1. Mr. Thomas Ndambuki	Assistant Director, Legislative and Procedural Services
2. Mr. Julius Nzau	Principal Clerk Assistant
3. Mr. William Onyango	Principal Research Officer
4. Mr. Peter Wanzia	Senior Clerk Assistant

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.”

**c) Visiting delegation of representatives from Unions, Associations and Societies in the Health Sector**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation of Representatives from Unions, Associations and Societies in the Health Sector. They are in the Senate as guests of the Senator for Nandi County, Sen. Samson Cherarkey, MP.

Honourable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

They are:-

- |                          |                          |
|--------------------------|--------------------------|
| 1. Mr. Kipkorir Kirui    | Public Health Officer    |
| 2. Mr. Samburum Derrick  | Clinical Officer         |
| 3. Mr. Bashir Ali        | Clinical Officer         |
| 4. Ms. Lavender Kibitisu | Clinical Officer         |
| 5. Mr. Abdifatah Musa    | Clinical Officer         |
| 6. Mr. Desmond Wafula    | Community Health Officer |
| 7. Mr. Lawrence Kariuki  | Nurse                    |
| 8. Mr. Innocent Situma   | Nurse                    |
| 9. Ms. Lilian Mumina     | Nutritionist             |

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you.”

**d) Visiting delegation from Riara Group of Schools in Nairobi County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, a visiting delegation of Class Eight (8) pupils from Riara Group of Schools in Nairobi County. The delegation comprises six (6) teachers and eight three (83) pupils who are in the Senate for a one- day study visit.

Honourable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

**e) Visiting delegation from the Homa Bay County Assembly**

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a delegation from the Homa Bay County Assembly comprising Members of the Committee on Welfare and its Secretariat. The delegation is undertaking a five (5) day benchmarking visit in the Senate.

“Honourable Senators,

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

1. Hon. Dorine Oyugi	Chairperson
2. Hon. Kasera Sylvance Wanjala	Vice-Chairperson
3. Hon. Odhiambo Billy Noah	Member
4. Hon. Otieno Evalyne	Member
5. Hon. Oloo David Odhiambo	Member
6. Hon. Molo Reuben Odhiambo	Member
7. Hon. Odock Paul Owade	Member
8. Hon. Hon. Lentana Adoto Apopo	Member
9. Hon. Nancy Anyango	Member, Speaker’s Panel
10. Mr. Amos Nyandege	Committee Clerk
11. Ms. Damarice Ochele	Committee Clerk
12. Ms. Mercy Kaula	Hansard Reporter
13. Mr. Calvince Wambalo	Serjeant- At- Arms

Honorable Senators,

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the delegation and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

#### 5. **PETITION TO THE SENATE**

Pursuant to Standing Order 236(2)(a), the Senator for Nandi County (Sen. Samson Cherarkey, MP) presented a Petition on behalf of representatives of the Kenya Medical Practitioners and Dentists Union (KMPDU) and other duly registered health sector unions, associations and societies, concerning unfair terms and conditions of service, and delay in internship posting for staff under the Universal Health Coverage (UHC) programme.

Pursuant to Standing Order 237, the Speaker invited Senators to make comments, observations or seek clarification in relation to the Petition and, subsequently, committed it to the Standing Committee on Labour and Social welfare, pursuant to Standing Order 238(1).

#### 6. **PAPERS**

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

- i.) Report of the Auditor General on financial statement of the Machakos County Executive Committee and Chief Officer’s Car Loan and Mortgage Scheme for the year ended 30<sup>th</sup> June, 2022.

- ii.) Report of the Auditor General on financial statement of the Makueni County Youth, Men, Women, Persons with Disabilities and Table Banking Groups Empowerment Fund for the year ended 30<sup>th</sup> June, 2022.
- iii.) Report of the Auditor General on financial statement of the Kitui County Assembly Service Board Employees' Car & Mortgage Fund for the year ended 30<sup>th</sup> June, 2022.
- iv.) Report of the Auditor General on financial statement of the Bomet County Assembly Car Loan and Mortgage Scheme for the year ended 30<sup>th</sup> June, 2022.

*(Sen. Mariam Sheikh Omar, MP, on behalf of the Senate Majority Leader)*

7. **NOTICE OF MOTION – ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO POLICE BRUTALITY, ARBITRARY ARREST AND EXCESSIVE USE OF FORCE BY THE POLICE DURING DEMONSTRATIONS HELD ON MONDAY 20<sup>TH</sup> MARCH, 2023**

Raising a point of order, the Senator for Kilifi County (Sen. Justice (Rtd.) Stewart Madzayo, MP), sought leave to move a Motion for the adjournment of the Senate to discuss a definite matter of urgent national importance, pursuant to Standing Order 37, namely, police brutality, arbitrary arrest and excessive use of force by the police during demonstrations held on Monday 20<sup>th</sup> March, 2023.

And there being the requisite number of Senators rising in support of the claim;

Thereupon, the Speaker nominated thirty minutes past five o'clock as the time when the Motion would be moved.

8. **NOTICE OF 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.

9. **NOTICE OF 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. **STATEMENT PURSUANT TO STANDING ORDER 52 (1)**

The Senator for Nandi County (Sen. Samson Cherarkey, MP) made a statement on the destruction and loss of lives caused by Tropical Cyclone Freddy, in the southern part of Africa.

Thereupon, the Senator highlighted cyclone Freddy was a catastrophic and long-lasting cyclone that had taken a long time to dissipate and had torn through the southern part of Africa namely; Malawi, Mozambique, Zimbabwe, Madagascar and Mauritius. The Senator lauded the bravery and unwavering efforts of the first responders, emergency personnel, and volunteers who had been

working around the clock to rescue and assist those affected by the devastating effects of the cyclone.

The Senator urged that African countries must address the underlying causes of climate change and work toward a sustainable future for our planet. He called for appropriate mitigating measures to be put in place as this was not the first time and the last time for such extreme weather occurrences as a result of climate change. In so doing, the Senator also encouraged the global community to also work towards a better future for the younger generation.

11. **THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 3 OF 2023)**

(Sen. Moses Kajwang', MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Devolution and Intergovernmental Relations.

12. **THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**

(Sen. Crystal Asige, MP)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

13. **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**

(The Chairperson, Standing Committee on Labour and Social Welfare)

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Labour and Social Welfare.

14. **THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**

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

Order for First Reading read;

Bill read a First Time and committed to the Standing Committee on Education.

15. **MOTION - ADOPTION OF THE FIFTH REPORT OF THE PROCEDURE AND RULES COMMITTEE (PRC) ON THE REVIEW OF THE STANDING ORDERS OF THE SENATE**

Order read;

Motion made and Question Proposed;

THAT, pursuant to Standing Orders 267 and 270, the Senate approves the Fifth Report of the Procedure and Rules Committee on periodic amendments to the Standing Orders of the Senate, laid on the Table of the Senate, on Tuesday 21<sup>st</sup> March, 2023, and pursuant to the provisions of Article 124 (1) of the Constitution and Standing Orders 270 and 272-

- (i) Resolves to amend its Standing Orders as contained in Appendix 2 to the Report; and
- (ii) Orders that the amendments to the Standing Orders as contained in Appendix 2 to the Report come into effect on the 11<sup>th</sup> April, 2023.

*(The Senate Majority Leader, on behalf of the Vice-Chairperson,  
Procedure and Rules Committee)*

Debate arising;

And the time being thirty two minutes past five O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the debate.

16. **ADJOURNMENT OF THE SENATE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE RELATING TO POLICE BRUTALITY, ARBITRARY ARREST AND EXCESSIVE USE OF FORCE BY THE POLICE DURING DEMONSTRATIONS HELD ON MONDAY 20<sup>TH</sup> MARCH, 2023**

Motion made and Question proposed:-

THAT, pursuant to Standing Order 37, the Senate do now adjourn to discuss a definite matter of urgent national importance, namely, the police brutality arbitrary arrest and excessive use of force by the police during the demonstrations on Monday 20<sup>th</sup> March, 2023.

*(Sen. Justice (Rtd.) Stewart Madzayo, MP)*

Debate arising;

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Veronica Maina, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

17. **SENATE ROSE** – at thirty minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, March 23, 2023 at 2:30 p.m.*