



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MAY 08, 2024 (AFTERNOON SITTING)**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM OF THE SENATE**

The Speaker, having counted the Hon. Senators present at the commencement of the Sitting and confirming that there was no Quorum, directed that the Bell be rung for ten minutes, pursuant to Standing Order 40;

And there being a Quorum before the expiry of the ten minutes;

The Speaker invited the Clerk to call the Orders of the Day.

4. **MESSAGES**

The Speaker conveyed the following Messages from the National Assembly: -

- i.) **Decision of the National Assembly on the Senate amendments to the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023)**

“Honourable Senators,

I wish to report to the Senate that I have, pursuant to Standing Order 46(3), received the following Message from the Speaker of the National Assembly regarding the decision of the National Assembly on the Senate amendments to the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023).

The Message, dated Friday, 3<sup>rd</sup> May, 2024, was received in the Office of the Clerk of the Senate on Tuesday, 7<sup>th</sup> May, 2024.

Pursuant to the Standing Order 46(4), I now report the Message –

*“PURSUANT to the provisions of Standing Order 41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly: -*

*WHEREAS, on Wednesday, 23<sup>rd</sup> August, 2023, the National Assembly passed the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023) with amendments, and thereafter referred the Bill to the Senate for consideration in accordance with Article 110(4) of the Constitution;*

*AND WHEREAS, on Thursday, 7<sup>th</sup> March, 2024, the Senate considered and passed the said Bill with further amendments and referred it back to the National Assembly for concurrence;*

*FURTHER WHEREAS, on Tuesday, 30<sup>th</sup> April, 2024, the National Assembly considered and rejected the Senate amendments to the Bill, thereby committing it to a mediation Committee in accordance with the provisions of Article 112(2)(b) of the Constitution;*

*NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41(1) and 148(b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate and seek the appointment of seven (7) Senators to a Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution.”*

Honourable Senators,

Consequent to the said Decision, the Speaker of the National Assembly appointed the following Members of the National Assembly to the Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution: -

- 1) Hon. David Kangogo Bowen, MP;
- 2) Hon. Maisori Kitayama, MP;
- 3) Hon. Stanley Muthama, MP;
- 4) Hon. Dorothy Ikiara, MP;
- 5) Hon. Paul Nzengu, MP;
- 6) Hon. Hussein Weytan Mohamed, MP; and
- 7) Hon. Gertrude Mbeyu, MP.

Honourable Senators,

Pursuant to the provisions of Standing Order 166(2) of the Senate, and in consultation with the Senate Majority Leader and the Senate Minority Leader, I will, at an appropriate time, appoint Senators to the Mediation Committee.

I thank you.”

ii.) **Passage of the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the County Licensing (Uniform Procedures) Bill (Senate Bills No. 9 of 2022).

The Message, dated Friday 3<sup>rd</sup> May, 2024, was received in the Office of the Clerk of the Senate on Tuesday, 7<sup>th</sup> May, 2024.

Pursuant to the said Standing Order, I now report the Message: -

*“PURSUANT to the provisions of Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS, the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) was passed by the Senate on Wednesday, 21<sup>st</sup> February, 2024 with amendments and referred to the National Assembly for consideration;*

*AND WHEREAS, the National Assembly, considered and passed the said Bill on Thursday, 2<sup>nd</sup> May, 2024, with further amendments as contained in the Schedule of Amendments attached herewith;*

*NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”*

Honourable Senators,

Article 112 (1) (b) of the Constitution provides that *if one House passes an ordinary Bill concerning counties and the second House passes the Bill in an amended form, it shall be referred back to the originating House for reconsideration.*

Honourable Senators,

In this regard, I direct the Standing Committee on Trade, Industrialization and Tourism to deliberate on the National Assembly amendments and report to the Senate. Further, pursuant to Standing Order 165 (1) of the Senate

Standing Orders, I direct that the National Assembly amendments to the *County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022)* be circulated to all Senators. At an appointed time, the Senate Business Committee will schedule the consideration of the amendments in a Committee of the Whole.

The House is accordingly guided.

I thank you.”

iii.) **Passage of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (4), I received the following Message from the Speaker of the National Assembly regarding the Passage of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024).

The Message, dated Friday, 3<sup>rd</sup> May, 2024, was received in the Office of the Clerk of the Senate on Tuesday, 7<sup>th</sup> May, 2024.

Pursuant to the said Standing Order, I now report the Message –

*“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –*

*WHEREAS, the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) was published vide Kenya Gazette Supplement No. 46 of 4<sup>th</sup> March 2024 as a Bill seeking to amend the Independent Electoral and Boundaries Commission Act, No. 9 of 2011 to clean up the Act by deleting obsolete provisions and make consequential amendments to give effect to some of the recommendations and views of the public as submitted to the National Dialogue Committee (NADCO) on the Issues of Electoral Justice and Related Matters, and for connected purposes;*

*AND WHEREAS, on 2<sup>nd</sup> May 2024, the National Assembly considered the said Bill and passed it with amendments and in the form attached hereto;*

*NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”*

Honourable Senators,

Pursuant to Standing Order No. 163, which requires that a Bill which originates in the National Assembly be proceeded with in the Senate in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.144.

I direct that the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No. 10 of 2024) be listed in the Order Paper for tomorrow Thursday, 9<sup>th</sup> May, 2024 for First Reading.

I thank you.”

5. **PAPERS LAID**

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

- i.) Report of the Standing Committee on Land, Environment and Natural Resources on its consideration of the National Rating Bill (National Assembly Bills No. 55 of 2022).

*(The Senate Deputy Majority Whip on behalf of the Chairperson,  
Standing Committee on Land, Environment and Natural Resources)*

- ii.) Report of the Standing Committee on Health on its consideration of the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023).

*(The Chairperson, Standing Committee on Health)*

6. **QUESTIONS AND STATEMENTS**

**a) Statement pursuant to Standing Order 52 (1)**

- i.) Nominated Senator (Sen. (Prof.) Margaret Kamar, MP) made a statement on a matter of general topical concern regarding the working session on advancing free movement in Africa organised by the Economic, Social and Cultural Council (ECOSOCC), in collaboration with the Pan-African Parliament (PAP).

Thereupon, the Senator informed the Senate that ECOSOCC-PAP Working Session was held in Victoria, Seychelles. It focused on enhancing understanding and support for the ratification of the Free Movement of Persons (FMP) Protocol through parliamentary engagement. Furthermore, it aimed to build knowledge, assess key

issues, and formulate actionable strategies for mobilizing support for the Free Movement of Persons Protocol.

The Senator also informed the Senate that Kenya had been an active player in Africa's economic integration initiatives and had ratified and deposited instruments for the ratification of the African Continental Free Trade Area (AfCFTA). Additionally, the AfCFTA, while recognizing that free movement of persons is essential for achieving its broader goals of economic integration, prosperity and poverty reduction in Africa, the African Union Commission (AUC) developed the Protocol to the Treaty establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right to Establishment as a key instrument within the AfCFTA. She stated that this Protocol provides guidelines for facilitating the free movement of people across African Countries.

The Senator further informed the Senate that the ECOSOCC-PAP Working Session was pivotal in advancing the discourse on free movement in Africa. The session achieved its objective of enhancing understanding and support for the FMP Protocol, identifying barriers to ratification and implementation of the Protocol, and formulating a comprehensive action plan that recognized the collaborative efforts of parliamentarians, ECOSOCC and other stakeholders in setting a strong foundation for future endeavours in achieving the goal of free movement across Africa.

- ii.) The Senator for Nakuru county (Sen. Tabitha Karanja Keroche, MP) made a statement regarding the status of the Mai Mahiu flood disaster that claimed the lives of more than fifty-two (52) people.

Thereupon, the Senator informed the Senate that on Monday, 29<sup>th</sup> April 2024, in Mai Mahiu, a gully that had built up over time burst out owing to the heavy downpour, causing loss of lives and destruction of property. The Senator likened the tragedy to that of the Solai dam.

The Senator also informed the Senate that speedy investigations into the tragedy and an assessment of the safety of the country's dams ought to be conducted.

The Senator further thanked the Kenya Defense Forces, Kenya Red Cross, the County Government of Nakuru and the Ministry of Interior for setting up temporary Huduma centers in order to assist the victims of the Mai Mahiu affected by the tragedy. The Senator further called upon all Senators to visit the victims on Friday, 10<sup>th</sup> May 2024, so as to offer support to the victims and also thanked

His Excellency the President for visiting the victims and for declaring Friday, 10<sup>th</sup> May, 2024, a public holiday in honour of the victims.

**b) Requests for Statement pursuant to Standing Order 53 (1)**

- i.) Request for Statement by the Senator for Embu County (Sen. Alexander Mundigi, MP) from the Standing Committee on Energy regarding the conversion of the seven-forks hydro-electric power dams in Embu County from single-use to multi-purpose dams was dropped in the absence of the Senator.
- ii.) Request for Statement by Nominated Senator (Sen. Miraj Abdillahi, MP) from the Standing Committee on Education regarding the management of Shimo La Tewa High School in Mombasa County was dropped in the absence of the Senator.
- iii.) Request for Statement by the Senator for Marsabit County (Sen. Mohamed Chute, MP) from the Standing Committee on Information, Communication and Technology regarding the loss of Free-To-Air (FTA) signal for licensed broadcast signal distributors in Kenya was dropped in the absence of the Senator.

**c) Statements pursuant to Standing Order 56(1) (a)**

- i.) The Chairperson, Standing Committee on Health made a Statement relating to a matter for which the committee is responsible, namely; the health workers' strike.

Thereupon, the Chairperson informed the House that the Council of Governors had noted a significant increase in healthcare workers in county health facilities since 2013. Furthermore, he stated that the health workers' strike had been initiated by the Kenya Medical Practitioners and Dentists Union (KMPDU), Kenya Union of Clinical Officers (KUCO), and Kenya National Union of Medical Laboratory Officers.

The Chairperson reported that the grievances by the health workers included issues such as intern placement and remuneration, medical cover, involvement in healthcare initiatives, delayed promotions, salary arrears and career development support.

The Committee urged the Chairperson of the Standing Committee on Labour to speedily and urgently address the various labour-related issues that led to the strike and appealed to various government departments and agencies involved, as well as the

unions, to negotiate in good faith and with utmost speed to alleviate the death and suffering of ordinary Kenyans that have arisen from the strike.

- ii.) The Chairperson, Standing Committee on Health made a Statement relating to a matter for which the committee is responsible, namely; reports of unethical transplant activities at Mediheal Hospital, Eldoret.

Thereupon, the Chairperson informed the Senate that the Kenya Renal Association had drawn attention to the troubling reports of the commercialization of transplants and transplant tourism at the Mediheal hospital. Allegations included the sale of kidneys from vulnerable donors and the importation of patients for transplantation, both of which were clear violations of the Health Act of 2017.

The Chairperson reported that while the Kenya Renal Association specifically mentioned Mediheal Hospital, it was acknowledged that illegal organ trafficking was not confined to a single institution but represented a broader, complex issue requiring comprehensive investigation and action.

The Committee assured the Senate that it was scrutinizing the matter and intended to engage various stakeholders, including the Ministry of Health, the Kenya Medical Practitioners and Dentists Council, the Kenya Tissue and Transplant Authority, and affected communities. The Chairperson also urged the Chairperson of the Standing Committee on National Security, Defence, and Foreign Relations to involve all necessary government agencies and departments in halting these criminal activities without delay.

- iii.) The Chairperson, Standing Committee on Health made a Statement relating to a matter for which the committee is responsible, namely; reports of the toxic Benylin Paediatric cough syrup in the Kenyan market.

Thereupon, the Chairperson informed the Senate that Benylin cough syrup is widely used to alleviate cough, chest congestion, hay fever, and other allergic reactions in children between the ages of 2 and 12. Further, on 11<sup>th</sup> April, 2024, the Pharmacy and Poisons Board issued a public alert and announced the recall of Benylin Paediatric 100mls cough syrup (Batch No. 329304). The Chairperson reported that the syrup contained high levels of Diethylene Glycol and Ethylene Glycol, which cause acute toxicity in the body.



The Chairperson noted with concern that the Pharmacy and Poisons Board (PPB) had not detected the issue with the Benylin cough syrup sooner, especially considering its impending expiration in April 2024.

The Chairperson assured the Senate that the Committee would be engaging with the Ministry of Health and the Pharmacy and Poisons Board to gather comprehensive information and establish the facts surrounding the toxic cough syrup.

7. **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)**

(The Senate Majority Leader)

Order for First Reading read;

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

8. **THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)**

(The Senate Majority Leader)

Order for First Reading read;

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

9. **HOJA - KUIDHINISHWA KWA RUZUKU YA MASHARTI KWA UJENZI WA UWANJA WA MANISPAA YA MOMBASA**

Shughuli kusomwa;

Hoja kutolewa na kupendekezwa;

KUFAHAMU KWAMBA Sehemu ya 2 ya Ratiba ya Nne ya Katiba ya Kenya inazipa Serikali za Kaunti jukumu la kuendeleza, kuanzisha, kusimamia na kudumisha vifaa vya michezo na kitamaduni ambavyo ni pamoja na viwanja, viwanja vya michezo, vituo vya kitamaduni, na miundombinu mingine inayohusiana;

IKIKUMBUKWA KUWA ukanda mzima wa Pwani Nchini hauna uwanja wa kisasa uliojengwa kwa viwango vya kimataifa, hivyo kuwanyima wananchi manufaa yanayotokana na viwanja na vifaa vya michezo;

WASIWASI kwamba ujenzi wa uwanja wa michezo wa Manispaa ya Mombasa umekumbwa na ucheleweshaji na vikwazo tangu kuanzishwa kwa mradi huo mwaka wa 2019 kutokana na matatizo ya kifedha, ambayo yameathiri utekelezaji

wa mradi na kunyima jamii eneo hilo uwanja unohitajika sana;

KWA HIVYO SASA Bunge la Seneti linaazimia kwamba Hazina ya Kitaifa na Wizara ya Masuala ya Vijana, Uchumi Ubunifu na Michezo itengee Serikali ya Kaunti ya Mombasa ruzuku ya masharti ya Shilingi bilioni 1.7 kwa ajili ya kukamilisha ujenzi wa Uwanja wa Manispaa ya Mombasa.

Mjadala iliokatizwa tarehe 23 Aprili kuendelezwa;

Na iwapo hakuwa na Seneta mwingine aliyetaka kuchangia;

Seneta mwenye Hoja akajibu.

Akiibua hoja ya utaratibu na kwa mujibu wa Kanuni ya Kudumu ya 66 (3), Mtoa Hoja (Seneta Mohamed Mwinyihaji Faki, Mbunge) alimwomba Spika wa Muda (Seneta Wakili Hillary Sigei, Mbunge) kuahirisha kuamuliwa kwa Hoja hadi siku nyingine;

Naye Spika wa Muda (Seneta Wakili Hillary Sigei, Mbunge) akikubali ombi hilo, akateua Alhamisi, tarehe 09 Mei, 2024 kuwa siku ambayo Hoja itaamuliwa.

10. **THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023) be now read a Second Time.

*(Sen. Beatrice Ogola, MP – 16.04.2024)*

Debate interrupted on Tuesday, 7<sup>th</sup> May, 2024 resumed;

And the time being thirty Minutes past Six O'clock, the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

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

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, May 09, 2024 at 2:30 p.m.*