



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 22, 2018 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. MOTION– PROVISION OF SALARY INCENTIVES AND ADEQUATE DECENT HOUSING FOR POLICE OFFICERS

(The Hon. Omar Mohamed Maalim, M.P.)

THAT, acknowledging that the Kenya Police play a very important role in providing assistance to the public when in need, maintenance of law and order, preservation of peace, protection of life and property, investigation of crimes, collection of criminal intelligence, prevention and detection of crime, apprehension of offenders, enforcement of laws and regulations with which it is charged among other roles as provided for under Section 24 of the National Police Service Act; concerned that many police officers across the Country continue to work under a very difficult environment characterized by among others, inadequate and inhabitable, deplorable and congested living quarters, insufficient tools for work and poor salaries and allowances; further concerned that the difficult working environment for the police offices has often led to frustrations, demotivation and occupational stress among officers with many of them exiting the force in search of other jobs; this House **urges** the National Police Service Commission and the Salaries and Remuneration Commission to provide salary incentives and adequate decent housing for Police Officers.

(Motion as amended)

(Question to be put)

9*. MOTION – REPORT ON GENERAL OPERATIONS AT THE KENYATTA NATIONAL HOSPITAL
(The Chairperson, Departmental Committee on Health)

THAT, this House adopts the Report of the Departmental Committee on Health on the Alleged Sexual Assault, Breakdown of Equipment, Surgical Mix-up and General Operations of Kenyatta National Hospital, laid on the Table of the House on Tuesday, March 20, 2018, pursuant to the provisions of Standing Order 216 (5)(e).

10*. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2017)
(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, March 21, 2018 – Afternoon sitting)

11*. COMMITTEE OF THE WHOLE HOUSE

The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)
(The Leader of the Majority Party)

*** Denotes Orders of the Day**

(No. 20)

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(068)

N O T I C E S

I. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)

Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing (Hon. David Pkosing) intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No.47 of 2017) at the Committee Stage–

ARRANGEMENT OF CLAUSES

THAT, the Arrangement of Clauses be amended in the Second Schedule by deleting the words “NOMINATING BODIES” and substituting therefor the words “PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD.”

CLAUSE 2

THAT, Clause 2 of the Bill be amended–

- (a) by deleting the definition of the words “county roads agency” and substituting therefor the following new definition–

“county roads agency” means a roads agency established by a county government which shall be responsible for the management, development and maintenance of a county road.”; and

- (b) in the definition of the words “Road Fund” by deleting the word “Road”.

CLAUSE 7

THAT, Clause 7 of the Bill be amended be amended in sub-clause (1) by deleting paragraph (h) and substituting therefor the following new paragraph–

“(h) the Engineers Board of Kenya; ”

CLAUSE 10

THAT, Clause 10 of the Bill be amended in the marginal notes by deleting the words “Classification of national trunk and county roads” and substituting therefor the words “Classification of public roads”.

CLAUSE 13

THAT, clause 13 of the Bill be amended in sub-clause (2) by–

- (a) inserting the words “including through public private partnerships” at the end of paragraph (a);

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- (b) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(b);
- (c) inserting the words “Classes S,A and B at the end of paragraph (c);
- (d) inserting the words “and any other regulations under this Act” immediately after the word “Act” appearing in paragraph (d); and
- (e) inserting the following new paragraph immediately after paragraph (d) –

“(da) controlling, operating and managing toll roads under its jurisdiction ;”

- (f) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(f);
- (g) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(g);
- (h) inserting the words “Classes S,A and B at the end of paragraph (h);
- (i) inserting the words “Classes S,A and B at the end of paragraph (i);
- (j) inserting the words “Classes S,A and B at the end of paragraph (j); and
- (k) inserting the words “Classes S,A and B at the end of paragraph (k).

CLAUSE 14

THAT, Clause 14of the Bill be amended –

- (a) in sub-clause (2) by–
- (i) deleting the words “from amongst the members appointed under paragraph (f) appearing in paragraph (a);
- (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
- (iii) deleting sub-paragraphs (ii),(iii)and(v) appearing in paragraph (f); and
- (iv) inserting the following new paragraph immediately after paragraph (f) –
- “ (g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”
- (b) in sub-clause (3) by deleting the word “Authority” and substituting therefor the word “ Board”.
- (c) in sub-clause (4) by deleting the figure “(1)” and substituting therefor the figure “ (2)”.
- (d) in sub-clause (5) by deleting the figure “(1)” and substituting therefor the figure “ (2)”.

CLAUSE 16

THAT, clause 16 of the Bill be amended in sub-clause (2) byinserting the words “including through public private partnerships” at the end of paragraph (a).

CLAUSE 17

THAT Clause 17 of the Bill be amended –

(a) in sub-clause (1) by–

- (i) re-numbering the existing sub-clause (1) as sub-clause (2); and
- (ii) inserting the following new sub-clause (1)–

“(1) There is established the Board of the Kenya National Urban Roads Authority”.

(b) in the proposed new sub-clause (2) by–

- (i) deleting the words “from amongst the members appointed under paragraph (f)” appearing in paragraph (a);
- (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
- (iii) deleting sub-paragraphs (ii),(iii)and(iv) appearing in paragraph (f);
- (iv) deleting the word “Physical” appearing in sub-paragraph (v) of paragraph (f) ;and
- (v) inserting the following new paragraph immediately after paragraph (f) –

“(g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”

(c) in sub-clause (3) by –

- (i) re-numbering the existing sub-clause (2) as sub-clause (3); and
- (ii) deleting the words “Authority” in the proposed new sub-clause (3) and substituting therefor the words “ Board”.

CLAUSE 19

THAT Clause 19 of the Bill be amended –

- (a) by deleting the words “and D” in sub-clause (1) ; and
- (b) in sub-clause (2) by inserting the words “including through public private partnerships” at the end of paragraph (a).

CLAUSE 20

THAT, Clause 20 of the Bill be amended–

(a) in sub-clause (2) by–

- (i) deleting the words “from amongst the members appointed under paragraph (f)” appearing in paragraph (a);
- (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
- (iii) deleting sub-paragraphs (ii),(iii)and(v) appearing in paragraph (f); and
- (iv) inserting the following new paragraph immediately after paragraph (f)
“(g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”

(b) in sub-clause (3) by deleting the word “Authority” and substituting therefor the word “ Board”.

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CLAUSE 22

THAT, Clause 22 of the Bill be amended –

(a) in sub-clause (1) by –

(i) inserting the words “in engineering, accounting, law, survey or management” immediately after the words “degree” appearing in paragraph (a); and

(ii) deleting the words “the relevant field” appearing in paragraph (b) and substituting therefore the words “in engineering, accounting, law, survey or management”..

(b) in sub-clause (2) by inserting the word “or” at the end of paragraph (d).

(c) by deleting sub-clause (3).

CLAUSE 29

THAT, Clause 29 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause–

“(4) The Director-General shall be appointed for a term of four years and may be eligible for re-appointment for one further term of four years.”

CLAUSE 45

THAT, Clause 45 of the Bill be amended in sub-clause (3) by deleting the words “sixty” and substituting therefor the words “thirty”.

CLAUSE 48

THAT, Clause 48 of the Bill be amended –

(a) by inserting the following new sub-clause immediately after sub-clause (1) –

“(1A) An Authority exercising its powers under sub-section (1) shall not be liable to payment of any levies and charges not imposed by the national government”; and

(b) in sub-clause (7) by deleting the words “adequately” and substituting therefor the words “may be adequate”.

CLAUSE 52

THAT, Clause 52 of the Bill be amended in sub-clause (4) by inserting the words “as prescribed by the Cabinet Secretary” at the end of paragraph (b).

CLAUSE 53

THAT, Clause 53 of the Bill be amended in the opening sentence to sub-clause (2) by inserting the words “furniture” immediately after the words “road”.

CLAUSE 54

THAT Clause 54 of the Bill be amended–

(a) by re-numbering the existing Clause (1) as sub-clause (1);

- (b) in the proposed new sub-clause (1) by inserting the words “ bridge or tunnel” immediately after the words “national trunk road”; and
- (c) by inserting the following new sub-clause immediately after the proposed new sub-clause (1)–

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“(2) Subject to sub-section (1),no free alternative shall be provided for any national toll road, bridge or tunnel.”

CLAUSE 56

THAT, Clause 56 of the Bill be amended –

- (a) in sub-clause (2) by inserting the words “designing, constructing, operating” immediately before the words “maintaining” appearing in paragraph (a)”;
- (b) in sub-clause (4) –
 - (i) by deleting paragraph (f) and substituting therefor the following new paragraph–
“(f)the manner in which the proceeds of the charges shall be collected, administered and allocated;”and
 - (ii) by inserting the following new paragraphs immediately after paragraph (f)–
“(fa) the collection of user related charges by a private party under a public private partnership arrangement; and
(fb)the remittance of all collected user charges in a manner prescribed by the Cabinet Secretary responsible for finance.”
- (c) by inserting the following new sub-clause immediately after sub-clause (4) –
“(5)Regulations made under sub-section (4) may prescribe a penalty in respect of any contravention of any provisions thereof.”

CLAUSE 60

THAT, Clause 60 of the Bill be amended by inserting the words “regulations made by” immediately after the words “and”.

CLAUSE 64

THAT Clause 64 of the Bill be amended –

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) in the proposed new sub-clause (1) by inserting the words “and the state department responsible for infrastructure” immediately after the words “Kenya Roads Board”; and
- (c) by inserting the following the new sub-clause immediately after sub-clause (1) –
“(2) The annual roads works programme under sub-section (1)shall not include roads developed or managed under a public private partnership agreement.”

CLAUSE 65

THAT, Clause 65 of the Bill be amended in sub-clause (1) by inserting the words “including road projects intended to be developed through public private partnerships” immediately after the words “road investment program”.

CLAUSE 66

THAT, Clause 66 of the Bill be amended by deleting the word “the” and substituting therefor the word “financial”.

CLAUSE 67

THAT, Clause 67 be amended—

(a) by re-numbering the existing Clause (1) as sub-clause (1);

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(b) by inserting the following new sub-clause immediately after the proposed new sub-clause (1) —

“(2) Despite sub-section (1), under a public private partnership arrangement, the terms of the project agreement shall prevail.”

CLAUSE 68

THAT, Clause 68 of the Bill be amended by deleting the words “section 45” and substituting therefor the words “section 67”.

CLAUSE 69

THAT, Clause 69 of the Bill be amended by deleting the words “section 55” and substituting therefor the words “section 54”.

CLAUSE 71

THAT, Clause 71 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) —

“(3A) Despite sub-section (3), any agreement entered into by an Authority relating to programmes financed by the Fund shall be made in consultation with the Kenya Roads Board.”

CLAUSE 72

THAT, Clause 72 of the Bill be amended by inserting the words “Subject to approval by the Cabinet Secretary” at the beginning of the Clause.

CLAUSE 73

THAT, Clause 73 of the Bill be amended in sub-clause (1) by inserting the words “Subject to approval by the Cabinet Secretary” at the beginning.

CLAUSE 75

THAT, Clause 75 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) A county government shall obtain the respective Authority’s written approval if it intends to carry out road works on a county road or make changes to the management of a county road where the works or changes would—

(a) require the carrying out of road works on a national trunk road;

(b) otherwise have a significant adverse impact on a national trunk road; or

(c) have a significant impact on the planning of a national trunk road or a future national trunk road.

(b) in sub-clause (9) by deleting the words “chief executive” and substituting therefor the words “Director General”.

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CLAUSE 78

THAT, Clause 78 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority’s”;
- (b) in sub-clause (2) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”;
- (c) in sub-clause (3) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”;
- (d) in sub-clause (4) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”; and
- (e) in sub-clause (5) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”.

CLAUSE 79

THAT Clause 79 of the Bill be amended in the opening sentence to sub-clause (1) by inserting the word “furniture” immediately after the word “road”.

CLAUSE 101

THAT, Clause 101 of the Bill be amended by deleting the words “being either a department or division”.

CLAUSE 102

THAT, Clause 102 of the Bill be amended –

- (a) in sub-clause (2) by –
 - (i) deleting the word “and” appearing immediately after the words ‘Kenya National Highways Authority’; and
 - (ii) inserting the words “ and the Kenya National Urban Roads Authority” at the end.

- (b) in sub-clause (5) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d)the annual estimates of the former Kenya National Highways Authority, Kenya Urban Roads Authority and Kenya Rural Roads Authority for the financial year in which this Act commences shall be deemed to be the annual estimates of the Kenya National Highways Authority under this Act and the annual estimates of the former Kenya Urban Roads Authority shall be deemed to be the annual estimates of the Kenya National Urban Roads Authority and the annual estimates of the former Kenya Rural Roads Authority shall be deemed to be the annual estimates of the Kenya National Secondary Roads Authority for the remainder of that financial year.”

FIRST SCHEDULE

THAT the First Schedule of the Bill be amended—

- (a) in Part A, by deleting the classification of Secondary National Trunk Roads and substituting therefor the following new classification—

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**Secondary
National
Trunk Roads**

Class C

Roads forming important regional routes, linking County headquarters or other regionally important centers, constituency headquarters, Municipal or Town Council Centres and other towns to each other and to Class A or B roads. Required to collect regional and local traffic and channel it to class A and B roads; and

- (b) in Part B, by inserting the following new classification at the beginning—

Class D

Roads meant to collect traffic from lower class roads and channel it to the higher class roads. They are required to provide lower level of services than arterial roads at lower permissible speed over shorter distances with limited access control. Meant to collect traffic from lower roads and connect it with Class C roads.

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended in the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999, as follows—

- (a) in paragraph (2) by deleting the words “Thirty (30%)” and substituting therefor the words “twenty eight (28%);
- (b) by deleting paragraph (4) and substituting therefor the following new paragraph—
“(4) Sixteen (16%) per centum is allocated to the county governments equally as conditional grants in respect of county roads;”and
- (c) in paragraph (6) by –
- (i) deleting the words “six (6) per centum” and substituting therefor the words “seven (7%) per centum; and
- (ii) inserting the words “and training” immediately after the word “development” appearing in sub-paragraph (a).

THAT, the Third Schedule to the Bill be amended in the proposed amendment to section 6(2)(l) of the Kenya Roads Board Act No.7 of 1999 by inserting the following new paragraph immediately after paragraph (k) –

“(ka) every five years conduct an inventory and condition survey of all public roads and advise the Cabinet Secretary.”

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(076)

THAT, the Third Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 17A of the Kenya Roads Board Act No.7 of 1999 –

Insert the following—

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“(1) The Board may withhold funds of any road agency or county government that fails to comply with the public road standards prescribed by the Cabinet Secretary.”

The House resolved on Wednesday, February 14, 2018 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
 - II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
 - III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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NOTICE PAPER

Tentative business for
Tuesday, March 27, 2018

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Tuesday, March 27, 2018:-

A. MOTION - APPOINTMENT OF MEMBERS TO THE PAN-
AFRICAN PARLIAMENT
(The Leader of the Majority Party)

B. COMMITTEE OF THE WHOLE HOUSE

The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)
(The Leader of the Majority Party)

C. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY
BILL NO. 36 OF 2017)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, March 22, 2018)