



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, NOVEMBER 6, 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. Questions and Statements

- 8*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)**
(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018).

(Question to be put and Third Reading)

- 9*. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**
(The Leader of the Majority Party)

Second Reading

- 10*. **THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)**
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

11*. THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)

(The Leader of the Majority Party)

Second Reading

12*. COMMITTEE OF THE WHOLE HOUSE

The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017)
(The Leader of the Majority Party)

13* THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)

(The Leader of the Majority Party)

Second Reading

14*. THE COUNTY GOVERNMENTS (AMENDMENT)(No.2) BILL (SENATE BILL NO. 7 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

15*. THE NATIONAL FLAGS, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

16*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)

(The Leader of the Majority Party)

Second Reading

17*. MOTION – REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR THE POLITICAL PARTIES FUND FOR THE YEAR ENDED JUNE, 2017

(The Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the First Report of the Special Funds Accounts Committee on Audited Financial Statements for the Political Parties Fund for the year ended June, 2017, laid on the Table of the House on Wednesday, August 29, 2018.

* Denotes Orders of the Day

N O T I C E S

I. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)

1. Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017) at the Committee Stage—

CLAUSE 10

THAT, the Bill be amended in Clause 10 in the proposed new clause 13A by inserting the words “within two years from the date of commencement of this section” immediately before the words “through a competitive process” appearing in sub-clause (1).

CLAUSE 18

THAT, the Bill be amended in Clause18 in the proposed new clause 31B by inserting the words “within two years from the date of commencement of this section” immediately before the words “be appointed” appearing in sub-clause (1).

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 18-

Amendment of section 49 of the principal Act.

18A.Section 49 of the principal Act is amended by inserting the following new sections immediately after section 49-

Establishment of the Fund.

49A. (1) There is established a Fund to be known as the National Urban Development Fund.

(2) The Fund shall be applied for the purposes of improving the enabling environment for sustainable and inclusive urban development and to enhance infrastructural service delivery in urban areas including-

- (a) urban and metropolitan infrastructure, upgrading informal settlements ,urban regeneration and other human settlements ;
- (b) high priority capital expenditure projects in urban areas including storm water, solid waste landfills, and urban planning and development;
- (c) development and maintenance of a national urban observatory;

(No. 101) TUESDAY, NOVEMBER 6, 2018 (1430)

- (d) providing county governments with capacity development support in urban planning, management, and development of urban areas;
- (e) urban disaster risk mitigation and human settlement safety including urban resilience to climate change and urban integrated flood protection;
- (f) research, documentation and dissemination of information on the state of urbanization in Kenya;
- (g) management and administration of towns and municipalities that cut across two counties; and
- (h) any other purpose that would enhance the development and promotion of urban development programmes that may be determined by the Directorate of Urban Development and Management.

(2) The Fund shall complement donor funding for urban development programmes.

(3) The Fund may be used to provide conditional grants to the county governments.

Sources of the Fund.

49B. The sources of the Fund shall be—

- (a) such monies as may be appropriated by the National Assembly for the purposes of urban development;
- (b) any funds provided by bilateral or multilateral donors, for the purposes of the Fund;
- (c) gifts, grants, donations or endowments as may be given to the Fund; and
- (d) monies borrowed by the National Treasury for the purposes of the Fund.

Administration of the Fund.

No.18 of 2012.

49C. The Fund shall be administered in accordance with the provisions relating to public funds under the Public Finance Management Act, 2012.

Amendment of section 60 of the principal Act.

18B. Section 60 of the principal Act is amended by inserting the following new section immediately after section 60-

Designated towns and county headquarters.

61. (1) All towns which are designated and gazetted as county headquarters shall be conferred the status of municipalities by the county governor.

(No. 101) TUESDAY, NOVEMBER 6, 2018 (1431)

(2) All towns which have a population of between fifty thousand and two hundred and forty-nine thousand, nine hundred and ninety-nine residents according to the final *gazette* results of the latest population census carried out by an institution authorized under any written law shall be conferred the status of municipalities by the county governor.

(3) All towns with a population of between ten thousand to forty nine thousand, nine hundred and ninety-nine residents according to the final *gazette* results of the latest population census carried out by an institution authorized under any written law shall be conferred the status of a town by a town committee.

(4) Notwithstanding the provisions of subsections (1), (2) and (3), the national government in consultation with the Council of Governors may appoint a multi-disciplinary committee to manage all cross-county urban areas and cities which do not meet the set criteria.

(Subject to Article 114 of the Constitution)

2. Notice is given that the Hon. Godfrey Osotsi (Nominated) intends to move the following amendments to the Urban Areas and Cities (Amendment) Bill at the Committee Stage—

CLAUSE 4A

THAT, clause 4A of the Bill be amended in sub clause(3) by inserting the words “ not being a member of the Independent Electoral and Boundaries Commission” immediately after the word “ Commission” in paragraph (a);

CLAUSE 5

THAT, clause 5 of the Bill be amended by—

(a) inserting the following new paragraph immediately before paragraph (a)—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph (a) —

“(a) either has—

(i) a population of at least two hundred and fifty thousand residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law, preceding the application for grant of city status; or

- (ii) has the capacity to effectively and efficiently provide specialised or unique essential services to its residents and visitors including but not limited to services relating to high technology, innovation, diplomacy, health, manufacturing, finance, banking, tourism or such other specialised services as may be approved by the adhoc-committee under section 8 of this Act; "

(b) renumbering the existing paragraph (a) of clause 5 as (aa)

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended under the heading marked "City" by inserting the following new services after the service "Organised Public Transport"

—

"Information, Communication and Technology services"
"Telecommunication services"

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

- II. **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.
- 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** shall 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 shall 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.
- IV. **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, shall 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER I

Tentative business for

Wednesday (Morning), November 07, 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 Wednesday (Morning), November 07, 2018:-

A. MOTION– ESTABLISHMENT OF POLICY GUIDELINES ON LAND FOR EXPANSION OF PUBLIC SCHOOLS AND A FUND FOR ACQUISITION OF SUCH LAND

(The Hon. Caleb Kositany, M.P.)

(Question to be put)

B. MOTION– ESTABLISHMENT OF APPRENTICE TESTING AND CERTIFICATION CENTRES IN CONSTITUENCIES

(The Hon. Charles Njagua Kanyi, M.P.)

(Resumption of debate interrupted on Wednesday, October 24, 2018)

(Balance of time – 37 minutes)

C. MOTION– STRENGTHENING OF REHABILITATION SCHOOLS IN THE COUNTRY

(The Hon. Benjamin Jomo Washiali, M.P.)

D. THE COUNTY PENSION SCHEME BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2017)

(The Hon. Muriuki Njagagua, M.P.)

Second Reading

...../Notice Paper II

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), November 07, 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 Wednesday (Afternoon), November 07, 2018:-

A. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

B. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

C. THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

D. COMMITTEE OF THE WHOLE HOUSE

The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017)
(The Leader of the Majority Party)

(If not concluded on Tuesday, November 06, 2018)

E. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

F. THE COUNTY GOVERNMENTS (AMENDMENT)(No.2) BILL (SENATE BILL NO. 7 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

G. THE NATIONAL FLAGS, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

H. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, November 06, 2018)

I. MOTION – REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR THE POLITICAL PARTIES FUND FOR THE YEAR ENDED JUNE, 2017

(The Chairperson, Special Funds Accounts Committee)

(If not concluded on Tuesday, November 06, 2018)

APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No.

105/2018 The Member for Lafey Constituency (Hon. Abdi Mude Ibrahim, MP) to ask the Cabinet Secretary for Education: -

Could the National Government consider recruiting more teachers from Counties in the North Eastern region to ease the shortage of teachers being experienced in schools in the region?

(To be replied before the Departmental Committee on Education & Research)

110/2018 The Member for Wundanyi Constituency (Hon. Danson Mwashako, MP) to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs: -

- a) When will the Ministry make payments to Technical Vocational Education and Training Institutions (TVETs) for the training of National Youth Service recruits that are referred to undertake specialized courses?
- b) Could the Cabinet Secretary provide a list of all TVETs who have not been paid the said funds to date and amount owed to each institution?
- c) What measures is the Ministry putting in place to ensure that the payments to the said institutions are not delayed further to ensure that the running of these institutions is not adversely affected as a result of debts?

(To be replied before the Departmental Committee on Labour and Social Welfare)

115/2018 The Member for Bonchari Constituency (Hon. John Oroo Oyioka, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -

What is the construction status of Suneka airstrip in Kisii County?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

116/2018

The Member for Kathiani Constituency (Hon. Robert Mbui, MP) to ask the Cabinet Secretary for Education: -

- a) How will the recently introduced education curriculum, 2-6-3-3-3 be implemented?
- b) How prepared is the Ministry to address challenges that may arise during implementation of the curriculum such as challenges facing the grade 3 pupils transitioning to grade 4?
- c) What informed the Ministry's decision to end parents' visiting days in boarding schools, and mid-term breaks during the third term of the school calendar?

(To be replied before the Departmental Committee on Education & Research)

117/2018

The Member for Kajiado North Constituency (Hon Joseph M. Manje, MP) to ask the Cabinet Secretary for Agriculture and Livestock: -

- a) Is the Cabinet Secretary aware that the slow inspection of fertilizer for flower farming at the port of Mombasa has resulted in huge shortage and increase of prices in the market and that this has negatively affected flower farming activities?
- b) What measures has the Ministry putting in place to ensure that fertilizer is available to flower farmers within the time required?

(To be replied before the Departmental Committee on Agriculture and Livestock)

118/2018

The Member for Westlands Constituency (Hon. Timothy Wanyonyi, MP) to ask the Cabinet Secretary for Education: -

- a) Could the Cabinet Secretary confirm whether the free primary education program is still in place?
- b) If so, could she explain why some public primary schools are still charging admission fees as well as fees for other school activities?

(To be replied before the Departmental Committee on Education & Research)

119/2018

The Member for Westlands Constituency (Hon. Timothy Wanyonyi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- a) Could the Cabinet Secretary explain why the construction Northern By-pass Road stalled? and
- b) When is the construction work expected to resume, and when is it expected to be completed?

(To be replied before the Departmental Committee on Transport, Public Works & Housing)

123/2018

The Member for Makueni Constituency (Hon. Daniel Maanzo, MP) to ask the Cabinet Secretary for Education: -

- a) How will the recently introduced new curriculum, 2-6-3-3-3 will be implemented?
- b) What is the status of implementation and preparedness by the Ministry in ensuring smooth rolling out of the new curriculum in terms of teacher trainings, technologies such as the National Education Management Information System (NEMIS) and availability of books and other learning materials?
- c) Was the new curriculum subjected to the public participation, scrutiny and approval by relevant stakeholders?

(To be replied before the Departmental Committee on Education & Research)
