

Twelfth Parliament



Third Session
Morning Sitting

(No. 116)

(2492)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, DECEMBER 04, 2019 AT 9.30 A.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* . PROCEDURAL MOTION– EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

(The Leader of the Majority Party)

THAT, this House orders that the business appearing as **Order Nos. 15, 16, 17 & 18** be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

9* . THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)

(The Hon. Kassait Kamket, M.P.)

Second Reading

(Question to be put)

10* . THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2019)

(The Hon. Joyce Emanikor, M.P.)

Second Reading

(Question to be put)

...../11*

11*. MOTION - REGISTRATION OF FARMERS AND FORMATION OF AGRI-BUSINESS ENTITIES FOR IMPROVED BENEFITS AND SUSTAINABLE FOOD AND NUTRITIONAL SECURITY

(The Hon. (Dr.) John Mutunga, M.P.)

THAT, aware that farmers in Kenya are least organized into Associations, following the collapse of the Agricultural Cooperatives; further aware that, the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organizations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organize farmers is through their organizations; appreciating that the best suited organization to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organized farmers, farming will be more beneficial in terms of volumes, lowered cost of production and improving organized raw material supply to industry; realizing that organizing farmers into Agri-business entities is a costly undertaking which calls for Government support, and acknowledging that through organized production systems, the country will achieve the Big 4 Agenda faster and also create more and better jobs in the Agricultural Value Chains; this **House urges** the Government to facilitate and support the Kenya National Farmers' Federation to mobilize and organize the registration of farmers into preferred entities and manage national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

(Question to be put)

12*. THE LAW OF SUCCESSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 75 OF 2019)

(The Hon. Peter Kaluma, M.P.)

First Reading

13*. THE CONSTITUTION OF KENYA (AMENDMENT) (No.6) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2019)

(The Hon. Vincent Mogaka, M.P.)

First Reading

14*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No.4) BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2019)

(The Hon. Samuel Atandi, M.P.)

First Reading

...../15*

15*. MOTION - APPROVAL OF A NOMINEE FOR APPOINTMENT AS THE CONTROLLER OF BUDGET

(The Chairperson, Departmental Committee on Finance & National Planning)

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the *Vetting of the Nominee for Approval as the Controller of Budget, laid on the Table of the House on Tuesday, December 3, 2019*, and pursuant to the provisions of Article 228(1) of the Constitution, section 4(10) of the Controller of Budget Act, 2016 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 this House **approves** the appointment of **Dr. Margaret Nyang'ate Nyakang'o** as the Controller of Budget.

16*. COMMITTEE OF THE WHOLE HOUSE

The Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 81 of 2019)

(The Chairperson, Budget and Appropriations Committee)

17*. MOTION - APPROVAL OF NOMINEE FOR APPOINTMENT AS A REPRESENTATIVE OF THE PARLIAMENTARY SERVICE COMMISSION TO THE SALARIES & REMUNERATION COMMISSION

(The Chairperson, Departmental Committee on Finance & National Planning)

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the *Vetting of the Nominee for Approval as a Representative of the Parliamentary Service Commission to the Salaries & Remuneration Commission, laid on the Table of the House on Tuesday, December 3, 2019*, and pursuant to the provisions of Article 250(2)(b) of the Constitution and section 7(11) of the Salaries and Remuneration Commission Act, this House **approves** the appointment of **Hon. Amina Abdalla** as the representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission.

18*. MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017

(The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2016/2017, *laid on the Table of the House on Wednesday, November 27, 2019.*

(Resumption of debate interrupted on Tuesday, December 3, 2019)

...../19*

19*. THE INDUSTRIAL TRAINING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2019)

(The Hon. Jude Njomo, M.P.)

Second Reading

20*. MOTION - FORMULATION OF A COMPREHENSIVE POLICY TO HARNESS DIASPORA KENYANS FOR NATIONAL DEVELOPMENT

(The Hon. Godfrey Osotsi, M.P.)

THAT aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenyan Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittance from Kenya Diaspora account for over 3% of the country's GDP channeled by an estimated three million Kenyans; Noting that, contribution by the Kenyan diaspora to the country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, diaspora investments funds, knowledge exchange among other enormous potential benefits; acknowledging that, the diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; concerned that, Kenya ought to formulate practical and incentive-driven policy to harness existing and future diaspora resources for social-economic development; cognizant that Kenya has an obligation to counter the challenges hindering diaspora contribution to national development; **this House resolves** that the Government reviews and formulates a comprehensive policy and structure to harness the ever increasing diaspora resources for national development and that the said policy be presented to National Assembly within one year for consideration.

21*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)

(The Hon. Rigathi Gachagua, M.P.)

Second Reading

22*. MOTION- REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

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

THAT, aware that seventy-five percent of Kenya's population is under the age of thirty-five years and that, the overall unemployment among the youth is at fifty-five percent; further aware that over 800,000 graduates from Universities, Colleges, Technical Institutes, Vocational Centres and other tertiary institutions join the job market annually with only approximately 70,000 being absorbed into the formal labour force market; concerned that the high rate

...../22*(cont'd)

of unemployment in Kenya, particularly among the youth remains a major challenge; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth gain access to relevant education, training and employment; noting that the mandatory retirement age for public servants is set at sixty (60) years; this House **urges** the Government to review the mandatory retirement age in the public service from the current sixty to fifty years to among other things, create opportunities for the employment of the youth.

23*. MOTION - ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES TO CHILDREN

(The Hon. Mary Wamaua, M.P.)

THAT, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; this House **urges the** National Government to establish data base centres in all **Civil** Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

24*. MOTION - INFORMATION IN POLICE CLEARANCE CERTIFICATES

(The Hon. Gladwell J. Cheruiyot, M.P.)

THAT, aware that disclosure of information about previous criminal convictions through a Police Clearance Certificate has long been considered an important safeguard for employers and various organizations seeking individuals to serve in positions of trust; concerned that the Police Clearance Form includes cases that are pending before court, thus going against the principle of Article 50(2) of the Constitution which provides for the presumption of innocence until proven guilty; further concerned that, the bureaucratic manual procedure of acquiring criminal data and laxity in updating the records results in erroneous information on the Police Clearance Certificate and consequently denies applicants employment opportunities;

...../24*(cont'd)

cognizant of the fact that in Kenya, based on an administrative directive from 1990, criminal records are waived after a term of 20 years except for serious offences such as murder, robbery, manslaughter, rape, defilement, treason or drug possession which remain as permanent records; noting that research has shown a clear nexus between crime and poverty and that a criminal record remains a permanent barrier for young people looking for employment as this will be shown in the Police Clearance Form which will perpetuate the cycle of poverty; this House **urges** the Directorate of Criminal Investigation to leverage on the use of Information Communication Technology (ICT) to ensure criminal data availed in Police Clearance Forms is accurate and up-to-date.

25*. MOTION - INTRODUCTION OF AGE-APPROPRIATE SEX EDUCATION IN SCHOOLS
(The Hon. Elsie Muhanda, M.P.)

THAT, aware that in Kenya about 11 percent of teenagers are engaging in sex before their 15th birthday with an estimated 47% of teens already sexually active before the age of 18 years which is the legal age of consent; further aware that Kenya's adolescent birth rate is 96 per 1000 women, with 15% of all adolescent women having already given birth and 3% being pregnant with their first child; concerned that the sexual activity is encouraged by the proliferation of the internet and mobile phones, poverty and the conservative attitudes combined with the traditional values which tend to have parents shying away from discussing sex with their young ones while other traditional African cultures encourage early marriages; acknowledging that young persons in the country do not get sex education to make sexual choices; recognizing the need for a comprehensive and age appropriate sex education from the age of six (6) years, this **House urges** the National Government to introduce, institutionalize and entrench sex education in both primary and secondary school curriculum and encourage the development and building of more boarding school especially for girls.

26*. THE PUBLIC ORDER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2019)
(The Hon. Simon King'ara, M.P.)

Second Reading

27*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2019)
(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

...../28*

**28*. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 8 OF 2019)**
(The Hon. Gideon Keter, M.P.)

Second Reading

**29*. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 9 OF 2019)**
(The Hon. Ruweida M. Obo, M.P.)

Second Reading

**30*. THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 16 OF 2019)**
(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

*** Denotes Orders of the Day**

...../Notices

NOTICES

The House resolved on Wednesday, February 13, 2019 as follows:-

I. THE SUPPLEMENTARY APPROPRIATION (No.2) BILL
(NATIONAL ASSEMBLY BILL NO. 81 OF 2019)

1) Notice is given that the Chairperson of the Budget and Appropriations Committee wishes to move the following amendments to the Supplementary Appropriation (No.2) Bill, 2019 at the Committee stage-

(a) Vote D1092: State Department for Transport

Programme 0204000 Marine Transport

(i) **THAT**, the proposed allocation in respect of Programme 0204000 (*Development Expenditure*) of Kshs. 292,500,000 be deleted and substituted thereof with the figure **Kshs. 2,192,500,000**.

Programme 0203000 Rail Transport

(ii) **THAT**, the proposed allocation in respect of Programme 0203000 (*Development Expenditure*) of Kshs. 12,018,003,944 be deleted and substituted thereof with the figure **Kshs.10,118,003,944**.

(b) Vote D1095: State Department for Public Works

Programme 0103000 Government buildings

(i) **THAT**, the proposed allocation in respect of Programme 0103000 (*Development Expenditure*) of Kshs. 1,721,285,046 be deleted and substituted thereof with the figure **Kshs.1,706,285,046**;

(ii) **THAT**, the proposed allocation in respect of the total Supply under the Vote 1095 (*Development Expenditure*) of Kshs. 1,605,787,661 be deleted and substituted thereof with the figure **Kshs. 1,590,787,661**.

(c) Vote D1152: Ministry of Energy

Programme 0213000 Power transmission and distribution

(i) **THAT**, the proposed allocation in respect of Programme 0213000 (*Development Expenditure*) of Kshs. 1,541,045,344 be deleted and substituted thereof with the figure **Kshs1,556,045,344**;

- (ii) **THAT**, the proposed allocation in respect of the total Supply under the Vote 1152 (*Development Expenditure*) of Kshs. 3,852,045,344 be deleted and substituted thereof with the figure Kshs.**3,867,045,344**.

(d)Vote D1071: National Treasury

Programme 0718000 Public Financial Management

- (i) **THAT**, the proposed allocation in respect of Programme 0718000 (*Development Expenditure*) of Kshs. (319,988,849) be deleted and substituted thereof with the figure Kshs.**(594,988,849)**;
- (ii) **THAT**, the proposed allocation in respect of the total Supply under the Vote 1071 (*Development Expenditure*) of Kshs. (461,988,849) be deleted and substituted thereof with the figure Kshs.**(736,988,849)**;
- (iii) **THAT**, the proposed allocation in respect of the total Supply under the subclass Total Development in the Second Schedule of Kshs. (7,456,200,511) be deleted and substituted thereof with the figure Kshs.**(7,731,200,511)**;
- (iv) **THAT**, the proposed allocation in respect of the total Supply under the class Total Development in the Second Schedule of Kshs. (18,853,097,197) be deleted and substituted thereof with the figure Kshs.**(19,128,097,197)**.

(e)Vote D1091: State Department of Infrastructure

Programme 0202000 Road Transport

- (i) **THAT**, the proposed allocation in respect of Programme 0202000 (*Development Expenditure*) of Kshs. 5,213,905,726 be deleted and substituted thereof with the figure Kshs. **5,488,905,726**;
- (ii) **THAT**, the proposed allocation in respect of the total Supply under the **Vote** 1091 (*Development Expenditure*) of Kshs. 5,213,905,726 be deleted and substituted thereof with the figure Kshs**5,488,905,726**;
- (iii) **THAT**, the proposed allocation in respect of the total Supply under the subclass Total Development in the First Schedule of Kshs. 62,682,861,275 be deleted and substituted thereof with the figure Kshs. **62,957,861,275**;
- (iv) **THAT**, the proposed allocation in respect of the total Supply under the class Total Development in the First Schedule of Kshs. 73,173,074,113 be deleted and substituted thereof with the figure Kshs. **73,448,074,113**.

(f) Consequential Amendments

(i) **THAT**, the figure of Kshs. 73,173,074,113 in the marginal note on clause 2 of the Bill be deleted and substituted thereof with the figure Kshs. **73,448,074,113**;

(ii) **THAT**, the figure of Kshs. 18,853,097,197 in the marginal note on clause 5 of the Bill be deleted and substituted thereof with the figure Kshs. **19,128,097,197**.

2) Notice is given that the Member for Eldas (Hon. Adan Keynan) wishes to move the following amendments to the Supplementary Appropriation (No.2) Bill, 2019 at the Committee stage-

THAT, the Bill be amended in the First Schedule as follows –

(i) **Vote D2043 Parliamentary Joint Services**

Programme 0723000 General Administration, Planning and Support Service.

THAT, the proposed allocation in respect of Programme 0723000 (*Capital Estimates*) of Kshs. 2,835,550,000 be deleted and substituted thereof with the figure **Kshs. 3,065,550,000**.

(ii) **VOTE D1081 Ministry of Health**

Programme 0405000 Health Policy Standards and Regulations

THAT, the proposed allocation in respect of Programme 0405000 (*Capital Estimates*) of Kshs.16,975,813,948 be deleted and substituted thereof with the figure **Kshs. 16,745,813,948**.

[The amendments by the Member for Eldas are subject to the provisions of Article 114 of the Constitution and Standing Order 240B(3)]

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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.
- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall 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 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 **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.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, 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

NOTICE PAPER

Tentative business for
Wednesday (Afternoon), December 04, 2019

(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), December 04, 2019:-

- A. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)**
(The Leader of the Majority Party)

(Question to be put and Third Reading)

- B. **MOTION - REPORT ON CONSIDERATION OF THE CENTRAL BANK OF KENYA (MORTGAGE REFINANCE COMPANIES) REGULATIONS, 2019**
(The Chairperson, Committee on Delegated Legislation)

(Question to be put)

- C. **THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2019)**
(The Leader of the Majority Party)

First Reading

- D. **MOTION - APPROVAL OF NOMINEES TO THE BARINGO SOUTH NG-CDF CONSTITUENCY COMMITTEE**
(The Chairperson, Select Committee on National Government Constituency Development Fund)

- E. **THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 77 OF 2019)**
(The Leader of the Majority Party)

Second Reading

- F. **COMMITTEE OF THE WHOLE HOUSE**

The Kenya Roads Board (Amendment) Bill (National Bill No. 77 of 2019)
(The Leader of the Majority Party)

(By leave of the House)

- G. **THE TEA BILL (SENATE BILL NO. 36 OF 2018)**
(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

H. MOTION - REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES

(The Chairperson, Public Investments Committee)

I. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

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

Second Reading

J. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

K. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN AMBASSADOR

(The Chairperson, Committee on Implementation)



...../Appendix

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. ORDINARY QUESTIONS

515/2019 The Member for Buuri (Hon. Rindikiri Mugambi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary explain why the *28km Isiolo – Ruiru* Road that connects *Isiolo* Airport and *Meru* Town which is in deplorable state is yet to be rehabilitated?
- (ii) What steps is the Ministry taking to ensure that the said road is urgently rehabilitated to serve motorists in accessing *Isiolo* Airport?

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

517/2019 The Member for Mathioya (Hon. Peter Kihara, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- (i) Could the Cabinet Secretary explain why over 470 residents under the *Older Persons Cash Transfer Programme* in *Kairo* location of *Mathioya* Constituency are yet to receive their stipend since commencement of the programme?
- (ii) What measures has the Ministry put in place to ensure that the said residents are paid?

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

518/2019 The Member for West Mugirango (Hon. Vincent Mogaka, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (i) When is the *Nyamira* Town Water project which is funded by the National Government expected to be completed?
- (ii) Could the Ministry consider putting a water sub-station at a higher elevation preferably at *Mabundu Area* to ensure that water servers a larger population of *Nyaisa, Gianchore, Etono, Nyamera, Bonyunyu* and other surrounding areas through gravity?

(To be replied before the Departmental Committee on Environment and Natural Resources)

519/2019 The Member for Mwingi West (Hon. Charles Nguna, MP) to ask

the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain the circumstances that led to the disappearance of two persons one *Daniel Musee Musili*, of ID No. 32620230, who was reported to be an employee of *M/s. STEPMA Apartments* situated near Daystar University *Athi-River* and one *Joel Ithoka Katia* which occurred around 6th July 2019?
- (ii) What is the status of investigations into the disappearance of the two persons, and progress of the search as the matter was reported at *Mlolongo Police Station* vide *Occurrence Book No. 28/16/07/2019*?

(To be replied before the Departmental Committee on Administration and National Security)



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

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WEDNESDAY, DECEMBER 04, 2019 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

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- 8*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)**
(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 Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2019).

(Question to be put and Third Reading)

- 9*. **MOTION - REPORT ON CONSIDERATION OF THE CENTRAL BANK OF KENYA (MORTGAGE REFINANCE COMPANIES) REGULATIONS, 2019**
(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Central Bank of Kenya (Mortgage Refinance Companies) Regulations, 2019 (*Legal Notice No. 134 of 2019*) laid on the Table of the House on Thursday, November 21, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b) **annuls Regulation 26(2) and Regulation 42** of the said Regulations.

(Question to be put)

...../10*

10*. THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2019)

(The Leader of the Majority Party)

First Reading

11*. MOTION – APPROVAL OF NOMINEES TO THE BARINGO SOUTH NG-CDF CONSTITUENCY COMMITTEE

(The Chairperson, Select Committee on National Government Constituency Development Fund)

THAT, pursuant to the provisions of section 43(4) and (10) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and(10) of the National Government Constituency Development Fund Regulations, 2016, this House **approves** the list of the following persons *laid on the Table of the House on Tuesday, December 3, 2019* for appointment to the Baringo South Constituency Committee of the National Government Constituency Development Fund-

- (i) Samuel Kiprotich Bungei - Male Adult Representative
- (ii) Geoffrey Kipkebut Kosgei - Male Youth Representative
- (iii) Zakia Jemuge Kiptuisang - Female Youth Representative
- (iv) Hellen Cheptoo - Female Adult Representative
- (v) Christine Jepkemoi Kandie - Representative of Persons Living with Disability
- (vi) Eunice Tarkok Kiprotich - Nominee of the Constituency Office (Female)
- (vii) Justine Kiprono Chebii - Nominee of the Constituency Office (Male)

12*. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 77 OF 2019)

(The Leader of the Majority Party)

Second Reading

13*. COMMITTEE OF THE WHOLE HOUSE

The Kenya Roads Board (Amendment) Bill (National Bill No. 77 of 2019)

(The Leader of the Majority Party)

(By leave of the House)

14*. THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

...../15*

15*. **MOTION - REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES**

(The Chairperson, Public Investments Committee)

THAT, this House **adopts** the Report of the Public Investments Committee on its *Inquiry into the Safety of Ferries as Observed in the Audited Accounts of Kenya Ferry Services for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, December 3, 2019.*

16*. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)**

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

Second Reading

17*. **THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)**

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

18*. **MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN AMBASSADOR**

(The Chairperson, Committee on Implementation)

THAT, taking into consideration the findings of the Select Committee on Implementation on its Report on *Examination of the Implementation Status of the Resolution of the House of 6th June, 2019 regarding the conditional Approval of Ms. Mwendu Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on November 27, 2019*, which takes cognizance of the determination of the High Court of Kenya of 14th November, 2019, (*Nairobi Constitutional Petition No. 367 of 2019*) particularly paragraphs 104 and 105 that, while Ms. Mwendu Mwinzi **cannot be coerced** to renounce her citizenship of the United States of America (USA), a person holding dual citizenship **ought not** be an ambassador unless the person renounces the citizenship of the foreign state as *dual citizenship may jeopardize the national interest of the Republic of Kenya against the interest of the foreign state*; this House **rejects** the appointment of Ms. Mwendu Mwinzi as an Ambassador.

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.77) OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Kenya Roads Board (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 1

THAT, Clause 1 of the Bill be amended by inserting the words “and shall come into operation upon assent” immediately after the number “9”.

CLAUSE 3

THAT, Clause 3 of the Bill be amended in section 19 by deleting the proposed new subsection (6) and substituting the following new subsection---

“(6) (a) Every annual roads programme funded out of any monies whether borrowed or appropriated by the National Assembly shall be managed as approved by the National Assembly.

(b) The Board shall manage the annual roads programme under paragraph(a) under the directions of the Cabinet Secretary.”

CLAUSE 4

THAT, Clause 4 of the Bill be amended in section 31 by inserting the following new paragraph immediately after subsection (2)–

“(2A) The National Assembly shall ensure that–

(a) not more than ten percent of the monies appropriated under subsection (2)(e) are allocated for maintenance of roads to be administered by the Kenya Rural Roads Authority.

(b) not more than eighteen percent of the monies appropriated under paragraph (a) are allocated for research and standardization, capacity building, and monitoring and evaluation, to be administered by the Principal Secretary responsible for matters relating to roads.”

THAT, Clause 5 of the Bill be amended in the proposed new section 32A–

- (a) in sub-clause (1), by inserting the expression “(1)” immediately after the expression 32A
- (b) in sub-clause (2), by deleting the words “road development, rehabilitation and maintenance” and substituting therefor the words “maintenance, development and rehabilitation of roads” appearing immediately after the words “demand for”
- (c) by deleting sub-clause (3) and substituting therefor the following new sub clause–
“(3) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

The House resolved on Wednesday, February 13, 2019 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall 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 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.
- 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 debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, 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

NOTICE PAPER

Tentative business for

Thursday, December 04, 2019

(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 Thursday, December 04, 2019:-

A. MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017

(The Chairperson, Public Accounts Committee)

(If not concluded on Wednesday, December 4, 2019 – Morning sitting)

B. MOTION - APPOINTMENT OF A MEMBER TO COMMITTEES

(The Chairperson, Committee on Selection)

C. THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)

D. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

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

Second Reading

(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)

E. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)

F. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE RESOLUTION OF THE HOUSE ON CONDITIONAL APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN AMBASSADOR

(The Chairperson, Committee on Implementation)

(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)

G. MOTION – RATIFICATION OF THE MULTILATERAL CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS

(The Chairperson, Departmental Committee on Defence & Foreign Relations)

H. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR



...../Appendix

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. ORDINARY QUESTIONS

520/2019 **The Member for Magarini (Hon. Michael Kingi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) What is the status of the construction of the *Baricho – Galana ADC Road* in Magarini Constituency?
- (ii) What measures has the Ministry putting in place to expedite the rehabilitation of the said road and when is it expected to be completed?

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

521/2019 **The Member for Lamu County (Hon. Ruweida Obo, MP) to ask the Cabinet Secretary for Health: -**

- (i) What is the status of collecting, testing, and distributing blood and blood related products to all transfusing hospitals in the country?
- (ii) What is the quantity of blood reserve in the Government's blood banks as managed by the Kenya National Blood Transfusion Services (KNBTS) and is the quantity sufficient to serve casualties in case of occurrences of disasters and emergencies?
- (iii) What challenges is the Kenya National Blood Transfusion Services facing with regard to continued support of the project by donor agencies?
- (iv) What measures has the Ministry put in place to ensure sufficient funding of the Services?

(To be replied before the Departmental Committee on Health)

522/2019 **The Member for Kilifi South (Hon. Richard Chonga, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Could the Cabinet Secretary provide a progress report on why the construction of the 32 kilometer stretch of the Mombasa – Nairobi Highway has stalled at *Mto wa Mawe in Athi River*?

- (ii) Could the Cabinet Secretary further explain why the construction of a foot bridge at stage 39 along the same road is yet to be completed?
- (iii) When will the construction of said section of the road and footbridge be completed?

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

523/2019 The Member for Rongo (Hon. Paul Abuor, MP) to ask the Cabinet Secretary for Petroleum and Mining-

- (i) Could the Cabinet Secretary clarify why *M/s. Total Kenya Ltd* and *M/s. Vivo Energy Kenya* are charging Petroleum Products Dealers Kshs. 1.7 per litre for cost of services for the supply of petroleum products, over or above the set guidelines by the Energy and Petroleum Regulatory Authority?
- (ii) Could the Cabinet Secretary explain the measures that the Government has put in place to ensure that the guidelines by the Energy and Petroleum Regulatory Authority on implementation of the cost of service for the supply of petroleum products is complied with by the Oil Marketing Companies and that the Petroleum Products Dealers are not exploited?

(To be replied before the Departmental Committee on Energy)
