



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, SEPTEMBER 17, 2020 AT 10.00 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\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Employment (Amendment) Bill (National Assembly Bill No. 15 of 2019)  
(The Hon. Martha Wangari, M.P.)

*(To resume from Clause 3)*

- (ii) The National Youth Council (Amendment) Bill (National Assembly Bill No. 8 of 2019)  
(The Hon. Gideon Keter, M.P.)

- (iii) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 29 of 2019)  
(The Hon. Andrew Mwadime, M.P.)

**9\*. THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL**  
**(NATIONAL ASSEMBLY BILL NO. 65 OF 2019)**

(The Hon. Gladys Wanga, M.P.)

Second Reading

*(Resumption of debate interrupted on Thursday, September 10, 2020 – Morning sitting)*

*(Balance of time – 1 hour 1 minute)*

**10\*. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 27 OF 2019)**

(The Hon. Benjamin G. Mwangi, M.P.)

Second Reading

**11\*. THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL  
(NATIONAL ASSEMBLY BILL NO. 10 OF 2019)**

(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

**12\*. THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.  
54 OF 2019)**

(The Hon. Simon King'ara, M.P.)

Second Reading

**13\*. THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.  
25 OF 2019)**

(The Hon. Kassim SawaTandaza, M.P.)

Second Reading

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**\* Denotes Orders of the Day\***

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# NOTICES

## **I. THE EMPLOYMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2019)**

Notice is given that the Chairperson, Departmental Committee on Labour and Social Welfare, intends to move the following amendments to the Employment (Amendment) Bill, 2019 at the Committee Stage—

### **CLAUSE 3**

**THAT** Clause 3 of the Bill be amended in the proposed section 29A —

(a) by deleting subsection (1) and substituting therefor the following new subsection —

(1) Where pursuant to section 157 of the Children Act, a child is to be placed in the continuous care and control of an applicant who is an employee under this Act, the employee shall be entitled to one month's pre-adoption leave with full pay from the date of the placement of the child.

(b) by inserting the following new subsections immediately after subsection (3) —

“(3a) Where a child is born as a result of a surrogate motherhood agreement, an employee who is a commissioning parent, shall be entitled to —

(a) two consecutive months parental leave with full pay from the date the child is born in the case of a female employee; and

(b) two weeks paternal leave with full pay, in the case of a male employee who is married.

(3b) An employee who is eligible for leave under subsection (3a) shall give the employer not less than seven days written notice in advance or a shorter period as may be reasonable in the circumstances of the intention to proceed on parental or paternal leave, as the case may be, on a specified date and to return to work thereafter.

(3c) A notice under subsection (3b) shall be accompanied by documentation evidencing the surrogate motherhood agreement between the employee and the surrogate mother, and if required by the employer, a certificate as to the medical condition of the surrogate mother from a qualified medical practitioner or midwife.

(c) in subsection (4) by deleting the words “subsection (1)” and substituting therefor the words “this section”.

## **II. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2019)**

Notice is given that, the Chairperson of the Departmental Committee on Labour and Social Welfare intends to move the following amendments to the National Youth Council (Amendment) Bill, 2019 at the Committee Stage—

### **CLAUSE 2**

**THAT**, the Bill be amended by deleting clause 2 and substituting therefor the following new clause 2—

“2. Section 2 of the National Youth Council Act (in this Act referred to as “the principal Act”) is amended by deleting the definition of the term “Minister” and substituting therefor the following new definition in proper alphabetical sequence—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to youth affairs.”

### **CLAUSE 3**

**THAT**, the Bill be amended by deleting Clause 3 substituting therefor the following new clause 3—

“3. The principal Act is amended by deleting Section 5 and substituting therefor the following new subsection—

(1) The Council shall consist of—

- (a) a non-executive chairperson, who shall be a youth, appointed by the President;
- (b) the Principal Secretary responsible for matters relating to youth or his or her representative nominated in writing;
- (c) the Principal Secretary responsible for matters relating to youth or his or her representative nominated in writing;
- (d) the Principal Secretary responsible for matters relating to finance or his or her representative nominated in writing;
- (e) the Attorney General or a representative nominated in writing;
- (f) ten persons, being youth, appointed by the Cabinet Secretary; and
- (g) the Secretary to the Board, who shall be the Chief Executive Officer and an ex-officio member of the Council and shall not have a vote.

(2) The members under subsection (1) (f) shall be appointed through an open, transparent and competitive process through the procedure prescribed in the Third Schedule.

(3) In appointing members to the Council under subsection (1)(f), the Cabinet Secretary shall ensure that—

- (a) there are equal opportunities for persons with disabilities, persons from marginalised communities and persons from professional bodies;
  - (b) not more than two thirds of the members of the council are of the same gender; and
  - (c) the membership of the Council reflects the regional and ethnic diversity of the people of Kenya.
- (4) A person is qualified for appointment as the chairperson, if the person—
- (a) possesses at least a Bachelor’s degree from a university recognized in Kenya;
  - (b) has at least five years’ post qualification experience;
  - (c) is not a holder of any other public office;
  - (d) is a member of an active registered youth group;
  - (e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
  - (f) is a youth.
- (5) A person is qualified for appointment as a member of the council under subsection (1)(f), if the person—
- (a) possesses at least a post-secondary education certificate from an institution recognised in Kenya;
  - (b) has at least three years’ post qualification experience;
  - (c) is not a holder of any other public office;
  - (d) is a member of an active registered youth group;
  - (e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
  - (f) is a youth.
- (6) An appointment under subsection 1(a) and (f) shall be by name and notice in the *Gazette*.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

“5. The principal Act is amended by inserting the following new schedule immediately after the Second Schedule—

**Third Schedule**

**(s. 5)**

**PROCEDURE FOR APPOINTMENT OF MEMBERS OF THE COUNCIL**

1. Manner of selection of candidates

The candidates eligible for appointment as members of the Council shall be selected in an open, transparent and competitive process at the County level.

2. County Selection Panel

There shall be a selection panel in every County which shall comprise of-

- (a) the County Commissioner who shall be the Chairperson;
- (b) the County Director of youth affairs;

- (c) the County Director of social development services;
- (d) the County Director of gender affairs;
- (e) two persons representing faith based organisations;
- (f) a representative from the Chamber of Commerce;
- (g) a representative from the Commissioner of Scouts; and
- (h) the county chairperson for the organisation responsible for persons living with disabilities.

### 3. Role of the Parent Ministry

Each selection panel shall, subject to this Act, determine its own procedure, and the Cabinet Secretary shall provide each selection panel with such facilities and such other support as it may require for the discharge of its functions.

### 4. Selection of Nominees at County Level

- (a) Each selection panel at the County level, shall within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in the Kenya Gazette and the Ministry's website.
- (b) Each selection panel at the county level shall within seven days of receipt of applications under subparagraph (a) consider the applications, interview and shortlist two persons, being male and female, qualified for appointment as members of the Council and shall forward the names of the shortlisted persons to the Cabinet Secretary.

### 5. Appointment by the Cabinet Secretary

The Cabinet Secretary shall, within seven days of receipt of the names forwarded under paragraph 6, appoint ten members under section 5(1) (f) to the Council.

### 6. Dissolution of the Selection Panels

The selection panels shall stand dissolved upon the requisite appointments being made under paragraph 6.

## **III. THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Public Service (Values & Principles) Amendment Bill, 2019, at the Committee Stage—

### CLAUSE 2

**THAT**, clause 2 of the Bill be amended by deleting the proposed new paragraph (da) and substituting therefor the following new paragraph—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.”

- 2) Notice is given that the Member for Mwatate (Hon. Andrew Mwandime) intends to move the following amendments to the Public Service (Values & Principles) Amendment Bill, 2019, at the Committee Stage—

**CLAUSE 2**

**THAT**, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment  
of section 16  
of No. 1A of  
2015.

2. The Public Service (Values and Principles) Act is amended in section 16—

(a) in sub-clause (3), by inserting the following paragraph immediately after paragraph (d)—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.”

(b) by inserting the following new subsection immediately after subsection (3)—

(4) An authorised officer who fails to prepare a report under subsection (1) shall be summarily dismissed in accordance with the laid out procedures.

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**IV. The House resolved on Tuesday, September 8, 2020 as follows-**

**Limitation of debate on Bills, Motions, Sessional Papers and Committee Reports**

**THAT**, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, during the Sittings of the House of **September 8, 2020 up to and including October 15, 2020**, each speech in **debate on Bills, Motions** (*including Special Motions*), **Sessional Papers and Committee Reports**, shall be limited as follows:- a maximum of **two and half hours** with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order.



# **NOTICE PAPER I**

## **Tentative business for**

**Thursday (Afternoon), September 17, 2020**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday (Afternoon), September 17, 2020-

**A. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2019)**

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

Second Reading

*(Question to be put)*

**B. MOTION- INQUIRY INTO THE DEATH OF ELEVEN BLACK RHINOS AFTER TRANSLOCATION TO THE TSAVO EAST NATIONAL PARK SANCTUARY**

(The Chairperson, Departmental Committee on Environment and Natural Resources)

*(Question to be put)*

**C. MOTION - AUDITED FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR CONSTITUENCIES**

(The Chairperson, Special Funds Accounts Committee)

**D. THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILL NO. 34 OF 2018)**

(The Chairperson, Select Committee on NG-Constituencies Development Fund)

Second Reading

**E. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)**

(The Chairperson, Committee on Delegated Legislation)

Second Reading

**F. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILL NO.24 OF 2018)**

(The Chairperson, Committee on Delegated Legislation)

Second Reading

**G. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT AND USED SPARE PARTS BYKENYA BUREAU OF STANDARDS**

(The Chairperson, Public Investments Committee)

*(If not concluded on Tuesday, September 15, 2020)*

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# **APPENDIX**

## **ORDER NO.7 - QUESTIONS**

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

**156/2020**

**The Member for Isiolo South (Hon. Abdi Koropu Tepo, M.P.) to ask the Cabinet Secretary for Environment and Forestry: -**

- (i) Could the Cabinet Secretary explain the steps being undertaken by the Ministry to address the diminishing water levels in rivers, in particular *River Bisanathi* in Isiolo South Constituency?
- (ii) What actions has the ministry taken against upstream water consumers who are using water extensively without any regard to those downstream and by when?

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

**170/2020**

**The Member for Nakuru Town East (Hon. David Gikaria, M.P.) to ask the Cabinet Secretary for Industry, Trade and Cooperatives: -**

- (i) Could the Cabinet Secretary provide details of the registration status of Prevailing SACCO as at September 2019?
- (ii) What steps the Ministry is taking to comply with the ruling made by the High Court in Nakuru following an application for Judicial Review (Judicial Review No.2 of 2015) by the SACCO officials due to deregistration of the SACCO by the Commissioner of Cooperatives Development?
- (iii) In light of the recent outcry by members of the public over being hoodwinked by Prevailing SACCO, what actions is the Ministry taking to ensure that the innocent members of the public are protected from manipulation by SACCOs?

*(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)*

**171/2020**

**The Member for Lamu East (Hon. Sharif Athman Ali, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary explain why there have been inordinate delays in the construction and upgrading to bitumen standards of *Mtangawanda - Kizingitini, Basuba-Kiunga* and *Mkokoni-Kiunga* roads in Lamu East Constituency?

- (ii) What measures have been put in place by the Ministry to ensure that the road projects are implemented?

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

186/2020

**The Member for Malindi (Hon. Aisha Juma, M.P.) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -**

- (i) With regard to the conceptualization and development of the *Galana-Kulalu* Irrigation Project which cuts across Kilifi and Tana River Counties, why did the Government proceeded to lease land from residents without undertaking public participation and stakeholder engagements as provided for in Articles 118 and 232 of the Constitution?
- (ii) In which aspects has the National Government engaged the Kilifi and Tana River Counties in the Project especially with regard to employment opportunities, research and infrastructural development ?
- (iii) Could the National Government consider handing over the implementation of the Project to the two County Governments considering that agriculture is a devolved function?
- (iv) Could the Cabinet Secretary provide a report on the status of the Project, with regard to its viability, funds spent from inception to date, trials and actual production of crops, any feasibility and related studies conducted so far, including the involvement of Green Araya Limited Company from Israel?

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

188/2020

**Member for Laisamis (Hon. Arbell Marselino Malimo, MP) to ask the Teachers Service Commission:-**

- (i) What criteria is used by the Teachers Service Commission during delocalization of teachers in the country?
- (ii) What measures are in place to ensure that the process is carried out in a fair and transparent manner?
- (iii) Why is the Commission not delocalizing officers of the TSC secretariat who have overstayed in one station, in particular the staffing officer at Laisamis Sub-County Headquarters who has served for more than 9 years in the same station?

*(For Written Reply by the Teachers Service Commission)*

192/2020

**The Member for Lamu West (Hon. Stanley Muthama, M.P.) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development-**

- (i) Could the Cabinet Secretary explain the status of the renovation of Manda Airport in Lamu West Constituency considering its current deplorable state particularly the taxiway, apron facilities and general airport infrastructure?
- (ii) Could the Cabinet Secretary also explain whether the poor state of the Airport that led to the recent withdrawal of Jambo Jet and other regional airlines from flying to Lamu ?
- (iii) What specific plans are there to expand the Airport including connecting it to the national electricity grid in a bid to cater for larger capacity airplanes and the expected air traffic as a result of the full development of the Lamu Port–South Sudan–Ethiopia Transport Corridor (LAPSSET) Project?
- (iv) Could the Ministry consider extending operation hours of the Airport from the current 6am to 6pm schedule in order to accommodate the anticipated heightened demand for air travel following completion of the LAPSSET Project as well as for handling emergency evacuations that may arise from time to time?

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

200/2020

**The Member for AlegoUsonga, (Hon. Samuel Atandi, M.P.) to ask the Cabinet Secretary for National Treasury and Planning:**

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Could the Cabinet Secretary explain the status of the emergency liquidity facility created following the collapse of Imperial Bank and Chase Bank to bail out banks facing liquidity challenges and confirm whether the facility still in existence and how many banks have so far benefited from this facility?

- (i) Could the Cabinet Secretary also report on the status of the forensic audit conducted following the collapse of Imperial Bank?
- (ii) How was the firm(s) engaged in the forensic audit identified and procured?
- (iii) What are the specific terms of engagement of the firm(s) conducting the forensic audit and are they being paid by the public through the Central Bank of Kenya?

*(To be replied before the Departmental Committee on Finance and National Planning)*

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