



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

**SUPPLEMENTARY**

TUESDAY, SEPTEMBER 22, 2020 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\*. THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL  
(SENATE BILL NO. 34 OF 2018)

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

Second Reading

*(Question to be put)*

9\*. MOTION - AUDITED FINANCIAL STATEMENTS FOR THE  
NATIONAL GOVERNMENT CONSTITUENCIES  
DEVELOPMENT FUND FOR CONSTITUENCIES IN  
KIAMBU COUNTY

(The Chairperson, Special Funds Accounts Committee)

**THAT**, this House **adopts** the Ninth Report of the Special Funds Accounts Committee on the Audited Financial Statements for the National Government Constituencies Development Fund (NG-CDF) for the Constituencies in Kiambu County, *laid on the Table of the House on Tuesday, February 25, 2020.*

*(Question to be put)*

**10\*. PROCEDURAL MOTION - EXTENSION OF PERIOD FOR CONSIDERATION OF SPECIFIED PETITIONS**

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

**THAT**, notwithstanding the provisions of Standing Order 227(2) (*Committal of petitions*), and aware of the challenges posed by the Covid-19 pandemic in hindering House Committee sittings, cognizant of the requests by the the relevant Ministries to have additional time to make submissions on the petitions before the Committee and recognizing the need to engage other stakeholders for detailed information, this House **resolves** to extend the period for consideration of the public petitions before the Departmental Committee on Environment and Natural Resources specified hereunder by a **further period of sixty (60) days-**

1. Public petition regarding an alleged Demolition of Houses and Repossession of Land within Langata Constituency by the Hon. Nixon Korir, MP presented on 30<sup>th</sup> June, 2020;
2. Public petition regarding the Encroachment of Nairobi National Park presented on 2<sup>nd</sup> July, 2020; and
3. Public petition regarding Mitigation of Perennial Flooding by River *Sondu Miriu* in Homa Bay and Kisumu counties presented on 12<sup>th</sup> August, 2020.

**11\*. COMMITTEE OF THE WHOLE HOUSE**

The Refugees Bill (National Assembly Bill No. 62 of 2019)  
(The Leader of the Majority Party)

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

**14\*. THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2019)**

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

Second Reading

15\*. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY THE KENYA BUREAU OF STANDARDS

(The Chairperson, Public Investments Committee)

**THAT**, this House **adopts** the Report of the Public Investment Committee on its consideration of the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards, *laid on the Table of the House on Tuesday, June 02, 2020.*

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

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...../Notices\*

# **NOTICES**

## **I. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 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 Refugees Bill, 2019 at the Committee Stage—

### **CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

- (a) in the definition of “asylum seeker” by deleting the word “case” appearing immediately after the words “but whose” and substituting therefor the word “application”;
- (b) in the definition of “authorized officer” by inserting the words “or any other officer assigned such responsibility” immediately after the words “or immigration officer”;
- (c) by deleting the definition of “Department” and substituting therefor the following new definition—

“Department” means the Department of Refugee Services established under section 7;

- (d) in the definition of “durable solutions” by deleting the words “resettlement to a third-party country or local integration” and substituting therefor the words “local integration in the country of asylum and resettlement to a third country”;
- (e) in the definition of “Eligibility Panel” by deleting the words “under section 14” and substituting therefor the words “under section 13”;
- (f) in the definition of “local integration” by deleting the word “border” appearing immediately after the words “refugees attain” and substituting therefor the word “broader”;
- (g) by deleting the definition of “essential services” and substituting therefor the following new definition—

“essential services” means services that meet the immediate needs of refugees and asylum seekers and include food, shelter, education, health, water and sanitation services;

- (h) by deleting the definition of “OAU Convention” and substituting therefor the following new definition—

“OAU Convention” means the Organization of Africa Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, done at Addis Ababa on 10th September, 1969 and ratified by Kenya on 28th December, 1987;

- (i) by deleting the definition of “Protocol” and substituting therefor the following new definition—

“protocol” means the Protocol relating to the Status of Refugees, done at New York on 31st January 1967 and acceded to by Kenya on 13th November 1981;

- (j) by deleting the definition of “*prima facie* refugee status” and substituting therefor the following new definition—

*prima facie* refugee status” means a declaration of refugee status by the Cabinet Secretary as provided for under this Act;

- (k) by deleting the definition of “United Nations Convention” and substituting therefor the following new definition—

“United Nations Convention” means the United Nations Convention relating to the Status of Refugees, done at Geneva on 28th July, 1951 and acceded to by Kenya on 16th May, 1966.

- (l) in the definition of “transit centre” by deleting the words “, and may include prisons, immigration detention centres, police stations, remand homes or any other areas designed as such;

- (m) by inserting the following new definitions in their proper alphabetical sequence—

“separated child” means a child who has been separated from both parents, or other relatives or by an adult who by law or custom is responsible for being the care giver;

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended in sub-clause (1) by deleting the word “any” immediately after the words “public order in” appearing in paragraph (c) and substituting therefor the word “either”;

### **CLAUSE 4**

**THAT**, clause 4 of the Bill be amended—

- (a) in sub-clause (1) —

- (i) by deleting the words “the International Crimes Act” appearing immediately after the words “defined in the” and substituting therefor the words “any international instrument to which Kenya is a party”, in paragraph (a);

- (ii) by inserting the following new paragraph immediately after paragraph (c)—
  - “(ca) is determined to be a threat to national security”
- (iii) by deleting paragraph (d);
- (b) in sub-clause (2), by inserting the words “has sought asylum in another country or” before the words “has been granted” in paragraph (b)

### **CLAUSE 5**

**THAT**, clause 5 of the Bill be amended in the proviso by deleting the words “falling under section 3 (1)(a) and (b) of this Act” appearing immediately after the words “a refugee” and substituting therefor the words “as defined by this Act”.

### **CLAUSE 8**

**THAT**, clause 8 of the Bill be amended in sub-clause (2) by —

- (a) inserting the words “coordinate activities to” before the words “ensure the civilian” in paragraph (n);
- (b) deleting the words “co-ordination of” and substituting therefor the words “co-ordinate, where relevant in collaboration with county authorities,” in paragraph (u).

### **CLAUSE 9**

**THAT**, clause 9 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

” (1) The Committee shall consist of—

- (a) the Commissioner and who shall be the chairperson and who shall provide secretariat services to the Committee;
- (b) the Principal Secretary from the Ministry responsible for refugee affairs or a representative in writing from the Ministry responsible for Refugee Affairs;
- (c) the Principal Secretary or their representative in writing from the Ministry responsible for foreign affairs;
- (d) the Principal Secretary or their representative in writing from the Ministry responsible for devolution affairs;
- (e) the Principal Secretary or their representative in writing from the Ministry responsible for health;
- (f) the Principal Secretary or their representative in writing from the Ministry responsible for finance;
- (g) the Principal Secretary or their representative in writing from the Ministry responsible for education;
- (h) the Attorney-General or their representative in writing;
- (i) the Director of the Department of Immigration or their representative in writing;
- (j) the Inspector-General or their representative in writing; and
- (k) one person representing the Council of Governors.

## **CLAUSE 10**

**THAT**, clause 10 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) to advise the Cabinet Secretary in respect of declaration, amendment or revocation of prima facie determinations;”

## **CLAUSE 11**

**THAT**, clause 11 of the Bill be amended—

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

“(1) There shall be a Refugee Status Appeals Committee.”

(b) in sub-clause (4), by inserting the word “revocation” immediately after the word “cancellation”, appearing in paragraph (b).

(c) by inserting the following new sub-clauses immediately after sub-clause (4) —

“(4A) A member of the Appeals Committee shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(4C) Each member of the Appeals Committee shall have one vote but in case of a tie in votes, the Chairperson shall have a casting vote.

(4D) The Public Service Commission shall provide the Appeals Committee with a Secretariat for the purposes of discharging its mandate.”

## **CLAUSE 14**

**THAT**, clause 14 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A person who is aggrieved by the decision of the Appeals Committee may appeal to the High Court within thirty days of being notified.”

## **CLAUSE 19**

**THAT**, clause 19 of the Bill be amended—

(a) in sub-clause (1), by deleting the expression “section 30” appearing immediately after the words “Subject to” and substituting therefor the expression “section 29”;

(b) in sub-clause (2) by inserting the words “under the law,” immediately after the words “to public morality”;

(c) in sub-clause (3), by deleting the expression “subsection (1)” appearing immediately after the words “in terms of”

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by inserting the words “or are of old age” immediately after the words “suffer from disability”.

**CLAUSE 24**

**THAT**, clause 24 of the Bill be amended —

- (a) by renumbering the existing provision as sub-clause (1).
- (b) by inserting the following new sub-clauses immediately after sub-clause (1) —

“(2) In the case of a person who is lawfully in Kenya and is subsequently unable to return to his country of origin for any of the reasons specified in section 3 of this Act, he shall, prior to the expiration of his lawful stay, present himself before an appointed officer and apply for recognition as a refugee in accordance with the provisions of this Act.

(3) Where there is a large-scale influx of persons claiming to fall within the meaning of refugees under section 3, the Commissioner shall, in consultation with other agencies advise the Cabinet Secretary on emergency measures to be taken including-

- (a) designation of areas for reception, transit and residence of refugees, having due regard to the security requirement for refugees to be settled at a reasonable distance from the frontier of their country of origin;
- (b) provision of adequate and appropriate facilities and services necessary for the group of persons affected by the influx with particular reference to women, children, victims of trauma, persons of old age and persons with disabilities; and
- (c) ensuring the civilian and humanitarian character of areas designated for refugees and the sensitization of the local population for their reception.

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) —

“(3A) Asylum seekers at transit centres shall be processed within a reasonable time.”

**CLAUSE 28**

**THAT**, clause 28 of the Bill be amended by inserting the following new clauses immediately after clause 28—

Right to free movement.

**28A.**A recognised refugee is entitled to free movement in Kenya subject to reasonable restrictions specified in the laws of Kenya, or directions issued by the Commissioner, which apply to foreigners generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others.

Right to work.

**28B.**Subject to the laws applicable in Kenya, a refugee recognized under this Act shall, have the right to engage in gainful employment.



## **CLAUSE 29**

**THAT**, clause 29 of the Bill be amended—

- (a) in sub-clause (2), by deleting the words “or public order” appearing immediately after the words “national security”;
- (b) by deleting sub-clause (3).

## **CLAUSE 31**

**THAT**, clause 31 of the bill be amended in sub-clause (1) by inserting the words “upon consideration of any special needs or conditions that may affect the refugee’s protection and safety” immediately after the words “Commissioner may”

## **CLAUSE 33**

**THAT**, clause 33 of the Bill be amended—

- (a) in sub-clause (1) by inserting the word “body” immediately after the words “No person”;
- (b) by inserting the following new sub-clause immediately after sub-clause 2—

“(2A) The Commissioner may, on an application, review a decision made under subsection (1) where any new circumstance is brought to his attention.”

## **CLAUSE 34**

**THAT**, Clause 34 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) The Commissioner shall, so far as is practicable, ensure that there is shared use of public institutions, facilities and spaces between the refugees and the host communities.

## **CLAUSE 35**

**THAT**, clause 35 of the Bill be amended by deleting the word “concerns” appearing immediately after the words “that refugee” and substituting therefor the words “matters”

## **CLAUSE 36**

**THAT**, clause 36 of the Bill be amended by inserting the words “older persons, victims of trauma” immediately after the words “women, children”.

## **CLAUSE 38**

**THAT**, clause 38 of the Bill be amended by deleting the words “ministry of foreign affairs” and substituting therefor the words “relevant government ministry”

## **CLAUSE 39**

**THAT**, clause 39 of the Bill be amended by inserting a new clause immediately after clause 39—

Confidentiality.

**39A.** (1) No member of the Committee, employee or agent of the Department of Refugees shall disclose information acquired under this Act except—

- (a) in the course of his duties under this Act; or
- (b) with the consent of the Commissioner.

(2) No person who receives information in contravention of sub section (1) shall disclose or publish the information.

(3) A person who contravenes any provision of this section commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months or both.

#### **CLAUSE 40**

**THAT**, clause 40 of the Bill be amended in sub-clause (1)(c) by inserting the words “without good reason” immediately after the words “fails to report”.

#### **CLAUSE 42**

**THAT**, clause 42 of the Bill be amended —

- (a) by deleting sub-clause (2) and substituting therefor the following new sub-clauses—

“(2) On the commencement day, all rights, powers and liabilities, whether arising under any written law or otherwise which immediately before such day were vested in, imposed on or enforceable against the former Refugee Affairs Secretariat, Refugee Appeals Board and Refugee Affairs Committee shall be deemed to be vested, imposed or enforceable against the current Department for Refugee Services, Refugee Status Appeal Committee and Refugee Advisory Committee.

- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) Any reference in any written law or in any document or instrument to the former Refugee Affairs Secretariat, Refugee Appeals Board and Refugee Affairs Committee shall, on and after the commencement day, be construed to be a reference to the current Department for Refugee Services, Refugee Status Appeal Committee and Refugee Advisory Committee.”

### **CLAUSE 43**

THAT, clause 43 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “within six months of the commencement of this Act” immediately after the words “under this Act”;
- (b) in sub-clause (2), by inserting the following new paragraphs immediately after paragraph (t)—

“(u) period of validity of documentation;

(v) circumstances on limitation of rights granted to refugees;

(w) documentation to be provided to a recognised refugee.”

- 2) **Notice is given that the Member for Funyula (Hon. (Dr.) Ojiambo Oundo) intends to move the following amendments to the Refugees Bill, 2019 at the Committee Stage—**

### **CLAUSE 20**

THAT, clause 20 of the Bill be amended by inserting the following new subclause immediately after subclause (4) —

“(5) The Commissioner shall ensure that a child whose application for refugee status is being considered or is registered as a refugee under this Act is accorded the rights provided for under the Children’s Act (No. 8 of 2001).

- 3) **Notice is given that the Member for Suba North (Hon. Millie Odhiambo Mabona) intends to move the following amendments to the Refugees Bill, 2019 at the Committee Stage—**

### **CLAUSE 2**

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of “essential services” and substituting therefor the following new definition—

“essential services” include security, shelter, basic education, health, water and sanitation services;

- (b) in the definition of “OAU Convention” by deleting the words “done at” and substituting therefor the words “adopted in”;
- (c) in the definition of “protocol” by deleting the words “done at” and substituting therefor the words “adopted in”;
- (d) in the definition of “spouse” by inserting the words “a customary law or” immediately before the words “common law spouse”;
- (e) in the definition of “transit centre” —
  - (i) by deleting the word “either” appearing immediately after the words “pending transfer to”; and

- (ii) by inserting the words “or pending repatriation and resettlement” immediately after the words “settlement centres”
- (f) in the definition of “United Nations Convention” be deleting the words “done at” and substituting therefor the words “adopted in”;

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended—

(a) in subclause (1) —

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

“(a) being outside of his or her country of nationality and owing to a well-founded fear of being persecuted for reasons of race, personal convictions, religion, nationality, membership of a particular social group or political opinion, or for failure to conform to a retrogressive cultural practice; and who is in Kenya and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or country of nationality or the country of habitual residence;”

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

“(b) not having a nationality and being outside the country of his or her former habitual residence owing to a well-founded fear of being persecuted for reasons of race, personal convictions, religion, nationality, membership of a particular social group or political opinion, or for failure to conform to a retrogressive cultural practice; and who is in Kenya and is unable or, owing to such fear, unwilling to return to the country of his or her habitual residence;”

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

Application **3A**

This Act shall apply to all refugees and asylum seekers within the territory of Kenya, without discrimination on the basis of race, religion, personal conviction, color, national origin, sex, disability or age.

#### **CLAUSE 4**

**THAT**, clause 4 of the Bill be amended in subclause (1) by deleting paragraph (d).

#### **CLAUSE 7**

**THAT**, clause 7 of the Bill be amended in subclause (2) by inserting the words “and asylum seekers” immediately after the words “assistance of refugees” appearing in paragraph (c).

#### **CLAUSE 8**

**THAT**, clause 8 of the Bill be amended in subclause (2) by deleting paragraph (q) and substituting therefor the following new paragraph —

“(q) ensure that the treatment of all asylum seekers and refugees complies with national and international law”

#### **CLAUSE 9**

**THAT**, clause 9 of the Bill be amended —

(a) in subclause (1) —

(i) by deleting paragraph (d);

(ii) by inserting the following new paragraph immediately after paragraph (k) —

“(l) three persons appointed by the Cabinet Secretary to represent civil society organizations that deal with matters relating to refugees.”

(b) by deleting subclause (2) and substituting therefor the following new subclause —

“(2) In appointing representatives to the committee under subsection (1)(l), the Cabinet Secretary shall take into account equitable gender representation.”

#### **CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

(a) in paragraph (a) by inserting the words “and asylum seekers” immediately after the words “relating to refugees”;

(b) in paragraph (b) by inserting the words “and asylum seekers” immediately after the words “relating to refugees”;

(c) in paragraph (d) by inserting the words “and asylum seekers” immediately after the words “care of refugees”

## **CLAUSE 11**

**THAT**, clause 11 of the Bill be amended —

(a) in subclause (2) —

(i) by inserting the following paragraph immediately after paragraph (b)—

“(ba) a representative of the National Gender Commission;”

(ii) by inserting the following paragraph immediately after paragraph (e)—

“(f) a representative of the United Nations High Commission for Refugees”

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

“(3A) In appointing members to the Appeal’s Committee, regard shall be taken to ensure equitable gender representation.

(3B) The members of the committee shall serve a four-year term which may be renewable once.”

(3C) The Appeals Committee shall be independent in the exercise of its functions under this Act”

(c) by deleting subclause (5);

(d) by inserting the following subclause immediately after subclause (7) —

“(8) The Cabinet Secretary shall make regulations to give effect to this section and such regulations shall include —

(a) procedures of providing interpreters for refugees or asylum seekers;

(b) mechanisms of ensuring confidentiality;

(c) mechanisms of ensuring impartiality;

(d) protection against sexual harassment;

(e) rights of representation by a lawyer; and

(f) permission of attendance by eligible observers.

## **CLAUSE 13**

**THAT**, clause 13 of the Bill be amended—

(a) in subclause (2) by inserting the following paragraph immediately after paragraph (b)—

“(c) A representative of the United Nations High Commission for Refugees.”

(b) by deleting subclause (3) and substituting therefor the following new subclause—

“(3) In appointing persons to the Eligibility Panel, the Commissioner shall take into consideration equitable gender representation.”

#### **CLAUSE 14**

**THAT**, clause 14 of the Bill be amended—

(a) in subclause (1) by deleting the words “thirty days” and substituting therefor the words “sixty days”;

(b) in subclause (2) by deleting the words “thirty days” and substituting therefor the words “sixty days”;

(c) by inserting the following new subclause immediately after subclause (4) —

“(5) No fee shall be charged for filing of applications and appeals under this section.”

#### **CLAUSE 19**

**THAT**, clause 19 of the Bill be amended —

(a) by inserting the following new subclause immediately after subclause (1) —

“(1A) Before ordering any expulsion under sub-section (1), the Commissioner shall ensure that the refugee or asylum seeker is accorded an opportunity to appeal to challenge the decision as provided under this Act.”

(b) by deleting subclause (2);

(c) by deleting subclause (3);

#### **CLAUSE 20**

**THAT**, clause 20 of the Bill be amended—

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

“(1) The Commissioner shall ensure that specific measures are taken to ensure the dignity and safety of women, children and the elderly seeking asylum and women, children and the elderly who have been granted refugee status at all times during their stay in designated areas.”

(b) in subclause (4) by inserting the words “under national and international laws” immediately after the words “deprived of his or her family”;

(c) by inserting the following new subclause immediately after subclause (4) —

- “(5) The Cabinet Secretary shall make regulations to give effect to the better carrying out the provisions of this section and the regulations shall include provisions that shall ensure—
- (a) no child is subject to trafficking in persons;
  - (b) proper registration and identification is recorded to ensure identification of parents or relatives of the child;
  - (c) a child is placed in a place of safety or with a designated officer responsible for unaccompanied children; and
  - (d) the child receives psychosocial support.”

### **CLAUSE 22**

**THAT**, clause 22 of the Bill be amended in subclause (1) by deleting the words “sixty days” appearing in paragraph (c). and substituting therefor the words “ninety days”

### **CLAUSE 23**

**THAT**, clause 23 of the Bill be amended—

- (a) by deleting subclause (5) and substituting therefor the following new sub clause—
  - (5) A person who has submitted an application for refugee status shall be under obligation to abide by all the laws of Kenya including all the lawful orders given by the mandated institutions under this Act.
- (b) by inserting the following new subclauses immediately after subclause (5) —
  - “(6) Any person who contravenes subsection (5) commits an offence.

### **CLAUSE 27**

**THAT**, clause 27 of the Bill be amended—

- (a) by inserting the words “trafficking in persons, especially women and children, terrorism and” immediately after the words “to prevent the”.
- (b) by renumbering the existing provision as subclause (1);
- (c) by inserting the following new subclause immediately after subclause (1) —
  - “(2) Any security screening shall be undertaken in a manner that preserves the dignity of the person and that protects the rights of vulnerable persons including women and children.”



**CLAUSE 28**

**THAT**, clause 28 of the Bill be amended—

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

“(1) Subject to this Act, every refugee and every asylum seeker within Kenya shall —

(a) be entitled to the rights and be subject to the duties contained in the 1951 Refugee UN Convention, its Protocol and the OAU Convention Governing Specific Aspects of Refugees in Africa; and

(b) be bound by all the laws in force in Kenya.”

(b) by inserting the following new subclause immediately after subclause (1) —

“(1A) Without prejudice to the generality of sub section (1), every refugee and asylum seeker shall be accorded treatment as favorable as possible and, in any event, not less favorable than that accorded to foreign nationals in Kenya.”

(c) by inserting the following new subclauses immediately after subclause (4) —

“(5) Subject to the laws applicable and taking into special consideration the special circumstances of refugees, a refugee recognized under this Act shall have the right to engage individually or in a group, in gainful employment or enterprise or to practice a profession or trade where he holds qualifications recognized by competent authorities in Kenya.

(6) A refugee and an asylum seeker shall have the right to identification and civil registration documents and such documents shall be sufficient to identify a refugee or asylum seeker for the purposes of access to rights and services under this Act and any other applicable law;

(7) Without prejudice to the generality of the foregoing, and subject to the special circumstances of refugees, the Refugee Identity Card shall at a minimum have a similar status to the Foreign National Registration Certificate issued under section 56 (2) of the Kenya Citizenship and Immigration Act for the purposes of accessing the rights and fulfilling obligations under this law.”

**CLAUSE 29**

**THAT**, clause 29 of the Bill be amended—

- (a) in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) the person may be subject to persecution on account of race, personal convictions, religion, nationality, membership of a particular social group or political opinion, or for failure to conform to a retrogressive cultural practice;”

- (b) in subclause (3) by deleting the words “and children” appearing immediately after the words “reference to women” in paragraph (b), and substituting therefor the words “, children, persons with disability and the elderly”

**CLAUSE 31**

**THAT**, clause 31 of the Bill be amended—

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

“(1) Subject to the provisions of this Act, the Commissioner may require any refugee within a designated area to move to or reside in any other designated area”

- (b) by inserting the following new subclause immediately after subclause (1) —

“(1A) Despite the subsection (1), the Commissioner shall consider any special needs or conditions that may hinder the refugees’ protection and safety before making an order under subsection (1)”

**CLAUSE 32**

**THAT**, clause 32 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

- “(e) the provision of special services to women, girls and persons with disabilities including legal and psychosocial services to victims of sexual and gender-based violence; reproductive services and other specialized services”

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...../Notices\*

# **N O T I C E S**

## **II. PROPOSED AMENDMENT TO THE MOTION ON THE SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT AND USED SPARE PARTS BY THE KENYA BUREAU OF STANDARDS**

Notice is hereby given that the Member for Homa Bay Town (Hon. Peter Kaluma) intends to move the following amendment to the Motion on the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards: -

**THAT**, the Motion be amended by inserting the following words after the figure “2020”-

“Subject to the following-

- a) deletion of **Recommendations (ii), (iii) and (iv)** appearing under ‘Committee Recommendations’ under Chapter 5 on page 61 of the Report; and,
- b) deletion of **Recommendation (v)** appearing under ‘Committee Recommendations’ under Chapter 5 on page 63 of the Report and substitution thereof with the following recommendation-

*(v) The Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) should expeditiously investigate the circumstances under which the KEBS entered into contract with M/s EAA Company Limited and M/s Auto Terminal Japan and report their findings to the National Assembly.*

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...../Notices

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**III. 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.

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...../Notice Papers\*

**NOTICE PAPER I**

**Tentative business for**  
**Thursday (Morning), September 24, 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 (Morning), September 24, 2020-

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

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

Second Reading  
*(Question to be put)*

**B. COMMITTEE OF THE WHOLE HOUSE**

The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 29 of 2019)

(The Hon. Andrew Mwadime, M.P.)

**C. MOTION - CONSIDERATION OF THE THIRD GENERATION REVENUE SHARING FORMULA FOR COUNTIES**

(The Chairperson, Budget & Appropriations Committee)

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

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

Second Reading  
*(Resumption of debate interrupted on Thursday, September 17, 2020 – Morning sitting)*  
*(Balance of time – 2 hours 23minutes)*

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

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

Second Reading

**F. THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2019)**

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

Second Reading

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

(The Hon. Kassim Sawa Tandaza, M.P.)

Second Reading

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*...../Notice Paper II\**

**NOTICE PAPER II**

**Tentative business for**  
**Thursday (Afternoon), September 24, 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 24, 2020-

**A. MOTION - APPROVAL FOR APPOINTMENT OF THE REGISTRAR AND ASSISTANT REGISTRARS OF POLITICAL PARTIES**

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

**B. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Gaming Bill (National Assembly Bill No. 38 of 2019)  
(The Chairperson, Departmental Committee on Sports, Culture & Tourism)
- (ii) The Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019)  
(The Chairperson, Departmental Committee on Finance & National Planning)

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

*(If not concluded on Tuesday, September 22, 2020)*

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

*(If not concluded on Tuesday, September 22, 2020)*

**E. THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2019)**

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

Second Reading

*(If not concluded on Tuesday, September 22, 2020)*

**F. MOTION -SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BYKENYA BUREAU OF STANDARDS**

(The Chairperson, Public Investments Committee)

*(If not concluded on Tuesday, September 22, 2020)*

**G. MOTION - REPORT ON THE STATUS OF IMPLEMENTATION OF LEGISLATIONS, PETITIONS AND RESOLUTIONS**

(The Chairperson, Committee on Implementation)

...../Appendix

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**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 BY PRIVATE NOTICE**

**QPN  
024/2020**

**The Member for Endebess (Hon. (Dr.) Robert Pukose, M.P.) to ask the Cabinet Secretary for Interior and Coordination of National Government-**

- (i) Could the Cabinet Secretary provide the status of investigations into the killing of the late *Tom Wekesa Sirengo of ID No. 9838943* on 11<sup>th</sup> September 2020 at around 9.00am at *Mowlem Centre*, Endebess Constituency and subsequent injury to three other persons among them *Abubakar Wekesa Barasa of ID No. 11575672* a brother to the deceased, who is still recuperating in hospital?
- (ii) What steps have been taken to apprehend the perpetrators of the heinous act?
- (iii) What action has been taken against the Police Officers at Endebess Police Station who, on 11<sup>th</sup> September 2020 at around 1.30pm, declined to avail the statutory P3 Forms to the other injured persons namely, *Wanyonyi Mwachawa Nafula of ID No. 9838943* and *Saum Naliaka Wanyonyi*?
- (iv) What urgent steps the Ministry is taking to curb increased insecurity in Endebess Constituency and in particular in *Mowlem* area?

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

## **ORDINARY QUESTIONS**

**176/2020**

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

- (i) Could the Cabinet Secretary explain when the Ministry intends to resume the construction of the *Kizingitini, Ndau, Faza and Mbujumwali* sea walls in Lamu East Constituency which stalled?
- (ii) When will the labourers who were engaged in the construction of the first phase of the sea wall be paid?

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

**180/2020**

**The Member for Kathiani (Hon. Robert Mbui, M.P.) to ask the Cabinet Secretary for Energy-**

- (i) When will the Ministry address the dangers posed by the main electricity power line passing through *Kaiani* Secondary School in Kathiani Constituency, which is endangering the lives of learners, teachers, staff and parents and further hindering infrastructure development in the school?
- (ii) Could the Ministry consider re-routing the power lines away from the school?

*(To be replied before the Departmental Committee on Energy)*

**193/2020      The Member for Moyale (Hon. Qalicha Gufu, M.P.) to ask the Cabinet Secretary for Foreign Affairs -**

- (i) What measures has the Ministry put in place to enhance bilateral cooperation and trade with the Federal Republic of Ethiopia and to also foster trade and cohesion among the communities residing along the Kenya-Ethiopia Border in Moyale?
- (ii) Could the Government consider operationalization of the One Stop Border Point (OSBP) along the Kenya-Ethiopia Border in Moyale?

*(To be replied before the Departmental Committee on Defence and Foreign Relations)*

**195/2020      The Member for Mandera West (Hon. Adan Haji Yussuf, M.P.) to ask the Cabinet Secretary for Education: -**

- (i) What steps is the Ministry taking to improve and enhance service delivery in the Ministry of Education offices at the Mandera West Sub-county headquarters that serve teachers from more than 78 primary schools and 9 secondary schools in the area?
- (ii) When will the Ministry create administrative units to be designated as educational zones and deploy Curriculum Support Officers?
- (iii) Could the Ministry consider providing suitable motor vehicle to the Sub-county office to facilitate transport of officers in the Sub-county for effective monitoring and evaluation of educational programmes?

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

**198/2020      The Member for Baringo County (Hon. Gladwell Cheruiyot, M.P.) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -**

- (i) Is the Cabinet Secretary aware of the deplorable state of the *Ravine -Sigoro-Ochi Road* in Eldama Ravine Constituency, Baringo County?
- (ii) When will the Ministry upgrade the *Ravine- Sigoro-Ochi Road* to bitumen standards?



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

**202/2020 The Member for Ainabkoi (Hon. William Chepkut, M.P.) to ask the Cabinet Secretary for Lands and Physical Planning -**

When will the Ministry issue title deeds to the owners of *Land Reference No. 77/505 in Munyaka Area* of Ainabkoi Constituency in Uasin Gishu County?

*(To be replied before the Departmental Committee on Lands)*

**203/2020 The Member for Keiyo North (Hon. (Dr.) James Murgor, M.P.) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -**

- (i) When will the Ministry compensate persons affected by the expansion and rehabilitation of a *12 kilometre* section of the *Iten-Burgar Road* to Bitumen standards that was undertaken in December 2016?
- (ii) What has caused the delay in the payment of compensation despite the payments expected to have been completed by end of June 2019?

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

**207/2020 The Member for Lafey (Hon. Ibrahim Mude, M.P.) to ask the Teachers Service Commission: -**

- (i) Why has the Teachers' Service Commission Office taken inordinately long to establish a Sub-county office in Lafey?
- (ii) When will the Commission establish the Lafey Sub-county office and have it staffed with requisite personnel to facilitate efficient administration of Teachers' services in the area?

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

**211/2020 The Member for Kitui West (Hon. Edith Nyenze, M.P.) to ask the Teachers Service Commission: -**

- (i) Could the Commission provide an update on the progress of the on-going transfer of deputy head teachers in Kitui County and the criteria used in the transfers?
- (ii) Could the Commission provide the number of registered graduate teachers since 2018 who are yet to be employed in Kitui County?
- (iii) What measures are in place to ensure the teachers are employed?

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

**240/2020 The Member for Starehe (Hon. Charles Njagua, MP) to ask the Cabinet Secretary for Ministry of Interior and Coordination of**

**National Government: -**

- (i) Could the Cabinet Secretary explain the status of investigations into the deaths of four persons namely *Melissa Okwemba (ID No: 26605088) and her unborn baby, James Otieno (ID No 27411976), and Asili Sophia (minor)*, and injuries to eight persons namely *Benedetta Katungwa (ID No: 30333697), Collins Kiprof (ID No: 37431323), Beatrice Kwamboka (ID No: 28561288), Albert Nyareru (ID No: 20576972), Elizabeth Nyaboke, Robinson Vaali (minor), Dominic Kyoyo (minor) and David Nyakundi (minor)*, and damage of properties that occurred as a result of collapse of a perimeter wall in *Kamongo area in Landimawe Ward, Starehe Constituency* on 12<sup>th</sup> September 2019?
- (ii) What action has been taken against M/s *Giloil Company Limited* for negligence that led to the loss of lives of the four named persons, injuries to the eight people mentioned and damage to properties, and constant harassment of residents living in the area including threats of eviction from their homes?

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

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