



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, OCTOBER 8, 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*. PROCEDURAL MOTION– EXTENSION OF TIME FOR
CONSIDERATION OF A PETITION**

(The Chairperson, Departmental Committee on
Agriculture & Livestock)

THAT, notwithstanding the provisions of Standing Order 227(2) (*Committal of Petitions*), this House **resolves** to extend the period for consideration of a public petition regarding restoration and revival of the Kenya Cashew Nuts Factory presented by the Hon. Owen Yaa Baya, MP (Kilifi North Constituency) by the Departmental Committee on Agriculture and Livestock by a **further period of sixty (60) days** with effect from 8th October, 2020.

**9*. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF
THE REPORT ON A PETITION ON AN INQUIRY INTO
THE CRISIS FACING THE SUGAR INDUSTRY IN
KENYA**

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Report of the Committee on Implementation on Report on the Implementation Status of the Report of the Departmental Committee on Agriculture and Livestock on a Petition on an Inquiry Into the Crisis Facing Sugar Industry in Kenya, *laid on the Table of House on Thursday, June 20, 2019.*

(Question to be put)

10*. THE NARCOTICS, DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2020)

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

First Reading

11*. MOTION - APPROVAL OF NOMINEES TO THREE NG-CDF CONSTITUENCY COMMITTEES

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

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House **approves** the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund, *laid on the Table of the House on Tuesday, October 6, 2020* –

1. KURIA EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Nchagwa Ravasco Mutundi	Male Youth Representative	Re-appointment, pursuant to Sec. 43(8)
2.	Moris Wambura Magaiwa	Male Adult Representative	Re-appointment, pursuant to Sec. 43(8)
3.	Mwita Elevian Boke	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)
4.	Beatrice Chacha Getang'enyi	Female Adult Representative	Re-appointment, pursuant to Sec. 43(8)
5.	Mwita Paul Koroso	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec. 43(8)
6.	Vincent Kerario Otaigo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec. 43(8)
7.	Mary Gati Waichoka	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec. 43(8)

2. SHINYALU CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benard Isindu Siritiabayi	Male Youth Representative	Re-appointment, pursuant to Sec. 43(8)
2.	Faith Khamali Gitira	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)
3.	Florence Masitsa Isaac	Female Adult Representative	Re-appointment, pursuant to Sec. 43(8)
4.	Jaune Achesa Shidzugane	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec. 43(8)
5.	Jamin Mugangayi Lumiti	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec. 43(8)
6.	Adelaide Deveney Mbuya	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec. 43(8)

3. EMGWEN CONSTITUENCY *(Re-submitted to complete list of Nominees as earlier submissions had only six nominees)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Getrude Sugut	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)

12*. THE PUBLIC FUNDRAISING APPEALS BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2019)*(The Chairperson, Constitutional Implementation Oversight Committee)*

Second Reading

13*. 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 Investments 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.*

14*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

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

Second Reading

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

17*. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2019)

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

THAT, the Senate amendments to the Independent Electoral & Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bill No. 35 of 2019) be now considered.

18*. COMMITTEE OF THE WHOLE HOUSE

Consideration of Senate Amendments to the Independent Electoral & Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bill No.35 of 2019)

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

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

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

Second Reading

*** Denotes Orders of the Day***

NOTICES

I. PROPOSED AMENDMENTS 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

- 1) Notice is 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.

- 2) Notice is given that the Member for Makueni (Hon. Daniel Maanzo, MP) 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 deletion of Recommendations (ii), (iii), (iv) and (v) appearing under ‘Committee Recommendations’ under Chapter 5 on pages 61 to 63 of the Report.”

II. SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT)(No.3) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2020)

Notice is given that the Chairperson of the Departmental Committee on Justice & Legal Affairs intends to move the following Senate amendments to the Independent Electoral and Boundaries Commission (Amendment)(No.3) Bill, 2019 at the Committee Stage—

SENATE AMENDMENT TO CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “eleven” appearing immediately after the words “therefor the words” and substituting therefor the word “seven”;
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) by deleting paragraph 1(2) and substituting therefor the following new subparagraph—
 - (2) The selection panel shall consist of—
 - (a) two men and two women nominated by the Parliamentary Service Commission;
 - (b) one person nominated by the Law Society of Kenya; and
 - (c) two persons nominated by the Inter-religious Council of Kenya.
- (c) by inserting the following new paragraph immediately after paragraph (b)—
 - (ba) by inserting the following new paragraph immediately after paragraph 1(2)—
 - (2A) A person is qualified for appointment as a member of the selection panel if such person—
 - (a) is a citizen of Kenya;
 - (b) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution; and
 - (c) holds a degree from a university recognised in Kenya.

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.

...../Notice Paper*

NOTICE PAPER

Tentative business for Tuesday, October 13, 2020

(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 Tuesday, October 13, 2020-

A. MOTION - CONSIDERATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC ON THE LUIGI-BROGLIO MALINDI SPACE CENTRE

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

B. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2019)

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

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

C. COMMITTEE OF THE WHOLE HOUSE

Consideration of Senate Amendments to the Independent Electoral & Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bill No.35 of 2019)

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

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

D. THE PUBLIC FUNDRAISING APPEALS BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2019)

(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

E. 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)

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

F. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

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

Second Reading

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

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

(The Chairperson, Committee on Delegated Legislation)

Second Reading

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)

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

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

Second Reading

(If not concluded on Thursday, October 8, 2020 – Afternoon sitting)



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:-

QUE NO.

QUESTION BY PRIVATE NOTICE

QPN **The Member for Mumias East (Hon. Benjamin Washiali, MP)**
028/2020 **to ask the Cabinet Secretary for Education: -**

- (i) In view of the recent notification that schools and colleges will be reopening next week, what measures has the Ministry put in place to protect pupils and students from the spread of the COVID-19 Virus?
- (ii) Does the Ministry plan to provide essential items such as water tanks for washing hands, face masks and sanitizers, social distancing protocols, among others, to public schools and colleges especially for pupils and students from poor backgrounds?
- (iii) What public health training, if any, has been given to teaching and non-teaching staff to enable them to be at the forefront of identification and management of COVID-19 cases in schools?
- (iv) Does the Ministry consider the three working days' notice given to parents and guardians adequate for them to make necessary arrangements to enable students to resume classes?

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

QUE NO.

ORDINARY QUESTIONS

214/2020 **The Member for Kathiani (Hon. Robert Mbui, MP) to ask the**
Cabinet Secretary for Lands and Physical Planning -

- (i) Is the Cabinet Secretary aware that during the compulsory acquisition of land by the Government in 1985 for the expansion of *Kathiani Level 4 Hospital*, only five out of eight affected land owners were compensated?

- (ii) Could the Government consider compensating the remaining three affected land owners, namely; Mr. *Mwilu Mwema Kalondu* of L.R. No. *Mitaboni/Kathiani/135*, Mr. *Masuwa Mweu* of L.R. No. *Mitaboni/Kathiani/139* and the late *Telela Mutwota* of L.R. No. *Mitaboni/Kathiani/135*?

(To be replied before the Departmental Committee on Lands)

243/2020

The Member for Wundanyi (Hon. Danson Mwashako, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary provide a list of all constituencies in the country without a single kilometer of road or with less than 5Km of road of Bitumen Standards commonly referred as *tarmac*, and clarify whether it is of low volume seal or otherwise; and, further list of all constituencies without a single kilometer of *KeRRA Roads* of bitumen standards?
- (ii) What is the status of implementation of the road construction under low volume seal program in Kenya and how many kilometers of road under this program have been done in each county, and which Constituencies are yet to benefit?
- (iii) What plans has the Ministry put in place to ensure that roads are constructed to Bitumen Standards in Wundanyi Constituency considering that the Constituency does not even have a single kilometer of tarmac road?
- (iv) What is the status of construction of the 55km *Bura - Mghange-Werugha – Mbale – Mtomwagodi* road considering that it was launched for construction in 2017 by the President to serve Wundanyi and Mwatate Constituencies and when will it be completed?

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

245/2020

The Member for Kimilili (Hon. Didmus Barasa, MP) to ask the Cabinet Secretary for Education—

- (i) How many schools from Kimilili Constituency benefited from Infrastructure Development Funds for the years 2018/2019 and 2019/2020?
- (ii) What was the criteria used to identify the schools to benefit from the programme?
- (iii) Could the Ministry ensure that all public schools in Kimilili Constituency benefit from the programme in the financial year 2020/2021?

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

249/2020

The Member for Kwale County (Hon. Zuleikha Juma Hassan MP) to ask the Cabinet Secretary for Environment and Forestry:

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- (i) Could the Cabinet Secretary explain the measures in place to ensure that complaints raised by the citizens in *Mwavurubo* Ward, Kinango Constituency regarding the release of hazardous waste by *M/s SBNP Ventures Limited* in Kenya are addressed?
- (ii) Could the Cabinet Secretary clarify whether due process was followed in the issuance of licenses to *M/s SBNP Ventures Limited*, particularly on environmental matters and waste disposals;
- (iii) Could the Cabinet Secretary clarify whether the company actually adheres to laws and regulations regarding protection safe disposal of waste?
- (iv) What steps has the Ministry taken to ascertain the risks posed to the health of the population and ecosystem by the hazardous waste disposed by the company and what immediate measures, if any, has the Ministry taken to mitigate against the effects of the waste released?

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

251/2020

The Member for Sabatia (Hon. Alfred Agoi, MP) to ask the Chairperson of the Teachers Service Commission -

- (i) What criteria is used in promoting all primary school teachers who have attained a Bachelor's Degree in Early Childhood Education?
- (ii) Could the Commission consider promoting such teachers automatically soon after their graduation since their skills and knowledge is equally relevant at primary school levels?
- (iii) Who is responsible for conducting of promotional interviews for such teachers?
- (iv) What measures is the Government putting in place to ensure that teachers who graduate in the above- mentioned field are recognized and appreciated so as to guard against the possibility of demoralizing or discouraging the affected teachers?

(Question for Written Reply by the Teachers Service Commission)

262/2020

The Member for Mathare (Hon. Anthony Tom Oluoch, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -

- (i) What is the status of the disbursement of the 0.3% of revenue raised each financial year to fund Political Parties as institutions of Governance established under Articles 90 & 91 of the Constitution in view of the decision of the High Court of 2016 (Judicial Review No. 483 of 2016), directing the Cabinet Secretary to allocate not less than 0.3% of national revenue to the Political Parties Fund?
- (ii) How much is owed to Political Parties which qualify for funding from the Fund and in particularly the arrears owed to Orange Democratic Movement (ODM)?
- (iii) What measures has the Cabinet Secretary put in place to ensure that all pending payments to ODM and other Political Parties are settled, including arrears dating back to 2016/2017, 2018/19 and 2020/2021 financial years in compliance with the said Court decision?
- (iv) What steps is the Cabinet Secretary taking to ensure the Budget Policy Statement and other budgetary processes comply with the need to reflect this statutory requirement before submission to Parliament with respect to the next financial year?

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

269/2020

The Member for Alego Usonga (Hon. Samuel Atandi, MP) to ask the Cabinet for Water, Sanitation and Irrigation: -

- (i) What has caused the construction of *Pap Kalein Development Sewerage Project* in *Mulala* Sub-location in Alego Usonga Constituency to stall despite the project been fully funded, how much money has been paid to the contractor for the project so far and when will it be fully completed?
- (ii) Could the Cabinet Secretary explain under which circumstances the project's contractor was allowed to hand over the project before its completion?
- (iii) Could the Cabinet Secretary also explain how the *Sewerage Project* was opened up for use by the public thereby exposing the environment to pollution arising from discharge of untreated waste along the roads and open areas?

- (iv) Could the Cabinet Secretary consider immediately discontinuing the use of the sewerage system by the public to allow the construction to be fully completed?

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

273/2020

The Member for Kitui West (Hon. Edith Nyenze, MP) to ask the Chairperson of the Teachers Service Commission: -

- (i) Could the Commission provide an up-to date criteria used to promote and transfer deputy head teachers for primary schools in Kitui County?
- (ii) How many deputy head teachers have been promoted and posted in Kitui County since 2017 and how many were residents of the County?
- (iii) Could the Cabinet Secretary provide the number of registered P1 teachers who graduated in 2008 to date who have been employed in Kitui County, and in particular Kitui West Constituency?
- (iv) What measures have been put in place to ensure that the unemployed teachers are considered in the ongoing recruitment exercise?

(Question for Written Reply by the Teachers Service Commission)

278/2020

The Member for Lamu County (Hon. Ruweida Obo, MP) to ask the Cabinet Secretary for Lands: -

- (i) Could the Cabinet Secretary provide details of the ownership of the parcel of land marked “*Mbwanjummali Dispensary*” in *Mbwanjummali* village, Lamu East Constituency and confirm whether the parcel of land is registered in the name of *Lali Bakari Lali* (deceased) of ID No. 03061116?
- (ii) Could the Cabinet Secretary explain why the adjudication, and subsequent issuance of title deeds left out *Mr. Lali Bakari Lali*, leading to encroachment on the parcel?
- (iii) When will the Ministry cause cancellation of the title deed that was obtained fraudulently with respect to the parcel meant for *Mr. Lali Bakari Lali*?
- (iv) Could the Cabinet secretary clarify whether the land currently occupied by the government offices was compulsory acquired, whether the owners were compensated and if so, how much was paid and to whom?

(To be replied before the Departmental Committee on Lands)
