



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 08, 2020 AT 2.30 P.M.

1. The House assembled at 2.30 O'clock.
2. The Proceedings were opened with Prayer.
3. Presiding - the Hon. Speaker.
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications: -

a) Guide for conduct of Committee meetings and local visits during the Covid-19 Pandemic

Honourable Members, the Liaison Committee is established under Standing Order 217 to, among other things, guide and co-ordinate the operations, policies and mandates of all Committees, and give such advice relating to the work and mandate of select committees as it may consider necessary. The Committee consists of the Deputy Speaker as Chairperson, the First Chairperson of Committees who serves as the Vice-Chairperson and the Chairpersons of all Committees of the House.

Honourable Members, further to the Speaker's Guidelines of 2nd and 11th April, 2020 on the *Conduct of Sittings of the House and its Committees during the Covid-19 Pandemic*, the Liaison Committee, in keeping with its mandate, has set out a *Guide* specific to meetings and local visits by Committees during the ongoing pandemic. The *Guide* provides for standard operating procedures on the conduct of physical and virtual meetings, as well as local field visits and workshops by Committees.

Honourable Members, I wish to highlight just a few of these protocols –

- (i) The Chairpersons of a Committee and the secretariat shall be physically present in the meeting room in the precincts of Parliament or at a venue approved by the Speaker for holding meetings;
- (ii) For accountability purposes and validity of decisions taken, Members attending Committee meetings virtually are required to be within the precincts of Parliament or at the designated office of the Member within Nairobi City County, at the constituency office, or such other place as the Chairperson may permit;
- (iii) All Committee proceedings, even when conducted virtually are covered by the parliamentary privileges and immunities as provided for in Article 117 of the Constitution and the Parliamentary Powers and Privileges Act, 2017. As such, whenever attending Committee meetings virtually, Members are reminded to ensure that they do not aid, facilitate or permit any strangers or other unauthorised persons to participate or listen into the Committee deliberations;
- (iv) Members shall be required to dress decently while attending virtual parliamentary meetings; and,
- (v) Not more than seven (7) Members shall be allowed to undertake a field or inspection visit, or public hearing. Committees are encouraged to establish sub-committees for purposes of undertaking inspection visits and public hearings.

Honourable Members, noting the need for a unified approach in the activities of Committees during this period, I have directed the Clerk to transmit the entire Guide to all Committees of the House for implementation and to ensure compliance. The House is accordingly guided.

I thank you.”

b) Appointment of Members to the Mediation Committee on the County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018)

Honourable Members, you will recall that on Tuesday, 22nd September 2020, the House rejected, at Second Reading, the County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018). The consequence of this decision is that the Bill will be referred to the Mediation process contemplated under Articles 112 and 113 of the Constitution and Standing Order 149 of the National Assembly Standing Orders.

Honourable Members, I wish to notify the House that, in accordance with the provisions of Article 113 of the Constitution, in consultation with the Leaders of the Majority and Minority Parties, I have appointed the following Members to represent the National Assembly in the Mediation Committee on the said Bill –

1. The Hon. Wafula Wamunyinyi, MP;
2. The Hon. Fred Chesebe Kapondi, MP;
3. The Hon. Moses Lessonet, MP;

4. The Hon. Sophia Abdi Noor, MP;
5. The Hon. Richard Tong'i, MP;
6. The Hon. Fred Odhiambo Ouda, MP; and
7. The Hon. Edward Oku Kaunya, MP.

The Hon. Wafula Wamunyinyi, MP will lead the National Assembly team.

Honourable Members, the Members are advised to liaise with their Senate counterparts so as to expeditiously embark on the process of developing a version of the Bill that may be agreeable to the two Houses within the timelines set out in Article 113(4) of the Constitution.

I thank you!"

5. PAPERS LAID

The following Papers were laid on the Table of the House: -

- a) The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June, 2019 and the certificates therein:-
 - (i) Kenya Electricity Transmission Company Limited;
 - (ii) Teachers Service Commission; and
 - (iii) Commission on Revenue Allocation.

(The Leader of the Majority Party)

- b) The Report of the Departmental Committee on Health on its consideration of the Public Petition regarding withdrawal of harmful chemical pesticides in the Kenyan market.

(The Chairperson, Departmental Committee on Health)

- c) Reports of the Departmental Committee on Labour and Social Welfare on:-
 - (i) Sessional Paper No. 2 of 2019 on the National Policy on Gender and Development; and,
 - (ii) Sessional Paper No. 3 of 2019 on the National Policy for the eradication of Female Genital Mutilation (FGM).

(The Chairperson, Departmental Committee on Labour & Social Welfare)

- d) Report of the Select Committee on the National Government Constituencies Development Fund (Amendment) (No.2) Bill (National Assembly Bill No. 58 of 2019).

*(Member, Select Committee on National Government Constituencies
Development Fund)*

- e) Report of the Constitutional Implementation Oversight Committee on its Consideration of the Constitution of Kenya (Amendment)(No.5) Bill (National Assembly Bill No. 67 of 2019).

(Chairperson, Constitutional Implementation Oversight Committee)

- f) Addendum Report on the consideration of the submissions from the Ministry of Interior and Coordination of the National Government and the Ministry of Sports, Culture and Heritage to the Gaming Bill, 2019.

Chairperson, Departmental Committee on Sports, Culture and Tourism: -

6. NOTICE OF MOTION

The following Notices of Motion were given: -

- (i) Report on Sessional Paper No. 3 of 2019 on the National Policy for the eradication of Female Genital Mutilation (FGM)

THAT, this House adopts the Report of the Committee on Labour and Social Welfare on the Sessional Paper No. 3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation, *laid on the Table of the House on Thursday, October 8, 2020.*

(Chairperson, Departmental Committee on Labour & Social Welfare)

- (ii) Report on Sessional Paper No. 2 of 2019 on the National Policy on Gender & Development

THAT, this House adopts the Report of the Committee on Labour and Social Welfare on the Sessional Paper No. 2 of 2019 on the National Policy on Gender and Development, *laid on the Table of the House on Thursday, October 8, 2020.*

(Chairperson, Departmental Committee on Labour & Social Welfare)

7. QUESTIONS

The following questions were asked: -

Question by Private Notice: -

- (i) **Question No. 028/2020** by the Member for Mumias East, the Hon. Benjamin Washiali, MP regarding re-opening of schools.

*(To be replied to by the Cabinet Secretary for Education before the
Departmental Committee on Education & Research)*

Ordinary Questions: -

- a) **Question No. 214/2020** by the Member for Kathiani, the Hon. Robert Mbui, MP regarding the compensation of owners of land that was compulsory acquired for the expansion of Kathinani Level 4 Hospital.

(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- b) **Question No. 243/2020** by the Member for Wundanyi, the Hon. Danson Mwashako, MP regarding implementation of road construction under low volume seal program in Kenya and the status of construction of the 55km *Bura-Mghange-Werugha-Mbale-Mtomwagodi*.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works & Housing)

- c) **Question No. 82/2020** by the Member for Starehe, the Hon. Charles Njagua, MP regarding ownership status and size of the land under *Marikiti Market*, also known as *Wakulima Market*.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works & Housing)

- d) **Question No. 249/020** by the Member for Kwale County, the Hon. Zuleikha Juma Hassan MP regarding measures in place by the Ministry to address complaints raised by the citizens in *Mwavurubo Ward*, Kinango Constituency regarding the release of hazardous waste by *M/s SBNP Ventures Limited* in Kenya

(To be replied to by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Natural Resources)

- e) **Question No. 251/2020** by the Member for Sabatia, the Hon. Alfred Agoi, MP regarding criteria is used in promoting all primary school teachers who have attained a Bachelor's Degree in Early Childhood Education in the country.

(Question for Written Reply to the Chairperson, Teachers Service Commission)

- f) **Question No. 262/2020** by the Member for Mathare, the Hon. Anthony Tom Oluoch, MP regarding the status of 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).

(To be replied to by the Cabinet Secretary for the National Treasury & Planning before the Departmental Committee on Finance & National Planning)

- g) **Question No. 269/2020** by the Member for Alego Usonga, the Hon. Samuel Atandi, MP regarding the stalling of the *Pap Kalein Development Sewerage Project in Mulala Sub-location* in Alego Usonga Constituency.

(To be replied to by the Cabinet for Water, Sanitation and Irrigation before the Departmental Committee on Environment and Natural Resources)

- h) **Question No. 273/2020** by the Member for Kitui West, the Hon. Edith Nyenze, MP regarding criteria used to promote and transfer Deputy Head teachers for Primary Schools in Kitui County.

(Question for Written Reply to the Chairperson, teachers Service Commission)

- i) **Question No. 278/2020** by the Member for Lamu County, the Hon. Ruweida Obo, MP regarding ownership of the parcel of land marked "Mbwanjumwali Dispensary" in Mbwanjumwali village, Lamu East Constituency.

(To be replied to by the Cabinet for Lands before the Departmental Committee on Lands)

The following Question was deferred: -

- a) **Question No. 245/2020** by the Member for Kimilili, the Hon. Didmus Barasa, MP regarding beneficiary schools of Infrastructure Development Fund for the FY2018/2019 and 2019/2020 in Kimili Constituency.

8. STATEMENTS

(a) Request for Statements -

Pursuant to Standing Order 44(2)(c), the Member for Mwea Constituency (Hon. Kabinga Wachira, MP), requested for a Statement from the Chairperson, Departmental Committee on Trade, Industry and Cooperatives regarding purchase of paddy rice grown in Mwea Irrigation Scheme by the Government.

(b) Response to Statements: -

1. The Vice-Chairperson of the Departmental Committee on Education and Research, (Hon. Ngunjiri Wambugu, MP) responded to the request by the Hon. Andrew Mwadime, MP regarding modalities used by international schools offering internal curriculum in the country in administering end of course examinations to learners during the Covid-10 pandemic.
2. The Chairperson of the Departmental Committee on Health responded to the requests by the following Members: -
 - a) The Hon. Jude Njomo, MP regarding discordant Covid-19 results; and
 - b) The Hon. Hames Mugambi, MP regarding eviction of Laser Eye Centre by Sarit Centre Management.

9. PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF A PETITION

Motion Made and Question Proposed –

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.

(The Hon. Daniel Maanzo, MP)

There being no debate arising;

Question put and agreed to.

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

Motion Made and Question Proposed –

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.*

(The Chairperson, Committee on Implementation)

Debate on the Motion having been concluded on Tuesday, October 6, 2020;

Question put and agreed to.

11. 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)

Order for First Reading read;

Bill read a First Time and committed to relevant Departmental Committee pursuant to the Standing Orders.

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

Motion Made and Question Proposed –

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)

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|----|-------------------------|--|--------------|---|
| 4. | Jaune Achesa Shidzugane | Representative
Persons Living
Disability | of
with | Re-appointment,
pursuant to Sec. 43(8) |
| 5. | Jamin Mugangayi Lumiti | Nominee of
Constituency
(Male) | of
Office | the Re-appointment,
pursuant to Sec. 43(8) |
| 6. | Adelaide Deveney Mbuya | Nominee of
Constituency
(Female) | of
Office | the 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.	Gertrude Sugut	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)

*(Hon. Fred Kapondi, MP, Member of the Select Committee on the National Government
Constituencies Development Fund)*

There being no debate arising;

Question put and agreed to.

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

Order for Second Reading read;

Motion made and Question proposed

THAT, the Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019) be now read a Second Time

(The Chairperson, Constitutional Implementation Oversight Committee)

Debate arising;

Change of Chair from the Speaker to the Fourth Chairperson of Committees

Mover Replied;

Putting of the Question deferred to another day.

14. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE- EXPORT

VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY THE KENYA BUREAU OF STANDARDS

Order for the Motion read;

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.

(The Chairperson, Public Investments Committee)

15. QUORUM IN THE HOUSE

Rising in his place on a Point of Order, the Member for Gatanga Constituency (Hon. Joseph Nduati) objected that there was not Quorum present in the House;

And the Fourth Chairperson having taken a count pursuant to Standing Order 35 and ascertained the claim, ordered that the Quorum bell be rung for ten minutes;

Change of Chair from the Fourth Chairperson of Committees to the First Chairperson of Committees

And there being no Quorum present at the expiration of ten minutes;

The First Chairperson adjourned the House pursuant to Standing Order 35.

16. HOUSE ROSE - at two Minutes to Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on Tuesday,
October 13, 2020 at 2.30p.m.

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