



(No. 083)

(1238)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, DECEMBER 03, 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*. PROCEDURAL MOTION– EXEMPTION OF BUSINESS FROM A RESOLUTION OF THE HOUSE
(The Leader of the Majority Party)

THAT, this House orders that the business appearing in the Order Paper as Order Nos. 10, 11, 12, 13 and 14 be exempted from the Resolution of the House of November 3, 2020 regarding *prioritization of Business during the period November 3 to December 3, 2020*, being a Thursday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

9*. MOTION – ESTABLISHMENT OF DATABASE CENTRES IN ALL CIVIL REGISTRATION CENTRES IN THE COUNTRY
(The Hon. Mary Wamaua, M.P.)

THAT, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments;

deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; **this House urges** the Government to establish database centres in all Civil Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

(Question to be put)

10*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2020)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020).

(Question to be put and Third Reading)

11*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Tea Bill (Senate Bill No. 36 of 2018), **subject to recommitment of New Clause 32A.**

(Question to be put)

12*. MOTION – SENATE AMENDMENTS TO THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)

(The Leader of the Majority Party)

THAT, the Senate amendments to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019) be now considered.

13*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Tea Bill (Senate Bill No. 36 of 2018)
(The Chairperson, Departmental Committee on Agriculture & Livestock)
(Subject to recommitment of Clause 32A)
- (ii) Consideration of **Senate amendments** to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019)
(The Leader of the Majority Party)

14*. MOTION – APPROVAL OF THE ACCESSION TO THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

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

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Accession to the African Charter on Democracy, Elections and Governance, *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** *the Accession to the African Charter on Democracy, Elections and Governance by the Republic of Kenya.*

15*. MOTION – PROVISION OF ASSISTIVE DEVICES AND REQUIRED MEDICAL ITEMS FREE OF CHARGE TO PERSONS WITH DISABILITIES

(The Hon. Dennitah Ghati, M.P.)

THAT, aware that according to the World Health Organization, an estimated 15 percent of the world's population live with some form of disability or different ability, with 80 percent of them living in developing countries; further aware that in Kenya, approximately 6.5 million people live with some form of disability out of whom, nearly 3.8 million are women and girls, while approximately 85 percent of the total number live in abject poverty; concerned that a majority of Persons with Disabilities (PWDs) face numerous challenges including being denied their fundamental rights and freedoms including the right to education and opportunities to work, virtually guaranteeing that they will live their lives in poverty which often exacerbates their vulnerability and dependency on other people, assistive devices and critical medical items and requirements; deeply concerned that lack of these devices, medical items and requirements makes it impossible for PWDs to live normal and dignified lives;

this House **urges** the National Government to provide assistive devices and required medical items and requirements free of charge to Persons with Disabilities at the Constituency level through government hospitals or any other government body and to put in place mechanisms for replacement of worn-out devices to enable them live a dignified life, be more productive and to coexist with other people in the society.

*(Resumption of debate interrupted on Thursday, November 26, 2020 – Morning Sitting)
(Debate on proposed amendment to resume – See Notice III)
(Balance of time - 1 hour 2 minutes)*

16*. MOTION – CONTINUATION OF THE KAZI MTAANI PROGRAMME

(The Hon. Mishi Mboko, M.P.)

THAT, aware that the National Hygiene Programme (NHP), dubbed *Kazi Mtaani*, is a national initiative that was designed to cushion the most vulnerable but able-bodied citizens living in informal settlements from the effects and response strategies of the COVID-19 pandemic; acknowledging that the first phase of the programme started in April 2020 covering eight counties employing over 26,000 workers, while the second phase which began in July 2020 was expanded to cover 34 counties employing over 200,000 workers and is expected to run for six and a half months; appreciating that the programme continues to gradually achieve most of its objectives which include, amongst others, provision of economic empowerment to the youth, prioritization of labour-intensive approaches to Extended Public Works Projects (EPWPs) and utilization of local suppliers while giving preference to locally manufactured goods and services; cognizant of the fact that the programme has greatly assisted in the reduction of social vices that arise as a result of poverty and idleness such as drug abuse and emergence of criminal gangs; **concerned** that the effects of the COVID-19 pandemic are still prevalent and the country will take a long time for the economy to restabilize; **this House therefore resolves that** the National Government rolls out subsequent phases of the *Kazi Mtaani* Programme to cover all the 47 counties to address youth unemployment and further cushion the vulnerable members of society, and reviews the current remuneration of the workers in accordance with the Wage Order of 2018.

17*. MOTION – DEVELOPMENT OF A NATIONAL POLICY AND CRITERIA FOR THE IDENTIFICATION OF ECONOMICALLY MARGINALISED ZONES

(The Hon. (Dr.) Gideon Ochanda, MP)

THAT, aware that Article 203(g)(h)(i) & (j) of the Constitution of Kenya safeguards the rights for the marginalized communities and ensures equitable distribution of resources to address affirmative action regarding distribution of resources; concerned that various government agencies and departments use different modes, parameters, indicators and definitions to marginalization, arid and semi-arid lands, hardship areas, poverty and poverty pockets to place mitigating preferential and affirmative resources; further concerned that many areas that qualify and at times are worse off than the traditionally acclaimed marginalized zones do not benefit from the affirmative action government resources, **this House resolves** that the Government through the State Department for National Planning to urgently develop a common national policy and criteria that shows hardship indicators, marginalization progression and clear parameters for use by all government agencies and departments as well as county governments in directing preferential and affirmative action resources.

18*. MOTION- EMPOWERMENT OF ARTISANS BY THE GOVERNMENT

(The Hon. John Kiarie, M.P.)

THAT, aware that there are diverse talents amongst the youth; noting that these talents have been severally displayed through various inventions and innovations showcased by the artisans in platforms such as the Annual Youth Innovation Week and other profiled on social media; concerned, that most of these innovations and artworks do not go beyond making sensational stories in their localities, local dailies and social media mentions; further noting that most of these innovations and artworks are crucial in ideas promotion, intellectual development, creating employment and addressing the problems that affect us as Kenyans on a daily basis; concerned that there is inadequate support and administrative measures in place by the Government to support the artisans; cognizant of the fact that the Kenya Vision 2030 seeks to make our country an industrialized middle-income economy; aware of the immense potential for wealth creation and job opportunities that our own local production can generate if well-developed and commercialized; recognizing that while our imports are well in excess of Kshs.2 billion and are largely composed of non-value adding consumer goods; noting that homegrown technology would be region sensitive and appropriate for the environment, social economic dynamics and suitable for our utility; further concerned that most artisans lack appropriate technological, skills, capital and tools; **this House resolves** that the National Government through the relevant Ministry formulates a policy which stipulates that at least two per cent (2%) of the National Government Constituencies Fund and *Uwezo* Fund shall be set aside and allocated for the purposes of equipping artisans with the necessary skills, tools and appropriate technology.

19*. MOTION- INSTITUTIONALISATION OF RAINWATER
HARVESTING AND STORAGE

(The Hon. Halima Mucheke, M.P.)

THAT, aware that Article 43(1)(d) of the Constitution provides for the right to clean and safe water in adequate quantities for every person; further aware that up to 30 percent of Kenyans rely on unimproved water sources, such as ponds, shallow wells and rivers, whereas nearly 45 percent of Kenyans lack access to basic sanitation solutions; noting that proper water management is vital for sustainable development in light of threats to water availability such as climate change, rapid population growth and industrialization; further noting that studies have indicated that the country’s rainwater potential is more than 350 billion cubic meters, and that, if harvested, this water can support up to five times the country’s population; concerned that only 9 out of 55 public water service providers in the country provide continuous water supply to connected areas; appreciating that over time, rainwater harvesting has been proposed as a possible means to address the water crisis in the country; this House **resolves** that the Government institutionalizes rainwater harvesting and storage in all buildings as a standard requirement and further that all road constructions by the national government shall henceforth incorporate storm water collection and storage for non-potable use.

*** Denotes Orders of the Day***

..... /Notices*

NOTICES

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

Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage, subject to recommittal—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 32—

Offences relating to body corporate. 32A. (1) Where an offence under this Act is committed by a body corporate or any other association, the offence shall be deemed to have been committed by a director, a partner or any other person involved in, or acting or purporting to act in the management of affairs of the body corporate or association.

(2) It shall be a defence to a charge under this section where the court is satisfied that—

- (a) the act or omission constituting the offence took place without the person’s knowledge; or
- (b) the person took reasonable steps to prevent the commission of the offence.

II. SENATE AMENDMENTS TO THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)

CLAUSE 12

Senate Amendment

THAT, clause 12 of the Bill be amended by deleting subclause (5) and substituting therefor the following new subclause –

(5) Before registering a proposed sectional plan of sub-division or consolidation, the Registrar shall amend, in the manner prescribed by the regulations, the original sectional plan as endorsed by a surveyor.

III. PROPOSED AMENDMENT TO THE MOTION ON PROVISION OF ASSISTIVE DEVICES AND REQUIRED MEDICAL ITEMS FREE OF CHARGE TO PERSONS WITH DISABILITIES

Notice is hereby given that the Member for Seme (Hon. James Nyikal) intends to move the following amendment to the Motion on Provision of Assistive devices and required medical items free of charge to persons with disabilities: -

THAT, the Motion be amended by -

- (a) deletion of the word “urges” appearing immediately after the phrase “this House” appearing in line 14 and replace it with the words “resolves that”;
- (b) deletion of the word “to” appearing immediately before the phrase “provides assistive devices” appearing in line 14 and replace it with the words “through a planned progressive programme” and
- (c) deletion of the word “provide” appearing immediately before the phrase “assistive devices” appearing in line 14 and replace it with the word “provides”

(Question on amendment proposed)

The House resolved on Tuesday, November 03, 2020 as follows-

Limitation of Debate on Bills, Motions (including Special Motions), Sessional Papers and Committee Reports

- IV. 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 November 3, 2020 up to and including December 3, 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

Tentative business for **Thursday (Afternoon) December 03, 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 Thursday (Afternoon), December 03, 2020-

A. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDERS 141 AND 227

(The Leader of the Majority Party)

B. PROCEDURAL MOTION – CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD FROM DECEMBER 2020 TO FEBRUARY 2021

(The Leader of the Majority Party)

C. MOTION – APPROVAL OF NOMINEES TO VARIOUS NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEES

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

D. MOTION – APPROVAL OF AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION BETWEEN KENYA AND MAURITIUS

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

E. THE NATIONAL AVIATION MANAGEMENT BIL (NATIONAL ASSEMBLY BILL NO. 18 OF 2020)

(The Leader of the Majority Party)

Second Reading

F. MOTION – INSPECTION VISITS TO THE KENYA REVENUE AUTHORITY OFFICES TO ASCERTAIN THE IMPACT OF REVENUE ENHANCEMENT INITIATIVES

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

G. COMMITTEE OF THE WHOLE HOUSE

The Gaming Bill (National Assembly Bill No. 38 of 2019)

(The Chairperson, Departmental Committee on Sports, Culture and Tourism)

**H. MOTION – INQUIRY INTO THE OPTIMIZATION OF REVENUE
IN GRAIN HANDLING SERVICES AT THE PORT OF
MOMBASA**

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

**I. MOTION – CONSIDERATION OF A PUBLIC PETITION ON
A RESOLUTION OF THE HOUSE**

(The Chairperson, Committee on Implementation)

**J. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE
CALENDAR**



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.

ORDINARY QUESTIONS

352/2020

The Member for Nyando (Hon. Jared Okelo, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary provide details and breakdown of disbursement of School infrastructure funds since 2013 including specific amounts allocated to each school?
- (ii) Could the Cabinet Secretary explain the circumstances that led to the loss of funds, estimated at over Kshs.1 billion in every year, since inception of the Basic Education capitation programme, giving details of the exact amount lost and the person culpable for the loss?
- (iii) Could the Cabinet Secretary further explain whether the Ministry engaged the services of the Ethics and Anti-Corruption Commission in carrying out investigations, and if so, what progress has been made so far?
- (iv) What measures is the Ministry taking to address cases of overpricing of items meant for schools, in particular, the prices of the recently conceptualized Government-funded desks and chairs, which are being procured at the rate of Ksh 1,700 apiece in some cases?

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

365/2020

The Member for Subukia (Hon. Samuel Gachobe, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

Could the Cabinet Secretary indicate when the Ministry will recruit a chief for *Wei* Location of Subukia Sub-County considering that said location has not had a substantive chief for the last three (3) years, thus hindering service delivery to the residents of *Wei* Location?

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

366/2020

The Member for Ganze (Hon. Teddy Mwambire, MP) to ask the Teachers Service Commission: -

- (i) How many Primary School Head and Deputy Head teachers in Kilifi County are serving in acting capacity and has the Commission paid their acting allowances from the dates they were appointed to act?
- (ii) Could the Commission explain how long a teacher should serve in an acting capacity before promotion to the substantive position as head teacher and deputy head teacher?

(Question for Written Reply by the Teachers Service Commission)

370/2020

The Member for Sirisia (Hon. Maj. (Rtd) John Waluke, MP) to ask the Cabinet Secretary for Industry, Trade and Cooperatives: -

- (i) Could the Cabinet Secretary explain measures being implemented by the Government to develop and promote Small and Medium Enterprises (SMEs) to enable them compete internationally?
- (ii) What progress has the Kenya Industry and Entrepreneurship Project (KIEP) made in linking emerging SMEs to global academicians, researchers and financial institutions nationally and particularly in Sirisia Constituency, and the larger Bungoma County?

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

376/2020

The Member for Kilifi South (Hon. Ken Chonga, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary explain why the *Mitangoni-Mtwapa Road (D556)* connecting *Kikambala, Vipingo, Majengo and Mtwapa* within the vast *Chonyi* Sub County in Kilifi South Constituency, has been blocked from public use by a private developer, *M/s. Vipingo Ridge Ltd.*?
- (ii) What measures has the Ministry put in place to ensure that the said road is open for use by the public and resumption of regular maintenance of the road by the Kenya Rural Roads Authority is undertaken?

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

384/2020

The Member for Laikipia County (Hon. Catherine Waruguru, MP) to ask the Cabinet Secretary for Transport, Housing, Infrastructure and Urban Development: -

Could the Cabinet Secretary provide an update on the progress of construction to bitumen standards of the *Nanyuki - Gwa Kungu-Rumuruti* Road in Laikipia County?

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