



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 03, 2020

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Hon. Speaker issued the following Communication –

**FATE OF THE VARIOUS BUSINESSES BEFORE THE HOUSE AND COMMITTEES;
AND ACTIVITIES OF COMMITTEES DURING THE UPCOMING RECESS**

“**Honourable Members**, as you are aware, at the rise of the sitting today, the House is scheduled to proceed on a long recess in accordance with its Calendar. This marks the conclusion of the regular sittings of this part of the Fourth Session of the National Assembly in the Twelfth Parliament. I sincerely wish to commend Members for the diligence and commitment exhibited with regard to the business of the House, both in plenary and in Committees throughout the Session. Despite the unprecedented challenge that was brought about by the COVID 19 pandemic during this Session, the House managed to transact a number of key Businesses, including passage of the 2020/21 budget, the Finance Act, 2020 which was providing various tax reliefs in relation to mitigation efforts to reduce the impact of Covid-19 on the economy, passage of several public orders and regulations relating to the movement of persons across the country, sanitation and other preventative health protocols, vetting of key state officers such as the Data Commissioner, among others. More comprehensive information on the activities of the House will be made available in the annual report of business of the Assembly which is under preparation.

Honourable Members, as you will recall, the House adopted its Calendar on February 18, 2020, and for the first time at the beginning of this Session, also made a resolution on the last day of Committee sittings this year, as well as their commencement date in 2021. You are therefore invited to take note of the specific dates for resumption of sittings by the House and Committees under the Notices in today's Order Paper.

In this regard, no other Committee Sittings shall be convened during the said period unless special consideration is granted by my office upon written request. However,

the Departmental Committee on Finance and National Planning and the Select Committee on the National Government Constituencies Development Fund are exempted from the suspension to allow for consideration of certain urgent business which is expected very soon.

Honourable Members, as the Session winds up and the House proceeds on recess, I wish to remind Members of the fate of the various businesses that are currently before the House and the Committees. This is specifically with regard to Bills which ought to have certain stages concluded before the end of two Sessions, and Petitions which have a given timeline pursuant to the Standing Orders. Conscious of the fact that the proceedings of the House and its Committees were disrupted during this Session by unforeseen recess periods and reduced number of sitting days in an effort to mitigate the effects of COVID 19, the House Business Committee has proposed a motion, which is in today's Order Paper, for consideration by the House. This is to enable the continuation of the said business in the next Session, pursuant to provisions of the Standing Orders. However, Questions, Motions and Statements are traditionally sessional and will therefore lapse at the end of the current Session. Any Member wishing to revive them at the beginning of the next Session is welcome to do so.

In conclusion, Honourable Members, as you proceed to spend valuable time with your families during the holiday season and also attend to your constituents, I take this opportunity to wish you all, along with the staff of Parliament, a happy and restful festive season, and a prosperous New Year. Remember to stay safe! Thank you!"

5. **PETITIONS**

The following Petitions were presented to the House –

- (i) The Member for Kilifi South (Hon. Kiti Chonga, MP) presented a petition regarding resettlement of villagers of Chidongo, Jurju, Mri na Mine and Bodoi villages of Kilifi South Constituency; and
- (ii) The Member for Murang'a County (Hon. Sabina Chege, MP) presented a petition regarding liquidation of the Kagaa Farmer's Society.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227.

- (iii) The petition by the Member for Lunga Lunga (Hon. Khatib Mwashetani, MP) regarding repossession of Diani Beach Complex land was dropped.

6. **PAPERS LAID**

The following Papers were laid on the Table of the House –

- (i) Report of the Departmental Committee on Communication, Information & Innovation on its consideration of the public petition regarding provision of toll-free numbers in government offices;

(Chairperson, Departmental Committee on Communication, Information & Innovation)

- (ii) Report of the Departmental Committee on Labour and Social Welfare on its consideration of a Petition by the Kenya Association of Retired Officers on improved terms for pensions in Kenya; and
- (iii) Report of the Departmental Committee on Labour and Social Welfare on its consideration of a Petition on a proposal to enact legislation for provision of maintenance and welfare of parents and senior citizens;

(Vice-Chairperson, Departmental Committee on Labour & Social Welfare)

- (iv) Report of the Departmental Committee on Education and Research on its consideration of a petition regarding funding of co-curricular activities in schools by Hbn. Robert Mui, MP; and
- (v) Report of the Departmental Committee on Education and Research on the 2nd International Conference of the Association of African Higher Education Financing Agencies (AAHEFA) held in Lusaka, Zambia from 24th to 26th November, 2019;

(Hbn. Eve Obara, MP - Member, Departmental Committee on Education & Research)

- (vi) Half Year Progress Report of the Liaison Committee on the Operations of Committees of the National Assembly (1st January to 30th June, 2020);

(Chairperson, Liaison Committee)

- (vii) Report of the Departmental Committee on Environment & Natural Resources on its consideration of Sessional Paper No. 1 of 2020 on Wildlife Policy; and
- (viii) Report of the Departmental Committee on Environment & Natural Resources on its consideration of a petition regarding effects of flooding and its mitigation along River Sondu Mriũ;

(Hbn. Chachu Ganya, MP - Member, Departmental Committee on Environment and Natural Resources)

- (ix) Report of the Select Committee on Parliamentary Broadcasting and Library on the formulation of Parliamentary Broadcasting Channels; and

(Chairperson, Select Committee on Parliamentary Broadcasting and Library)

- (x) Report of the Mediation Committee on the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017).

(Hbn. Peter Kaluma, MP - Chairperson, Mediation Committee on Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017))

7. NOTICE OF MOTION

The following Notice of Motion was given -

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2020 on Wildlife Policy, laid on the Table of the House on Thursday, December, 3^d, 2020.

(Hn. Chachu Ganya, MP - Member, Departmental Committee on Environment and Natural Resources)

8. **QUESTIONS**

The following Questions were **asked** –

- (i) **Question No. 364/2020** by the Member for Murang'a County (Hn. Sabina Chege, MP) regarding facilitation of farmers from Nduiri, Gikie and Kiangenyete Tea Factories to change the station of delivery of their greenleaf from Githambo Tea Factory to Gacharage Tea Factory;

(To be replied by the Cabinet Secretary for Agriculture, Livestock and Fisheries before the Departmental Committee on Agriculture and Livestock)

- (ii) **Question No. 378/2020** by the Member for Endebess (Hn. Robert Pukose, MP) on behalf of the Member for Srisia (Hn. (Maj.) (Ret.) John Waluke, MP) regarding rationale in setting up schools to train all teachers on classroom management and effective teaching; and the challenges raised in the Primary Teacher Education (PTE) Report during initial teacher trainings;

(For Written Reply by the Teachers Service Commission)

- (iii) **Question No. 385/2020** by the Member for Lamu County (Hn. (Capt.) Ruweida Obo, MP) regarding the steps taken by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives to address the menace and food security threat caused by invasion of locusts in Basuba Ward of Lamu County;

(To be replied by the Cabinet Secretary for Agriculture, Livestock and Fisheries before the Departmental Committee on Agriculture and Livestock)

- (iv) **Question No. 386/2020** by the Member for Kajiado North (Hn. Joseph Marje, MP) regarding the fate of the five hundred and fifty (550) Central Bank of Kenya employees who voluntarily retired under the Bank's Voluntary Retirement Scheme in 1997 and who were eligible for deferred pension for staff below 55 years of age in line with the retirement terms;

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

- (v) **Question No. 387/2020** by the Member for Mwea (Hn. Kabiinga Wachira, MP) regarding the status of utilization of Kshs. 200 million which was allocated for the purchase of rice for strategic reserves in the financial year 2019/20 budget through the Strategic Food Reserve Trust Fund; and

(To be replied by the Cabinet Secretary for Agriculture, Livestock and Fisheries before the Departmental Committee on Agriculture and Livestock)

- (vi) **Question No. 388/2020** by the Member for Westlands (Hon. Timothy Wanyonyi, MP) regarding withholding of salaries of the Kabete National Polytechnic Management Council's employees, measures taken by the Ministry of Education to ensure adherence to human resource guidelines at the institution and to address rampant cases of impropriety by the Polytechnic's management.

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

9. **STATEMENTS**

a) **Request for Statements**

The following Members requested for Statements –

- (i) The Member for Kikuyu (Hon. Kimani Ichungwah, MP) requested for a statement regarding increment of public universities' fees; and

(Statement referred to the Departmental Committee on Education and Research)

- (ii) The Member for Garissa Township (Hon. Aden Duale, MP) requested for a statement regarding diplomatic relations between Kenya and Somalia

(Statement referred to the Departmental Committee on Defence & Foreign Relations)

b) **Response to Statements**

The Member for Kabondo Kasipul (Hon. Eve Obara, MP) on behalf of the Chairperson, Departmental Committee on Education and Research (Hon. Florence Mwikali [Mutua](#), MP) responded to a statement request by the Member for Kisumu West (Hon. John Oluoch Aluoch, MP) regarding disbursement of tuition and general-purpose funds to primary schools.

- c) The Nominated Member (Hon. Dennitah Ghati, MP) issued a Statement on the International Day for Persons Living with Disabilities; and
- d) Pursuant to Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement on the Business of the House during the week commencing 1st December, 2020 and the scheduled long recess.

10. **POINT OF ORDER**

Rising in his place on a point of order, the Member for Garissa Township (Hon. Aden Duale, MP) sought the Speaker's guidance regarding the delay in the disbursement of the National Government Constituencies Development Fund for FY 2020/21. The Speaker directed the Chairperson, Select Committee on National Government Constituencies Development Fund, [in collaboration with the Chairperson, Departmental Committee on Finance and National Planning](#) to urgently resolve the

matter with the Cabinet Secretary for National Treasury and report to the House during the next sitting of the House.

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

Motion made and Question proposed -

THAT, noting that this House will be proceeding for a long recess from December 4, 2020 to February 8, 2021; taking cognizance of the implications of the *Judgment in Nairobi High Court Constitutional Petition Number 284 of 2019 as consolidated with Nairobi High Court Constitutional Petition Number 353 of 2019* on suspension of the consideration of all Bills pending in both Houses of Parliament until the requirement of concurrence is first fulfilled; further noting the decrease in the number of Sitting days of the House due to the COVID-19 pandemic; **Now Therefore**, pursuant to the provisions of Standing Order 256 (*Exemption of Business from the Standing Orders*), this House resolves -

- (i) to exempt all Bills pending at various stages of consideration in the House from the provisions of Standing Order 141(2) (*Lapse and Re-introduction of Bills*) during the period of the Fourth and the Fifth Sessions; and
- (ii) that, with respect to all Public Petitions pending before Committees of the House, the counting of the sixty days consideration period prescribed under Standing Order 227(2) (*Committee of Petitions*) shall adjourn today and resume when the House next sits in the Fifth Session

(Leader of the Majority Party)

Debate arising

Question put and agreed to.

12. **PROCEDURAL MOTION – CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD OF 4TH DECEMBER 2020 TO FEBRUARY 2021**

Motion made and Question proposed -

THAT, notwithstanding the provisions of Standing Orders 41 and 42 relating to *conveying of Messages from the Senate and from the President or the National Executive*, Standing Orders 120, 122 and 126 relating to *Publication, Procedure upon Publication and First Reading of Bills* and Standing Order 210(2) relating to *Tabling of Statutory Instruments*, this House orders that, during the period of the long Recess (December 4, 2020 – February 8, 2021)-

- (i) upon receipt of any Message from the Senate, or upon receipt of any name of a person nominated for appointment to a state or public office from the President or any other office in the National Executive, the Speaker shall forthwith refer such Message to the relevant Committee for consideration, without having to recall the House;

- (ii) should a Bill be published during the said period, or a published Bill becomes due for First Reading during the period, the Speaker shall, upon lapse of at least three days following the publication of the Bill and following a determination that such Bill is of priority, forthwith refer such Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committee of Bills to Committees and public participation*) and upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (iii) should any statutory instrument be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House upon its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013); and,
- (iv) should the Speaker receive a Message relating to the Senate's Amendments to a Bill originating in the National Assembly, the Speaker shall forthwith refer the Schedule of the Senate Amendments to the relevant Committee for consideration pursuant to the provisions of Standing Order 145 (*Senate amendments to Bills originating in the National Assembly*), and, upon resumption of the House, report such fact to the House.

(Leader of the Majority Party)

There being no debate arising

Question put and agreed to.

13. **MOTION – APPROVAL OF NOMINEES TO VARIOUS NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND 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 four (4) Constituency Committees of the National Government Constituency Development Fund, *laid on the Table of the House on Thursday, December 3, 2020* -

1. AINABKIQI CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	David C Kinaiyio	Male Adult Representative	Fresh-appointment, pursuant to Sec. 43(3)
2.	Simon K Sanbu	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec. 43(3)

2. CHEPALUNGU CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Wel dinoh Keter Kipkurui	Male Youth Representative	Re-appointment, pursuant to Sec. 43(8)
2.	Sang Kiprono Paul	Male Adult Representative	Re-appointment, pursuant to Sec. 43(8)
3.	Chebet Wnny	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)
4.	Mlca Cherono Kenduywa	Female Adult Representative	Re-appointment, pursuant to Sec. 43(8)
5.	Caroline Chebet	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec. 43(8)
6.	Joseph Chirchir Kipkorir	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec. 43(8)

3. KASARAMI CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benson Kirango Ngwaro	Male Youth Representative	Fresh-appointment, pursuant to Sec. 43(3)

4. BUURI CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Fredrick Kitlirji Mviti	Male Youth Representative	Re-appointment, pursuant to Sec. 43(8)
2.	Charles Kinyua Kiarra	Male Adult Representative	Re-appointment, pursuant to Sec. 43(8)
3.	El osy Kendi	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)
4.	Lucy Nkirote Mbobua	Female Adult Representative	Re-appointment, pursuant to Sec. 43(8)
5.	Joshua Mwarania Murithi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec. 43(8)
6.	Leslie Muthamia Murithi	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec. 43(8)
7.	Mary Gacheri Mvathie	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec. 43(8)

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

There being no debate arising;

Question put and agreed to.

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

Motion made and Question proposed -

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of the Agreement for the Avoidance of Double Taxation between the Government of the Republic of Kenya and the Government of the Republic of Mauritius, *laid on the Table of the House on Tuesday, December 1, 2020* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** *the Agreement for the Avoidance of Double Taxation between the Government of the Republic of Kenya and the Government of the Republic of Mauritius.*

(Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Ruaraka (Hon. T. J. Kajwang) claimed to move “that the Mover be now called upon to reply”;

And the Speaker did not accede to the claim;

Debate interrupted resumed;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Endeless (Hon. (Dr.) Robert Pukose) claimed to move “that the Mover be now called upon to reply”;

And the Speaker having acceded to the claim;

Question put and agreed to;

Thereupon, Mover replied;

Question deferred.

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

Order deferred.

16. **THE NATIONAL AVIATION MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2020)**

Order for Second Reading read;

Rising in his place on a Point of Order pursuant to Standing Order 35, the Member for Endeavour (Hon. (Dr.) Robert Pukose) claimed that there was no quorum in the House;

Thereupon, the Speaker directed that the quorum bell be rung for ten minutes;

There being no quorum at the expiry of ten minutes;

And the time being thirteen minutes to Seven O'clock, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. HOUSE ROSE - at thirteen minutes to Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, February 9, 2021 at 2.30 p.m.

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