



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 17, 2020

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

The following Communication was issued:

DEMISE OF THE MEMBER FOR MATUNGU CONSTITUENCY, THE HON. JUSTUS MURUNGA MAKOKHA, MP

Honourable Members, it is with profound sorrow that I wish to inform the House of the untimely passing on of the Member for Matungu Constituency, the Hon. Justus Murunga Makokha, MP on the evening of Saturday, 14th November 2020 while undergoing treatment at the St. Mary's Mission Hospital in Mumias, Kakamega County.”

Honourable Members, the late Hon. Justus Murunga was born on 31st December 1960. He attended Kimilili Boys RC Primary School between 1971 and 1977 and Friends School Kamusinga High between 1978 and 1981. In 1984, he attended the Kenya Polytechnic and obtained certification as a Certified Public Accountant.

Honourable Members, prior to his election as a Member of Parliament, the Hon. Murunga had worked in various institutions including Mumias Sugar Company, Phillips (Kenya) Ltd, and the Kenya Assemblies of God churches. In 1995, he joined the Embakasi Ranching Company as a Manager where he worked until the year 2003 when he left to engage in private business.

Honourable Members, the late Hon. Murunga became active in national politics in 2007. During the 2017 General Elections, he vied for and won the Matungu Constituency seat on the Amani National Congress (ANC) Party ticket. He was a hardworking and visionary leader who relentlessly supported projects aimed at uplifting his constituents. To the Parliamentary fraternity, he was a humble, amiable and diligent personality, and an active Member of the Departmental Committee on Agriculture & Livestock, where he passionately advocated for various issues particularly in the Tea and Sugar sectors. He was also a Member of the Committee on Parliamentary Broadcasting & Library.

Honourable Members, on behalf of all Members and staff of the National Assembly and indeed on my own behalf, I wish to take this opportunity to condole with the family of the late Hon. Justus Murunga, the people of Matungu Constituency and all his relatives and friends at this difficult time. As the National Assembly, we assure the family of our support during this period of great sorrow.

In this regard, Hon. Members, and in line with the Parliamentary Service Commission's bereavement policy, an Ad-Hoc Committee has been set up under the chairmanship of the Majority Party Whip, the Hon. Emmanuel Wangwe, MP. Members are therefore encouraged to liaise with the Ad-Hoc Committee on matters relating to the interment of our departed colleague.

In honour of our departed colleague, I request that we all stand to observe a minute of silence.

May his soul rest in eternal peace.

I thank you!

5. PETITIONS

The following Petitions were presented:-

(i) The Honourable Speaker conveyed the following Petition:-

Re-Opening of Learning Institutions

Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member. I therefore wish to report to the House that my Office has received a petition from a consortium of university students' representatives led by one Mr. Albert Maloba who is the Chairperson of the Universities' Presidents Council calling for definitive but safe re-opening of learning institutions across the country.

Honourable Members, the petitioners aver that the ongoing prolonged closure of learning institutions has negatively affected many learners as exemplified by apparent lack of nutrition, increased stress levels, increased exposure to domestic violence, child exploitation, teenage pregnancies and overall impact on mental development. Further, the petitioners decry the long-term risks of a disrupted academic calendar and its impact on general literacy levels and on learners' future.

Honourable Members, the petitioners are convinced that a definite but safe reopening of learning institutions can be undertaken in view of what they term as successful illustrations from Sweden, Japan, the United Kingdom, Germany, France, Italy, Ivory Coast, Tanzania and other countries.

It is on account of this conviction, **Honourable Members**, that the petitioners seek the intervention of this House in championing for the welfare of learners across the country by securing safe reopening of learning institutions among other interventions.

As you are aware, Honourable Members, the Government through the Ministry of Education has already commenced phased reopening of learning institutions beginning

with universities and selected levels of primary and secondary schools. Nevertheless, in view of the fact that this petition contains substantial matters that merit timely intervention by this House, and pursuant to the provisions of Standing Order 227(1), this petition stands committed to the Departmental Committee on Education and Research. The Committee is requested to consider the petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2).

I thank you!

(ii) The Nominated Member (Hon. Godfrey Osotsi) presented a petition regarding illicit assets and bank accounts and laundering of proceeds of crime to tax havens.

(Petition referred to the Departmental Committee on Finance and National Planning)

6. **PAPERS LAID**

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

- 1) The 7th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- 2) The 7th Annual Report and the summary on the Progress made in fulfilling the International Obligations of the Republic of Kenya;
- 3) The 7th Annual Report to Parliament on the State of National Security;
- 4) The Report on the Ease of Doing Business: Reform Milestones 2014-2020;
- 5) The Consolidated Annual Report from the Office of the Director of Public Prosecutions for the financial years 2017/2018, 2018/2019 & 2019/2020;
- 6) Legal Notice No. 198 of 2020 relating to the Registration of Persons (National Integrated Identity Management System (Amendment) Rules, 2020 ***(referred Committee on Delegated Legislation)***).
- 7) The Annual Report and Audited Financial Statements of the Laikipia University for the year ended 30th June, 2018;
- 8) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein:-
 - i) The State Department for Post Training and Skill Development;
 - ii) The National Gender and Equality Commission;
 - iii) The Revenue Statements of the Ministry of Defence;
 - iv) The Pyrethrum Processing Company of Kenya;
 - v) The Presidency;
 - vi) The State Department of East African Community Integration;
 - vii) The State Department for Mining; and
 - viii) The State Department for Infrastructure.
- 9) The National Government Constituencies Development Fund Board Report for the First Quarter of 2020/2021 Financial Year.

(The Hon. (Dr.) Amos Kimunya, M.P. - Leader of the Majority Party)

- 10) Reports of the Departmental Committee on Defence and Foreign Relations on its consideration of: -
 - a) The Accession to the Convention on the International Hydrographic Organization (IHO) by the Republic of Kenya; and

b) Kenya's Accession to the African Charter on Democracy, Elections and Governance.
(Chairperson, Departmental Committee on Defence and Foreign Relations)

11) Report of the Committee on Delegated Legislation on its consideration of the Crops (Fibre Crops) Regulations, 2020 (Legal Notice No. 120 of 2020)
(Chairperson, Committee on Delegated Legislation)

12) Report of the Departmental Committee on Administration and National Security on its consideration of a Petition regarding Alleged Demolition of Houses and Re-Possession of Land within Langata Constituency.
(Hon. Peter Kimari, Member, Departmental Committee on Environment and Natural Resources and National Security)

7. NOTICES OF MOTION

The following notices of Motion were given:

(i) **Noting of Reports submitted by H.E. the President during the 2020 State of the Nation Address**
(The Hon. (Dr.) Amos Kimunya, MP. – Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, November 12, 2020 and further that this House notes the following Reports submitted by H.E. the President, *laid on the Table of the House on Tuesday, November 17, 2020-*

- (a) Reports submitted in fulfillment of the provisions of Articles 132(1) (c) and 240(7) of the Constitution:
- (i) The Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
 - (ii) The Annual Report on the Progress made in Fulfilling of the International Obligations of the Republic of Kenya; and,
 - (iii) The Annual Report to Parliament on the State of National Security.
- (b) Other Reports submitted by H.E the President:
- (i) The Report on Ease of Doing Business Milestones 2014-2020; and,
 - (ii) The Annual Report of the Office of the Director of Public Prosecutions for the financial years 2017/2018, 2018/2019 and 2019/2020.

(ii) **Adoption of the Report of the Committee on Delegated Legislation on its consideration of the Crops (Fibre Crops) Regulations, 2020**
(The Hon. William Kamket, M.P. - Chairperson, Select Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Crops (Fibre Crops) Regulations, 2020 *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b), **annuls in entirety** the Crops (Fibre Crops) Regulations, 2020 (*Legal Notice No. 120 of 2020*).

(iii) Adoption of the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Accession to the Convention on the International Hydrographic Organization (IHO) by the Republic of Kenya

(The Hon. Katoo Ole Metito, MP - 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 Convention on the International Hydrographic Organization (IHO) by the Republic of Kenya, *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 Convention on the International Hydrographic Organization (IHO) by the Republic of Kenya*.

(iv) Adoption of the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of Kenya's Accession to the African Charter on Democracy, Elections and Governance

(The Hon. Katoo Ole Metito, MP - 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 Kenya's 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** Kenya's Accession to the African Charter on Democracy, Elections and Governance

8. QUESTIONS

(a) The following Ordinary Questions were asked –

- (i) Question No.226/2020 by the Member for Kabondo Kasipul Constituency (Hon. Eve Obara) regarding power blackouts in Kabondo Kasipul Constituency.

(To be replied by the Cabinet Secretary for Energy before the Departmental Committee on Energy)

- (ii) Question No. 288/2020 by the Member for Meru County (Hon. (Bishop) Kawira Mwangaza) regarding inheritance and succession cases in Meru County.

(To be replied to in Writing by the Attorney General)

- (iii) Question No.306/2020 by the Member for Mwatate Constituency (Hon. Andrew Mwadime) regarding criteria used by the Teachers Service Commission during its October 2020 recruitment.

(To be replied to in Writing by the Chief Executive Officer of the Teachers Service Commission)

- (iv) Question No.320/2020 by the Member for Kwale County (Hon. Zuleikha Hassan) regarding non-payment of pension dues to thirty-four retired civil servants from the Coastal region.

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

- (v) Question No.323/2020 by the Member for Bondo Constituency (Hon. Gideon Ochanda) regarding floods and related natural disasters in Bondo Constituency.
(To be replied by the Cabinet Secretary for Devolution and ASALs before the Departmental Committee on Environment and Natural Resources)
- (vi) Question No.326/2020 by the Member for Tigania West Constituency (Hon. (Dr.) John Kanyuithia Mutunga) regarding tarmacking of the Kirindine-Miathene Road.
(To be replied by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works before the Departmental Committee on Transport, Public Works & Housing)
- (vii) Question No.332/2020 by the Nominated Member (Hon. Godfrey Osotsi) regarding gazetemment of the Shiru and Shaviringa Settlement Schemes in Kakamega Forest.
(To be replied by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Natural Resources)
- (b) The following Ordinary Questions were deferred –
- (i) Question No.322/2020 by the Member for Lagdera Constituency (Hon. Mohamed Hire Garane) regarding contractual obligations owed by the Ministry of Health to contractors under the Equalization Projects Programme.

9. STATEMENTS

The following Statements were made –

- (i) The Member for Dagoretti South Constituency (Hon. John Kiarie) sought a Statement from the Chairperson of the Departmental Committee on Education regarding establishment of a proposed public primary school in Ngando Ward of Dagoretti South Constituency. The Vice Chairperson of the Committee (Hon. Deric Ngunjiri Wambugu) undertook to have a Response tabled within two weeks.
- (ii) The Member for Mukurweini Constituency (Hon. Antony Kiai) sought leave of the House for Adjournment to discuss an urgent matter of national importance regarding inability by the National Hospital Insurance Fund to settle hospital bills involving Covid-19 cases. And following the declaration of support by more than twenty Members pursuant to Standing Order 33, the Honourable Speaker ruled that the Motion be moved and discussed at 5.30pm during the same sitting.

10. MOTION – SESSIONAL PAPER NO. 3 OF 2019 ON THE NATIONAL POLICY FOR THE ERADICATION OF FEMALE GENITAL MUTILATION

Motion made and Question proposed:-

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on its consideration of 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, and further approves Sessional Paper No. 3 of 2019 on the National Policy for the Eradication of Female Genital Mutilation.

(Chairperson, Departmental Committee on Labour and Social Welfare -10.11.2020)

Debate on the Motion having been concluded on Tuesday, November 10, 2020;

Question put and agreed to.

11. MOTION – ANNULMENT OF THE SPECIAL ECONOMIC ZONES (AMENDMENT) REGULATIONS, 2020

Motion made and Question proposed:-

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Special Economic Zones (Amendment) Regulations, 2020 *laid on the Table of the House on Tuesday, November 03, 2020*, and pursuant to sections 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b), annuls in entirety the Special Economic Zones (Amendment) Regulations, 2020 (Legal Notice No. 33 of 2020).

(Chairperson, Committee on Delegated Legislation)

Debate arising;

[Change of Chair from the Honourable Speaker to the Second Chairperson];

Debate concluded;

Mover replied;

Question deferred;

12. ADJOURNMENT MOTION – INABILITY OF THE NATIONAL HOSPITAL INSURANCE FUND TO COVER HOSPITAL BILLS FOR COVID-19 CASES

Adjournment Motion made-

Honourable Speaker, pursuant to Standing Order 33(1), I seek leave of the House for the purpose of discussing the inability by the NHIF to cover hospital bills for Covid-19 cases.

Honourable Speaker, recently, the Ministry of Health explained that Kenyans will have to foot the bills for Covid-19 in both public and private hospitals.

Honourable Speaker, according to the Cabinet Secretary for Health, the cost burden of financing Covid-19 testing and treatment for the National Hospital Insurance Fund (NHIF) beneficiaries both in the National Scheme and the Enhanced Medical Schemes would not be financially viable since it was not envisaged in the current NHIF premiums computation and the existing benefits package. He pointed out that pandemics and epidemics are exclusions in health insurance due to their nature in terms of cost and risk modelling with the uncertainties, beneficiary access and claims reimbursements, scope definition and treatment/ care plans.

Honourable Speaker, it is for this reason and with your indulgence that I seek leave of the House in order to deliberate on this matter and explore ways of how NHIF could be facilitated in order to cover bills for Covid-19 cases.

(Hon. Antony Kiai, MP)

Discussion commenced;

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

13. HOUSE ROSE – at Seven O'clock.
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MEMORANDUM

The Speaker will take the Chair on
Thursday, November 19, 2020 at 10.00 a.m.

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