



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 26, 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. **PETITIONS**

The following Petitions were presented by –

- a) the Member for Embakasi West (Hon. George Theuri) regarding training and skills acquisition by prisoners; and
- b) the Member for Garsen (Hon. Ali Wario Guyo) regarding sub division of Agricultural Development Corporation (ADC) land and stakeholder consultation on the Galana-Kulalu food security project.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(2)

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Addendum Report on the Consideration of the Proposed Amendments to the Tea Bill (Senate Bill No.36 of 2018);

(Chairperson, Departmental Committee on Agriculture & Livestock)

- (ii) Reports of the Committee on -

- a) inspection visits to Kenya Revenue Authority offices to ascertain the impact of Revenue Enhancement Initiatives on Revenue Collection; and
- b) inquiry into the optimization of revenue in Grain Handling Services at the Port of Mombasa.

(Chairperson, Departmental Committee on Finance & National Planning)

- (iii) Report of the Committee on Implementation on the Status of Implementation of the Report of Departmental Committee on Labour and Social Welfare on a Petition regarding Deplorable Working Conditions of Workers at the Kwale International Sugar Company Limited.

(Chairperson, Committee on Implementation)

6. **NOTICES OF MOTION**

The following Notices were given –

- (i) **THAT**, this House adopts the report of the Departmental Committee on Finance and National Planning on its Inquiry into the Optimization of Revenue in Grain Handling Services at the port of Mombasa, laid on the Table of the House on Thursday, November 26, 2020; and

- (ii) **THAT**, this House adopts the report of the Departmental Committee on Finance and National Planning on Inspection Visits to the Kenya Revenue Authority offices to ascertain the impact of revenue enhancement initiatives on revenue collection, laid on the Table of the House on Thursday, November 26, 2020.

(Chairperson, Departmental Committee on Finance & National Planning)

- (iii) **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 incorporate storm water collection and storage for non-potable use.

(Hon. Halima Mucheke)

7. **QUESTIONS**

The following Questions were asked –

- (i) **Question by Private Notice No.29/2020** by the Member for Westlands (Hon. Timothy Wanyonyi) regarding L.R. 209/5996 (Grant No. IR18152;

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

- (ii) **Question No.357/2020** by the Member for Eldama Ravine (Hon. Moses Lessonet) regarding Safaricom engaging foreign companies in contractual works on fibre optics;

(To be replied to by the Cabinet Secretary for ICT, Innovation and Youth Affairs before the Departmental Committee on Communication, Information and Innovation)

- (iii) **Question No.353/2020** by the Member for Murang'a County (Hon. Sabina Chege) regarding support for residents of Muranga county affected by landslides;

(To be replied to by the Cabinet Secretary for Devolution and ASALs before the Departmental Committee on Administration and National Security)

- (iv) **Question No.356/2020** by the Member for Vihiga County (Hon. Beatrice Adagala) regarding status of Covid-19 infections among learners in Grade 4, Standard 8 and Form IV and students in tertiary institutions and universities as well as teaching staff;

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

- (v) **Question No.358/2020** by the Member for Kisumu West (Hon. John Olago) regarding blocked on Usoma-Nawa-Kirembe road by Kenya Airports Authority;

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

The following Question was deferred –

- (i) **Question No.351/2020** by the Member for Lamu County (Hon. Ruweida Obo) regarding measures to address the plight of the Bajun people who have allegedly been neglected.

8. **STATEMENTS**

Pursuant to Standing Order 44(2)(c), The following statements were requested by: –

- (i) the Member for Kisumu West (Hon. John Olago) regarding funding to primary schools; and
- (ii) the Member for Dagoretti South (Hon. John Kiarie) regarding Public Debt Management.

9. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to the provision of Standing Order 44(2)(c), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, December 01, 2020.

10. **PROCEDURAL MOTION- EXTENSION OF TIME FOR CONSIDERATION OF A SPECIFIED 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 insecurity in Marsabit County presented by the Hon. Ali Dido Rasso, MP (Saku Constituency) by the Departmental Committee on Administration and National Security by a further period of forty-five (45) days with effect from 27th November, 2020.

(Chairperson, Departmental Committee on Administration & National Security)

Debate arising;

Question put and agreed to.

11. **INQUIRY INTO THE USE OF THE STANDARD GAUGE RAILWAY**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on its Inquiry into the Use of the Standard Gauge Railway (SGR), laid on the Table of the House on Tuesday, September 22, 2020.

(Chairperson, Departmental Committee on Transport, Public Works and Housing – 12.11.2020)

Debate on the Motion having been concluded on Tuesday, November 24, 2020;

Question put and agreed to.

12. **MOTION – INQUIRY INTO THE STATUS OF STADIA IN KENYA**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Sports, Culture and Tourism on the Inquiry into the Status of Stadia in Kenya, laid on the Table of the House on Tuesday, October 13, 2020.

(Chairperson, Departmental Committee on Sports, Culture & Tourism – 24.11.2020)

Debate on the Motion having been concluded on Tuesday, November 24, 2020;

Question put and agreed to.

13. **MOTION – INQUIRY INTO THE UTILIZATION OF THE FUNDS APPROPRIATED TO THE MINISTRY OF HEALTH IN THE FINANCIAL YEAR 2019/20 FOR THE COVID-19 PANDEMIC**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Health on its Inquiry into the Utilization of the Funds Appropriated to the Ministry of Health in the

Financial Year 2019/20 for the Control and Management of the COVID-19 Pandemic, with Focus on the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the House on Thursday, October 1, 2020, **with amendments i.e. subject to insertion to further Recommendations No. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40.**

(Chairperson, Departmental Committee on Health)

Debate arising;

Motion on further amendment made and Question proposed;

THAT, the Report be further amended by inserting recommendation No. 40 as follows:-

40. That, where two or more agencies are recommended to undertake investigations, the Ethics and Anti-Corruption Commission be the Lead Agency.

(Hon. Jeremiah Kioni)

Question on further amendment put and agreed to;

Debate on Motion as further amended resumed;

THAT, this House adopts the Report of the Departmental Committee on Health on its Inquiry into the Utilization of the Funds Appropriated to the Ministry of Health in the Financial Year 2019/20 for the Control and Management of the COVID-19 Pandemic, with Focus on the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the House on Thursday, October 1, 2020, "Subject to insertion of the following further Recommendations-

PPEs held by the Kenya Medical Supplies Authority

30. That, within fourteen days (14 days) of the House adopting this Report, the Ministry of Health reviews the status of all Personal Protective Equipments (PPE) held by Kenya Medical Supplies Authority (KEMSA) with a view to distributing the same to all public hospitals guided by the respective COVID-19 caseload, for use frontline medical staff in public hospitals;

31. That, thereafter, all public hospitals should not charge any Kenyan citizen admitted in their facilities due COVID-19 the cost of Personal Protective Equipment (PPE) used while undergoing treatment;

Provision of Group Life Insurance Cover

32. That, within seven (7) days of adoption of this Report, the National Treasury and the Ministry of Health remits the Kshs 500 million to the National Hospital

33. Insurance Fund (NHIF) as approved by National Assembly in the Supplementary Appropriation Act (No. 2) of 2020 for the provision of Group Life Insurance Cover by National Hospital Insurance Fund (NHIF) Scheme, that includes COVID-19

- 34.** cover for all medical staff working in all Counties and the National Referral Hospitals;
- 35.** That, within twenty-one (21) days of receiving the Kshs 500 million for the Group Life insurance Cover, the National Hospital Insurance Fund (NHIF) ensures that all medical staff in the counties and national referral hospitals are placed under the Group Life insurance Cover;

Comprehensive Medical Cover

- 36.** That, within the fourteen days (14 days) of the House adopting this report, the Council of Governors ensures that all the nineteen (19) counties that have no medical cover for its medical staff, sign-up for the Comprehensive Medical Cover through the National Hospital Insurance Fund (NHIF).
- 37.** That, the National Treasury and Council of Governors establishes a centralized pool of medical cover through the National Hospital Insurance Fund (NHIF) Comprehensive Medical Scheme for all county medical staff. The Scheme should be in place at the beginning of the Financial Year 2021/22 and that the Ministry of Health and Counties do make provisions of the same in their respective FY 2021/22 budgets;

Medical staff Allowances

- 38.** That, within the fourteen (14) days of adoption of this Report, the Ministry of Health and Governing Councils of University of Nairobi, Kenyatta University, Moi University and Jomo Kenyatta University of Agriculture and Technology pays all pending Call Allowances to doctors as per the Collective Bargaining Agreement (CBA) and the Return-To-Work Formula of March 14, 2017, signed between the Ministry of Health, Council of Governors and Kenya Medical Practitioners and Dentist Union;
- 39.** That, within the fourteen days (14 days) of adoption of this Report, the Ministry of Health engages the Salaries and Remuneration Commission (SRC) on the need to enhance the Risk allowance for medical staff with a view to replacing the COVID-19 allowance for frontline medical staff that was initially paid for the three (3) months but lapsed in June 2020;

Facemask for the most vulnerable

- 40.** That, within the fourteen days (14 days) of adoption of this Report, the Ministry of Health ensures that the procurement of re-usable facemask worth Kshs 300 million for vulnerable persons in the society is concluded and the masks be distributed to all students in public schools, the needy and vulnerable persons in the country; and,

Medical Insurance Cover and Arrears for Contract staff

- 41.** That, within the fourteen (14) days of adoption of this Report, the Ministry of Health ensures that all medical staff employed on contract for handling isolations

facilities are provided with a NHIF Comprehensive Medical Cover, and further, all their pending salary arrears from August 2020 are paid promptly.

Lead agency

- 42.** That, where two or more agencies are recommended to undertake investigations, the Ethics and Anti-Corruption Commission be the Lead Agency.

(Change of chair from Speaker to Fourth Chairperson of Committees)

(Change of chair from Fourth to First Chairperson of Committees)

Mover replied;

Question deferred to another day.

14. **MOTION – APPROVAL OF THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

Motion made and Question proposed –

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), 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.

(Chairperson, Departmental Committee on Defence & Foreign Relations)

Debate arising;

Mover replied;

Question deferred to another day.

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

15. **HOUSE ROSE** - at Seven O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, December 01, 2020 at 2.30 p.m.

---x---