

(No. 073)

(937)



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

ORDERS OF THE DAY

THURSDAY, JULY 08, 2021 AT 2.30 P.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*. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)

(The Hon. Millie Odhiambo Mabona, M.P.)

Second Reading

(Question to be put)

9*. PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF SPECIFIED PETITIONS

(The Chairperson, Departmental Committee on Agriculture and Livestock)

THAT, notwithstanding the provisions of Standing Order 227(2) (*Committal of Petitions*), this House resolves to extend the period for consideration of the public petitions specified hereunder by the Departmental Committee on Agriculture and Livestock by a further period of sixty (60) days with effect from 9th July 2021-

- (i) Public Petition regarding Revival of the Kenya Cashew Nuts Factory presented by the Member Kilifi North (Hon. Owen Baya, MP);
- (ii) Public Petition regarding Development and Marketing of Miraa presented by the Member for Igembe South (Hon. Paul Mwirigi, MP);

...../9*(Cont'd)

- (iii) Public Petition regarding Safeguarding of the Public Interest in the use of Kangaita Tea Farm Land in Kirinyaga County to Establish a Japanese Specialty Green Tea Production factory by KTDA presented by the Member for Kirinyaga Central (Hon. John Munene, MP); and
- (iv) Public Petition regarding Transfer of Oversight of Kenya Leather Development Council presented by the Member for Kajiado North (Hon. Joseph Manje, MP).

10*. PROCEDURAL MOTION - CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING JULY/AUGUST, 2021 SHORT RECESS

(The Leader of the Majority Party)

THAT, notwithstanding the provisions of 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 July/August (*9th July to 2nd August 2021*)-

- (i) **should a Bill be published** during the said period, or a published Bill become due for First Reading during the period, the Speaker shall, upon lapse of at least seven days following the publication of the Bill, the fulfillment of the provisions of Article 110(3) of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal 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;
- (ii) **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 during its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013); and
- (iii) **should any Paper be transmitted** for tabling before the House during the period, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant Committee for consideration and cause the Paper to be tabled in the House during its next Sitting.

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019)
(The Hon. Benjamin G. Mwangi, M.P.)
- (ii) The Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019)
(The Hon. Peter Kaluma, M.P.)

12*. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)

(The Hon. Wafula Wamunyinyi, M.P.)

Second Reading

(Resumption of debate interrupted on Thursday, July 1, 2021)
(Balance of time – 1 hour 48 minutes)

13*. THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2019)

(The Hon. Elisha Odhiambo, M.P.)

Second Reading

(Resumption of debate interrupted on Thursday, March 04, 2021 – Morning Sitting)
(Balance of time – 1 hour 39 minutes)

14*. THE LABOUR RELATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2019)

(The Hon. Kimani Ichung’wah, M.P.)

Second Reading

15*. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2019)

(The Hon. Silvanus Osoro, M.P.)

Second Reading

16*. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2019)

(The Hon. Florence Mutua, M.P.)

Second Reading

(Resumption of debate interrupted on Thursday, March 25, 2021 – Morning Sitting)
(Balance of time – 3 hours 10 minutes)

**17*. THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY
BILL NO. 74 OF 2019)**

(The Hon. Sabina Chege, M.P.)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Public Service Commission (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause —

Amendment of section 34 of No. 10 of 2017.

2. Section 34 of the “principal Act” is amended by inserting the following new subsection immediately after subsection (3)—

“(3A) An appointing authority who fails to fill a vacant position under subsection (3) within six months, commits an offence, and shall, on conviction, be liable to a fine of not exceeding five hundred thousand shillings or imprisonment for a term of not exceeding six months, or to both.”

CLAUSE 3

THAT, the Bill be amended by deleting clause 3 and substituting therefor the following new clause —

Amendment of section 80 of No. 10 of 2017.

3. Section 80 of the “principal Act” is amended—

(a) in subsection (1)—

(i) by deleting the words “as may be prescribed in the regulations” and substituting therefor the words “of fifty five years and for persons with disabilities the mandatory age of sixty years”;

(ii) by inserting the following new subsections immediately after subsection (1)—

“(1A) A person who appoints a retired public officer in a State office or Public office commits an offence, and shall, on conviction, be liable to a fine of not exceeding five hundred thousand shillings or imprisonment for a term of not exceeding six months, or to both.”

(1B) The Cabinet Secretary may prescribe a period not exceeding three years—

- (a) exempting any person or class of persons from compliance with this section; or
- (b) extending the time for compliance by any person or class of persons with this section.

(b) by deleting subsection (2).

NEW CLAUSE

THAT, the Bill be amended by inserting a new clause immediately after clause 1—

Amendment of section 2 of No.10 of 2017.

1A. Section 2 of the Public Service Commission Act, 2017(in this Act referred to as the “principal Act”) is amended by deleting the definition of “public officer” and substituting therefor the following new definition—

“public officer” means any person other than a state officer who holds a public office or a state officer who holds a public office or state office but not a state officer who holds an elective position.

II. THE LAW OF SUCCESSION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 75 OF 2019)

Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma, MP) intends to move the following amendments to the Law of Succession (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 3

THAT Clause 3 of the Bill be amended —

(a) in the proposed new section 29(1) by —

(i) deleting paragraph (b) and substituting therefor the following new subsections—

(b) the deceased’s parents, step-children and children whom the deceased had taken into his family as his own as were being maintained by the deceased immediately prior to his death;

(c) in the absence of the persons listed under paragraphs (a) or (b), such of the deceased’s brothers and sisters as were being maintained by the deceased immediately prior to his death;

(d) in the absence of the persons listed under paragraphs (a), (b) or (c), such of the deceased’s step-parents, grandparents, grandchildren, and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death.

(ii) deleting the proposed new subsection (2) and substituting therefor the following new subsections —

(2) A person may apply to the court for declaration as a dependant for purposes of this Act if the person—

(a) cohabited with the deceased for a period of at least seven years prior to the deceased’s death;

(b) is reputed by the family of the deceased as having been in such cohabitation; and

(c) was being maintained by the deceased prior to his or her death.

(3) A person who is declared a dependant under subsection (2) may only apply for a grant of representation in respect of the estate of a deceased person if the person furnishes the court with the order declaring such dependency.

LIMITATION OF DEBATE

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Motions

- III. THAT**, each speech in a debate on any **Motion, including a Special Motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Individual Members' Bills

- IV. THAT**, each speech in a debate on **Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

The House resolved on Tuesday, June 8, 2021 as follows-

V. Individual Members' business

- (i) **THAT**, on Thursday *Afternoons*, business **not** sponsored by the Majority Party, the Minority Party or a Committee shall have **precedence** over all other business, in such order as the House Business Committee shall determine; and,
- (ii) **THAT**, paragraph (i) shall not apply to the Business under Part XXIV of the Standing Orders (*Financial Procedures*).

...../Notices*(Cont'd

ADJOURNMENT

VI. NOTIFICATION OF RECESS (9th July - 2nd August, 2021)

Pursuant to the provisions of Standing Order 28(3) relating to the Calendar of the Assembly, and the resolution of the House of Wednesday, 7th July, 2021, the Speaker notifies that upon the rise of the House today at the appointed time, regular sittings will resume on **Tuesday, 3rd August, 2021 at 2:30 p.m.**

(Thereafter, the House to adjourn without question put)

NOTICE PAPER

Tentative business for

Tuesday (Afternoon), August 3, 2021

(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 Tuesday (Afternoon), August 3, 2021-

A. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PARLIAMENTARY PENSIONS (AMENDMENT)(No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Committee)

(Motion to be moved)

B. COMMITTEE OF THE WHOLE HOUSE

- (i) The Parliamentary Pensions (Amendment) (No. 3) Bill (National Assembly Bill No. 57 of 2019)

(The Chairperson, Parliamentary Pensions Committee)

(Committee to consider only proposed New Clause 18, Clause 3, Title, Clause 1 and recommitted clause(s), if any)

- (ii) The Referendum (No.2) Bill (National Assembly Bill No. 14 of 2020)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

C. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(Resumption of debate interrupted on Wednesday, July 7, 2021 – Afternoon sitting)

D. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)

(The Leader of the Majority Party)

Second Reading

E. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(The Leader of the Majority Party)

Second Reading

F. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)

(The Leader of the Majority Party)

Second Reading

G. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)

(The Leader of the Majority Party)

Second Reading

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

214/2021 **The Member for Bomet Central (Hon. Ronald Tonui, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- (i) With regard to the recent changes to civil servants' pension scheme, could the Cabinet Secretary clarify whether teachers and civil servants are entitled to retirement benefits accruing from the date of employment to the time they join the superannuation (contributory) pension scheme?
- (ii) How will benefits be calculated and the entitlement arrived at, and which government agency will be in charge of management and payment of the benefits?
- (iii) Could the Cabinet Secretary confirm that all the employees in the Public Service and Teachers Service Commission have been notified in writing on change of terms of employment including expected benefits once they attain the age of 50 with regard to the superannuation scheme?

(To be replied before the Departmental Committee on Finance and National Planning)

242/2021 **The Member for Kabondo Kasipul (Hon. Eve Obara, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) What plans has the Ministry put in place to ensure that the *Chabera - Sikri* stretch of the *Kisumu - Kisii Road* is well marked and access culverts installed including stone pitching to enable residents of *Kabando East, Kabando West, Kojwach* and *Kakelo-Kokwanyo Wards* access key institutions particularly:- *Othoro Police Station; New Constituency Office Junction at Kadong; Kadongo Post Office; Othoro Level 4 Hospital and Kamalak and Mikai Dispensary Junction; Wangapala High, Bishop Linus Okoth Girls, Nyamwaga, Lwanda, Otondo, Gangre, Dudi Secondary Schools; Ayiengo, Oriri, Nyaluru, Maperu Farm and Njura Primary Schools; Omuga Technical Training Institutions; Marani, Nyapalo Central, Ayiego and Oriang SDAs; Oriang Catholic Mission, Legio Maria Centre, Christian Pentecostal Churches; and, Nyapalo and Ringa Markets?*

- (ii) Could the Cabinet Secretary explain why the contractor is unable to deliver on his commitment under Corporate Social Responsibility with respect to the project, particularly tarmacking feeder roads to schools, creation of access roads, levelling of school playgrounds, rebuilding *boda boda shades* and planting trees along the highway?
- (iii) When will the contractor undertake repairs on damaged part of the existing roads and also rehabilitate excavated grounds left open after construction in the areas?
(*To be replied before the Departmental Committee on Transport, Public Works & Housing*)

243/2021

The Member for Rangwe (Hon. (Dr.) Lilian Gogo, MP) to ask the Cabinet Secretary for Foreign Affairs: -

- (i) Could the Cabinet Secretary explain circumstances under which *Mr. Joseph Mboya Nyamuthe of ID. No. 102259323*, a resident of *DC Village, Komolo Sub-location, Komolo Location in Rangwe Sub-County*, is being held *incommunicado* while in imprisonment in the Republic of Burundi, and charges have been preferred on him, if any?
- (ii) What steps has the Ministry taken to secure the release of *Mr. Joseph Mboya Nyamuthe*, and enable his family and legal representatives access him?
- (iii) Could the Cabinet Secretary clarify whether there are any other residents of Rangwe Constituency and who work at his Company who are being held alongside him and what action is the Ministry taking to secure their release?

(*To be replied before the Departmental Committee on Defence and Foreign Relations*)

244/2021

The Member for Tiaty (Hon. William Kamket, MP) to ask the Cabinet Secretary for Interior and Co-ordination of National Government: -

- (i) Could the Cabinet Secretary consider removal of police road blocks at *Moinonin, Loruk and Chemolingot* along *Marigat – Chemolingot* road which have led to impoverishment and starvation of residents in Tiaty Constituency by denying them access to food and basic commodity supplies as well as medical assistance?

- (ii) Could the Cabinet Secretary explain plans put in place by the Ministry to reduce insecurity and further improve the relationship between the law enforcers, administrative officers and residents of Tiaty Constituency?

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

245/2021 The Member of Chuka/Igambang'ombe (Hon. Patrick Munene, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain the criteria used in determining fees chargeable by Day Secondary Schools across the country and why certain schools charge higher fees against the Ministry's set guidelines?
- (ii) What steps is the Ministry taking to ensure that all Day Secondary Schools across the country adhere to the Ministry's set guidelines on fees?
- (iii) What measures is the Ministry putting in place to ensure that Day School learning remains affordable considering the Ministry policy on 100% transition from primary to secondary school?

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

246/2021 The Member for Galole (Hon. Said Hiribae, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary explain the progress made in disbursing an allocation of Kshs.17.4 million from the Road Maintenance Levy Fund (RMLF) meant for the development of roads in Tana River County?
- (ii) Could the Cabinet Secretary undertake to ensure that the said allocation is disbursed and when is it expected to be availed to the *A.I.E Holders* for utilization?
- (iii) Could the Cabinet Secretary provide an update on the progress made to upgrade the *Laza – Rhoka, Kipini – Gatundu and C24 Bangale – Boka Roads* in Galole Constituency to bitumen standards and when is the construction expected to be completed?
- (iv) What is the status of the construction of the *Boji – Masalani road* in Galole Constituency and how was the Kshs.100 million meant for this rehabilitation utilized, stating amount paid and to who?

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

247/2021 The Member for Ol Jorok (Hon. Michael Muchira, MP) to ask the Cabinet Secretary for Energy:-

- (i) What is the status of implementation of the *Last Mile Connectivity Programme* Projects in Ol Jorok Constituency being undertaken under the Impact Evaluation of the Last Mile Connectivity Project (LMCP, Phase I) of the African Development Bank Group (AfDB)?
- (ii) Why have the said projects taken too long to be completed and what steps is the Ministry taking to ensure that they are completed and by when?

(To be replied before the Departmental Committee on Energy)

248/2021 The Member of Baringo Central (Hon. Joshua Kandie, MP) to ask the Cabinet Secretary for Education: -

What measures is the Cabinet Secretary taking to exempt schools from arid and semi-arid areas across the country from the implementation of Kenya National Examination Council Circulars dated 11th and 28th June, 2021 requiring schools with less than forty (40) candidates to be hosted by an examination center with more than forty (40) candidates during the *Kenya Certificate of Primary Education (KCPE)* and *Kenya Certificate of Secondary Education (KCSE)* examinations, noting that the said areas are sparsely populated and the distances students have to cover between schools are far thus rendering this option untenable?

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

249/2021 The Member for Kajiado East (Hon. Peris Tobiko, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain the progress made and any steps being taken to bring an end to the rampant theft of livestock in Kajiado East Constituency?
- (ii) What interventions have the security agencies deployed to arrest those behind such thefts and discontinue the commercial networks behind the illegal livestock business?
- (iii) Could the Ministry consider compensating the affected families for the losses of their livestock?

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

251/2021

The Member for Sigowet/Soin (Hon. Kipsengeret Koros, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary provide details on the cost of constructing the Nairobi expressway, which starts from *Jomo Kenyatta International Airport (JKIA)* to *Westlands area* of Nairobi City County?
- (ii) Could the Cabinet Secretary explain the reasons which led to varying of initial budget of the project from Kshs. 23 billion to the current Kshs.63 billion?
- (iii) When is the project expected to be complete and at what extra cost to the users, with regard to levy and/or maintenance charges in its actual utilization?

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

254/2021

The Member for Matuga (Hon. Kassim Tandaza, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary clarify whether Higher Education Loans Board (HELB) clearance certificate is requirement for fresh graduates while seeking employment in public or state offices?
- (ii) Could the Cabinet Secretary explain how fresh graduates are expected to repay the HELB Loan and clear institution even before getting formal employment? and
- (iii) Could the Cabinet Secretary consider issuing temporary clearance certificates to fresh graduates for purposes of assisting them to secure employment?

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

255/2021

The Member for Ugenya (Hon. David Ochieng, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -

- (i) Could the Cabinet Secretary state the number of public entities that have been privatized since the establishment of the Privatization Commission?
- (ii) Why did the Government bypass the Commission in its privatization of the National Bank and in the ongoing efforts at state-owned sugar factories?
- (iii) When does the Cabinet Secretary intend to fill the existing vacancies in the membership of the Privatization Commission?

- (iv) What steps does the Cabinet Secretary intend to take to ensure the Commission is able to carry out its mandate including through provision of the necessary resources?

(To be replied before the Departmental Committee on Finance and National Planning)

256/2021

The Member for Marakwet West (Hon. William Kisang, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (i) What steps the Ministry has taken to ensure that Kshs77.5 million disbursed to *Lake Victoria North Water Services Board* meant for *Chebara* Institutions Projects in Marakwet West Constituency in the Financial Year 2015/16 are released to the said Institutions to complete ongoing works that have stalled since 2015?
- (ii) When will the balance of the initial allocation that amounts to Kshs.82.5 million be released to the said institutions?
- (iii) Could the Cabinet Secretary consider undertaking a visit to *Chebara Institutions* projects to ascertain the current status and the progress of the projects and whether more funding is required in order to complete the ongoing projects?

(To be replied before the Departmental Committee on Environment and Natural Resources)
