



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

ORDERS OF THE DAY

WEDNESDAY, JULY 07, 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*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2020)

(The Chairperson, Departmental Committee on Health)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Kenya National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020).

(Question to be put and Third Reading)

9*. MOTION - APPROVAL OF THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, *laid on the Table of the House on Thursday, July 1, 2021*, and pursuant to the provisions of section 205(1) of the Public Finance Management Act, 2012 **approves** the Public Finance Management (Equalization Fund Administration) Regulations, 2021 published as *Legal Notice No. 54 of 2021*.

(Question to be put)

10*. 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)

The Chairperson of the Committee of the whole House to report-

“**THAT**, Hon. Speaker, I beg to report that on Tuesday, 6th July, 2021, the Committee of the whole House considered the Parliamentary Pensions (Amendment)(No.3) Bill (National Assembly Bill No. 57 of 2019) **up to New Clause 13A**, and approved the same with amendments, and now seeks leave to sit again today.”

(See Notice of Recommittal)

11*. MOTION - ALTERATION OF THE CALENDAR OF THE HOUSE

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 28(4), this House, **resolves to alter** its Calendar for the Fifth Session (*Regular Sessions*), as adopted on Wednesday, 10th February, 2021 and amended on Tuesday, 8th June, 2021 by varying the period for the **Short Recess** with respect to the Second Part of the Session, so that-

- (a) the Short Recess commences on Friday, 9th July, 2021 and ends on Monday, 2nd August, 2021; and,
- (b) the House resumes its regular Sittings on Tuesday, 3rd August, 2021 to continue with the Second Part of the Session.

12*. COMMITTEE OF THE WHOLE HOUSE

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)

13*. 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 Tuesday, June 29, 2021 – Afternoon sitting)

14*. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)
(The Leader of the Majority Party)

Second Reading

15*. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)
(The Leader of the Majority Party)

Second Reading

16*. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)
(The Leader of the Majority Party)

Second Reading

17*. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)
(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. THE PARLIAMENTARY PENSIONS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

- 1) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Parliamentary Pensions (Amendment) (No.3) Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended in clause 2 by deleting the proposed new section 2 (2).

CLAUSE 3

THAT, the Bill be amended in clause 3 by inserting the following paragraph immediately after paragraph (d)–

(e) by inserting the following new definition–

“Commission” has the meaning assigned to it under the Parliamentary Service Act;

CLAUSE 8

THAT, the Bill be amended –

- (a) in the proposed new section 7 by deleting sub-section (4) and substituting therefor the following sub-section (4) –

(4) If after receiving gratuity under subsection (2) the Member elects to pay pension contributions under section 4, the Member may if he so desires–

(a) repay all the gratuity paid to the member plus, interest at the rate of three percent per month for a period of fifteen months, from the date he elects to be pensionable; and

(b) pay the contributions under section 4 for the entire period of non-contribution to match up with existing contributors.

(b) by deleting sub-section (8).

CLAUSE 11

THAT, the Bill be amended in clause 11 (b) in the proposed paragraph (a) by deleting the word “that” appearing immediately after the word “less” and substituting therefor the word “than”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 13-

Insertion of new section 13A. in Cap. 196

13A. The principal Act is amended by inserting the following new sections immediately after section 18-

Administration of the Act.

18A. (1) The Administration of this Act shall be by the Commission.

(2) The payment of pension, gratuity, refund of contributions and other allowances payable shall be provided for in the estimates of the Commission pursuant to Article 127 of the Constitution.

Post-retirement medical scheme

18B. (1) The Commission may establish voluntary post-retirement medical scheme for Members of Parliament.

(2) Without prejudice to the generality of sub-section (1), the Scheme shall make provision to allow Members of Parliament to make voluntary contributions in respect of funding a post-retirement medical Fund.

CLAUSE 14

THAT, the Bill be amended in clause 14 –

(a) in paragraph (a) in the proposed new sub-section (1) by deleting paragraphs (g) and (h); and

(b) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) in sub-section (5) by –

(a) deleting the words “the National Assembly” and substituting therefor the word “Parliament”; and

(b) deleting the words “through the Treasury” appearing immediately after the words “by the Committee.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 17-

Insertion of new section 23 in Cap.196

18. The principal Act is amended by inserting the following new section immediately after section 22-

Regulations by the Commission.

23. (1) The Commission may make regulations for prescribing anything required by this Act to be prescribed and generally for the better carrying out of the purposed of this Act.

(2) Without prejudice to the generality of sub-section (1), regulations under this Act may provide for-

(a) the administration of pension, gratuity and other benefits to Members of Parliament;

(b) the establishment, regulation and supervision of the management of a post-retirement medical fund scheme for Members of Parliament;

2) Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma, MP) intends to move the following amendment to the Motion for Agreement with the Committee of the whole House—

THAT, the Motion for Agreement with the Report of the Committee of the whole House be amended by inserting the words **“subject to Recommittal of New Clause 13A.”**

LIMITATION OF DEBATE

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

Limitation of Debate on Bills sponsored by Parties or Committees

- II. THAT**, each speech in a debate on **Bills 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 forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by 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 (if the Bill is not sponsored by either of them); 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 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.



NOTICE PAPER

Tentative business for

Wednesday (Evening), July 07, 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 Wednesday (Evening), July 07, 2021-

A. THE FOREIGN SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2021)

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

Second Reading

B. THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

(The Chairperson, Departmental Committee on Health)

Second Reading

C. THE JUDICIAL SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2020)

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

Second Reading

D. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

Second Reading

...../Appendix*

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

200/2021 **The Member for Narok South (Hon. Korei Lemein, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works: -**

- (i) Could the Cabinet Secretary explain the measures if any, instituted by the Ministry to rehabilitate the two-kilometre stretch of the *Junction – Olmekenyu* road which connects *Ololulunga* Sub-County Headquarters and the main highway, which is in a deplorable state?
- (ii) What plans are there to construct the road to bitumen standards given that it is the main access road to *Olulunga* Sub-County headquarters?

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

205/2021 **The Member for Trans Nzoia County (Hon. Janet Nangabo, MP) to ask the Cabinet Secretary for Health: -**

- (i) Could the Cabinet Secretary explain why the National Hospital Insurance Fund (NHIF) is yet to remit funds to the *Linda Mama* Programme since November, 2020?
- (ii) What measures has the Ministry put in place to ensure that funds payable by the NHIF are remitted without further delays to ensure the programme fully benefits the intended beneficiaries?

(To be replied before the Departmental Committee on Health)

207/2021 **The Nominated Member (Hon. (Prof.) Jacqueline Oduol, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

Considering the rapid expansion of digital technology which has led to increased cases of online sexual exploitation of minors –

- (i) What measures has the Ministry put in place to protect minors from grooming or coercion by duty bearers, including parents, to online sexual exploitation through solicitation and inducement to pornographic content and sexual abuse, particularly in secluded dwellings and locations that are mushrooming in the country?
- (ii) What specific awareness programs has the Ministry developed to enable children, youth, parents and the general public to access, understand and apply the existing tools such as “*The Guide to Child Online Protection*”?
- (iii) What steps has the Ministry taken to work with key stakeholders, especially *Internet Service Providers*, to ensure that law enforcement agents are informed about the numerous cases of child pornography and online sexual exploitation and related offences?
- (iv) What measures are in place to protect children from sexual predators who use tourism as a design to exploit children?
- (v) What is the Ministry doing to hold online gaming companies accountable to online games and pop-ups which lure minors to sexual content and exploitation?

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

226/2021

The Member for Kisumu West (Hon. Olago Aluoch, MP) to ask the National Land Commission: -

- (i) Could the Commission explain the progress made in disbursing money received from Kenya National Highway Authority (KenHA) in December 2016 amounting to Kshs.314,160,828.00 which was meant for compensation of persons whose fixed assets situated in *Kogony Sub-Location* of Kisumu West Constituency were compulsorily acquired by the Government for the construction of the *Kisumu Northern Bypass*?
- (ii) Could the Commission also provide details and list the names and ID numbers of the beneficiaries who received compensation amounting to about Kshs.87 million as part of the compensation money and state when the balance amounting to about Kshs.227,160,82.0 0 will be paid out to the rest of the affected persons?

- (iii) What steps is the National Land Commission taking to ensure that it pays the balance to the affected persons together with revaluation of the affected properties with a view to paying compensation at the current valuation of the properties?
- (iv) What steps is the Commission taking to secure payment of the balance of Kshs.635,091,027.00 from the National Treasury so that the process of compensation to all affected persons from *Kogony Sub-Location* is completed?

(To be replied before the Departmental Committee on Lands)

232/2021 The Member for Subukia (Hon. Samuel Gachobe, MP) to ask the Cabinet Secretary for Public Service and Gender: -

- (i) Could the Cabinet Secretary state why the fifty (50) persons who were recruited from the twenty-six (26) Sub locations in Subukia Sub County under the NYS Youth Empowerment Programme in the months of May to August 2016 to supervise works in their respective sub-locations, have not been paid to date?
- (ii) When will the said persons be paid their dues?

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

236/2021 The Member for Kitui West (Hon. Edith Nyenze, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary provide details of the proposed establishment of a Technical and Vocational Education and Training (TVET) Institution in Kitui West Constituency, which was earmarked to start in 2019?
- (ii) When will the construction of the said institution commence, noting that the necessary documentation has been submitted to the relevant authorities and approved?
- (iii) What steps the Ministry is taking to ensure that a TVET Institution is constructed in Kitui West Constituency and when is the institution expected time of completion?

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

The Member for Kathiani (Hon. Robert Mbui, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain the circumstances which led the Kenya National Examination Council to issue a *Circular* dated 11th and 28th June, 2021 directing both private and public schools with less than forty (40) candidates to be hosted by an examination center with more than forty (40) candidates during the 2021 *Kenya Certificate of Primary Education (KCPE)* and *Kenya Certificate of Secondary Education (KCSE)* examinations?
- (ii) Could the Cabinet Secretary clarify whether the Ministry did consult education stakeholders, such as *the Kenya Private Schools Association* and the *Parents Associations* considering that such swift change of policy directions may inconvenience thousands of learners during the examination period since subjecting them to new environment may affect their performance?
- (iii) What measures has the Ministry put in place to ensure that increased numbers of learners in examination rooms would not compromise the quality education and/or lead to cheating during examinations?
- (iv) What steps the Ministry is taking to ensure that increased numbers of learners in a classroom or examination room do not compromise the COVID-19 Protocols and Guidelines as set by the Ministry of Health?

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

The Member for Kwale County (Hon. Zuleikha Hassan, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works: -

Could the Cabinet Secretary explain plans in place by the Ministry, if any, to repair *Mwachande Bridge in Lunga Lunga Constituency* which was destroyed and washed away following heavy rains in 2014, considering that the bridge connects *Lunga Lunga* and *Msambweni* Constituencies?

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

