

(No. 074)



(946)

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

ORDERS OF THE DAY

TUESDAY, AUGUST 03, 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 FOREIGN SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2021)

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

Second Reading

(Question to be put)

9*. 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)

10*. 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)

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

Second Reading

12*. THE JUDICIAL SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2020)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

13*. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)
(The Leader of the Majority Party)

Second Reading

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

Second Reading

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

Second Reading

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

Second Reading

*** Denotes Orders of the Day**

...../Notices*

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.**”

3) **Notice is given that the Member for Kanduyi (Hon Wafula Wamunyinyi, MP) intends to move the following amendments to the Parliamentary Pensions (Amendment) (No.3) Bill, 2019 at the Committee Stage—**

CLAUSE 8

THAT, clause 8 of the Bill be amended in the proposed new section 7(4) by deleting the words “and interest on the gratuity at the rate of within a period of fifteen months from the date he elects to be pensionable”.

CLAUSE 9

THAT, clause 9 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(c) by inserting the following new subsection immediately after subsection (3) —

(3) Where a member of Parliament entitled to pension under subsection (1) ceases to hold office pursuant to the provisions of the Constitution or any other written law, but is subsequently re-elected into office, for purposes of subsection (2) the aggregate period of reckonable service for such a member shall be the sum total of all the terms of Parliament the member has served, notwithstanding that the period of service may be interrupted.



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.



...../Notice Paper I*

NOTICE PAPER I

Tentative business for

Wednesday (Morning), August 4, 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 (Morning), August 4, 2021-

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

(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

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

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

Second Reading

C. 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)*

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

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

Second Reading

E. THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)

(The Hon. Godfrey Osotsi, M.P.)

Second Reading

F. 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)*

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), August 4, 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 (Afternoon), August 4, 2021-

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, August 3, 2021)

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

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

Second Reading

(If not concluded on Tuesday, August 3, 2021)

C. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, August 3, 2021)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, August 3, 2021)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, August 3, 2021)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, August 3, 2021)

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

(The Chairperson, Departmental Committee on Health)

Second Reading

H. 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

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

229/2021 **The Member for Kwale County (Hon. Zuleikha Hassan, MP) to ask the Cabinet Secretary for Health: -**

- (i) Could the Cabinet Secretary explain the status of implementation and gains made so far with regard to operationalization of the National Coroners Service Act of 2017?
- (ii) Could the Cabinet Secretary explain what has delayed the full operationalization of the Act?

(To be replied before the Departmental Committee on Health)

235/2021 **The Member for Meru County (Hon. Bishop Kawira Mwangaza, MP) to ask the Cabinet Secretary for Health: -**

- (i) Could the Cabinet Secretary provide the progress made in implementation of programmes related to the Universal Health Care (UHC) in Meru County?
- (ii) What measures has the Ministry put in place to ensure UHC programmes are fully implemented and made more accessible and affordable for the vulnerable and destitute members of the society?
- (iii) What measures has the Ministry put in place to ensure that health care is maintained at the required set standards in all health facilities across the country and in particular in Meru County?

(To be replied before the Departmental Committee on Health)

237/2021 **The Member for Kitui West (Hon. Edith Nyenze, MP) to ask the Cabinet Secretary for Labour and Social Protection: -**

- (i) Could the Cabinet Secretary explain the status of registration of elderly persons, and disbursement and payments of money under the *Cash Transfer Programme for Elderly Persons* in Kitui West Constituency?
- (ii) What steps is the Ministry taking to ensure that all registered persons who have not been paid their monthly stipends are paid, and by when will this be done?

(iii) What plans have been put in place for effective management and control of the *Cash Transfer Programme for Elderly Persons* across the country?

(iv) Could the Cabinet Secretary explain measures put in place to ensure that the programme runs seamlessly?

(To be replied before the Departmental Committee on Labour and Social Welfare)

254/2021

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

(i) Could the Cabinet Secretary clarify whether the Higher Education Loans Board (HELB) clearance certificate is a 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 their HELB loans 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)

252/2021

The Member for Tarbaj (Hon. Ahmed Bashane, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

(i) Could the Cabinet Secretary provide an update on the alleged abduction and subsequent disappearance of *Mr. Bashow Yussuf Mohamed of ID No. 27478661* and *Mr. Salah Mubumed Hassan of ID No. 21860349* by unknown persons suspected to be police officers, given that they have been missing since early 2021 and this has caused immense psychological suffering to their friends, family and the wider Tarbaj Constituency?

(ii) What is the status of investigations into the disappearance of the two persons; and how many suspects have been apprehended or questioned so far regarding their disappearance?

(iii) What specific measures has the Government put in place to protect Kenyans from the spate of abductions that have been rampant in country during the last five years?

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