

(No. 100)



(1250)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, OCTOBER 12, 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 ON A PUBLIC PETITION REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY

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

THAT, this House **adopts** the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding insecurity in Saku Constituency and the larger Marsabit County, *laid on the Table of the House on Wednesday, August 11, 2021, subject to –*

- (i) **deletion of Recommendation 2 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;**
- (ii) **deletion of the words “including; Ambalo, Badan Rero, Elle Bor, Elle Dimtu and Kubi Qallo” after the word ‘County’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;**
- (iii) **deletion of Recommendation 8 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report and substitution with the following-**

8. The Cabinet Secretary for Interior and Co-ordination of National Government, as a matter of urgency, ensures adequate National Police Service personnel are deployed to Marsabit and any existing gaps to be filled by Kenya Police Reservists in coordination and consultation with the National Police Service.

...../8*(Cont'd)

- (iv) deletion of the words “in Kosso Banchale, Salesa and Isacko Umuro” after the words ‘displaced persons’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report;
- (v) insertion of the following new Recommendations under ‘Recommendations’ in Part 5 on page 92 of the Report -

17. *The Cabinet Secretary for Lands and Physical Planning and the National Land Commission, as a matter of urgency, should address the disputes and clearly demarcate Administrative and Communal Boundaries in Marsabit County.*
18. *The Cabinet Secretary for Interior and Coordination of National Government should rationalize the creation of new sub-Counties in Marsabit County, and address the current imbalance across the four Constituencies, that is, Saku, Laisamis, North Horr and Moyale, as a matter of urgency.*
19. *The Cabinet Secretary for Interior and Coordination of National Government should facilitate the return of Kenyan refugees in Ethiopia.*
20. *A Commission of Inquiry should be established pursuant to the provisions of the Commissions of Inquiry Act (Cap.103) to comprehensively look into the perennial security problems of Marsabit County and come up with a lasting solution.*

(Question to be put)

9*. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2021 on the National Water Policy, *laid on the Table of the House on Wednesday, August 4, 2021*, and further approves Sessional Paper No. 01 of 2021.

10*. MOTION - RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF BOTSWANA

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

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreements between the Republic of Kenya and the Republic of South Africa; and Between the Republic of Kenya and the Republic of Botswana, *laid on the Table of the House on Tuesday, September 28, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of:* -

- (i) *the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and*
- (ii) *the Bilateral Air Services Agreement Between the Republic of Kenya and the Republic of Botswana.*

11*. MOTION – RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION

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

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation, *laid on the Table of the House on Thursday, September 30, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation.*

12*. MOTION – CONSIDERATION OF THE PETROLEUM DEVELOPMENT LEVY (AMENDMENT) ORDER, 2021

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Petroleum Development Levy (Amendment) Order, 2021, *laid on the Table of the House on Wednesday, September 29, 2021*, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b), **annuls in entirety** the Petroleum Development Levy (Amendment) Order, 2021, published as *Legal Notice No. 77 of 2021*.

- 13*. THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2020)
(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

- 14*. COMMITTEE OF THE WHOLE HOUSE

The Waqf Bill (National Assembly Bill No. 73 of 2019)
(The Leader of the Majority Party)

- 15*. THE MEDIATION BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2020)
(The Leader of the Majority Party)

Second Reading

- 16*. THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2020)
(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICES

LIMITATION OF DEBATE

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

Limitation of Debate on Bills sponsored by Parties or Committees

- I. **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 Committee Reports

- II. **THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

The House further resolved on Thursday, September 23, 2021 as follows-

Limitation of Debate on Reports of Petitions

- III. **THAT**, following the resolution of the House of August 17, 2021 with respect to debate on three specified Reports of Petitions, each speech in a debate on **Reports of Petitions** shall be limited as follows:- A maximum of one hour and twenty minutes, with not more than fifteen (15) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party, and **THAT** five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

NOTICE PAPER I

Tentative business for **Wednesday (Morning) October 13, 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), October 13, 2021-

A. COMMITTEE OF THE WHOLE HOUSE

The Sugar Bill (National Assembly Bill No. 68 of 2019)
(The Hon. Wafula Wamunyinyi, M.P.)

(To resume from New Clauses)

B. THE EMPLOYMENT (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2019)

(The Hon. Gideon Keter, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, September 29, 2021 – Morning sitting)
(Balance of time – 35 minutes)

C. THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2020)

(The Hon. Didmus Barasa, M.P.)

Second Reading

D. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

(The Hon. Martin Peters Owino, 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 NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

G. THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

H. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

I. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading

J. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

K. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)

(The Hon. Rigathi Gachagua, M.P.)

Second Reading

L. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NO. 48 OF 2019)

(The Hon. Alexander Kosgey, M.P.)

Second Reading

M. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 72 OF 2019)

(The Hon. Silas Tiren, M.P.)

Second Reading

N. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2019)

(The Hon. Samuel Atandi, M.P.)

Second Reading

NOTICE PAPER II

Tentative business for **Wednesday (Afternoon) October 13, 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), October 13, 2021-

A. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

First Reading

B. THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILL NO. 35 OF 2021)

(The Chairperson, Departmental Committee on Finance and National Planning)

First Reading

C. THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2021)

(The Chairperson, Departmental Committee on Education and Research)

First Reading

D. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 28 OF 2020)

(The Chairperson, Departmental Committee on Health)

First Reading

E. THE COUNTY LICENCING (UNIFORM PROCEDURES) BILL (SENATE BILL NO. 32 OF 2020)

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

First Reading

F. THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2020)

(The Chairperson, Departmental Committee on Finance and National Planning)

First Reading

G. MOTION – FURTHER CHANGES TO COMMITTEE MEMBERSHIP

(The Chairperson, Committee on Selection)

H. MOTION - RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF BOTSWANA

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

(If not concluded on Tuesday, October 12, 2021)

I. MOTION – RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION

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

(If not concluded on Tuesday, October 12, 2021)

J. MOTION – CONSIDERATION OF THE PETROLEUM DEVELOPMENT LEVY (AMENDMENT) ORDER, 2021

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Tuesday, October 12, 2021)

K. THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2020)

(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(If not concluded on Tuesday, October 12, 2021)

L. COMMITTEE OF THE WHOLE HOUSE

The Waqf Bill (National Assembly Bill No. 73 of 2019)

(The Leader of the Majority Party)

(If not concluded on Tuesday, October 12, 2021)

M. THE MEDIATION BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2020)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 12, 2021)

N. THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2020)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 12, 2021)



...../Appendix*

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.4 - PETITIONS

It is **notified** that, pursuant to the provisions of Standing Order 225, the following Petitions will be presented -

No.	Subject	Petitioner(s)	Relevant Committee
053/2021	Provision by NHIF of access to medical insurance cover by persons living with autoimmune diseases in Kenya	<i>To be reported by the Speaker on behalf of Mr. Mikeson Mugo, Ms. Faith Rotich and Ms. Wacera Maina</i>	D.C. on Health
054/2021	Malpractices in the licensing of coffee marketers in the country	<i>To be presented by the Hon. Sabina Chege (Murang'a County) on behalf of the National Coffee Co-operative Federation of Kenya</i>	D.C. on Agriculture and Livestock

ORDER NO.7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

394/2021

The Member for Starehe (Hon. Charles Njagua Kanyi, MP) to ask the Cabinet Secretary for Education: -

- (i) What specific measures is the Ministry taking to cushion students particularly, the financially challenged government sponsored students from the effects of the rising cost of living that has seen tuition and accommodation fees increased in various institutions particularly, at the University of Nairobi?
- (ii) When will the Government increase the capitation and HELB funds allocation for students in public universities and other public tertiary institutions?
- (iii) Could the Cabinet Secretary explain why the government has been largely focusing on funding of private universities and neglecting public universities, in the last four years?

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

408/2021

The Member for Mwatate (Hon. Andrew Mwadime, MP) to ask the Cabinet Secretary for Devolution: -

- (i) Could the Cabinet Secretary explain why the Government has not considered including *Taita Taveta* County, particularly Mwatate Constituency, in the relief food programme considering that over 80% of the County is an arid region?
- (ii) Could the Cabinet Secretary undertake to ensure that residents of the said County, who are on the verge of starvation due to the ongoing drought, are urgently supplied with relief food and water?

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

412/2021 The Member for Githunguri (Hon. Gabriel Kago, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries:

-

- (i) Could the Cabinet Secretary provide a list of all coffee farmers across the Country who have benefitted from the Kshs.3 billion Fund established in 2020 through the Public Finance Management (Coffee Cherry Advance Revolving Fund) Regulations, 2020, since the Fund was set up?
- (ii) Could the Cabinet Secretary explain the decision to settle for the Kenya Planters' Co-operative Union (KPCU) as the sole distributor of the said Fund yet not all farmers sell their coffee through KPCU?
- (iii) What measures have been put in place to ensure that all coffee farmers across the country benefit from the Fund?

(To be replied before the Departmental Committee on Agriculture and Livestock)

432/2021 The Member for Westlands (Hon. Timothy Wanyonyi, MP) to ask the Teachers Service Commission: -

- (i) What was the rationale for the issuance of an advisory by the Teachers Service Commission (TSC) to all Bachelor of Education students in universities to study all subjects as opposed to specialization as has been the case in the past?
- (ii) Could the Cabinet Secretary provide statistical data of all the special education teacher requirements per county, the number of all qualified special education teachers, and the number of special education teachers employed by TSC from the 2017/2018 financial year to present?

(Question for Written Reply by the Teachers Service Commission)

433/2021 The Member for Garsen (Hon. Ali Wario, MP) to ask the Cabinet Secretary for Lands-

Could the Cabinet Secretary provide specific details of the parcels of land registered under *M/s. Nairobi Ranching Company Limited*, in *Chara, Kipini and Witu* areas of *Tana River County* including the Land Reference Number(s), sizes and date of acquisition?

(To be replied before the Departmental Committee on Lands)

ORDER NO.7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c) the following Statement will be requested –

No.	Subject	Member	Relevant Committee
1.	Entry of a large number of foreign nationals into the country	<i>The Hon. Shakeel Shabbir, MP (Kisumu East)</i>	D.C. on Administration and National Security
2.	Medical products and devices being promoted and sold in the country by <i>M/s Ceragem Kenya Ltd</i>	<i>The Hon. Moses Kuria, MP (Gatundu South)</i>	D.C. on Health
