



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SIXTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 9, 2022

1. The House assembled at thirty minutes past nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Deputy Speaker.

4. **PAPERS LAID**

The following Papers were laid on the Table –

Reports of the Auditor-General and Financial Statements of in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein: -

- (i) Kenya Climate Smart Agriculture Project – State Department for Crop Development and Agricultural Research;
- (ii) Northern Corridor Improvement Project – Kenya National Highways Authority;
- (iii) Global Fund Malaria Control Programme Grant;
- (iv) East African Public Health Laboratory Networking Project;
- (v) A case study on integrated Delivery of Selected Non-Communicable Diseases in Kenya – Moi Teaching and Referral Hospital;
- (vi) Capacity Development Project for Enhancement of Rice Production in Irrigation Scheme in Kenya – State Department for Crop Development and Agricultural Research;
- (vii) National Agricultural and Rural Inclusive Growth Project – Ministry of Agriculture, Livestock, Fisheries and Cooperatives;
- (viii) Supporting agricultural Input and Output Marketing Policy and Regulatory Reforms to Improve the Enabling Business Environment for Agriculture in Kenya – State Department for Crop Development and Agricultural Research;
- (ix) Mombasa-Mariakani Highway Project – Kenya National Highways Authority;
- (x) Mombasa Port Area Road Development Project – Kenya national Highways Authority;
- (xi) Sirari Corridor Accessibility and Road Safety Improvement Project – Kenya national Highways Authority;
- (xii) Dualling of Magongo Road phase 2 Project;
- (xiii) Dualling of Nairobi-Dagoretti Corner Road Phase 2 – Kenya Urban roads Authority;
- (xiv) Kenya Urban Support Programme – State Department for Housing and Urban Development;
- (xv) Kenya Nairobi Western Bypass Project – Kenya National Highways Authority;

- (xvi) Nairobi Metropolitan Services Improvement Project – State Department of Housing and urban Development;
- (xvii) Eastern Africa Regional Transport Trade and Development Facilitation Project;
- (xviii) Dualling of Magongo Road Phase 2 Project - Kenya National Highways Authority;
- (xix) Coordination of Population Policy Implementation Project;
- (xx) Strengthening Fertilizer Quality and Regulatory Standards in Kenya – State Department for Crop Development and Agricultural Research;
- (xxi) Upper Tana Catchment Natural Resources Management Project – Ministry of Water, Sanitation and Irrigation;
- (xxii) UNICEF-Kenya Generation Unlimited Project – Executive Office of the President;
- (xxiii) Safe Roads/Usalama Barabarani Programme – National Transport and Safety Authority;
- (xxiv) Horn of Africa Gateway Development Project;
- (xxv) Land Based Emissions and Estimation (Sleek) Project – Ministry of Environment and Forestry;
- (xxvi) Kenya Aviation Modernization Project – Kenya Airports Authority;
- (xxvii) East Africa Skills for transformation and Regional Integration Project – Kenya Coast National Polytechnic;
- (xxviii) Financing Locally-Led Climate Action Program Preparation Advance;
- (xxix) National Information Platform for Food Security and Nutrition Project; and
- (xxx) Eastern Africa Regional Transport Trade and Development Facilitation Project.

(The Whip of the Majority Party)

5. NOTICES OF MOTION

The following Notices were given –

- (i) **THAT**, further to the resolutions of the House of Tuesday, 5th December, 2017, Wednesday, 15th July, 2020, Tuesday, 11th February 2021, Thursday, 4th May 2021 and Wednesday, 13th October 2021 appointing Members to various Committees and pursuant to the provisions of Standing Order 173, this House further approves the appointment of the following Members to the respective Committees specified hereunder–
 - (a) The Hon. Katoo Ole Metito Judah, MP, the Member for Kajiado South Constituency, to move from the Departmental Committee on Defence & Foreign Relations to the Departmental Committee on Agriculture & Livestock;
 - (b) The Hon. David Gikaria, MP, the Member for Nakuru Town East Constituency, to move from the Departmental Committee on Energy to the Departmental Committee on Environment & Natural Resources;
 - (c) The Hon. Japhet Kareke Mbiuki, MP, the Member for Maara Constituency, to move from the Departmental Committee on Environment & Natural Resources to the Departmental Committee on Trade, Industry and Cooperatives;
 - (d) The Hon. William Kipkemoi Kisang, MP, the Member for Marakwet West Constituency, to move from the Departmental Committee on Communication, Information and Innovation to the Departmental Committee on Lands;
 - (e) The Hon. Ali Wario, MP, the Member for Bura Constituency, to move from the Select Committee on Regional Integration to the Departmental Committee on Energy;
 - (f) The Hon. Catherine Waruguru, MP, the Member for Laikipia County, to move from the Departmental Committee on Agriculture & Livestock;
 - (g) The Hon. Adan Keynan Wehliye, MP, the Member for Eldas Constituency, to move from the Select Committee on National Cohesion & Equal Opportunity to the Departmental Committee on Defence & Foreign Relations;

- (h) The Hon. Jeremiah Ng'ayu Kioni, MP, the Member for Ndaragwa Constituency, to move from the Constitutional Implementation Oversight Committee to the Departmental Committee on Energy;
- (i) The Hon. Khatib Abdallah Mwashetani, MP, the Member for Lunga Lunga Constituency, to move from the Departmental Committee on Lands to the Departmental Committee on Trade, Industry and Cooperatives;
- (j) The Hon. Alois Musa Lentoimaga, MP, the Member for Samburu North Constituency, to move from the Departmental Committee on Trade, Industry and Cooperatives to the Constitutional Implementation Oversight Committee;
- (k) The Hon. Ayub Savula, MP, the Member for Lugari Constituency, to move from the Departmental Committee on Trade, Industry and Cooperatives to the Select Committee on Regional Integration;
- (l) The Hon. Abdikahim Osman Mohamed, MP, the Member for Fafi Constituency, to move from the Departmental Committee on Energy to the Departmental Committee on Agriculture & Livestock;
- (m) The Hon. Gathoni Wamuchomba, MP, to move from the Departmental Committee on Agriculture & Livestock to the Departmental Committee on Communication, Information and Innovation; and
- (n) The Hon. Johana Ngeno, MP, the Member for Emurua Dikir Constituency, to be nominated to the Select Committee on National Cohesion and Equal Opportunity.

(The Whip of the Majority Party)

- (ii) **THAT**, pursuant to the provisions of Standing Orders 175 and 212B (3), this House **approves** the appointment of the following Members to the Committee on Members' Services and Facilities:-

- (a) The Hon. Ezekiel Machogu Ombaki, M.P.
- (b) The Hon. (Dr.) Swarup Manjan Mishra, M.P.
- (c) The Hon. Samwel Moroto Chumel, M.P.
- (d) The Hon. Rehema Hassan, M.P.
- (e) The Hon. Rigathi Gachagua, M.P.
- (f) The Hon. Charity Kathambi Chepkwony, M.P.
- (g) The Hon. Elisha Odhiambo, M.P.
- (h) The Hon. Benard Otieno Okoth, M.P.
- (i) The Hon. (Eng.) Nzambia Thuddeus Kithua, M.P.
- (j) The Hon. Christopher Wangaya Aseka, M.P.
- (k) The Hon. John Walter Owino, M.P.
- (l) The Hon. Elsie Muhanda, M.P.
- (m) The Hon. Generali Nixon Kiprotich Korir, M.P.
- (n) The Hon. Beatrice Nkatha Nyaga, M.P.
- (o) The Hon. Kimani Ichung'wah, M.P.

(The Whip of the Majority Party)

- (iii) **THAT**, pursuant to the provisions of section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175, this House **approves** the appointment of the following Members to the Committee of Parliamentary Powers and Privileges, in addition to the one specified under section 15(1)(a)(i) of the said Act:-

- (a) The Hon. Josphat Kabinga Wachira, M.P.
- (b) The Hon. Anthony Githiaka Kiai, M.P.
- (c) The Hon. Vincent Kipkurui Tuwei, M.P.
- (d) The Hon. Francis Chachu Ganya, M.P.
- (e) The Hon. Didmus Wekesa Barasa Mutua, M.P.

- (f) The Hon. Gladwell Cheruiyot, M.P.
- (g) The Hon. Andrew Mwadime, M.P.
- (h) The Hon. Omar Mwinyi Shimbwa, M.P.
- (i) The Hon. James Onyango Oyoo, M.P.
- (j) The Hon. Danson Mwashako Mwakuwona, M.P.
- (k) The Hon. Oscar Kipchumba Sudi, M.P.
- (l) The Hon. Johana Ngeno, M.P.
- (m) The Hon. Wario Qalicha Gufu, MP

(The Whip of the Majority Party)

6. PETITIONS

The Nominated Member the Hon. Wilson Sossion, MP, presented a petition on behalf of teachers, regarding refusal by the Teachers Service Commission to acknowledge undergraduate, graduate and post graduate qualifications attained by in-service teachers from recognized universities.

Petition referred to the Departmental Committee on Education and Research for consideration pursuant to Standing Order 227.

7. QUESTIONS

(a) The following Questions were asked –

- (i) Question No.23/2022 by the Member for Homa Bay Town (Hon. Peter Kaluma), regarding reasons behind the decision by the Kenya National Examinations Council to merge examination centres for purposes of hosting of primary and secondary schools national examinations.

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

- (ii) Question No.24/2022 by the Member for Mvita (Hon. Abdullswamad Nassir), regarding provision of the status of the Kenya Ferry Services (KFS) employees with regard to their employment terms and welfare, including their salary increments, payment of arrears and other benefits. Part II of the question dropped.

(To be replied to by the Cabinet Secretary for the National Treasury before the Departmental Finance and National Planning)

- (iii) Swali 027/2022 la Mheshimiwa wa Kaunti ya Kwale (Mhe. Zuleikha Hassan), kuhusu, lini Wizara itanza lini kuandikisha wazee, mayatima na watu wenye uwezo maalum wapya, ili wapokee fedha za msaada za Serikali.

(Kujibiwa mbele ya kamati ya Idara ya Leba na Mambo ya Kijamii na Waziri)

(b) The following Questions were deferred –

- (i) Question No.15/2022 by the Member for Jomvu (Hon. Bady Twalib), to the Cabinet Secretary for Lands and Physical Planning, regarding why Mr. *Salim Said of ID No. 2254872 a resident of Maganda village in Miritini Ward in Jomvu Constituency* is yet to be compensated for his land compulsorily acquired by the Government on 6th

June, 2015 to pave way for the construction of the Standard Gauge Railway despite the land having been valued and an award letter for a total Kshs 664,125 issued.

- (ii) Question No.26/2022 by the Member for Kathiani (Hon. Robert Mbui), to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works regarding delays in the upgrading of *Kenol - Mitaboni - Kathiani - Kaani* road to bitumen standards yet funds for the same were allocated.

8. STATEMENTS

Pursuant to the provisions of Standing Order 44(2) (c), the Member for *Mandera West*, *Hon. Adan Haji Yussuf*, requested for a statement from the Departmental Committee on Administration and National Security, regarding abduction and killings of *Mr. Yahya Mohamud Hassan* and *Mr. Abdirahim Adow Abdullahi* in Isiolo County.

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

Order for Second reading read;

Motion made and Question proposed –

THAT, the Pensions (Amendment) Bill (National Assembly Bill No. 26 of 2020) be now read a Second time

(The Hon. Didmus Barasa)

Debate on second reading of the Bill having been concluded on 24.2.2022 question put and agreed to;

Bill Read a Second Time and committed to Committee of the Whole House tomorrow.

10. COMMITTEE OF THE WHOLE HOUSE

IN THE COMMITTEE

The Fourth Chairperson in the Chair

- (i) The Industrial Training (Amendment) Bill (National Assembly Bill No. 4 of 2019)

Clause 2 - Amendment proposed

THAT, the Bill be amended by deleting clause 2.

(The Hon. Wilson Sossion for Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question put and negated;

Clause 2 - agreed to.

Clause 3 - Amendment proposed

THAT, the Bill be amended by deleting clause 3.

(The Hon. Wilson Sossion for Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;
Question put and negatived;
Further amendment proposed

THAT, Clause 3 of the Bill be amended in the proposed new section 5B by deleting sub clause (5)—

(Hon. Jude Njomo)

Debate arising;
Question put and agreed to;
Clause 3 as amended - agreed to.
Clause 4 - Amendment proposed

THAT, the Bill be amended by deleting clause 4

(The Hon. Wilson Sossion for Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;
Question put and negatived;
Clause 4 - agreed to.
Clause 5 - Amendment proposed

THAT, the Bill be amended by deleting clause 5 clause—

(The Hon. Wilson Sossion for Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;
Question put and negatived;
Clause 5 - agreed to.
Title - Amendment proposed

THAT, the Bill be amended by deleting the title—

(The Hon. Wilson Sossion for Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;
Question put and negatived;
Title - agreed to.
Clause 1 - Amendment proposed

THAT, the Bill be amended by deleting clause 1 clause—

(The Hon. Wilson Sossion for Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question put and negatived;

Clause 1 - agreed to

Bill to be reported with Amendments.

- (ii) **The Alcoholic Drinks (Amendment) Bill (National Assembly Bill No. 70 of 2019)**
(The Hon. Silvanus Osoro, M.P.)

Consideration Deferred.

- (iii) **The Employment (Amendment) (No.2) Bill (National Assembly Bill No. 79 of 2019)**
(The Hon. Gideon Keter, M.P.)

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended by –

deleting the proposed new subsection 5 and substituting therefor the following new subsection (5) –

(5) In respect of recruitment, an employer shall not require an employee to submit any clearance or compliance certificate unless such employer intends to enter into a contract of service with the employee:

Provided that an applicant for a state office shall provide compliance or clearance certificates at such times in the recruitment or approval process as they may be required.

inserting the following new subsection immediately after the proposed new subsection (7)–

‘(7A) A relevant public entity shall –

- (a) not charge a fee for the issuance of a clearance or compliance certificate under this section or any other written law;
- (b) issue an applicant with the clearance or compliance certificate or reject the application within seven days of receipt of the application.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, clause 2 as amended be part of the Bill;

Question put and agreed to;

Clause 2 - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with Amendments.

11. HOUSE RESUMED - the Fourth Chairperson in the Chair

(i) The Industrial Training (Amendment) Bill (National Assembly Bill No. 4 of 2019)

Bill Reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Industrial Training (Amendment) Bill (National Assembly Bill No. 4 of 2019)

(The Hon. Jude Njomo, M.P.)

Putting of the Question deferred.

(ii) The Employment (Amendment) (No. 2) Bill (National Assembly Bill No. 79 of 2019)

Bill Reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Employment (Amendment) (No. 2) Bill (National Assembly Bill No. 79 of 2019).

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

Putting of the Question deferred.

12. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLYBILL NO. 30 OF 2020)

Motion having been made and Question proposed –

(The Hon. Martin Owino, M.P.)

Debate interrupted on Wednesday, February 2, 2022 (Morning sitting) resumed;

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

13. HOUSE ROSE - at One O'clock

MEMORANDUM

The Speaker will take the Chair on
Tuesday, February 09, 2022 at 2.30 p.m.

