



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SIXTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 15, 2022**

1. The House assembled at thirty minutes past Two O'clock
2. The proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications –

**i. PRIORITIZATION OF INDIVIDUAL MEMBERS' BILLS**  
**“Honourable Members,**

As you are aware, pursuant to the Calendar adopted by the National Assembly last week, the House is scheduled to hold a total of fifty-five (55) sitting during the current Sixth Session before the *Sine Die* Recess which will commence on 10<sup>th</sup> June 2022. In accordance with the provisions of Standing Order 40(3), individual Members' business is largely considered on Wednesday mornings. A simple calculation of the remaining days indicate that, between today and the date of the *Sine Die* Recess, there are about seventeen (17) sitting days reserved for consideration of individual Members' business.

Further, **Honourable Members**, as at today, there are over forty (40) Individual Members' Bills that are awaiting consideration at various stages in the House. In this regard, the House Business Committee has resolved that all Individual Members' Bills shall be forthwith listed in the Order Paper **in order of their respective publication dates**. This will accord each of this category of business a fair opportunity of being considered by the House during Session.

**Honourable Members,** it has been noted with concern that in the recent past, a number of Members have been absent whenever their Bills are called for consideration at either Second Reading or Committee of the Whole House stage.

Consequently, the House Business Committee has resolved that, in the event that a Member is not present when his or her Bill is called out on Wednesday morning, consideration of the particular Bill will stand deferred in that Sitting and shall not be accorded priority in the subsequent sittings. Moreover, the particular Bill shall be placed at the bottom of the list of Individual Members' Bills scheduled for consideration in subsequent sittings.

**Honourable Members,** for purposes of tomorrow morning's Sitting, the Bills that have been prioritized for consideration include the National Disaster Management Authority Bill sponsored by the Hon. Kimani Ichung'wah, MP; the Public Service Commission (Amendment) Bill sponsored by Hon. Benjamin Mwangi, MP; the Alcoholic Drinks Control (Amendment) Bill sponsored by Hon. Silvanus Osoro, MP which are scheduled for Committee of the Whole House stage. Twenty-one (21) other Individual Members' Bills are also scheduled for Second Reading. In this regard, I call upon Members to pay attention to the Notice Paper annexed to the Order Paper of this particular sitting, which contains the notification of the business scheduled to be considered tomorrow morning.

I do hope that all Members are duly notified and guided. **I thank you, Honourable Members.**"

ii. **Recognition of a Delegation from the National Assembly of the Republic Of Zambia**

"Honourable **Members,** I wish to introduce to you a delegation from the National Assembly of the Republic of Zambia who are seated in the Speaker's Gallery.

The delegation comprises the following;

- a) Hon. Stafford Mulusa, MP - Government Chief Whip/Leader of the Delegation;
- b) Mr. Tennieson Nyangu - Principal Clerk in charge of Journals; and
- c) Mr. Lombe Musond - Protocol Officer.

**Honourable Members,** the delegation is the country on a benchmarking visit to undertake a peer exchange of views and counsel on the management of various parliamentary affairs.

**Honourable Members**, on my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during the course of their stay in the country. **I thank you!**"

iii. **Recall of the Report of the Auditor-General on the Accounts of Technical University of Mombasa Enterprises Limited for the year ended 30<sup>th</sup> June, 2020**

**"Honourable Members,**

Article 229 of the Constitution requires the Auditor-General to audit and report to Parliament, on the accounts of all public entities within six (6) months after the end of each financial year. The respective reports once submitted are considered by Parliament and appropriate action recommended. In this regard, the Certified Audited Accounts and Financial Statements of the Technical University of Mombasa Enterprises Limited for the year ended 30<sup>th</sup> June, 2020 was submitted to the National Assembly and laid on the *Table* of the House on Tuesday, 6<sup>th</sup> October, 2021. It was subsequently committed to the Public Accounts Committee (PAC) for consideration and reporting.

However, **Honourable Members**, my office is in receipt of a letter dated 9<sup>th</sup> November, 2021 from the Auditor-General recalling the report due to an inadvertent error.

**Honourable Members**, Having considered the request of the Auditor-General, and in order to ensure that only correct statements are reflected in the report, I hereby **direct** that the Public Accounts Committee ceases consideration of the financial statements for the Technical University of Mombasa Enterprises Limited for the year ended 30<sup>th</sup> June, 2020, if the process has commenced, pending correction of errors by the Auditor-General. Further, any publicization undertaken by the Clerk in accordance with the requirements of section 32 of the Public Audit Act, 201 is revoked.

The Committee, and indeed the House, is accordingly guided. I thank you."

5. **PETITIONS**

The Speaker conveyed the following Petition –

**Regarding the Land Allocation and Issuance of Titles in Respect of L.R. 11150 in Embakasi Sub-County, Nairobi**

**"Honourable Members**, Standing Order 225(2)(b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

**Honourable Members**, in this regard I wish to report to the House that my office has received a petition from various members of Riverbank Residents

Housing Welfare Group of P.O. Box 72236 Nairobi calling for the *urgent issuance of certificates of titles and leases to members of the group living in land registered as L.R. No. 11150 in Embakasi Sub-County of Nairobi County.*

In their petition, **Honourable Members**, the petitioners aver that they were settled in the aforementioned land in Embakasi in 1997 following political skirmishes that had engulfed the area at the time. The said seven-acre parcel of land is now comprising of over 500 families. For over two decades, the petitioners have attempted, in vain, to secure allotment letters of the land as proof of ownership with a view to facilitating sub-divisions among the residents.

Following a survey in 2014, the land occupied by the residents was classified as a Settlement Scheme comprising of three phases. The residents later received funding for a water supply project, street lighting and sanitation facilities supported by the Nairobi City County Government and the World Bank. This was followed by a publication of a Notice for issuance of titles and leases by the Ministry of Lands in conjunction with the Nairobi City County Government in 2018, but which was never implemented.

**Honourable Members**, the petitioners are thus vulnerable to risks of being displaced yet again from their land by unscrupulous land grabbers and being rendered squatters. The petitioners thus seek the intervention of this House in establishing the ownership status of the parcels of land registered as L.R. No. 11150, L.R. No.18111, and Block 10 in Embakasi Sub-County, in revoking any irregular sub-division and allocation of the land, and to secure urgent issuance of certificates of titles and leases to the residents.

**Honourable Members**, having determined that the matters raised by the petitioners are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this petition be committed to the Departmental Committee on Lands. The Committee is required to consider the petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2). **I thank you!"**

## 6. **PAPERS**

The following Papers were laid on the Table of the House –

- a) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June 2021 and the certificates therein: -
  - i. Kenya National Commission on Human Rights Car and Mortgage Loan Scheme;
  - ii. Kenya National Commission on Human Rights;
  - iii. State Department for Wildlife;
  - iv. State Department for Information Communication Technology and Innovation;

- v. Ministry of Environment and Forestry;
  - vi. Ministry of Water, Sanitation and Irrigation;
  - vii. Anti-Counterfeit Agency;
  - viii. State Department for East African Community;
  - ix. State Department for Regional and Northern Corridor Development;
  - x. State Department for Sports;
  - xi. State Department for Tourism;
  - xii. State Department for Social Protection; and
  - xiii. State Department Trade and Enterprise Development.
- b) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June 2020 and the certificates therein: -
- i. Garissa University;
  - ii. National Social Security Fund;
  - iii. University of Embu;
  - iv. Ewaso Ng'iro North River Development Authority;
  - v. Kaimosi Friends University College.
- c) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June, 2020 and the certificates therein: -
- i. Navakhalo;
  - ii. Nambale;
  - iii. Kwanza;
  - iv. Molo;
  - v. Kuresoi North;
  - vi. Makadara;
  - vii. Kirinyaga Central;
  - viii. Kibra; and
  - ix. South Imenti
- d) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June, 2019 and the certificates therein: -
- i. Baringo North;
  - ii. Manyatta;
  - iii. Matayos;
  - iv. Igembe North;
  - v. Kapenguria;
  - vi. Nyando;
  - vii. Soy;
  - viii. Luanda;
  - ix. Mwatate;
  - x. Mvita
  - xi. Turbo; and
  - xii. Keiyo South.
- e) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June 2019 and the certificates therein: -
- i. Matili Technical Training Institute;

- ii. Moi Teaching and Referral Hospital;
- iii. Anti-Female Genital Mutilation Board; and
- iv. Media Council of Kenya.

*(The Leader of the Majority Party)*

f) Reports of the Budget and Appropriations Committee on its consideration of:

- i. The Budget Policy Statement for the FY 2022/2023 and the Medium-Term; and
- ii. The Medium-Term Debt Management Strategy for FY 2022/2023.

*(The Chairperson, Budget and Appropriations Committee)*

## 7. NOTICES OF MOTION

The following Notice of Motion was given: -

**THAT**, this House **adopts** the Report of the Budget and Appropriations Committee on the Budget Policy Statement for the financial year 2022/2023, laid on the Table of the House on Tuesday, February 15, 2022 and-

- (a) **approves** the Budget Policy Statement for the financial year 2022/2023;
- (b) makes the **policy resolutions** as contained in the Report;
- (c) **approves** the Budget Ceilings for FY 2022/2023 as set out in the financial resolutions contained in the Report; and,
- (d) **further, resolves** that the Budget Policy Statement so approved forms the basis for the introduction of the Division of Revenue Bill, 2022.

*(Chairperson, Budget and Appropriations Committee)*

## 8. QUESTIONS

The following Questions were asked –

- a) **Question No. 019/2022** by the Member for North Imenti (Hon. Abdul Rahim Dawood, MP) on why the beneficiaries of the late *PC Japhet Kaumbuthu* of Force No. 47163 and Personnel No. 198411120, who hailed from *Gitugu sublocation, Ngonyi location* in North Imenti Constituency and passed away on 21<sup>st</sup> July 2019 have not been paid his pension and other dues

*(To be replied to Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)*

- b) **Question No. 036/2022** by the Member for Nyandarua County (Hon. Faith Wairimu Gitau, MP) regarding the nature of the recent contractual disagreements between the Kenya Association of Private Hospitals (KAPH) and the National Health Insurance Fund (NHIF)

*(To be replied to by the Cabinet Secretary for Health before the Departmental Committee on Health)*

- c) **Question No. 038/2022** by the Member for Marsabit County (Hon. Safia Sheikh, MP) regarding the implementation status of the Universal Health Coverage (UHC) Programme in Marsabit County.

*(To be replied to by the Cabinet Secretary for Health before the Departmental Committee on Health)*

The following Questions were deferred –

- d) **Question No. 006/2022** by the Member for Tharaka Hon. George Murugara, MP regarding the amount of money set aside for payment of pensions, gratuities and other benefits to former Councillors who served in the defunct County Councils between 1963 and 2012.
- e) **Question No. 037/2022** by the Member for Kibwezi East (Hon. Jessica Mbalu, MP) regarding the implementation status of electrification projects in Kibwezi East Constituency.

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

Motion made and Question proposed –

**THAT**, the Health Laws (Amendment) Bill (National Assembly Bill No. 2 of 2021) be now read a Second Time.

*(The Leader of the Majority Party- 10.02.2022)*

Debate on Second Reading having been concluded;  
Question put and agreed to.

10. **MOTION - ANNULMENT OF THE PUBLIC FINANCE MANAGEMENT (SINKING FUND) GUIDELINES, 2021**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Sinking Fund) Guidelines, 2021, *laid on the Table of the House on Tuesday, September 21, 2021*, and pursuant to the provisions of section 13 of the Statutory Instruments Act, 2013 **annuls in entirety** the Public Finance Management (Sinking Fund) Guidelines, 2021 published as *Gazette Notice No. 5085 of 2021*.

*(The Chairperson, Committee on Delegated Legislation - 10.02.2022)*

Debate on the Motion having been concluded;  
Question put and agreed to.

11. **MOTION - ANNULMENT OF THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (IMPACT ASSESSMENT AND AUDIT) (AMENDMENT) REGULATIONS, 2016**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Environmental Management and Coordination (Impact Assessment and Audit) (Amendment) Regulations, 2016, *laid on the Table of the House on Wednesday, November 10, 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 Environmental Management and Coordination (Impact Assessment and Audit) (Amendment) Regulations, 2016, published as *Legal Notice No. 149 of 2016*.

*(The Chairperson, Committee on Delegated Legislation- 10.02.2022)*

Debate on the Motion having been concluded;  
Question put and agreed to.

12. **THE ELECTIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2022)**

(The Leader of the Majority Party)

Order for First Reading;

Bill read a First Time and referred to the Departmental Committee on Justice and Legal Affairs pursuant to Standing Order 127(2).

13. **SPECIAL MOTION-APPROVAL OF THE NATIONAL ASSEMBLY'S NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD**

Motion made and Question proposed –

**THAT**, taking into consideration the recommendations of the Departmental Committee on Finance and National Planning in its Report on the *Recruitment of the National Assembly's Nominee to the Equalization Fund Advisory Board, laid on the Table of the House on Wednesday, February 9, 2022* and pursuant to the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and paragraph 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, this House **approves** the appointment of **Mr. Abdullahi Adan Khalif** to the Equalization Fund Advisory Board.

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

Debate arising;

Rising in his place on a point of Order under Standing Order 95, the Member for Rarieda (Hon. Otiende Amollo, MP) claimed to move that “the Mover be now called upon to reply.”



And, the Speaker acceding to the claim;

Question put and agreed to;

Mover replied;

Question on the Motion deferred.

**14. SPECIAL MOTION- APPROVAL OF NOMINEES FOR APPOINTMENT TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the *Vetting of nominees for appointment as Chairperson and Members of the Kenya National Commission on Human Rights, laid on the Table of the House on Thursday, February 10, 2022*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 11(7) of the Kenya National Commission on Human Rights Act, 2011 and section 8 (1) of the Public Appointments (Parliamentary Approval Act, 2011, this House **approves** the appointment of the following persons to the Kenya National Commission on Human Rights: -

- (i) Ms. Roseline Doreen Adhiambo Odhiambo - Odede - Chairperson;**
- (ii) Prof. Marion Wanjiku Mutugi - Member;**
- (iii) Dr. Raymond Plal Sangsang Nyeris - Member;**
- (iv) Ms. Sara Talaso Bonaya - Member; and**
- (v) Dr. Dennis Nyongesa Wamalwa - Member.**

Debate arising;

Rising in her place on a point of Order under Standing Order 95, the Member for Ijara (Hon. Sophia Noor, MP) claimed to move that “the Mover be now called upon to reply.”

And, the Speaker acceding to the claim;

Question put and agreed to;

Mover replied;

Question on the Motion deferred.

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

Motion made and Question proposed –

**THAT**, the Mental Health (Amendment) Bill (Senate Bill No. 28 of 2020) Be now read a Second time  
(*The Vice Chairperson, Departmental Committee on Health – 10.02.2022*)

Resumption of debate;

Mover replied;

Question deferred.

**16. THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2020)**

Motion made –

**THAT,** the Wildlife Conservation and Management (Amendment) Bill (Senate Bill No. 30 of 2020)

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

And the time being six o'clock the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

**17. HOUSE ROSE** - at six o'clock

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**MEMORANDUM**

The Speaker will take the Chair  
Wednesday, February 16, 2022 at 9:30 a.m.

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