

Twelfth Parliament**(No.014)****Sixth Session
Afternoon Sitting
(132)****REPUBLIC OF KENYA****TWELFTH PARLIAMENT – SIXTH SESSION****THE NATIONAL ASSEMBLY****VOTES AND PROCEEDINGS****TUESDAY, FEBRUARY 22, 2022**

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

The Speaker issued the Communication –

On the demise of former Member for Kuria Constituency, the late Hon. (Amb.) Dr. Wilfred Gisuka Machage and former Member for Mt. Elgon Constituency, the late Hon. John Serut

“Honourable Members,

I have learnt, with profound shock, about the passing on of a former colleague and Member for Kuria Constituency, the Late Hon. (Amb.) Dr. Wilfred Machage.

The late Dr. Wilfred Gisuka Machage was Member of Parliament representing Kuria Constituency during the 9th and 10th Parliaments. He also served in several government ministries and further served as Senator in the 11th Parliament. He was an Assistant Minister and was at one time appointed a Cabinet Minister for East African Community Affairs. He was a businessman with interests in different sectors globally.

The late Machage was appointed Ambassador by H.E. Uhuru Kenyatta on 27th January 2018 serving as the Kenyan High Commissioner to Nigeria where he was also accredited to 12 other countries in Central and West Africa. He died in Abuja on 19th February 2022 after a short illness.

Honourable Members, On behalf of all Members and staff of the National Assembly, and indeed on my own behalf, I convey heartfelt condolences of the National Assembly and that of the entire parliamentary fraternity to the family of the late

Hon. Dr. Wilfred Machage, all his relatives, friends and the people of Kuria community and Migori County at this difficult time of grief.

Additionally Honourable, earlier in the week, we also lost one of our former colleague who also served with us here in the National Assembly in the 9th and 11th Parliaments the late Hon. John Bomet Serut, former Member for Mt. Elgon Constituency.

In tribute and honour to our departed former colleagues the late Hon. (Amb) Dr. Wilfred Machage and the late Hon. John Serut, I request that we all stand to observe a minute of silence.”

- *Thereupon the House observed a moment of silence*

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Quarterly Economic and Budgetary Review Report for the First Half of the Financial Year 2021/2022 from the National Treasury.
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2021 and the certificates therein –
 - a) State Department for University Education and Research;
 - b) Treasury Main Clearance Fund;
 - c) Petroleum Development Levy Fund (Holding Account) – National Treasury;
 - d) Public Trustee of Kenya;
 - e) The Commission of Administrative Justice;
 - f) Commission on Revenue Allocation Staff Car Loan Scheme;
 - g) Commission on Revenue Allocation Staff Mortgage Scheme Fund; and
 - h) Statement of Outstanding Obligations Guaranteed by Government of Kenya – The National Treasury.
- (iii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein –
 - a) Kenya Copyright Board;
 - b) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) Staff Mortgage and Car Loan Scheme Fund;
 - c) Tom Mboya University College;
 - d) University of Embu; and
 - e) Kenya National Innovation Agency.
- (iv) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein –
 - a) Kipsinende Technical and Vocational College;
 - b) Muraga Technical Training Institute;
 - c) Koshin Technical Training Institute;
 - d) Moiben Technical and Vocational College;
 - e) Kipkabus Technical and Vocational College;
 - f) Aldai Technical Training Institute;
 - g) Nkabune Technical Training Institute;
 - h) Ol’lessos Technical Training Institute;
 - i) Ahmed Shahame Mwidani Technical Training Institute;
 - j) Taveta Technical and Vocational College;
 - k) Ewaso Ng’iro North River Development Authority;

- l) Nairobi City Water and Sewerage Company Limited; and
 - m) Sunset Hotel Limited.
- (v) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2020 and the certificates therein –
- a) Olkalau;
 - b) Bomachoge Borabu;
 - c) Igembe South;
 - d) Matuga;
 - e) Suba North;
 - f) Suna East;
 - g) Nyaribari Chache;
 - h) Karachuonyo;
 - i) West Mugirango;
 - j) Gatundu;
 - k) Tinderet; and
 - l) Voi.
- (vi) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2019 and the certificates therein –
- a) Emurua Dikirr;
 - b) Gilgil;
 - c) Kisumu East;
 - d) Vihiga;
 - e) Alego Usonga;
 - f) Nandi Hills;
 - g) Turkana Central;
 - h) Chesumei; and
 - i) Loima.

(The Leader of the Majority Party)

Vi. The Report of the Departmental Committee on Finance & National Planning on its consideration of the Public Debt Management Bill (National Assembly Bill No. 36 of 2020).
(Chairperson, Departmental Committee on Finance & National Planning)

6. **NOTICES OF MOTION**

The following Notices of Motion were given –

- (i) **THAT**, this House **adopts** the Report of the Select Committee on Implementation on its consideration of the Implementation Status of the Report of the Departmental Committee on Lands on its consideration of the Petition by former workers of the Late Mayer Jacob Samuels regarding the invasion and eviction of the workers from their land in Roysambu Constituency by the Kenya Defence Forces, *laid on the Table of the House on Wednesday, December 22, 2021.*
- (ii) **THAT**, this House **adopts** the Report of the Select Committee on Implementation on its consideration of the Implementation Status of the Report of the Departmental Committee on Lands on a Petition on irregular renewal of leases of land by Del Monte Kenya Limited, *laid on the Table of the House on Wednesday, December 22, 2021.*

(Chairperson of the Select Committee on Implementation)

7. **QUESTIONS**

(a) The following Questions were asked –

- (i) Question No.045/2022 by the Member for Magarini (Hon. Michael Kingi), regarding the status report on the upgrading of roads in Magarini Constituency;

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works before the Departmental Committee on Transport, Public Works & Housing)

- (ii) Question No.046/2022 by the Member for Gem (Hon. Elisha Odhiambo), regarding the delayed assumption of office of the members of the Board of the Competition Authority of Kenya.

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

(b) The following Question was deferred –

- Question No.043/2022 by the Member for Kwale County (Hon. Zulekha Hassan) to the Cabinet Secretary for National Treasury regarding payment of pension to the beneficiaries of the late *Mr. Chapo Zuma Mbuzi* of ID No. 1602012 and Staff No. APN/PC 15112 who died on 17th April 2010 at the Shimo la Tewa Prison in Mombasa County while working a medical personnel under the Ministry of Health?

8. STATEMENTS

Pursuant to the provisions of Standing Order 44(2) (c), the Member for North Imenti, Hon. Abdul Rahim Dawood, requested for a statement from the Chairperson of the Departmental Committee on Sports, Culture & Tourism regarding delayed re-construction of the buildings within the Meru Divisional Headquarters after being demolished to create space for the extension of *Kinoru* Stadium.

9. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2021)

Motion made and question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021).

(Leader of the Majority Party)

Debate on the Motion having been conclude on Thursday, February 17, 2022 (Afternoon);
Question put and agreed to.

Motion made and question proposed –

THAT, the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021) be now read a Third time.

(Leader of the Majority Party)

Question put and agreed to.

Bill read a Third time and passed.

10. THE PERSONS WITH DISABILITIES BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2021)

(The Leader of the Majority Party)

Order for First Reading;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2).

11. THE MILITARY VETERANS BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2022)

(The Leader of the Majority Party)

Order for First Reading;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2).

12. REORGANISATION OF BUSINESS PURSUANT TO STANDING ORDER 40

Pursuant to Standing Order 40(2), the Speaker reordered the sequence of proceedings to allow for the conclusion of **Orders No. 12** (*Motion – Approval of Nominees to the Ugenya Constituency Committee*), before proceeding to **Order No. 11** (*Committee of the whole House*).

13. **MOTION – APPROVAL OF NOMINEES FOR APPOINTMENT TO THE UGENYA CONSTITUENCY COMMITTEE**

Motion made and question proposed –

THAT, this House **adopts** the Report of the Select Committee on the National Government Constituencies Development Fund on its consideration of the list of nominees to the National Government Constituencies Development Fund Committee for Ugenya Constituency, *laid on the Table of the House on Thursday, February 17, 2022*, and pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, **approves** the list of nominees for appointment to the **Ugenya Constituency Committee** of the National Government Constituency Development Fund as follows-

No.	Name	Category	Statutory provision for Assumption of position
1.	Peter Odhiambo Opondo	<i>Male Youth Representative</i>	Appointment, pursuant to Sec.43(2)(b)
2.	Michael Dominic Ngesa Ogweno	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)
3.	Lilian Anyango Oyiego	<i>Female Youth Representative</i>	Appointment, pursuant to Sec.43(2)(c)
4.	Everlyne Awuor Omondi	<i>Female Adult Representative</i>	Appointment, pursuant to Sec.43(2)(c)
5.	Emma Atieno Opondo	<i>Representative of Persons with Disability</i>	Appointment, pursuant to Sec.43(d)
6.	Joseph Odhiambo Okoth	<i>Nominee of the Constituency Office (Male)</i>	Appointment, pursuant to Sec.43(2)(e)
7.	Grace Adhiambo Wasambla	<i>Nominee of the Constituency Office (Female)</i>	Appointment, pursuant to Sec.43(2)(e)

(Chairperson, Select Committee on the National Government Constituencies Development Fund)

There being no Member wishing to contribute;

Question put and agreed to.

14. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

The Second Chairperson in the Chair

The Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021)

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) promote circular economy practices for green growth;”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended in paragraph (f) by deleting the words “development goals” and substituting therefor the words “waste management”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended in paragraph (b) by inserting the words “and county governments” immediately after the word “Authority”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 6 - amendment proposed –

THAT, clause 6 of the Bill be amended—

(a) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Council shall comprise of—

(a) a chairperson appointed by the President;

- (b) one person nominated by the Council of County Governors who shall be the vice-chairperson;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to waste management or a designated representative;
- (d) the Principal Secretary in the Ministry for the time being responsible for National Treasury or a designated representative;
- (e) the Director-General of the Authority;
- (f) four other persons appointed by the Cabinet Secretary being—
 - (i) one person nominated by the registered association representing the largest number of entities in the private sector;
 - (ii) one person nominated by the registered association representing the largest number of entities in the manufacturing sector; and
 - (iii) two persons with professional qualifications in waste management, one of whom shall represent civil society organizations.

(b) in sub-clause (3) by deleting the word “members” and substituting therefor the words “not more than three members at any given time”.

(c) by inserting the following new sub-clauses immediately after sub-clause (3) —

(3A) Except for members appointed under subsection (2) (c), (d) and (e), a person shall be qualified for appointment as chairperson or member of the Council if such person—

- (i) is a citizen of Kenya;
- (ii) holds relevant academic and professional qualifications including a university degree in waste management, environmental engineering; environmental management, environmental studies, biology, chemistry or civil engineering;
- (iii) has at least ten years' experience in the relevant field; and
- (iv) fulfils the requirements of Chapter 6 of the Constitution

(3B) In making appointments of the members to the Council, the Cabinet Secretary shall observe regional balance, gender, age, disability and ethnic balance.

(3C) A person shall not be qualified for appointment as chairperson or member of the Council if such person—

- (a) is a member of Parliament or a county assembly;
- (b) is a member of a local authority;
- (c) is an undischarged bankrupt; or
- (d) has been removed from office for contravening the provisions of the Constitution or any other written law.

(3D) The office of the chairperson or a member of the Council shall become vacant if the holder—

- (a) dies;
- (b) resigns from office in writing addressed to the Cabinet Secretary;
- (c) is absent from three consecutive meetings of the Council without good cause;
- or
- (d) is removed from office under subsection (3E).

(3E) A person may be removed as a chairperson or member of the Council if that person—

- (a) is absent without permission of the Chairperson or the Cabinet Secretary in the case of the Chairperson, from three consecutive meetings of the Council;
- (b) contravenes the provisions Chapter Six of the Constitution;
- (c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;

- (d) is convicted of an offence and imprisoned for a term of more than six months;
- (e) fails to comply with the provisions of the Act relating to disclosure of interest; or
- (f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

(3F) The Chairperson and the members of the Council appointed under subsection 2(f) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.

(3G) The conduct of business of the Council shall be in accordance with the First Schedule.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, the Bill be amended by deleting clause 7 and substituting therefor the following new sub-clause—

Functions of the Council. **7.(1)**The Council shall—

- (a) enhance inclusive inter-governmental coordination for sustainable waste management;
- (b) review progress in implementation of the national sustainable waste management strategy;
- (c) recommend to the Cabinet Secretary the national waste management recycling and recovery targets;
- (d) synchronize the development of waste management infrastructure;
- (e) mobilize resources for financing of the waste management sector;
- (f) promote inter county waste management partnerships in consultation with county governments;
- (g) recommend to the Cabinet Secretary incentives to promote sustainable waste management; and
- (h) perform such other functions as may be assigned by the

Cabinet Secretary.

(2)The Cabinet Secretary shall, within one year of the coming into operation of this Act, make regulations for the operationalization of the Council.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clause 8 - amendment proposed –

THAT, clause 8 of the Bill be amended by deleting sub-clause (2).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (7)—

(8) County governments shall develop, manage and maintain designated disposal sites and landfills.

(9) County governments shall maintain a register of all waste service providers operating within their boundaries.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed –

THAT, clause 10 of the Bill be amended —

- (a) in sub-clause (1) by inserting the words “and county governments” immediately after the word “Authority”; and
- (b) in sub-clause (2) by inserting the words “and county governments” immediately after the word “Authority”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clause 11 - agreed to

Clause 12 - amendment proposed –

THAT, Bill be amended by deleting clause 12 and substituting therefor the following new clause—

Waste classification and segregation. 12(1) All public and private sector entities shall segregate nonhazardous waste into organic and non-organic fractions.

(2) The segregated waste shall be placed in properly labeled and colour coded receptacles, bins, containers and bags.

(3) All waste service providers shall collect, handle and transport segregated waste as provided for under this Act.

(4) Hazardous waste will be handled and managed as prescribed by the Environmental Management and Co-ordination Act, 1999 and any other relevant written law.

No.8 of 1999. (5) A waste service provider who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

(6) The Cabinet Secretary shall, in consultation with the Authority and county governments, *Gazette* the National Color Coding System for waste management.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to

Clause 13 - amendment proposed –

THAT, the Bill be amended by deleting Clause 13 and substituting therefor the following new clause –

Extended Producer Responsibility.

- 13. (1) Every producer shall bear extended producer responsibility obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arising therefrom.
- (2) Every producer shall fulfill their extended producer responsibility obligations individually or collectively in a compliance scheme.
- (3) The Cabinet Secretary shall, within two years of the coming into operation of this Act make regulations on extended producer responsibility.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - agreed to

Clause 15 - amendment proposed –

THAT, clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

- (3)The Cabinet Secretary shall develop a national waste management strategy and action plan within two years of the coming into force of this Act, which shall be reviewed every five years.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed –

(Amendment moved in an amended form pursuant to S.O 48)

THAT, clause 16 of the Bill be amended —

- (a) in sub-clause (2) —
 - (i) by deleting paragraph (d);
 - (ii) in paragraph (g) by deleting the word “segregation” and substituting therefor the word “receptacles”;

(b) by deleting sub-clause (4) and substituting therefor the following new sub-clause—
 (4) A person in charge of a public entity that discharges waste contrary to the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or a term of imprisonment not exceeding one year or both.

(c) by deleting sub-clause (5) and substituting therefor the following new sub-clause—
 (5) An officer of an entity who discharges waste contrary to the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding six months or both.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed –

THAT, clause 17 of the Bill be amended in paragraph (a) by deleting the words “one year” and substituting therefor the words “two years”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - amendment proposed –

THAT, clause 18 of the Bill be amended—

- (a) in sub-clause (1) by inserting the word “county” immediately before the word “waste”; and
- (b) in sub-clause (2) by inserting the word “county” immediately before the word “waste”;

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - amendment proposed –

THAT, clause 19 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) —

(1A) Notwithstanding the generality of subsection (1), the Cabinet Secretary shall, within six months of the coming into force of this Act, Gazette the category of private sector entities that shall be required to prepare waste management plans which shall be based on the volume of production of waste.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to

Clause 20 - agreed to

Clause 21 - amendment proposed –

THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Public Participation. 21. Public Consultation and participation under this Act shall be conducted in accordance with the principles set out in the Second Schedule.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to

Clauses 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 - agreed to

Clause 31 - amendment proposed –

THAT, clause 31(2) of the Bill be amended —

(a) in paragraph (b) by inserting the words “and deposit refund systems” immediately after the word “schemes”;

- (b) by inserting the following new paragraph immediately after paragraph (g)
- (ga) importation and exportation of waste;
 - (gb) management of e-waste; and
 - (gc) national colour coding system for waste.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 - as amended agreed to

Clauses 32 and 33 - agreed to

NEW CLAUSES

New Clause 19 A proposed -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 19—

Duty to segregate
and dispose waste

19A.(1)A person who generates waste in Kenya shall—

(a) segregate the waste at source in accordance with the provisions of this Act; and

(b) dispose the waste to only licensed waste service providers or at collection points designated in accordance with the provisions of this Act.

(2) A person who does not manage waste in accordance with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months or both.
Duties of waste service providers.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Motion made and Question proposed:-

THAT, the New Clause 19 A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 19 A be part of the Bill

Question put and agreed to.

New Clause 19 B proposed -

THAT, the Bill be amended by inserting the following new clauses immediately after clause 19—

Duties of waste
service providers

19B. (1) A waste service provider shall handle segregated waste in accordance with the provisions of this Act.

(2) A waste service provider shall deliver segregated waste collected to facilities licensed and designated in accordance with the provisions of this Act.

(3) A waste service providers who fail to handle or manage waste in accordance with this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shilling or imprisonment for a term of six months or both.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Motion made and Question proposed

THAT, the New Clause 19 B be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 19 B be part of the Bill

Question put and agreed to.

Schedule - amendment proposed -

THAT, the Bill be amended by inserting the word “Second” immediately before the word “Schedule” appearing in the title to the Schedule.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Schedule - as amended agreed to

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately before the schedule—

FIRST SCHEDULE

(s.6(3G))

Conduct of the Business and Affairs of the Council

Meetings of the Council

- 1. The Council shall meet Quarterly.

Special meetings

- 2. The chairperson may, at any time, convene a special meeting of the Council and shall do so within fifteen days of receiving a written notice for the meeting signed by at least three of the members.

Chairperson to preside

- 3. (1) The chairperson shall preside at all meetings of the Council in which the chairperson is present and in the case of his or her absence, the vice-chairperson shall preside.

(2) At a meeting of the Council at which neither the chairperson nor the vice-chairperson is present, the members of the Council present shall elect one of their members to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted thereof.

Quorum

- 4. The quorum for the conduct of the business of the Council shall be two thirds of the members.

Voting

- 5. The decisions of the Council shall be by a majority of votes, and the chairperson of the meeting shall have an original and a casting vote.

Validity of proceedings

- 6. The validity of any proceedings of the council shall not be affected by any vacancy among the membership thereof, or by reason of a defect in the appointment of a member.

Minutes of the meeting

- 7. Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs and will be made available to the Cabinet Secretary

Committees of the Council

- 8. The Council may establish such Committees as may be necessary for the performance of the functions of the Council and may, subject to the provisions of

this Act, delegate powers conferred on it to any such committee.

Power of the Council to regulate own procedure

9. Subject to the provisions of this Schedule, the Council shall regulate its own procedure.

Disclosure of interest

10. If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he or she shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

Secondment

11. The Cabinet Secretary may, in consultation with the Council, and upon such terms and conditions as may be prescribed, second such officers, agents and other staff as may be necessary for the efficient discharge of the functions of the Council under this Schedule.

Experts and Consultants

12. The Council may engage consultants and experts, as it considers appropriate, to assist in the discharge of its functions under this Schedule.

Remuneration

13. The chairperson and members of the Council shall be paid such remuneration, fees, allowances and disbursements for expenses as may be approved by the Cabinet Secretary.

Reporting

14. (1) The Council shall submit an annual report to the Cabinet Secretary.

(2) Notwithstanding sub-paragraph (1), the Cabinet Secretary may, at any time, require a report from the National Waste Management Council on a particular matter.

Secretary

15. (1) The Cabinet Secretary shall second a senior officer from the Ministry to serve as Secretary to the Council.

(2) The Secretary shall—

- (a) be appointed by the Cabinet Secretary;
- (b) be an ex officio member of the Council with no right to vote;
- (c) be secretary to the Council;
- (d) subject to the directions of the Council, be responsible for the day to day management of the affairs of the Council; and
- (e) perform such other functions as the Council may, from time to time, determine

- (3) The Secretary shall serve on such terms and conditions as the Cabinet

Secretary may determine.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Motion made and Question proposed

THAT, the New Schedule be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Schedule be part of the Bill

Question put and agreed to.

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended—

- (a) by deleting the definition of the word “extended producer responsibility measures” and substituting therefor the following new definition—

“extended producer responsibility” means an environmental management approach in which a producer’s responsibility for a product is extended to the post-consumer stage of a product life cycle;”

- (b) in the definition of the word “public entity” by deleting the word “grated” appearing in paragraph (c) and substituting therefor the word “granted”;

- (c) by deleting the definition of the word “recycle” and substituting therefor the following new definition— “recycle” means the process by which materials are reclaimed from waste for further use as product, raw materials or input in the production process;”

- (d) by deleting the definition of the word “sustainable waste management” and substituting therefor the following new definition— “sustainable waste management” means using material resources efficiently as prioritized by waste hierarchy, circular economy and clean production in order to reduce the amount of waste that is generated, deposited or discarded in the environment including the management of materials that would otherwise have been dumped or wasted in a way that contributes to environmental, social and economic goals of sustainable development;”

- (e) in the definition of the word “take-back scheme” by deleting the words “to end users” and substituting therefor the words “from end users and consumers”;

- (f) by deleting the definition of the word “waste” and substituting therefor the following new definition—

“waste” means—

- (a) any substance, material or object that is intended or required to be discarded or disposed of by its holder, whether or not it can be reused, recycled or recovered and include municipal waste, domestic waste, waste from agriculture, construction waste, commercial waste, waste from horticulture, aquaculture and forestry, medical waste, chemical waste, hazardous waste, toxic waste, industrial waste, pesticides, e-waste and toxic substances but does not include radioactive waste;
- (b) a substance, material or object that may be designated as waste by the Cabinet Secretary in consultation with the Authority by notice in the *Gazette*,

Provided that waste or a portion of waste specified in paragraphs (a) and (b) shall cease to be waste—

- (i) once an application for reuse, recycling or recovery has been approved by the Authority or, after such approval, it has been reused, recycled or recovered;
 - (ii) where approval for reuse, recycling or recovery is not required, it has been reused, recycled or recovered; or
 - (iii) where the Cabinet Secretary in consultation with the Authority has, by notice in the *Gazette* and in the prescribed manner, excluded any waste stream or portion of any waste stream from the definition of waste;
- (g) in the definition of “waste management activity” by inserting the words “as prescribed by regulations” immediately after the word “waste” appearing in paragraph (a); and
- (h) by inserting the following new definitions in their proper alphabetical sequence—

“e-waste” also referred to as waste electrical and waste electronic equipment means waste resulting from electrical and electronic equipment including components and sub-assemblies thereof;

No.8 of
1999.

“hazardous waste” has the meaning assigned to it under the Environmental Management and Co-ordination Act, 1999; “non organic waste” means dry recyclable and non-recyclable materials;

“organic waste” means compostable materials derived from plants and animals; “producer” means an entity that introduces goods, products and packaging into the country using authorized means by manufacturing, importing, converting, filling, refilling, repackaging or rebranding;

“waste hierarchy” means the order of priority for efficient use of resources and minimization of pollution by avoidance, reduction, reuse, repair, refurbishment, recycling, recovery and finally treatment for safe disposal;

“waste service providers” includes collectors, transporters, waste processors, material recovery operators, recyclers and landfill operators.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Long Title - amendment proposed –

THAT, the Long title to the Bill be amended by deleting the word “health” and substituting therefor the word “healthy”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to

Clause 1 - as amended agreed to

Bill to be reported with amendments;

6. **HOUSE RESUMED** - the Second Chairperson in the Chair

The Sustainable Waste Management Bill (National Assembly Bill No.22 of 2021)

Bill reported with amendments.

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.

(Leader of the Majority Party)

Question deferred to another day.

QUORUM OF THE HOUSE

Rising on a Point of Order pursuant to Standing Order 35, the nominated Member (Hon. David Ole Sankok, M.P) drew the attention of the Second Chairperson that there was no Quorum in the House;

And the Chairperson having confirmed that there was no Quorum, ordered the Division Bell to be rung for ten minutes;

And there being **NO Quorum** after expiry of ten minutes;

And the time being Fifteen Minutes Past Five O'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

8. **HOUSE ROSE** - at Fifteen Minutes Past Five O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, February 23, 2022 at 9.30 a.m.

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