



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, NOVEMBER 24, 2022 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 - PUBLISHING OF THE RULES AND REGULATIONS FOR PRIVATE LAND USE AND MANAGEMENT IN REGARD TO THE MINIMUM AND MAXIMUM LAND HOLDINGS IN KENYA

(Departmental Committee on Lands)

(The Hon. Ferdinand Wanyonyi, M.P.)

THAT, aware that Article 68 (c) (i) of the Constitution of Kenya provides for minimum and maximum land holding acreages in respect to private land; deeply concerned that with high population growth and the demand for land have resulted in excessive fragmentation of land into uneconomic units; noting that at the same time, a number of people own large tracts of land which are not utilized optimally; noting further that cognizant of the fact that the Constitution in Article 60(1) sets out the principles of land policy which among other things requires that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable; **this House therefore resolves that** the Government enforces compliance of Article 68 (c) (i) of the Constitution, section 159 of the Land Act, 2012 and the National Land Policy

(Sessional Paper No. 3 of 2009 on maximum and minimum land holdings in Kenya) through publishing of the rules and regulations for private land use and management in regard to the minimum and maximum land holdings in Kenya.

(Question to be put)

9*. MOTION – ESTABLISHMENT OF A PARLIAMENTARY JOINT AD-HOC COMMITTEE ON A LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION TO ENTRENCH CERTAIN SPECIALISED FUNDS

(The Leader of the Majority Party)

THAT, acknowledging that, Article 256 of the Constitution provides for the process of amending the Constitution by parliamentary initiative; **further acknowledging that**, Standing Order 114(7A) of the National Assembly Standing Orders provides for the process of introducing Legislative Proposals in respect of propositions amending the Constitution; **noting** the general debate in the House on the Legislative Proposal to amend the Constitution to entrench the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund, and the Economic Stimulus and Empowerment Fund in the Constitution; **cognizant of** the comments and views of Honourable Members during general debate on the Legislative Proposal; **recognizing** the need for a bicameral approach on the proposal prior to publication of the relevant Bill; **acknowledging that**, the subject matter of the Legislative Proposal cuts across the mandate of more than one Committee of the House; **NOW THEREFORE**, in furtherance to the provisions of Article 256 of the Constitution (*Amendment by parliamentary initiative*), this House **resolves—**

- (1) to establish *a Joint Parliamentary Ad Hoc Committee on a Proposal to amend the Constitution to entrench certain specialized funds*, comprising eleven (11) Members from each of the Houses of Parliament to –
 - (a) facilitate collation of the views from the comments by Members of Parliament during the general debate on the proposal; and inviting Members with similar or related proposals to make submissions before the Committee;
 - (b) invite, engage with and consider submissions from stakeholders and relevant constitutional and statutory bodies with a law reform mandate, including the Attorney General; and the commissions and independent offices established under Chapter Fifteen of the Constitution;
 - (c) in consultation with the Sponsors, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received; and

...../9*(Cont'd)

- (d) report to the Houses of Parliament within ninety (90) days to enable the Speakers to make a decision and give direction on whether or not the Legislative Proposal is to be published into a Bill or not to be proceeded with.
- (2) that the Offices of the Clerks of Houses of Parliament provide secretariat services to the *Joint Parliamentary Ad Hoc Committee* in accordance with the Standing Orders;
- (3) that the following Members represent the National Assembly in the *Joint Parliamentary Ad Hoc Committee* –
- (i) The Hon. Samuel Kiprono Chepkonga, M.P. – Co-Chairperson
 - (ii) **The Hon. Rebecca Tonkei, M.P.**
 - (iii) The Hon. Eckomas Mwengi Mutuse, M.P.
 - (iv) The Hon. Wakili Edward Muriu, M.P.
 - (v) The Hon. Catherine Nanjala Wambilianga, M.P.
 - (vi) **The Hon. Timothy Kipchumba Toroitich, M.P.**
 - (vii) The Hon. John Mbadi, EGH, M.P.
 - (viii) The Hon. (Dr.) Otiende Amollo, M.P.
 - (ix) **The Hon. Yusuf Hassan, M.P.**
 - (x) **The Hon. Zamzam Mohammed, M.P.**
 - (xi) **The Hon. Beatrice Elachi, M.P.**
 - (xii) The Hon. Robert Gichimu Githinji, M.P. (Co-opted)
 - (xiii) The Hon. Stephen Mule, M.P. (Co-opted)
- (4) to request the Senate to also **appoint** a similar number of Members to represent the Senate in the *Joint Parliamentary Ad Hoc Committee*.

(Question to be put)

10*. MOTION - CONSIDERATION OF SESSIONAL PAPER NO. 1 OF 2022 ON THE NATIONAL AUTOMOTIVE POLICY

(The Leader of the Majority Party)

THAT, this House adopts Sessional Paper No. 1 of 2022 on the National Automotive Policy, *laid on the Table of the House on Wednesday, May 25, 2022.*

(Resumption of debate interrupted on Wednesday, November 23, 2022 – Morning sitting)

(Balance of time – 2 hours 20 minutes)

Denotes Orders of the Day

N O T I C E S

LIMITATION OF DEBATE

The House resolved on Wednesday, October 12, 2022 as follows-

Limitation of Debate on Motions

- I. **THAT**, each speech in a debate on any **Motion, including a Special Motion** be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and that priority in speaking 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 Sessional Papers

- II. **THAT**, each speech in a debate on any **Sessional Paper** 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 Sessional Paper is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and further that priority in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

...../Notice Paper*

NOTICE PAPER

Tentative business for Tuesday, November 29, 2022

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Tuesday, November 29, 2022-

A. MOTION - CONSIDERATION OF SESSIONAL PAPER NO. 1 OF 2022 ON THE NATIONAL AUTOMOTIVE POLICY
(The Leader of the Majority Party)

(If not concluded on Thursday, November 24, 2022)

...../Appendix*

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

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

015/2022 **The Member for Njoro (Hon. Charity Chepkwony MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary provide a brief on the financial status of universities in the Country, and in particular, the Egerton University?
- (ii) Could the Cabinet Secretary provide the specific measures that the Government is taking to address the financial crisis facing many public universities and other institutions of higher learning?
- (iii) Could the Cabinet Secretary explain why *Egerton University* Management continues to delay the payment of salaries to their staff and state what arrangements are in place to ensure that the staff are paid their salaries without further delay?

(To be replied before the Departmental Committee on Education)

037/2022 **The Member for Mwingi West (Hon. Charles Nguna, MP) to ask the Chairperson of the Teachers Service Commission: -**

- (i) Could the Chairperson explain why one thousand and eleven (1,011) classroom teachers promoted to senior graduate teachers' Job Group M in April 2017 and subsequently promoted to head teachers have not been elevated to the corresponding Job Group D1?
- (ii) Could the Chairperson further explain if there are any plans to elevate the said head teachers to the required Job Group D1 and state by when this will be done?

- (iii) Further, could the Commission explain the reasons for existing discrepancies where senior graduate teachers are head teachers yet some with the same qualifications are still in Job Group C5 instead of D1?

(To be replied before the Departmental Committee on Education)

038/2022 The Member for Vihiga County (Hon. Beatrice Adagala, MP) to ask the Cabinet Secretary for Interior and National Administration: -

- (i) Could the Cabinet Secretary provide the status of investigations into the death of *Hillary Khayumbi* from *Bundavo village, Makuchi sublocation, Shiru Ward, Hamisi* who was shot dead by unknown assailants on 30th October 2022?
- (ii) Could the Cabinet Secretary explain why there has been a rise in insecurity and crime in *Mubundy Hamisi Busali in Sabatia* and in the whole county generally, where people are regularly waylaid and their homes raided?

(To be replied before the Departmental Committee on Administration and Internal Affairs)

039/2022 The Member for Starehe (Hon. Amos Mwago, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary consider allocating the unutilized piece of land that belongs to Kenya Railways Corporation next to *Marigiti Market* to the traders there on a temporary basis pending structural expansion of the new market in the Central Business district area?

(To be replied before the Departmental Committee on Transport and Infrastructure)

040/2022 The Member for Gichugu (Hon. Gichimu Githinji, MP) to ask the Cabinet Secretary for Roads and Transport: -

- (i) Could the Cabinet Secretary provide details of the contract entered into by the Kenya Railways Corporation and private companies in 2018 for the transportation of cargo through the Standard Gauge Railway (SGR) including leasing of land for cargo, to ensure SGR commercial viability for the period between 1st June 2017 and September 2019?

- (ii) Could the Cabinet Secretary explain whether the necessary procedures were followed by the Kenya Railways Corporation, including undertaking a competitive procurement process and obtaining the requisite approvals, when entering into the two long-term contracts for the provision of rail haulage services with two private entities, namely *M/s. Grain Bulk Handlers Limited*; and *M/s. Autoports Freight Terminal Limited*?
- (iii) Could the Cabinet Secretary provide information on financial gains, if any, made by the Corporation, as a result of the contracts?
- (iv) Could the Cabinet Secretary state the specific measures being taken to address any omission or commission by public officials and officers of the private entities?

(To be replied before the Departmental Committee on Transport and Infrastructure)

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.	Concern over expiry of unused data bundles and widespread internet speed throttling practice by Internet Service Providers (ISPs)	<i>Hon. Yusuf Hassan, MP (Kamukunji)</i>	D.C. on Communication, Information and Innovation
