



(No. 21)

(146)

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 09, 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 - SESSIONAL PAPER NO. 3 OF 2021 ON THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS

(The Leader of the Majority Party)

THAT, this House adopts Sessional Paper No. 3 of 2021 on the National Action plan on Business and Human Rights, *laid on the Table of the House on 21st September, 2021.*

(Mover to reply)

9*. MOTION - CHANGES TO COMMITTEE MEMBERSHIP

(The Chairperson, Committee on Selection)

THAT, further to the resolution of the House of Thursday, 27th October, 2022 appointing Members into 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 as specified hereunder–

I. DEPARTMENTAL COMMITTEES**1. AGRICULTURE AND LIVESTOCK**

The Hon. Chege, Sabina Wanjiru, MP to replace the Hon. Mohammed, Fatuma Zinabu, MP.

2. COMMUNICATION, INFORMATION AND INNOVATION

The Hon. Ahmed, Shakeel Ahmed Shabbir, MP to replace the Hon. Oluoch, Anthony Tom, MP.

3. EDUCATION

The Hon. Oduor, Christine Ombaka, MP to replace the Hon. Osogo, Bensuda, Joyce Atieno, MP.

4. FINANCE AND NATIONAL PLANNING

The Hon. Munyoro, Joseph Kamau, MP to replace the Hon. Nanok Daniel Epuyo, MP.

5. HEALTH

The Hon. Mukhwana, Titus Khamala, MP to replace the Hon. Chege, Sabina Wanjiru, MP.

6. LANDS

The Hon. Nyamai, Rachael Kaki, MP to replace the Hon. Mulyungi, Gideon Mutemi, MP.

7. SPORTS AND CULTURE

- (i) The Hon. Chumel, Samwel Moroto, MP to replace the Hon. Gichuki, Edwin Mugo, MP; and
- (ii) The Hon. Basil, Robert Ngui, MP to replace the Hon. Orero, Peter Ochieng, MP.

8. SOCIAL PROTECTION

- (i) The Hon. Abdullahi, Amina Dika, MP to replace the Hon. Omwera, George Aladwa, MP;
- (ii) The Hon. Nyikal, James Wambura, MP to replace the Hon. Hiribae, Said Buya, MP; and
- (iii) The Hon. Osogo, Bensuda Joyce Atieno, MP to replace the Hon. Abdulrahman, Mohamed Abdi, MP.

9. TOURISM AND WILDLIFE

The Hon. Gichuki, Edwin Mugo, MP to replace the Hon. Munyoro, Joseph Kamau, MP.

II. FINANCIAL AUDIT AND MONEY-RELATED COMMITTEES**10. PUBLIC ACCOUNTS COMMITTEE**

- (i) The Hon. Gichuki, Edwin Mugo, MP to replace the Hon. Njoroge Mary Wamaua, MP; and
- (ii) The Hon. Yakub, Adow Kuno, MP to replace the Hon. Ithinji, (Dr.) Shadrack Mwiti, MP.

11. PUBLIC INVESTMENTS COMMITTEE ON GOVERNANCE AND EDUCATION

- (i) The Hon. Wamboka, Nelson Jack Wamboka, MP to replace the Hon. Wangwe, Emmanuel, MP; and
- (ii) The Hon. Ithinji, (Dr.) Shadrack Mwiti, MP to replace the Hon. Nyamai, Rachael Kaki, MP.

12. PUBLIC INVESTMENTS COMMITTEE ON SOCIAL SERVICES, ADMINISTRATION AND AGRICULTURE

- (i) The Hon. Njoroge, Mary Wamaua, MP to replace the Hon. Maina Betty Njeri, MP;
- (ii) The Hon. Wainaina, Michael Wambugu, MP to replace the Hon. Gakuya James Mwangi, MP;
- (iii) The Hon. Wangwe, Emmanuel, MP to replace the Hon. Wamboka, Nelson Jack Wamboka, MP;
- (iv) The Hon. Masara, Peter Francis, MP to replace the Hon. Nyikal, James Wambura, MP.

13. SPECIAL FUNDS ACCOUNTS COMMITTEE

- (i) The Hon. Gitau, Faith Wairimu, MP to replace the Hon. Abdullahi, Bashir Sheik, MP; and
- (ii) The Hon. Nguna, Charles Ngusya, MP to replace the Hon. Ahmed, Shakeel Ahmed Shabbir, MP.

14. DECENTRALIZED FUNDS ACCOUNT COMMITTEE

- (i) The Hon. Caroline, Jeptoo Ng'elechei, MP to replace the Hon. Sitienei, Janet Jepkemboi, MP; and
- (ii) The Hon. Mulyungi, Gideon Mutemi, MP to replace the Hon. Yakub, Adow Kuno, MP.

15. PUBLIC DEBT AND PRIVATIZATION COMMITTEE

- (i) The Hon. Letipila, Dominic Eli, MP to replace the Hon. Kemei, Justice Kipsang', MP;
- (ii) The Hon. Mulu, Makali Benson, MP to replace the Hon. Passaris, Esther Muthoni, MP;
- (iii) The Hon. Kasalu, Irene Muthoni, MP to replace the Hon. Abdullahi, Amina Dika, MP.

III. OTHER SELECT COMMITTEES**16. COMMITTEE ON DELEGATED LEGISLATION**

- (i) The Hon. Abdullahi, Bashir Sheikh, MP to replace the Hon. Robi, Mathias Nyamabe, MP; and
- (ii) The Hon. Sunkuli, Julius Lekakeny Ole, MP to replace the Hon. Hamisi, Kakuta Maimai, MP.

17. CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

- (i) The Hon. Maina, Betty Njeri, MP to replace the Hon. Muhia Wanjiku, MP;
- (ii) The Hon. Mukunji, John Gitonga Mwaniki, MP to replace the Hon. Musau, Vincent Musyoka, MP;
- (iii) The Hon. Mwafrika, Augustine Kamande, MP to replace the Hon. Ng'ang'a Alice Wambui, MP; and
- (iv) The Hon. Ali, Abdisirat Khalif, MP to replace the Hon. Mutunga John Kanyuithia, MP.

18. COMMITTEE ON PARLIAMENTARY POWERS AND PRIVILEGES

The Hon. Mboko, Mishi Juma Khamisi, MP to replace the Hon. Yakub, Adow Kuno, MP.

19. PUBLIC PETITIONS COMMITTEE

- (i) The Hon. Bwire, John Okano, MP to replace the Hon. Nabulindo, Peter Oscar, MP;
- (ii) The Hon. Kiamba, Suzanne Ndunge, MP to replace the Hon. Mulyungi, Gideon Mutemi, MP.

20. MEMBERS' SERVICES AND FACILITIES COMMITTEE

The Hon. Busia, Ruth Adhiambo Odinga, MP to replace the Hon. Obara, Eve Akinyi, MP.

21. COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY

- (i) The Hon. Mohamed, Mohamed Ali, MP to replace the Hon. Letipila Dominic Eli, MP;
- (ii) The Hon. Abdulrahman, Mohamed Abdi, MP to replace the Hon. Sunkuli, Julius Lekakeny Ole, MP.

22. COMMITTEE ON IMPLEMENTATION

- (i) The Hon. Gimose Charles Gumini, MP to replace the Hon. Kihara, Jayne Wanjiru Njeri, MP;
- (ii) The Hon. Jaldesa, Guyo Waqo, MP to replace the Hon. Nguna, Charles Ngusya, MP.

23. COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

- (i) The Hon. Iraya, Joseph Wainaina, MP to replace the Hon. Mbai, Nimrod Mbithuka MP;
- (ii) The Hon. Kamuren Charles, MP to replace the Hon. Kirwa, Abraham Kipsang' MP;
- (iii) The Hon. Lomwa, Joseph Samal, MP to replace the Hon. Mulyungi, Gideon Mutemi, MP; and
- (iv) The Hon. Kombe, Harrison Garama, MP to replace the Hon. Mulu, Makali Benson, MP.

24. PROCEDURE AND HOUSE RULES COMMITTEE

The Hon. Maalim, Farah, MP to replace the Hon. Yakub, Adow Kuno, MP

25. COMMITTEE ON REGIONAL INTEGRATION

- (i) The Hon. Kasiwai, Rael Chepkemoi, MP to replace the Hon. Mohamed, Abdikadir Hussein, MP;
- (ii) The Hon. Odanga, Geoffrey Makokha, MP to replace the Hon. Jehow, Fatuma Abdi, MP;
- (iii) The Hon. Salasya, Peter Kalerwa, MP to replace the Hon. Buyu, Rozaah Akinyi, MP;
- (iv) The Hon. Mwakuwona, Danson Mwashako, MP to replace the Hon. Kanchory, Elijah Memusi, MP;
- (v) The Hon. Okuome, Andrew Adipo, MP to replace the Hon. Odoyo, Okello Jared, MP;
- (vi) The Hon. Orero, Peter Ochieng, MP to replace the Hon. Machele, Mohamed Soud, MP; and
- (vii) The Hon. Mrembo, Irene Njoki, MP to replace the Hon. Owino, John Walter, MP.

26. DIASPORA AFFAIRS AND MIGRANT WORKERS COMMITTEE

The Hon. Kemei, Justice Kipsang' MP to replace the Hon. Kamuren, Charles, MP.

10*. MOTION - EMPOWERMENT OF ARTISANS BY THE NATIONAL GOVERNMENT

(Departmental Committee on Trade, Industry and Cooperatives)
(The Hon. John Kiarie, M.P.)

THAT, aware that there are many talents amongst the youth of this country; noting that these talents have been severally displayed through various inventions and also innovations by the artisans in platforms such as the Annual Youth Innovation Week and profiled on social media; concerned, that most of these innovations and artworks do not go beyond making sensational stories in their localities, local dailies and social media mentions; noting that most of these innovations and artworks are crucial in ideas promotion, intellectual development and at creating employment and addressing the problems that affect us as Kenyans on a daily basis; **concerned that** there is inadequate support and administrative measures to support the artisans; **cognizant** of the fact that the Kenya Vision 2030 seeks to make our country an industrialized middle-income economy in the next nine (9) years; aware of the immense potential for wealth creation and job opportunities through our own local production generated if well-developed and commercialized; also recognizing that our imports are well in excess of Kshs.2 billion shillings and most of these imports are not relevant to the Kenyan market, noting that homegrown technology would be region sensitive and appropriate for the environment, social economic dynamic and suitable for our utility; **further concerned that** most of these artisans lack appropriate technology, skills, capital and tools; **this House resolves that** the National Government through the relevant Ministry formulates a policy ring-fencing two per cent (2%) of the monies allocated under the National Government Constituencies Fund and UWEZO Fund for the purposes of equipping artisans with the necessary skill, technology and tools.

(If not concluded on Wednesday, November 9, 2022 – Morning sitting)

11*. MOTION - DEVELOPMENT OF A UNIFIED NATIONAL POLICY ON SMALL AND MICRO-ENTERPRISES

(Departmental Committee on Trade, Industry and Cooperatives)
(The Hon. Beatrice Elachi, M.P.)

THAT, aware that Kenya's economy is largely driven by the informal sector spearheaded by entrepreneurs presenting themselves in form of Small and Micro-Enterprises (SMEs); **concerned** that the informal sector popularly known as the *Jua Kali* has different segments and categories spread out in value chains ranging from agriculture, trade, manufacturing, apparels, IT, transport, the creative economy, education among others; **recognizing that**, there is need to improve

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coordination of SMEs through development of an all-inclusive well-structured delivery platform that encompasses multiple solutions and all key stakeholders; **noting** that this sector has a potential to create employment opportunities to over eighty (80) percent of Kenya’s working population; **further noting that** these SMEs have the capacity to leapfrog our nation to a middle-income economy as witnessed in other economies around the world; **recalling that** strong and consistent commitment and political goodwill can deliver the needed growth for the realization of steady and sustainable economic growth; concerned that previous support by the government to this sector has merely been a knee-jerk reaction in form of skewed funding and tokenism; **cognizant** that there exist no unified national policy or legislation in support of the sector and SMEs across the entire value chain; **now therefore**, this House resolves that the National Government develops a unified National Policy on Small and Micro-Enterprises (SMEs) detailing recognition, funding, mentoring, expansion, restructuring and marketing of the SMEs products.

(If not concluded on Wednesday, November 9, 2022 – Morning sitting)

Denotes Orders of the Day

NOTICES

I. STATEMENTS ON THE LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION UNDER STANDING ORDER 114 (7A)

*(The Hon. Gichimu Githinji, M.P. and the Hon. Stephen Mule, M.P.)
(Co-Sponsors)*

(Not later than 3.30 P.M.)

PURSUANT to the provisions of Standing Order 114(7A), it is notified that, on Wednesday, 2nd November, 2022, the Speaker accorded an opportunity to the Member for Gichugu (The Hon. Gichimu Githinji) and the Member for Matungulu (The Hon. Stephen Mule) to make statements 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;

THEREAFTER, the Speaker allowed Members to make general comments on the Legislative Proposal.

(Debate interrupted on Tuesday, November 8, 2022 to resume)

II. LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

(The Hon. Gichimu Gitbinji, MP and the Hon. Stephen Mule, MP) (Co-sponsors)

**THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2022
A Bill for**

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

Short title.

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2022.

Insertion of new Articles in the Constitution.

2. The Constitution is amended by inserting the following new Articles immediately after Article 204—

The National Government Constituencies Development Fund.

204A. (1) There is established the National Government Constituencies Development Fund which shall be a national government fund consisting of monies of an amount of not less than five per centum of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(2) All monies allocated under this Article shall be considered as funds allocated to constituencies pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The Senate Oversight Fund.

204B. (1) There is established the Senate Oversight Fund which shall be a national government fund consisting of monies of an amount of not less than one hundredth per centum of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(2) All monies allocated under this Article shall be considered as funds allocated to the Senate pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The National
Government
Affirmative
Action Fund.

204C. (1) There is established the National Government Affirmative Action Fund whose object and purpose shall be to complement the national government programmes on affirmative action measures.

(2) The Fund shall be a national government Fund consisting of monies of an amount of not less than one quarter per centum of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The Economic
Stimulus and
Empowerment
Fund.

204D. (1) There is established the Economic Stimulus and Empowerment Fund whose object and purpose shall be to provide funds for programmes relating to—

- (a) women empowerment;
- (b) men empowerment;
- (c) youth empowerment; and
- (d) empowerment of persons living with disabilities.

(2) Parliament shall enact legislation to make further provision for the operation of this Article.

SCHEDULE
CONSEQUENTIAL AMENDMENTS

Act	Provision	Amendment
The National Government Constituencies Development Fund Act, No. 30 of 2015.	s. 4	Delete the expression “2.5% (two and half per centum)” appearing in subsection (1)(a) and substitute therefor the expression “5% (five per centum)”.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Constitution to entrench the following Funds as funds established in the Constitution—

- (a) the National Government Constituencies Development Fund;
- (b) the National Government Affirmative Action Fund;
- (c) the Senate Oversight Fund; and
- (d) the Economic Stimulus and Empowerment Fund.

The entrenchment of these Funds in the Constitution will ensure that the critical role the funds play in promoting the development of national government projects and empowerment of the vulnerable persons is safeguarded, as well as ensuring that the funds are not subject to abuse. Further, this will guarantee an avenue for the facilitation and implementation of national government functions in all parts of the Republic pursuant to Article 6(3) of the Constitution.

Further, the establishment of the Senate Oversight Fund in the Constitution will ensure that the Senate is adequately empowered and resourced to perform its functions as stipulated in Article 96 of the Constitution.

The net effect of the entrenchment of the Funds in the Constitution is to guarantee developmental benefits, without undue interruption, to the people by channelling resources to meet the ever-increasing needs of the people of Kenya.

Clause 1 of the Bill provides for the short title of the Bill.

Clause 2 of the Bill proposes to amend the Constitution by introducing the following new Articles—

- (a) Article 204A which proposes to establish the National Government Constituencies Development Fund as a national government fund. The fund shall be allocated an amount of not less than five per centum (5%) of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;

- (b) Article 204B which proposes to establish the Senate Oversight Fund as a national government fund. The fund shall be allocated an amount of not less than one hundredth per centum (0.001%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;
- (c) Article 204C which proposes to establish the National Government Affirmative Action Fund as a national government fund. The fund shall be allocated an amount of not less than one quarter per centum (0.25%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218; and
- (d) Article 204D which proposes to establish the Economic Stimulus and Empowerment Fund whose object is to provide funds for programmes relating to women empowerment, men empowerment, youth empowerment and empowerment of persons living with disabilities.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

Statement of how the Bill concerns county governments

A Bill to amend the Constitution shall be considered by both Houses of Parliament as provided under Articles 255, 256 and 257 of the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.

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** shall 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 shall be called upon to reply; 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.

...../Notice Paper*

NOTICE PAPER

Tentative business for **Thursday, November 10, 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 Thursday, November 10, 2022-

- A. **SPECIAL MOTION** - **DEPLOYMENT OF KENYA DEFENCE FORCES TO THE EAST AFRICA COMMUNITY REGIONAL FORCE – DEMOCRATIC REPUBLIC OF CONGO**
(The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

(Subject to tabling of Committee Report and Notice of Motion)

- B. **MOTION** - **EMPOWERMENT OF ARTISANS BY THE NATIONAL GOVERNMENT**
(Departmental Committee on Trade, Industry and Cooperatives)
(The Hon. John Kiarie, M.P.)

(If not concluded on Wednesday, November 09, 2022 - Afternoon Sitting)

- C. **MOTION** - **DEVELOPMENT OF A UNIFIED NATIONAL POLICY ON SMALL AND MICRO-ENTERPRISES**
(Departmental Committee on Trade, Industry and Cooperatives)
(The Hon. Beatrice Elachi, M.P.)

(If not concluded on Wednesday, November 09, 2022 - Afternoon Sitting)
