

Thirteenth Parliament

First Session  
Afternoon Sitting

(No. 29)



(308 )

**REPUBLIC OF KENYA****THIRTEENTH PARLIAMENT – FIRST SESSION****THE NATIONAL ASSEMBLY****VOTES AND PROCEEDINGS****THURSDAY, NOVEMBER 24, 2022**

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the 5<sup>th</sup> Chairperson
4. **LACK OF QUORUM**

There being no Quorum present to commence business, the Deputy Speaker ordered that the Quorum Bell be rung for Ten minutes;

And Quorum having been attained within the Ten minutes, business commenced.

5. **MESSAGE FROM THE SENATE: PASSAGE OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (NO. 2) BILL (SENATE BILLS NO. 4 OF 2022)**

**Honourable Members,** Pursuant to the provisions of Standing Order 41(4) of the National Assembly Standing Orders, I wish to convey to the House that I have received a Message from the Senate regarding the passage of the County Governments Additional Allocations (No.2) Bill (Senate Bills No. 4 of 2022).

**Honourable Members,** the Message conveys that on Tuesday, 22<sup>nd</sup> November, 2022, the Senate considered and **passed** the said Bill with **amendments** and now seeks the concurrence of the National Assembly on the Bill.

**Honourable Members,** the County Governments Additional Allocations (No.2) Bill (Senate Bills No. 4 of 2022) was published *vide* Kenya Gazette Supplement No. 163 of 26<sup>th</sup> October, 2022 as a Bill to provide for the additional allocations

to county governments for the 2022/2023 financial year; the responsibilities of National Government and county governments pursuant to such allocation; and for connected purposes.

**Honourable Members,** Standing Order 143 (1) (c) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message. I therefore direct the Clerk to have the Bill listed in the Order Paper for the First Reading at the next sitting.

Pursuant to Standing Order 143 (2), the Bill now stands referred to the Budget and Appropriations Committee for consideration. I urge the Committee to prioritize the Bill for its possible conclusion before the House proceeds on recess next week given its urgency. The House is accordingly informed. I thank you.

## **6. PAPERS LAID**

The following Papers were laid on the Table-

- a) Legal Notice No. 213 of 2022 relating to the Public Finance Management (Financial Inclusion Fund) Regulations, 2022 and the Explanatory Memorandum from the National Treasury.
- b) Defence Cooperation Agreement between the Government of the Republic of Kenya and the Government of the Republic of the United Kingdom of Great Britain and Northern Ireland and the Explanatory Memorandum from the Ministry of Defence.
- c) Annual Report and Financial Statements on the Office of the Auditor-General Staff Car Loan Scheme for the year ended 30<sup>th</sup> June, 2017.
- d) Annual Report and Financial Statements of the Kenya Civil Aviation Authority for the year ended 30<sup>th</sup> June, 2020.
- e) Annual Report and Financial Statements of the Nuclear Power and Energy Agency for the year ended 30<sup>th</sup> June, 2020.
- f) The 2<sup>nd</sup> Quarterly Report from the Ethics and Anti-Corruption Commission for the period covering 1<sup>st</sup> April, 2022 to 30<sup>th</sup> June, 2022.
- g) Reports of the Auditor-General and Financial Statements of the following Institutions for the year ended 30<sup>th</sup> June, 2021 and the certificates therein: -
  1. Energy and Petroleum Regulatory Authority;
  2. Pwani University;
  3. Kenya Maritime Authority Staff Mortgage and Car Loan Scheme;
  4. Kamukunji Technical and Vocational College;
  5. Ngong Technical and Vocational College;
  6. National Council for Persons with Disabilities (NCPWD);
  7. Child Welfare Society of Kenya;
  8. Anti-Doping Agency of Kenya;

9. National Council for Children's Services;
10. Kenya Industrial Property Institute;
11. Scrap Metal Council;
12. Kas-Talanta Football Club;
13. Karatina University;
14. Kirinyaga University;
15. Kenya National Bureau of Statistics;
16. Youths Enterprise Development Fund;
17. National Government Affirmative Action Fund;
18. Local Authorities Provident Fund;
19. Prison Farms Revolving Fund;
20. National Social Security Fund;
21. National Youth Service Mechanical and Transport Fund;
22. Rural Electrification Scheme;
23. Registration of Certified Public Secretaries Board;
24. Kenya Accountants and Secretaries National Examinations Board;
25. Institute of Certified Investment and Financial Analysts;
26. Retirement Benefits Authority;
27. Kenya Investment Authority;
28. Financial Reporting Centre;
29. Weru Technical Training College;
30. Ekerubo Gietai Technical Training Institute; and
31. Keroka Technical Training Institute.

- a) Reports of the Auditor-General and Financial Statements of the following Constituencies for the year ended 30<sup>th</sup> June, 2021 and the certificates therein: -
1. Lafey;
  2. Banisa;
  3. Bura;
  4. Balambala;
  5. Ndhiwa;
  6. Kitutu Chache;
  7. Kamukunji;
  8. Nyeri Town;
  9. Kieni;
  10. Tetu;
  11. Roysambu;
  12. Othaya;
  13. Nyatike;
  14. Nyaribari Masaba;
  15. Homa Bay Town;
  16. Rongo;
  17. Bomet Central;
  18. Suna West;
  19. Suna East;
  20. Suba North;
  21. Ganze;
  22. Bomachoge Chache;
  23. Karachuonyo;
  24. Wundanyi;
  25. North Mugirango;
  26. Kilifi South;
  27. Kisauni;
  28. Nyali;
  29. Jomvu;
  30. Rabai;
  31. Matuga;
  32. Msambweni;
  33. Kaloleni;
  34. Lunga Lunga;
  35. Uriri;
  36. Kitutu Masaba;
  37. Konoin;
  38. Bomachoge Borabu; and
  39. Bomet East

*(The Leader of the Majority Party)*

**7. QUESTIONS**

The following Questions were asked-

- (a) Question No. 015 of 2022 by the *Member for Njoro (Hon. Charity Chepkwony, MP)* to the Cabinet Secretary for Education seeking explanation on the financial status of universities in the country, measures the Government was taking to address the financial crisis facing many public universities and other institutions of higher learning and the continued delay of payment of salaries to the staff of the *Egerton University* and the arrangements in place to ensure payment of staff salaries without delay.

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

- (b) Question No. 037 of 2022 by the *Member for Mwingi West Constituency (Hon. Charles Nguna, MP)* to the Chairperson of the Teachers Service Commission seeking explanation on the delayed elevation of one thousand and eleven (1,011) classroom teachers promoted to senior graduate teachers' Job Group M in April 2017 and subsequent promotion to the position of Headteachers, and whether there were any plans to elevate the said teachers to the required Job Group D1 as well as clarification on discrepancies where senior graduate teachers were head teachers while some teachers with the same qualifications were still in job Group C5. (Question asked by *Hon. Dr. Makali Mulu, M.P.*)

*(To be replied to by the Chairperson of the Teachers Commission before the Departmental Committee on Education)*

- (c) Question No. 038 of 2022 by the Member for Vihiga County (Hon. Beatrice Adagala, MP) to the Cabinet Secretary for Interior and National Administration seeking explanation on status of investigations into the death of *Hilary Khayumbi from Bundaro Village, Makuchi Sub-location, Shiru Ward, Hamisi* who was shot dead by unknown assailants on 30<sup>th</sup> October, 2022 and on the rise of insecurity and crime in *Muhundy Hamisi Busali in Sabatia* and in the entire *Vihiga County* in general. (Question asked by *Hon. Joshua Mwalyo, M.P.* )

*(To be replied to the Cabinet Secretary for Interior and National Administration before the Departmental Committee on Administration and Internal Affairs)*

- (d) Question No. 039 of 2022 by the *Member for Starehe Constituency (Hon. Amos Mwago, MP)* to the Cabinet Secretary for Roads and Transport seeking consideration of allocation of the unutilized piece of land belonging to Kenya Railways Corporation next to *Marigiti Market* to the traders around the area on temporary basis pending structural expansion of the new market in the Central Business District area.

*(To be replied to by the Cabinet Secretary for Roads and Transport before the Departmental Committee on Transport and Infrastructure)*

- (e) Question No. 040 of 2022 by the *Member for Gichugu Constituency (Hon. Gichimu Githinji, M.P.)* to the Cabinet Secretary for Roads and Transport seeking details of allocation of the contract entered into by the Kenya Railways Corporation (KRC) 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 1<sup>st</sup> June, 2017 and September, 2019 and explanation on whether KRC followed necessary procedures in undertaking competitive procurement process and obtaining requisite approvals when entering into two long-term contracts for the provision of rail haulage service with two private entities, namely, *M/s. Grain Bulk Handlers Limited, and M/s. Autoports Freight Limited.*

*(To be replied to by the Cabinet Secretary for Roads and Transport before the Departmental Committee on Transport and Infrastructure)*

## **8. STATEMENTS**

The following Statements were requested –

- i. Pursuant to Standing Order 44(2) (c), *Member for Kamkunji Constituency (Hon. Yusuf Hassan, M.P.)* requested a Statement from the Chairperson, Departmental Committee on Communication, Information and Information regarding concern over expiry of unused data bundles and widespread internet speed throttling practice by Internet Service Providers (ISPs).
- ii. Pursuant to provisions of Standing Order 44(2) (a) the Leader of the Majority Party issued a Statement regarding the Business for the National Assembly for the week commencing Tuesday, November 29, 2022.

The following response to Statement was issued: -

- iii. Pursuant to provisions of Standing Order 44(2) (b) the Chairperson, Departmental Committee on Education (Hon. Julius Melly, M.P.) responded to a Statement regarding the response on the Ministry of Education on request that examination be held in different times.

## **9. MOTION – PUBLISHING OF THE RULES AND REGULATIONS FOR PRIVATE LAND USE AND MANAGEMENT IN REGARD TO THE MINIMUM AND MAXIMUM LAND HOLDINGS IN KENYA**

Motion having been made and Question proposed-

**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.

Debate having been concluded on..... (xxx Sitting)

Question put and **agreed to**.

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

Motion having been made and Question proposed-

**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 nine (9) 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
- (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*.

Debate having been concluded;

Question put and **agreed to**.

#### **11. PROCEDURAL MOTION – (DEPUTY MAJORITY PARTY WHIP) LIMITATION OF DEBATE ON A SPECIFIED SESSIONAL PAPER**

Motion having been made and Question proposed-

**THAT**, notwithstanding the resolution of the House made on Wednesday, October 12, 2022 (*Afternoon Sitting*) relating to the Limitation of Debate on Sessional Papers, this House orders that debate on *Sessional Paper No. 1 of 2022 on the National Automotive Policy* be limited as follows:- A maximum of five and a half hours, with not more than ten (10) minutes for any Member speaking, except the Leader of the Minority Party and the Chairperson of the Departmental Committee on Transport & Infrastructure who shall each have twenty (20) minutes, and that ten (10) minutes before expiry of the time, the Mover shall be called upon to reply; and further that



priority in speaking shall be accorded to the Leader of the Minority Party and the Chairperson of the Departmental Committee, in that order.

Debate having been concluded.....as above

Question put and **Agreed to.**

*(Change of Chair from the Fifth Chairperson of Committees to the Sixth Chairperson of Committees)*

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

Motion made and Question proposed-

**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.*

Debate continued

*(Change of Chair from Sixth Chairperson of Committees to the Third Chairperson of Committees)*

Mover replied.

Question deferred pursuant of provisions of Standing Orders 53 (3).

And the time being twenty seven minutes past six O'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

**13. HOUSE ROSE** - at twenty seven minutes past six O'clock

**MEMORANDUM**

The Speaker will take the Chair on-Tuesday, November 29, 2022, at 2.30 p.m.

---x---