



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 16, 2023

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker

4. **PETITIONS**

The following Petition was conveyed to the House by the Speaker –

“Petition regarding poor implementation of *Edu-Afya* Medical Scheme in public secondary schools

Honourable Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than that presented by a Member.

In this regard, **Honourable Members**, I wish to report to the House that my office is in receipt of a petition from one Ms. Joyce Cheronu of National Identification Card Number 21702217, calling on this House to intervene on the matter of implementation of the *Edu-Afya* Medical Scheme for students in public secondary school by the Ministry of Education.

The Petitioner, a practicing nurse who claims to be the brainchild behind the idea, claims that since the Scheme was rolled out in 2018 to enable students in public schools to access affordable and quality healthcare under the National Hospital Insurance Fund (NHIF) cover, utility of the Scheme is yet to be optimized.

She associates poor implementation of the *Edu-Afya* Scheme to various challenges. First, the Petitioner claims that technicalities with enrolment by the Ministry of Education of all students in the National Education Management Information System (NEMIS) database from which the *Edu-Afya* Scheme obtains students' data has resulted in low uptake of the Fund.

Honourable Members, the petitioner adds that the system which runs *Edu-Afya* patient identification and billing are often slow or non-responsive, thereby compelling parents or guardians of students under the Scheme to meet the cost of treatment due to system failures. The Petitioner is concerned that the Ministry of Education and other relevant stakeholders have not undertaken public awareness of the Programme in order to encourage enrolment.

The Petitioner further alludes that the Government rolled out the Scheme without putting in place adequate infrastructure and medical personnel in public schools to offer consultation and referral services. She also claims that there were no monitoring and evaluation framework in place to assess effectiveness of the Programme.

Honourable Members, the petitioner is afraid that if intervention is not made towards ensuring that the programme is optimally implemented, the gains envisaged from the Scheme will be lost.

The Petitioner therefore prays that the National Assembly through its Public Petitions Committee—

- (1) Causes the relevant ministries to urgently review the framework for implementation of *Edu-Afya* Medical Scheme to provide regular monitoring and evaluation that addresses challenges facing the programme and ensure that students in all the public secondary schools equally benefit from the *Edu-Afya* scheme;
- (2) Causes the Government to support the establishment of clinics within public secondary schools and to initiate employment and deployment of qualified, registered, and licensed medical personnel in schools under the fund to ensure that students optimally benefit from the scheme; and
- (3) Makes any other order that it deems fit in the circumstances of this Petition.

Honourable Members, having determined that the matters raised by the Petitioner 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 Public Petitions Committee. The Committee is required to consider the petition and report its findings to the House and the Petitioner in accordance with Standing Order 227(2). I thank you”

5. **COMMUNICATION FROM THE CHAIR**

The following Communication was conveyed to the House by the Speaker –
RECOGNITION OF A DELEGATION FROM THE COMMITTEE ON ECONOMIC COOPERATION AND DEVELOPMENT OF THE PARLIAMENT OF THE FEDERAL REPUBLIC OF GERMANY

Honourable Members, I wish to introduce to you a delegation from the Committee on Economic Cooperation and Development of the Parliament of the Federal Republic of Germany. The delegation comprises the following;

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| (i) | The Hon. Knut Gerschau(FDP) | - | Leader of the Delegation |
| (ii) | The Hon. Dietmar Friedhodd (AfD) | | |
| (iii) | The Hon. Cornelia Mohring(Die Linke) | | |
| (iv) | The Hon. Thomas Rachel (CDU/CSU) | | |
| (v) | The Hon. Rebecca Schamber(SPD) | | |
| (vi) | The Hon. Turk-Nachbaur Derya(SPD) | | |
| (vii) | The Hon. Ulle Schauws(Grüne) | | |
| (viii) | Mr. Thomas Wimmer | - | Acting Ambassador |

Honourable Members, the delegation is the country on a visit to undertake a peer exchange of views and engage in discussions with other organs of Government on various economic 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.

6. PAPERS LAID

The following Papers were laid on the Table-

- a) Information on Programmes Outputs, Performance Indicators and Targets for the FY 2023/24 and the Medium Term Strategy from the National Treasury & Economic Planning;
- b) 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: -
 - (ix) Kenya National Shipping Line Limited;
 - (x) Orange Democratic Movement;
 - (xi) Kenya Copyright Board;
 - (xii) Kenya Maritime Authority Staff Mortgage and Car Loan Scheme;
 - (xiii) Kenya Maritime Authority;
 - (xiv) Kenya Medical Training College;
 - (xv) Turkana University College;
 - (xvi) National Communications Secretariat;
 - (xvii) Northern Water Works Development Agency;
 - (xviii) Konza Technopolis Development Authority;
 - (xix) President's Award – Kenya;
 - (xx) Kenya Institute of Mass Communication;
 - (xxi) Kenya Film Classification Board;
 - (xxii) Communications Authority of Kenya;
 - (xxiii) Kenya Tsetse and Trypanosomiasis Eradication Council;
 - (xxiv) National Youth Council;
 - (xxv) Anti-Female Genital Mutilation Board;
 - (xxvi) Communications Authority of Kenya-Universal Service Fund;
 - (xxvii) Sacco Societies Regulatory Authority (SASRA);
 - (xxviii) Lake Victoria North Water Works Development Agency;
 - (xxix) Gatanga Technical and Vocational College;
 - (xxx) Nachu Technical and Vocational College;
 - (xxxi) Kipkabus Technical and Vocational College;
 - (xxxii) Rivatex East Africa Limited;
 - (xxxiii) Kibabii University;
 - (xxxiv) Kisiwa Technical Training Institute;
 - (xxxv) Runyenjes Technical and Vocational College;
 - (xxxvi) Jeremiah Nyagah Technical Institute;
 - (xxxvii) Turbo Technical and Vocational College;
 - (xxxviii) Karumo Technical Training Institute;
 - (xxxix) National Construction Authority;
 - (xl) Kenya Literature Bureau;
 - (xli) Kenya National Qualification Authority;
 - (xlii) Kenya Education Management Institute;
 - (xliii) Kenya Technical Trainers College;

- (xliv) Kabete National Polytechnic;
 - (xlv) Jomo Kenyatta University of Agriculture and Technology Enterprises Limited;
 - (xlvi) Jomo Kenyatta University of Agriculture and Technology Noodles Limited;
 - (xlvii) Kenya Rural Roads Authority; and
 - (xlviii) Kenya Urban Roads Authority-Road Maintenance Levy Fund.
- (Leader of the Majority Party)*

7. NOTICES OF MOTION

The following Notice of Motion was given by the Member for Laikipia County, the Hon. Jane Kagiri –

THAT, aware that the cost of electricity has been at an all-time high affecting the cost of living and doing business; acknowledging that, the Kenya Power and Lighting Company PLC (Kenya Power) procures electricity from the Kenya Electricity Generating Company PLC (KenGen), a government-owned company, and from Independent Power Producers (IPPs); recognizing that, Kenya Power has entered into Power Purchase Agreements (PPAs) with both KenGen and the IPPs and procures power from them at unregulated rates; noting that, there is need to regulate all IPPs in the country and publicize their locations, stakeholders, directors, management and their addresses and agreements entered into with Kenya Power; cognizant that, recommendations from past taskforce reports relating to power purchase and rates have not been implemented; deeply concerned that, Kenya Power has in the past procured a larger quantity of power from the IPPs at a greater cost, rather than from KenGen, leading to higher cost of power; cognizant of the fact that, there is need to put in place policies, strategies and regulatory measures for better planning to moderate the cost of electricity and enable access to energy by all particularly in the manufacturing sector to ease the cost of production and doing business; this House therefore resolves that—

- (i) the Departmental Committee on Energy undertakes an inquiry into the operations of Kenya Power in relation to agreements entered into with IPPs, factors affecting the cost of electricity, including over-reliance on IPPs against available renewable and other energy sources, and measures to reduce it and submits a report to the House within one hundred and twenty (120) days;
- (ii) in the meantime, the Ministry and Kenya Power should not enter into new contracts with any IPPs until the House makes a resolution on the matter;
- (iii) informed by the reports of previous task forces on the matter, the Ministry engages in negotiations with power producers with a view to reducing the cost of power; and
- (iv) The Ministry and Kenya Power develop suitable strategies for engagements with the IPPs, in order to provide relief for electricity consumers and ensure the long-term viability and sustainability of the energy sector.

8. STATEMENTS

The following Statements were issued –

- a) Pursuant to Standing Order 44(2)(c), Member for Navakholo Constituency (Hon. Emmanuel Wagwe) requested for a Statement from the Chairperson of the Departmental Committee on Education regarding delay in enrolment to

secondary schools of students from Kakamega County under the *Elimu Programme*; and

- b) Pursuant to 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, February 21, 2023.

9. THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2022)

(The Hon. Abdul Dawood, M.P.)

Order for First Reading read.

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

10. THE GERIATRIC BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2022)

(The Hon. Gathoni Wamuchomba, M.P.)

Order for First Reading read.

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

11. MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

Motion made and question proposed –

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; **Acknowledging that**, actualization of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; **Further acknowledging that**, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the *Departmental Committee on Justice and Legal Affairs* with regard to proposals relating to the implementation of the Two-Thirds Gender Principle and the establishment of the Office of the Leader of Official Opposition; *The Joint Parliamentary Ad Hoc Committee* with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and *The Procedure & House Rules Committee* with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; **NOW THEREFORE**, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House **notes, considers and makes general comments** on the proposals contained in the Memorandum by His Excellency the President.

(The Leader of the Majority Party – Wednesday, 15th February 2023 – Morning Sitting)

Debate interrupted on Wednesday, February 15, 2023 – Afternoon Sitting resumed;

Debate arising;

(Change of Chair from the Speaker to Second Chairperson of Committees)

(Change of Chair from Second Chairperson of Committees to Fourth Chairperson of Committees)

(Change of Chair from Fourth Chairperson of Committees to Fifth Chairperson of Committees)

And the time being Seven O'clock, the Fifth Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. HOUSE ROSE - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on-Tuesday, February 21, 2023 at 2.30pm

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