



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 15, 2023 AT 9.30 A.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 – POLICY FORMULATION ON IMPLEMENTATION
AND ENHANCEMENT OF EPZ PROGRAMMES IN
THE COUNTRY**

(The Hon. Beatrice Elachi, M.P.)

THAT, aware that, the *Export Processing Zones* (EPZ) Authority in Kenya was established in 1990 to promote and facilitate export-oriented investment programmes and create incentives for export-oriented production in areas designated as export processing zones; further aware that, the Authority is charged with the responsibility of regulating and administering approved activities within the export processing zones to ensure compliance among others; noting that, the programme anchors on Kenya's Vision 2030, the country's Economic Blueprint with regard to becoming an industrialized and upper middle-income country; further noting that, EPZ provides an attractive investment opportunity for export-oriented business ventures in the country; acknowledging that, the programme is a source of direct and indirect employment to more than 60,000 Kenyans; concerned that, currently, the programme is facing a myriad of challenges including inadequate funding, prohibitive cost of accessing business loans, high cost of production, shrinking export market due to effects of the Covid-19 pandemic, inadequate supplies of raw materials, water and power for

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agro-processing companies among others; further concerned that, there is need to revamp the said programme to improve its performance through increased funding to aid for instance in setting up of Excellence Centres in some parts of the county, expediting on negotiations for market access especially to the *East Africa Community* (EAC) including trade negotiations between Kenya and other countries on diversification of products eligible under the *African Growth and Opportunity Act* (AGOA), employee training and retention, provision of reliable supply of raw materials for Agro-processing companies, improvement of infrastructure to enhance steady supply of water and power and provision of affordable access to credit facilities among others; **this House resolves that** the National Government through the Ministry of Trade, Investments and Industry, develops a policy whose core objective would be to among others address the challenges currently faced by the EPZ with specific focus on implementing EPZ programmes to enhance performance and enable retention of investors across the country to enhance economic sustainability and allow companies to pursue businesses locally through the 20% waiver to enable them earn a living.

(Resumption of debate interrupted on Wednesday, March 8, 2023 – Morning sitting)

(Balance of time - 25 minutes)

9*. HOJA – KUPIGA MARUFUKU UZUNGUMZIAJI, UCHAPISHAJI NA USAMBAZAJI WA TAARIFA ZINAZOKUZA MAHUSIANO YA JINSIA MOJA

(Mhe. Mohamed Ali, MB.)

KWAMBA, tukifahamu kuwa, familia ndio kiungo cha msingi cha jamii, na kutambua kwamba utamaduni wa Kiafrika unathamani sana asasi ya ndoa ambayo inahakikisha kuendelea kwa binadamu kupitia uzazi; tukizingatia ukweli kwamba Ibara ya 45(2) ya Katiba inaeleza kuwa kila mtu mzima ana haki ya kufunga ndoa na mtu wa jinsia tofauti, kwa msingi wa hiari baina ya wahusika; tukitambua pia kwamba Kifungu cha 162 cha Kanuni ya Adhabu kinamtia hatiani yeyote ambaye anashiriki tendo la ngono lisilo la kawaida na mtu yeyote kinyume na utaratibu wa asili; tukizingatia kuwa mahusiano na ndoa za jinsia moja na ngono inayotokana na mahusiano haya ni kinyume na utaratibu wa asili; tukisikitika kwamba kumekuwa na ongezeko la mahusiano ya jinsia moja nchini Kenya kutokana na usambazaji wa vitabu na machapisho yanazokuza upotovu huo; tukitambua kwamba uchapishaji na usambazaji wa nyenzo zinazohusu mahusiano ya jinsia moja katika machapisho na vyombo vya habari una athari kali kwa maadili ya jamii kuhusu mwelekeo wa kijinsia; tukimaizi kwamba kuna haja ya kutekeleza sheria ili kulinda na kuhifadhi maadili ya mahusiano ya jinsia tofauti katika taifa; tukifahamu kwamba hakuna uwezekano wa kuzaa kutokana na mahusiano na ndoa za jinsia moja; tukihofia kwamba kuongezeka kwa mahusiano na ndoa za jinsia moja kunaitia jamii ya

... /9*(*Kuendelea*)

wanadamu nchini katika hatari ya kutoweka; **Bunge hili hivyo basi linaazimia kwamba** Serikali ipige marufuku mara moja uzungumziaji, uchapishaji na usambazaji wa taarifa zinazokuza mahusiano ya jinsia moja nchini na kuweka mikakati ya kudhibiti maudhui hayo kwa mujibu wa Ibara ya 45(2) ya Katiba na Kifungu cha 162 cha Sheria ya Adhabu ili kuikinga jamii, hasa watoto na vijana, dhidi ya kufikiwa na mielekeo potovu ya mapenzi na ndoa ya jinsia moja.

10*. MOTION – REDUCTION OF COST OF ELECTRICITY IN THE COUNTRY

(The Hon. Jane Kagiri, M.P.)

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;

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- (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.

11*. MOTION – DEVELOPMENT OF A POLICY AND FUNDING FOR JUNIOR SECONDARY SCHOOLS

(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that communities have continuously established learning institutions within their localities to address the inadequate physical facilities to support the attainment of universal access to education; noting that the Kenya Vision 2030 envisioned progressive establishment of more schools, expansion and rehabilitation of existing ones in order to improve access to education; further noting that huge sums of funds, particularly under the National Government Constituencies Development Fund (NG-CDF), have been invested in improving infrastructure in primary schools; acknowledging that in the recently introduced Competency Based Curriculum (CBC) education system, pupils will transition from primary school at class six and not class eight as was the case under the 8-4-4 system; concerned that basing Junior Secondary Schools (JSS) in selected primary schools will render classroom facilities that previously housed classes seven and eight redundant and that the arrangement would compel students to travel for longer distances to access institutions where Junior Secondary Schools are based; further concerned that the Guidelines recently issued by the Government directed that Junior Secondary Schools be domiciled in the existing primary schools, yet most primary schools lack the capacity to accommodate and effectively offer Junior Secondary School curriculum; deeply concerned that the Guidelines were hurriedly developed and operationalized; **this House urges** the Ministry of Education to –

- (i) urgently develop a comprehensive Junior Secondary Schools Policy in order to regularize and anchor the Guidelines under the Basic Education Act, 2012 to ensure that Junior Secondary Schools are established and operated in every primary school; and
- (ii) develop a clear implementation framework for the Competency-Based Curriculum the at Junior Secondary School level and provide for a funding plan for successful implementation of the Curriculum.

12*. MOTION – ESTABLISHMENT OF A NATIONAL CANCER PREVENTION AND CONTROL FUND

(The Hon. Timothy Toroitich, M.P.)

THAT, aware that Article 42(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health, which includes the right to health care services; further aware that cancer is among the leading causes of death in the country; noting that although the budgetary allocation for health care services is progressive, it is inadequate to cater for cancer prevention and care across the country; further noting that cancer control in the country is hampered by inadequate cancer care infrastructure and limited specialized human resource capacity; recognizing that a significant number of cancer patients do not complete the prescribed treatment due to the high cost of cancer management; further recognizing that the Cancer Prevention and Control Act, 2012 seeks to promote access to quality and affordable diagnostic and treatment services for persons with cancer; and to ensure sustainable capacity for the prevention and control of cancer; this House **resolves** that the Government through the National Treasury, establishes a national cancer prevention and control fund to promote prevention, control, and treatment of cancer in the country.

13*. MOTION – DEVELOPMENT AND IMPLEMENTATION OF A CHILDCARE PROGRAMME FOR CHILDREN WHOSE MOTHERS ARE IN LAWFUL CUSTODY

(The Hon. Brighton Yegon, M.P.)

THAT, aware that Article 53 of the Constitution provides for the rights of children, including the right to free and compulsory basic education; further aware that section 22 of the Persons Deprived of Liberty Act and the Childcare Policy provides for the care of a child whose mother is deprived of liberty, until the child attains the age of four years; recognizing that children above the age of four years still require parental support; further recognizing that majority of these children often suffer from emotional distress, social stigma and economic hardships; cognizant of the fact that all children should be accorded a means of maintaining their relationship with their incarcerated parents; noting that children have restricted economic resources available for their support which in turn negatively impacts their lives; this House therefore **urges** the Government, through the State Department for Social Protection and Senior Citizen Affairs, to develop and implement a programme for the care of children above the age of four years whose mothers are under lawful custody.

14*. MOTION – NATIONAL POLICY ON DEWORMING OF SCHOOL-GOING CHILDREN

(The Hon. John Waithaka, M.P.)

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that the relationship between health and education plays a significant role in school attendance rates; concerned that the negative effects of poor sanitation, such as parasite infestations, particularly among school children lead to anaemia, stunted-growth and other salient problems which in turn lead to low school attendance and impact education standards; recognizing that, according to research, school-based deworming is one of the most cost-effective interventions that provides a huge range of holistic and social benefits, such as increased school attendance and healthier kids who do better in school, while utilizing already-existing school structures in administering deworming treatment to school pupils; recalling that, previous programmes conducted by the Ministry of Health in partnership with a non-governmental organization called *Evidence Action* have only been piloted in a few selected counties and that the deworming efforts have been uncoordinated and dependent on external support with no clear policy or budgetary framework; now therefore, this House **urges** that the National Government, through the Ministry of Health, develops a national policy on deworming school-going children as a crucial part of mainstreaming of healthcare access in the Country.

15*. MOTION – REGULATION OF THE BETTING INDUSTRY

(The Hon. Duncan Mathenge, M.P.)

THAT, aware that, the Betting, Lotteries and Gaming Act, Cap 131 Laws of Kenya provides for the regulation of the gambling industry including the control of betting, lotteries and gaming in the country; further aware that, there is an emerging trend of media houses offering their audiences platforms to participate in betting through lottery-style games, trivia shows, polls, contests and other SMS-based gaming; concerned that the trend was initially perceived as a harmless form of entertainment and audience engagement but has since developed into a problem within our communities leading to many Kenyans getting addicted to this form of gambling and that has led to lots of loss; further concerned that, there are numerous negative effects of this trend including financial ruin, family breakups, high truancy in schools resulting in high school dropout rates and in some cases, suicide; noting that, these games target individuals who can least afford to lose money, mainly the elderly, the youth and low-income earners; cognizant that the Government has the responsibility of protecting citizens from negative social trends including gambling and that the proliferation of these games is a violation of the

Betting, Lotteries and Gaming Act; now therefore, **this House urges** the National Government through the relevant Ministries and agencies to –

- (i) regulate the running of lotteries and any other forms of betting disguised as polls, contests and other SMS-based gaming by media houses; and
- (ii) ensure strict operationalization of the Betting, Lotteries and Gaming Act and increase control and oversight of the betting industry.

Denotes Orders of the Day

NOTICES

LIMITATION OF DEBATE

The House resolved on Wednesday February 15, 2023 as follows—

Limitation of Debate on Motions

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 shall 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.

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), March 15, 2023

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Wednesday (Afternoon), March 15, 2023 –

A. **MOTION-** **REPORT ON THE CONSIDERATION OF THE 2023 MEDIUM-TERM DEBT MANAGEMENT STRATEGY**
(The Chairperson, Public Debt & Privatization Committee)

(Question to be put)

B. **MOTION -** **REPORT ON THE CONSIDERATION OF THE DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2022**
(The Chairperson, Committee on Delegated Legislation)

(Resumption of debate interrupted on Tuesday, March 14, 2023)

(Balance of time – 1 hour 56 minutes)

C. **MOTION –** **CONSIDERATION OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL**
(The Chairperson, Departmental Committee on Environment, Forestry and Mining)

D. **MOTION –** **REPORT ON THE CONSIDERATION OF THE 2023 BUDGET POLICY STATEMENT**
(The Chairperson, Budget and Appropriations Committee)

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

E. **MOTION –** **REPORT OF THE 42ND SESSION OF THE ORGANIZATION OF AFRICA, CARIBBEAN & PACIFIC STATES AND THE EUROPEAN UNION JOINT-PARLIAMENTARY ASSEMBLY**
(The Leader of the Kenya Delegation to the OACPS-EU JPA)

(Resumption of debate interrupted on Thursday, March 9, 2023)

(Balance of time – 53 minutes)

**F. MOTION – GENERAL DEBATE ON THE PROPOSAL TO
PARLIAMENT TO CONSIDER AMENDING THE
CONSTITUTION AND THE STANDING ORDERS**
(The Leader of the Majority Party)

(Resumption of debate interrupted on Wednesday, March 8, 2023 – Afternoon sitting)

**G. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**
(The Leader of the Majority Party)

Second Reading



...../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

024/2023

The Member for Laisamis (Hon. Joseph Lekuton, MP) to ask the Cabinet Secretary for Interior and National Administration: -

- (i) Could the Cabinet Secretary provide details on the circumstances surrounding an incident that occurred on April 2nd 2022, where two chiefs and four (4) other residents were killed by bandits in *Moto Gelaa* area in *Logologo* Location and two land cruisers belonging to the residents burnt while in the process of recovering livestock that had been raided by bandits from the neighbouring constituency?
- (ii) What steps has the Government taken to ensure that the culprits of the heinous act are apprehended and that the vehicle which is believed to have ferried the bandits to the crime scene is detained?
- (iii) What measures, if any, the Ministry has put in place to compensate the families of the two fallen Chiefs who were killed in the line of duty?
- (iv) Could the Cabinet Secretary explain the measures that the Government is putting in place to avert such incidents from recurring, considering that residents of *Logologo* location can no longer defend themselves from banditry after the Kenya Police Reservists in the area were disarmed and withdrawn?

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

039/2023 **The Member for Igembe North (Hon. Taitumu M’anaiba, MP) to ask the Cabinet Secretary for Tourism, Wildlife and Heritage: -**

Could the Cabinet Secretary -

- (i) provide details on the measures being taken by the Government to restrain marauding elephants in Igembe North from attacking locals and destroying crops and property?
- (ii) state when residents who have incurred losses arising from the destruction of property and crops, including loss of lives and injuries caused by elephants between January and February 2023, will be compensated, particularly residents of *Malaene, Nginyo, Ndunyu Barikui, Kuuka* and *Luthaya* villages of *Ndoleli* and *Ammathi* wards in *Mutuati* Sub-County, Igembe North Constituency?
- (iii) explain the long-term measures the Government is taking to address the recurring menace of human-wildlife conflict in Igembe North?

(To be replied before the Departmental Committee on Tourism and Wildlife)

041/2023 **The Member for Sirisia (Hon. John Waluke, MP) to ask the Cabinet Secretary for Health: -**

Considering that claims made to the National Health Insurance Fund (NHIF) for renal dialysis are in excess of Kshs. 8 billion annually, could the Cabinet Secretary urgently consider reviewing the NHIF cover to include funding for kidney transplants and purchase of anti-rejection drugs, which enable patients suffering from acute kidney failures to return to living normal lives as well as cutting down on the huge claims for dialysis?

(To be replied before the Departmental Committee on Health)

042/2023 **The Member for Malindi (Hon. Amina Mnyazi, MP) to ask the National Land Commission: -**

Could the Commission provide a status report regarding compensation for the land that was acquired for Phases I and II of the expansion of the Malindi International Airport detailing the expected timeline for conclusion of the compensation?

(To be replied before the Departmental Committee on Lands)

043/2023

The Member for Matuga (Hon. Kassim Tandaza, MP) to ask the Cabinet Secretary for Labour and Social Protection:

—

- (i) Could the Cabinet Secretary provide a list of all beneficiaries under the *Persons with Severe Disabilities Cash Transfer Programme* (PWSD-CT) in each sub-location in Matuga and *Shimba Hills* Sub-Counties?
- (ii) When shall the Ministry enroll fresh persons with severe disabilities into the said Programme, particularly those from Matuga Constituency, in order to enable them to benefit from it?
- (iii) Could the Cabinet Secretary provide the status of when payments will be made to verified beneficiaries under the PWSD-CT Programme, especially those from Matuga Constituency?

(To be replied before the Departmental Committee on Social Protection)
