



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 22, 2023 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 – REPORT OF SESSIONS OF THE ORGANIZATION OF AFRICA, CARIBBEAN AND PACIFIC STATES AND THE EUROPEAN UNION JOINT PARLIAMENTARY ASSEMBLY

(Leader of the Kenya Delegation to the OACPS-EU JPA)

THAT, this House **notes** the Report of the 61st Session of the Organization of Africa, Caribbean and Pacific (OACPS) Parliamentary Assembly and the 42nd Session of the ACP-EU Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday, November 30, 2022.*

(Question to be put)

9*. MOTION – REPORT OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT

(Member of the Pan-African Parliament)

THAT, this House **notes** the Report of the Kenya Delegation to the Pan-African Parliament (PAP) on the Proceedings of the First Ordinary Session of the Sixth Parliament, *laid on the Table of the House on Tuesday, 28th February 2023.*

10*. **MOTION** – **REPORTS OF THE 144TH & 145TH ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU)**
 (Member of the Kenya Delegations to the 144th & 145th Assemblies of the IPU)

THAT, this House **notes** the Reports of the Kenya Delegations to the 144th and 145th Assemblies of the Inter-Parliamentary Union and related Meetings, held in Nusa Dua, Indonesia from 20th to 24th March, 2022 and in Kigali, Rwanda from 11th to 15th October 2022, *laid on the Table of the House on Tuesday, 7th March 2023 and Thursday, 2nd March 2023*, respectively.

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

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating 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.

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

12*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

(The Leader of the Majority Party)

Second Reading

Denotes Orders of the Day

NOTICES

LIMITATION OF DEBATE

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

Limitation of Debate on Other Committee Reports

- I. **THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall 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 Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the 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 Majority Party and the Leader of the Minority Party, in that order.

Limitation on General Debate on the Proposal to Parliament to consider amending the Constitution and the Standing Orders

- II. **THAT**, each speech on the debate on the Motion on the *General Debate on the Proposal to Parliament to Consider Amending the Constitution and the Standing Orders* shall be limited as follows: A maximum of twenty (20) minutes for the Mover in moving and ten (10) minutes in replying, and ten (10) minutes for any 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 priority in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party in that order.

Limitation of Debate on Bills sponsored by Parties or Committees

- III. **THAT**, each speech in a debate on Bills sponsored by a **Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is **not** sponsored by the relevant Committee), and a maximum of ten (10) minutes for any 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 minutes (15) each (if the Bill is not sponsored by either of them); 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

Thursday, March 23, 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 Thursday, March 23, 2023—

- A. **MOTION – APPROVAL OF NOMINEES TO TWO NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES**
(The Chairperson, Select Committee on National Government Constituencies Development Fund)
- B. **MOTION – REPORT OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)**
(Member of the Pan-African Parliament)
(If not concluded on Wednesday, March 22, 2023 – Afternoon Sitting)
- C. **MOTION – REPORTS OF THE 144TH & 145TH ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU)**
(Member of the Kenya Delegations to the 144th & 145th Assemblies of the IPU)
(If not concluded on Wednesday, March 22, 2023 – Afternoon Sitting)
- D. **MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS**
(The Leader of the Majority Party)
(If not concluded on Wednesday, March 22, 2023 – Afternoon Sitting)
- E. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**
(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, March 22, 2023 – Afternoon Sitting)

F. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR

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

062/2023

The Member for Baringo Central (Hon. Joshua Kandie, MP) to ask the Cabinet Secretary for Interior and National Administration: -

Could the Cabinet Secretary -

- (i) Provide details of the total number of foreigners issued with work permits in Kenya and the duration granted for such work permits?
- (ii) Provide details of the number and status of foreigners whose work permits expired as at January 2023 and the actions being taken by the Ministry to mop out foreigners who could be working in the country illegally following expiry of their work permits?
- (iii) Explain the steps being taken by the Ministry to ensure foreigners are not issued with work permits for skills that are available in the local labour force in order to reduce the unemployment rate among Kenyans?

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

063/2023

The Member for Masinga (Hon. Joshua Mwalyo, MP) to ask the Cabinet Secretary for National Treasury and Economic Planning:-

Could the Cabinet Secretary –

- (i) Explain the reasons for failure by the Kenyatta National Hospital (KNH) Superannuation Scheme (DB Scheme) to settle pension benefits owed to retirees and its noncompliance with updated and applicable calculations of such pension benefits and state whether the miscalculation

results from misinterpretation of the binding Trust Deed and Regulations (TDR) of 2001 and 2012?

- (ii) Provide details on the status of implementation of a decision of the Retirement Benefits Authority of 18th April 2019 on a pension dispute and a subsequent ruling by the Retirement Benefits Authority Appeals Tribunal (RBAT) dated 21st April 2021?
- (iii) Provide a definite date when the affected retirees shall be paid their dues which have been pending for years and continue to attract interest to date?

(To be replied before the Departmental Committee on Finance and National Planning)

064/2023

The Member for Central Imenti (Hon. Moses Kirima, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -

- (i) When will the disputed boundary between Tharaka Nithi and Meru Counties, along Central Imenti and Tharaka Constituencies, be demarcated as recommended by the Zachary Ogongo-led Task Force Report of 2009 and further recommended by the Andrew Ligale-led Interim Independent Boundaries Review Commission in its Report dated 27th November 2010?
- (ii) Could the Cabinet Secretary explain why residents of *Kiamuni* 'B' area in Central Imenti Constituency are yet to be issued with Title Deeds, despite all preliminary procedures having been concluded in 2003 and state when the Title Deeds will be issued?

(To be replied before the Departmental Committee on Lands)

065/2023

The Member for Mumias East (Hon. Peter Salasya, MP) to ask the Cabinet Secretary for Energy and Petroleum: -

Could the Cabinet Secretary –

- (i) explain the manner in which importation of oil from *Armco* Company in Saudi Arabia under the Memorandum of Understanding (MoU) with the National Oil Corporation of Kenya (NOCK) will affect retail pump prices of super and diesel fuels in Kenya?

- (ii) provide details of the MoU, its impact on the Kenyan fuel market, indicate whether there have been any challenges with respect to execution of the MoU, and if so, how has the Ministry addressed the challenges?
- (iii) explain the long term measures that the Ministry has put in place to ensure sustainability of supply of fuel at cheaper prices as provided under the MoU?
- (iv) explain any other plans that the Ministry has put in place to guarantee continued affordable fuel prices in Kenya?

(To be replied before the Departmental Committee on Energy)

066/2023

The Member for Vihiga County (Hon. Beatrice Adagala, MP) to ask the Cabinet Secretary for Youth Affairs, Sports & the Arts: -

Could the Cabinet Secretary –

- (i) shed light on the alleged irregular appointment of the *Talanta Hela* Council and its committees and provide details of the form and extent of public participation and interviews conducted before appointing members of the Council and the committees?
- (ii) explain whether the appointment of the members of the *Talanta Hela* Council and its committees took into account the constitutional requirement of ethnic and regional balance in public appointments?
- (iii) explain the measures that the Ministry and its related agencies have taken to ensure timely and meaningful remittance of royalties that are owed to Kenyan artistes in light of recent reports of misappropriation of funds collected by the Kenya Association of Music Producers (KAMP), Performer Rights Society of Kenya (PRISK) and the Music Copyright Society of Kenya (MCSK)?
- (iv) explain the ownership of the Music Publishers Association of Kenya (MPAKE) and the manner in which MPAKE has utilized or distributed the more than Kshs. 100 Million in royalties that it has so far collected on behalf of musicians?
- (v) shed more light on the applicable term of office and employment for the Chief Executive Officer of the Kenya Copyright Board (KECOBO) who has so far been in office for more than seven (7) years?

- (vi) explain the status and details of the ICT tender issued by the Kenya Copyright Board (KECOBO) in conjunction with Collective Management Organisations on 23rd December, 2019 for the supply of a National Rights Registry?

(To be replied before the Departmental Committee on Sports and Culture)

067/2023

The Member for Kipkelion East (Hon. Chererot Kimutai, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

Could the Cabinet Secretary –

- (i) explain why Kenya's employment design, including within the Government, has a predefined requirement for relevant experience in related fields for fresh graduates, thereby causing many potential employees to be left out due to lack of experience?
- (ii) provide details of comparison of the outcomes of careers to which employees are recruited without experience for on-job training from the very onset, such as the uniformed officers vis-à-vis the careers which recruit from highly trained personnel but require experience of specified periods before employment?
- (iii) explain the evaluation tool used to assess the capacity to deliver for the fresh job seekers who have found it hard to manoeuvre in the job market thus lacking an even fair ground to benefit and grow their careers?
- (iv) consider developing a workable policy framework aimed at protecting young professionals and fresh graduates from being subjected to extreme job qualification requirements in order to boost an all-round career growth as well as minimizing unemployment of educated youth in the country?

(To be replied before the Departmental Committee on Labour)

ORDER NO.7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c), the following Statement will be responded to—

No.	Subject	Member	Relevant Committee
1.	Sexual harassment of female workers in various tea estates in Kericho County	<i>Hon. Beatrice Kemei, M.P. (Kericho County)</i>	Chairperson, D.C. on Labour
