



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 23, 2023

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

4. **COMMUNICATION from the CHAIR**

The Deputy Speaker issued the following Communication recognizing a delegation of Women Parliamentary Caucus of the Parliament of Namibia –

“Honourable Members, I wish to introduce to you a delegation from the Interim Committee of the Namibian Parliamentary Women Caucus who are seated in the Speaker’s Gallery.

The delegation comprises the following –

- | | | |
|--------------------------------|---|----------------------|
| 1. Hon. Emilia Nuyoma- Amupewa | - | Chairperson; |
| 2. Hon. Elma Dienda | - | Member; |
| 3. Hon. Evelyn Nawases Taeyele | - | Member; and |
| 4. Ms. Frankhilde Endjala | - | Parliamentary Clerk. |

Honourable Members, the delegation is in the country for a study visit to engage with institutions charged with implementation of gender-related programmes as well as to share experiences on establishment and operations of functional parliamentary women caucuses. The delegation has extensively engaged with various State organs as well as with the Kenya Women Parliamentary Association (KEWOPA).

Honourable Members, on my own behalf and that of the National Assembly, I welcome the delegation to the National Assembly and wish them success during the remainder of their stay in the country. **I thank you!”**

5. **PAPERS LAID**

The following Papers were laid on the Table of the House –

- (i) Approvals under Article 223 of the Constitution in the 2022/23 Supplementary Estimates No.1 from the National Treasury and Economic Planning
- (ii) Legal Notice No. 2 of 2023 relating to Energy (Revocation) Regulations, 2023 from the Ministry of Energy and Petroleum;

- (iii) Legal Notice No. 3 of 2023 relating to the Petroleum (Importation) Regulations, 2023 from the Ministry of Energy and Petroleum;
- (iv) Update on funding of National Government Constituencies Development Fund (NG-CDF) from the National Treasury and Economic Planning;
- (v) The Fourth Quarterly Report covering the period from 1st October , 2022 to 31st December, 2022 from Ethics and Anti-Corruption Commission.
- (vi) Reports of the Auditor-General and Financial Statements of National Government Constituencies Development Fund in respect of the following Constituencies for the year ended 30th June, 2021 and the certificates therein:-
 - a) Kilgoris;
 - b) Maragua;
 - c) Navakholo;
 - d) Runyenjes;
 - e) Buuri;
 - f) Ndia
 - g) Webuye West;
 - h) Mumias West;
 - i) Kabuchai;
 - j) Teso South;
 - k) Mukurwe-ini;
 - l) Mt. Elgon;
 - m) Cherangany;
 - n) Butula;
 - o) Malava; and
 - p) Tigania West.
- (vii) 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 –
 - a) Kenya National Convention Bureau;
 - b) University of Eldoret;
 - c) Mosoriot Teachers Training College;
 - d) Moi University;
 - e) Lands Limited.

(Leader of the Majority Party)

6. NOTICES OF MOTION

The following Notice of Motion was given by the Member for Dagoretti North (*Hon. Beatrice Elachi*)

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 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.

7. STATEMENTS

The following Statements were issued by –

- (i) Pursuant to Standing Order 259D (2)(a), the Member for Igembe North (Hon. Julius Taitumu) reported the demise of the late **Hon. Ntoitha M’Mithiaru, former Member for Ntonyiri (Igembe North) Constituency**;
- (ii) Pursuant to Standing Order 44(2)C, the Member for Lamu East (Hon. Capt. Ruweida Obo) requested for a Statement from the Chairperson Departmental Committee on Energy regarding power outages in Faza Ward in Lamu East Constituency;
- (iii) Pursuant to Standing Order 44(2)C, Member for Kisii County (Hon. Dorice Donya) requested for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence & Foreign Affairs regarding unfair conviction of Ms. Emily Kerubo Nyakwera, a Kenyan national in South Sudan;
- (iv) Kwa mujibu wa Kanuni ya 44(2)(c), Mbunge wa Jimbo la Taita Taveta (Mhe. Lydia Haika Mizighi), alitoa kauli kuhusu wito kwa viongozi kuvalia na kutangaza mavazi na Sanaa ya Kiafrika;
- (v) Pursuant to Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the business for the House for the week commencing Tuesday, February 28, 2023.

8. MOTION – REPORT ON THE CONSIDERATION OF THE CROPS (COFFEE) (GENERAL) (AMENDMENT) REGULATIONS, 2022

Motion made and question proposed –

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Crops (Coffee)(General)(Amendment) Regulations, 2022, *laid on the Table of the House on Tuesday, February 21, 2023*, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order

210(4)(b), **annuls in entirety** the Crops (Coffee)(General)(Amendment) Regulations, 2022 published as *Legal Notice No. 102 of 2022*.

(The Chairperson, Committee on Delegated Legislation)

Debate on the motion having been concluded on Wednesday, 22nd February 2023 (Afternoon Sitting);

Question put and agreed to.

9. MOTION – REPORT ON THE CONSIDERATION OF THE CONSOLIDATED FUND SERVICES EXPENDITURES FOR THE SUPPLEMENTARY ESTIMATES NO. 1 OF 2022/2023

Motion made and question proposed –

THAT, this House **adopts** the Report of the Public Debt & Privatization Committee on its consideration of the Consolidated Fund Services Expenditures for the Supplementary Estimates No. 1 of 2022/2023, *laid on the Table of the House on Tuesday, February 21, 2023.*

(The Chairperson, Public Debt & Privatization Committee)

Debate on the motion having been concluded on Wednesday, 22nd February 2023 (Afternoon Sitting);
Question put and agreed to.

10. MOTION – APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON MEMBERS’ SERVICES & FACILITIES

Motion made and question proposed –

THAT, pursuant to the provisions of the Standing Orders 175(3) and 212B (3), this House approves the appointment of the following Members to the Committee on Members’ Services and Facilities: -

- (i) The Hon. Stephen Karani Wachira M.P.
- (ii) The Hon. Salim Feisal Abdallah Bader, M.P.
- (iii) The Hon. Owen Yaa Baya, M.P.
- (iv) The Hon. Col (Rtd) Dido Ali Rasso, M.P.
- (v) The Hon. Peter Lochakapong, M.P.
- (vi) The Hon. Brighton Yegon Leonard, M.P.
- (vii) The Hon. Anne Wanjiku Muratha, M.P.
- (viii) The Hon. Charity Kathambi Chepkwony, M.P.
- (ix) The Hon. Jerusha Momanyi Mongina, M.P.
- (x) The Hon. Elisha Odhiambo Ochieng, M.P.
- (xi) The Hon. Ruth Busia Adhiambo Odinga, M.P.
- (xii) The Hon. Robert Basil Ngui, M.P.
- (xiii) The Hon. Beatrice Elachi, M.P.
- (xiv) The Hon. Paul Abuor, M.P.
- (xv) The Hon. Elsie Muhanda Busihile, M.P.

(The Chairperson, Committee on Selection)

Debate arising;

(Change of Chair from the Deputy Speaker to Sixth Chairperson of Committees)

Question put and agreed to.

11. MOTION – APPOINTMENT OF MEMBERS TO THE COMMITTEE OF POWERS AND PRIVILEGES

Motion made and question proposed –

THAT, pursuant to the provisions of Section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175(3), this House approves the appointment of the following Members to the Powers and Privileges Committee, in addition to the one specified under Paragraph 1(a)(i) of the said Act—

- (i) Hon. Muriu Wakili Edward, M.P.
- (ii) Hon. Jayne Kihara, OGW, M.P.
- (iii) Hon. Samwel Moroto Chumel, M.P.
- (iv) Hon. Festus Mwangi Kiunjuri, M.P.
- (v) Hon. John Philip Kaguchia Gichohi, M.P.
- (vi) Hon. Rai Samuel Gonzi, M.P.
- (vii) Hon. Joseph Lekuton, M.P.
- (viii) Hon. Fabian Kyule Muli, M.P.
- (ix) Hon. Sabina Wanjiru Chege, M.P.
- (x) Hon. Mboko Mishu Juma Khamisi, M.P.
- (xi) Hon. Jessica Nduku Mbalu Kiko, M.P.
- (xii) Hon. James Oyoo Onyango, M.P.
- (xiii) Hon. John Okano Bwire, M.P.
- (xiv) Hon. Rose Museo Mumo, M.P.

(The Chairperson, Committee on Selection)

Question put and agreed to.

12. MOTION – CHANGES TO THE MEMBERSHIP OF VARIOUS COMMITTEES

Motion made and question proposed –

THAT, further to the resolutions of the House of Thursday, October 27th, 2022 and Wednesday, November 9th 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 –

A. DEPARTMENTAL COMMITTEES

(i) SPORTS AND CULTURE

The Hon. Chege Njuguna, M.P. to replace the Hon. Chumel Samwel Moroto, M.P.

(ii) REGIONAL DEVELOPMENT

The Hon. Dekow Barrow Mohamed, M.P. to replace the Hon. Kahugu Eric Mwangi, M.P.

B. FINANCIAL AUDIT AND MONEY-RELATED COMMITTEES

(i) PUBLIC DEBT AND PRIVATIZATION

The Hon. Chege Njuguna, M.P. to replace the Hon. Kahugu Eric Mwangi, M.P.

(ii) SPECIAL FUNDS ACCOUNTS COMMITTEE

The Hon. Kahugu Eric Mwangi, M.P. to replace the Hon. Gichuki Edwin Mugo, M.P.

C. OTHER SELECT COMMITTEES**(iii) COMMITTEE ON DELEGATED LEGISLATION**

The Hon. Dekow Barrow Mohamed, M.P. to replace the Hon. Rai Samuel Gonzi, M.P.

(The Chairperson, Committee on Selection)

Question put and agreed to.

13. 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 the His Excellency the President.

(The Leader of the Majority Party)

Debate interrupted on Tuesday, February 21, 2023 resumed;

QUORUM OF THE HOUSE

The Member for Gatundu South (Hon. Gabriel Kagombe) rose on a Point of Order pursuant to Standing Order 35(1) and objected that there was no quorum present in the House; And the Chair having ascertained the claim, ordered that the division bell be rung for ten (10) minutes;

Having no quorum present at the expiration of the ten minutes, the Sixth Chairperson of Committee adjourned the House without Question pursuant to Standing Order 35(2) (a).

14. HOUSE ROSE - at fifty minutes past Four O'clock

M E M O R A N D U M

The Speaker will take the Chair
on- Tuesday, February 28, 2023
at 2.30pm

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