



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 14, 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. **PAPERS LAID**

The following Papers were laid on the Table -

- (a) Submission of Nominees to Kandara and Samburu East Constituencies from the National Government Constituencies Development Fund Board;
- (b) Performance Audit Report of the Auditor-General on implementation of the last mile connectivity project by the Ministry of Energy and Petroleum and Kenya Power and Lighting Company;
- (c) Monetary Policy Statement for December, 2022 from the National Treasury and Economic Planning;
- (d) 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:-
  - (i) Kenya Dairy Board;
  - (ii) New Kenya Co-operative Creameries Limited;
  - (iii) New Kenya Planters Co-operative Union (NKPCU);
  - (iv) Media Council of Kenya; and
  - (v) Kenya Animal Genetic Resources Centre.
- (e) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2022 and the certificates therein:-
  - (i) Kenya Social and Economic Inclusion Project No. P164654 IDA Credit No. 6348KE and Grant No. TFOA9527 – National Drought Management Authority;
  - (ii) Kenya Youth Employment and Opportunities Project (IDA Credit No. 5812 - KE) - State Department for Youth Affairs;
  - (iii) Kenya Italy Debt for Development Program – Ministry of Education;

- (iv) Kenya Social and Economic Inclusion Project Credit No.6348-KE – State Department for Social Protection;
- (v) Global Fund Tuberculosis Project Grant/Credit No.KEN-T-TNT-1548 – Ministry of Health;
- (vi) Global Fund Tuberculosis Project Grant/Credit No.KEN-T-TNT-2067 – Ministry of Health;
- (vii) Global Fund Malaria New Funding Model (NFM) KEN-M-TNT-1546 – Ministry of Health;
- (viii) Global Fund Malaria New Funding Model (NFM) KEN-M-TNT-2064 – Ministry of Health;
- (ix) Global Fund HIV AIDS Program Grant No. KEN-H-TNT GA 1547 – Ministry of Health;
- (x) National Council for Population and Development;
- (xi) LAPSET Corridor Development Authority;
- (xii) East Africa’s Centre of Excellence for skills and tertiary education in Biomedical Sciences – Phase 1 (Loan No.2100150031997) Project– Ministry of Health;
- (xiii) Danida Primary Healthcare (PHC) support program – Ministry of Health;
- (xiv) Mombasa Gate Bridge Construction Project (1) Loan Agreement No.KE-P34 – Kenya National Highways Authority;
- (xv) East Africa Trade and Transport Facilitation Project (IDA Credit No.4148-KE) - Kenya National Highways Authority;
- (xvi) Arusha-Namanga-Athi River Road Development Project No. P-ZI-DBO-040 - Kenya National Highways Authority;
- (xvii) Regional Mombasa Port Access Road Project (Loan No.27459, Credit No.84010 and Grant No.202061919) - Kenya National Highways Authority;
- (xviii) Health Sector Support Project – SWAp Secretariat – IDA CR No. 4771-KE and CR. No. 5367-KE – Ministry of Health;
- (xix) Garissa University;
- (xx) Nairobi Western Bypass - Kenya National Highways Authority;
- (xxi) Nairobi Southern Bypass Road Project - Kenya National Highways Authority;
- (xxii) Upgrading of Kibwezi-Mutomo-Kitui Road Project - Kenya National Highways Authority;
- (xxiii) State Department for Regional and Northern Corridor Development;
- (xxiv) Mombasa Special Economic Zone Development Project (I) - Kenya National Highways Authority;
- (xxv) GOK/UNICEF Education for Young People Programme – State Department for Early Learning and Basic Education; and

(xxvi) State Department for Planning.

*(The Hon. Baya Yaa, Deputy Leader of the Majority Party)*

- (f) Report of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources on the Vetting of Nominees for Appointment as Members of the National Climate Change Council.

*(The Hon. Charles Kamuren, MP Vice Chairperson, Departmental Committee on Environment, Forestry and Mining)*

## **5. NOTICES OF MOTION**

The following Notices of Motions were given –

### **(a) Appointment of Members of the National Climate Change Council**

**THAT**, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources in its report on the Vetting of Nominees for Appointment as Members of the National Climate Change Council, *laid on the Table of the House on Tuesday, 14<sup>th</sup> March, 2023*, and pursuant to Article 132(2) (f) of the Constitution, section 7 (4) of the Climate Change Act, sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act of 2011 and Standing Order 216 (5) (f) of the National Assembly and the Senate Standing Order 228 (4) (f) –

- (a) Approves** the appointment of the following persons as Members of the National Climate Change Council –
- (i) Ms. Emily Mwendu Waita;
  - (ii) Mr. John Kioli Kalua; and
  - (iii) Prof. George Odera Outa

- (b) Rejects** the appointment of Ms. Umra Omar as a Member of the National Climate Change Council.

*(The Hon. Charles Kamuren, Vice Chairperson, Departmental Committee on Environment, Forestry and Mining)*

### **(b) Regulation of the Betting Industry**

**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.

*(The Hon. Maina Mathenge, MP - Nyeri Town Constituency)*

**(c) Development and implementation of a childcare programme for children whose parents are in lawful custody**

**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.

*(The Hon. Brighton Yegon, MP - Konoin Constituency)*

**6. QUESTIONS**

(a) The following Questions were asked –

- (i) Question No. 032/2023 by the Member for Homa Bay Town (Hon. Peter Kaluma, MP) regarding details of all primary and secondary teachers employed during the last recruitment exercise; whether the recruitment complied with the requirements of Article 232(h) and (i) of the Constitution; circumstances under which the recruitment failed to take into account “first-to-graduate first-to-be employed principle; whether the Commission could consider absorbing all qualified teachers, particularly those in Homa Bay Town Constituency and the larger Homa Bay County, who graduated before 2012 in order to address the acute understaffing in the said region and the affirmative action steps the Commission was taking to ensure employment for qualified teachers hailing from Homa Bay Town Constituency and Homa Bay County generally, whose employment has been unduly delayed are employed?

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

- (ii) Question No. 036/2023 by the Member for Ugunja (Hon. Opiyo Wandayi, MGH, MP) regarding the recent surge in cost of excise stamps, despite the fact that the SICPA Security Solutions contract for the Excisable Goods Management System (EGMS) expired last year and the equipment is now entirely owned by the Kenya Revenue Authority; explanation for the proliferation of counterfeit goods and the resultant loss of revenue to the Government thereof, despite the implementation of the EGMS; measures that have been put in place to address the problem of counterfeit and goods for which duty is not paid; whether the KRA-SICPA contract has been transparently executed, and if not, what actions have been taken to guarantee transparency; and a report on the funds collected and the value for money obtained from the KRA-SIPCA contract.

*(Asked by the Hon. Robert Mbui, MGH, MP on behalf of the Member)*

*(To be replied by the Cabinet Secretary for the National Treasury & Economic Planning before the Departmental Committee on Finance & National Planning)*

- (iii) Member for Kathiani (Hon. Robert Mbui, MGH, MP) regarding compensation for land compulsorily acquired by the Government in 1985 from eight land owners to accommodate the expansion of Kathiani Level 4 Hospital, why has the Government compensated only five of them, and neglected the valuation and compensation of the remaining three land owners, namely *Mr. Mwilu Mwema Kalondu and Mr. John Musyoka Telela, joint owners of Mitaboni/Kathiani/135, and Mr. Masuva Mweu of Mitaboni/Katiani/139*; and intend to pay the long overdue compensation to the distressed land owners.

*(To be replied by the Cabinet Secretary for Lands, Public Works, Housing and Urban Development before the Departmental Committee on Lands)*

(b) The following Questions were dropped –

- (i) Question by Private Notice No. 003/2023 by the Member for Samburu East (Hon. Jackson Lekumontare, MP) to the Cabinet Secretary for Environment, Climate Change and Forestry on reasons why no youth from Samburu East Constituency was recruited in the recent recruitment of Forest Rangers by the Kenya Forest Service; criteria used during the exercise and the number of slots given to the entire Samburu County and whether the recruitment exercise could be nullified and a afresh one conducted to ensure fair distribution of employment opportunities across the Country.
- (ii) Question No. 038/2023 by the Member for Soy (Hon. David Kiplagat, MP) to the Cabinet Secretary for Agriculture and Livestock Development regarding measures that were put in place to ensure that all subsidized maize flour that was to retail at Kshs. 100 per 2 kg packet in 2022 reached the target population at the subsidized prices and give a report on the impact, if any, of the programme in achieving the intended objectives and whether all millers who released subsidized maize flour were paid their dues and if not, when does the Government intend to pay them.

**7. STATEMENT PURSUANT TO STANDING ORDER 259D**

The Member for Kiambu Constituency (Hon. Waithaka Machua, MP) made a Statement on the demise of the Hon. Grace Onyango, the First Female Member for Kisumu Constituency.

**8. STATEMENT PURSUANT TO STANDING ORDER 44(2) (B)**

Pursuant to the provisions of Standing Order 44(2) (B), the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works (Hon. Johanna Ng'eno, MP) made a Statement regarding Construction of 100 Affordable Housing unit at Constituency Levels. In the Statement, the Chairperson informed the House that Members of the National Assembly representing Constituencies will be required to assist with identification of suitable land for construction of affordable units in their respective Constituencies. The Chairperson also informed the House that labour for construction of the units will be ring-fenced and workers would be sourced and recruited from the Constituencies. He stated that Members will assist in identification, organization and corporatization of local *Jua Kali* associations to provide labour for construction of the affordable units in constituencies.

**9. MOTION - REPORT ON THE CONSIDERATION OF THE 2023 MEDIUM-TERM DEBT MANAGEMENT STRATEGY**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the 2023 Medium Term Debt Management Strategy, *laid on the Table of the House on Thursday, 9<sup>th</sup> March, 2023* and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232A(7) and (8) –

- (a) **approves** the 2023 Medium-Term Debt Management Strategy; and
- (b) makes the **Policy and Financial Resolutions** contained in the Schedule to the Order Paper.

*(Change of Chair from the Hon. Speaker to the Deputy Speaker)*

Debate arising;

*(Change of Chair from the Deputy Speaker to the First Chairperson)*

*(Change of Chair from the First Chairperson to the Fifth Chairperson)*

Mover replied;

Putting of the Question deferred.

**10. MOTION - REPORT ON CONSIDERATION OF THE DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2022**

Motion made and Question proposed-

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the *Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022 laid on the Table of the House on Wednesday, 8<sup>th</sup> March, 2023*, and pursuant to the provisions of section 26(2) of the Salaries and Remuneration Commission Act, 2011 **rejects** the *Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022*.

*(The Hon. Samwel Chepkonga - Chairperson, Committee on Delegated Legislation)*

Debate arising;

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

11. **HOUSE ROSE** - at Seven O'clock

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**MEMORANDUM**

The Speaker will take the Chair on  
Wednesday, March 15, 2023 at 9.30am

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