



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 21, 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. **COMMUNICATION FROM THE CHAIR**

The Hon. Speaker conveyed the following Communication from the Chair –

Recognition of a Delegation from the Parliament of Zambia

“Honourable Members, I wish to introduce to you a delegation from the Parliament of Zambia who are seated in the Speaker’s Row. The delegation comprises of Members of the Parliamentary Committee on Youth, Sports and Child Matters. They are:

(i)	The Hon. Mr. Sydney Mushanga, MP	-	Chairperson
(ii)	The Hon. Ms. Emeldah Munashabantu, MP	-	Vice Chairperson
(iii)	The Hon. Mr. Chinga Miyutu, MP	-	Member
(iv)	The Hon. Mr. Edgar Sing’ombe, MP	-	Member
(v)	The Hon. Mr. Pavyuma Kalobo, MP	-	Member
(vi)	The Hon. Mr. George K. Kandafula, MP	-	Member
(vii)	The Hon. Mr. Misheck Mutelo, MP	-	Member
(viii)	The Hon. Mr. Allen Banda, MP	-	Member
(ix)	The Hon. Mr. Michael J Z Katambo, MP	-	Member
(x)	The Hon. Mr. Golden Mwila, MP	-	Member

Honourable Members, the delegation is also accompanied by 2 members of staff of Parliament, Mr. Evans Chilongu and Mrs. Prisca Shimalungwe. They are on a visit to benchmark with their counterpart committee in the National Assembly on the best practices to enhance the plight of circumstantial children.

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

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) Reports of the Auditor-General and Financial Statements on Kenya Tsetse and Trypanosomiasis Eradication Council for the year ended 30th June, 2019, 2020 and 2021 and certificates therein;
- (b) 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) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA Credit No.5638-KE) – Information and Communication Technology Authority;
 - (ii) Horn of Africa Gateway Development Project (IDA Credit No.6768 KE) - Information and Communication Technology Authority;
 - (iii) Vijana Vuka na Afya Youth Programme (Grant No.201367465) –State Department for Youth Affairs;
 - (iv) Thwake Multi-Purpose Water Development Program Phase I (AfDB Loan No.2100150029993, 2000200003351, AGTF No.5050200000501 and AfDB Grant No.2100155025973) – Ministry of Water, Sanitation and Irrigation;
 - (v) Rwabura Irrigation Development Project – National Irrigation Authority;
 - (vi) National Information Platform for food Security and Nutrition Project (Food/2017/393-022) – Kenya National Bureau of Statistics;
 - (vii) Kenya Italy Debt for Development Programme – Ministry of Water, Sanitation and Irrigation;
 - (viii) Independent Electoral and Boundaries Commission;
 - (ix) Office of the Registrar of Political Parties;
 - (x) Insurance Regulatory Authority;
 - (xi) State Department for Interior and Citizen Services;
 - (xii) The National Treasury;
 - (xiii) Nairobi-Thika Highway Improvement Project LOT I and II (Credit No.2100150015544) – Kenya National Highways Authority;
 - (xiv) Mombasa-Nairobi-Addis Ababa road Corridor Project Phase II (Marsabit-Turbi road) ID No. P-ZI-DBO-027 – Kenya National Highways Authority;
 - (xv) Mwea Irrigation Development Project (Loan No.KE-P27) – National Irrigation Authority;
 - (xvi) Bura Rehabilitation Development Project (Loan Nos. BADEA 3530:LA/763, Kuwait 752, OPEC 1154P) – National Irrigation Authority;
 - (xvii) Water Sector Trust Fund;
 - (xviii) Tourism Research Institute;
 - (xix) Kenya National Trading Corporation Limited;
 - (xx) Retirement Benefits Authority;
 - (xxi) Commodities Fund;
 - (xxii) South Nyanza Sugar Company Limited;
 - (xxiii) Kenya Trade Remedies Agency;
 - (xxiv) Global Fund HIV/AIDS Project Grant Number KEN-H-TNT-2065 – National Aids Control Council;
 - (xxv) Kenya Electricity Generating Company PLC; and
 - (xxvi) Anti-Female Genital Mutilation Board.
- (c) Audit Report of the Auditor-General on Public Debt Servicing Activities by the National Treasury.

(The Hon. Silvanus Osoro, MP – Majority Party Whip)

- (d) Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation

(The Hon. Nelson Koech, MP – Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

- (e) Report of the Select Committee on National Government Constituencies Development Fund on List of Nominees to the National Government Constituency Development Fund Committees for Three Constituencies

(The Hon. Musa Sirma, MP – Chairperson, Select Committee on National Government Constituencies Development Fund)

- (f) Report of the Budget and Appropriations Committee on its consideration of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023)

(The Hon. Ndindi Nyoro, MP – Chairperson, Budget and Appropriations Committee)

6. NOTICES OF MOTION

The following Notices of Motions were given –

(a) Banning the growing of Eucalyptus trees in the country

THAT, aware that, the eucalyptus tree species are popular among large scale and commercial tree farmers in Kenya; noting that, these tree species are grown in most ecological zones in the country and in particular in the *Western, Central Rift Valley, Central Kenya, parts of Eastern and the Coastal Regions* of the country; acknowledging that, farming of the eucalyptus trees has been on the rise due to their fast growth, good economic returns and diverse commercial uses such as transmission poles, fuelwood, timber, plywood, pulp, fencing posts and building materials among others; concerned that, eucalyptus trees species are majorly cited as high water depleting agents through high consumption, transpiration and evaporation thus causing the drying up of streams, rivers and depletion of groundwater water sources; deeply concerned that, the high depletion of water by the said trees has caused adverse negative effects on soil fertility, land degradation and are a serious threat to the biodiversity; recognizing that, due to the serious threats posed by the Eucalyptus trees to the biodiversity, there is need therefore for their removal and replacement with other types of trees to improve conservation of water sources and the ecosystem; this House resolves that the National Government through the Ministry of Environment, Climate Change and Forestry –

- (i) orders absolute banning of planting eucalyptus trees and encourages planting of indigenous species across the country;
- (ii) orders the uprooting of all eucalyptus trees and replacement with other varieties of trees particularly, indigenous species to ensure conservation of water sources and preserve the ecosystem; and
- (iii) initiates the process of putting in place punitive measures against persons who defy the above orders.

(The Hon. Moses Kirima, M.P. – Central Imenti Constituency)

(b) Public Health Concerns on Lang'ata Cemetery

THAT, aware that, Article 42 of the Constitution provides for the right of every person to a clean and healthy environment; further aware that, Article 69 of the Constitution obligates the State to ensure sustainable utilization of the environment and natural resources including land; recognizing that the Fourth Schedule to the Constitution assigns to the national government the function of land planning including the general principles of land planning and the coordination of the planning by counties, as well as matters of health policy; further recognizing that there is ongoing public outcry regarding the neglect of Lang'ata public cemetery which was declared full close to two decades ago; concerned that this matter has been left unaddressed and poses a significant health risks to the public; deeply concerned that this situation has led to overcrowding and double-allocation of burial sites with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby national park; further concerned that this has caused untold anguish, pain and suffering to bereaved families, and psychological torment to the neighbouring community; now therefore, this House urges the national government through the Ministry of Health to urgently conduct an assessment of the public health risks posed by the continued use of the Lang'ata Cemetery, and to institute mitigatory measures and collaborate with other stakeholders, including the Nairobi City County Government, to identify suitable alternative land for use as a cemetery.

(The Hon. Phelix Odiwuor, M.P. – Langata Constituency)

(c) Approval of nominees for appointment to three Constituency Committees of National Government Constituency Development Fund

THAT, this House adopts the Report of the Select Committee on the National Government Constituency Development Fund on three (3) Constituency Committees laid on the Table of the House on *Wednesday, March 15, 2023*, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund.

- (1) Garissa Township Constituency;
- (2) Mbeere North Constituency; and
- (3) Narok East Constituency

(The Hon. Musa Sirma, MP – Chairperson, the Select Committee on the National Government Constituency Development Fund)

7. QUESTIONS

The following Questions were asked to respective Cabinet Secretaries –

- (i) Question No. 049/2023 by the Member for Wajir East (Hon. Aden Mohamed, MP) to the Cabinet Secretary for Defence regarding the plans to set up a foreign Military Base at Wajir International Airport; whether the Government undertook any public participation prior to granting approval for the setting up of the said Base and

- (ii) whether the setting up of the Base would make the Wajir Airport a no-go zone for citizens who regularly use the airport for aviation purposes.

(To be replied before the Departmental Committee on Defence, Intelligence and Foreign Relations)

- (iii) Question No. 052/2023 by the Member for Kirinyaga County (Hon. Njeri Maina, MP) to the Cabinet Secretary for Health on the physical and technological infrastructure that the Ministry has put in place for the care and rehabilitation of people with mental health issues in the country, particularly those in Kirinyaga County; measures that the Ministry had instituted to support full implementation of the legal and policy framework contained in the Mental Health Act, 2022 regarding mental health and the action the Ministry had taken to ensure that all persons suffering from mental health issues in Kirinyaga County are registered to enable them to benefit from public programs and access information on care and management of mental health.

(To be replied before the Departmental Committee on Health)

- (iv) Question No. 053/2023 by the Member for Tana River County (Hon. Amina Dika, MP) to the Cabinet Secretary for Education regarding the reasons why primary and secondary schools in Tana River County which have less than thirty candidates are not national examination centres despite the schools being duly registered by the Ministry; measures that the Ministry had put in place to address challenges faced by candidates and their parents and guardians in Tana River County who are compelled to commute for long distances or temporarily seek accommodation around approved examinations centres and whether the Ministry could consider allowing all candidates in Tana River County to take their national examinations from registered schools where they are enrolled

(To be replied before the Departmental Committee on Education)

- (v) Question No. 054/2023 by the Member for Kibwezi West (Hon. Mwengi Mutuse, MP) to the Cabinet Secretary for Lands, Public Works, Housing and Urban Development on whether the Government had any plans to review the compensation upwards given that payment of awarded value has been

- (vi) delayed since 2017; the reasons as to why the Ministry and the National Land Commission had delayed payment to affected land owners since the year 2017 and a commitment on when owners of the compulsorily acquired parcels of the land and town plots will be compensated?

(To be replied before the Departmental Committee on Lands)

- (vii) Question No. 055/2023 by the Member for Starehe (Hon. Amos Mwago, MP) to the Cabinet Secretary for Interior and National Administration regarding the circumstances under which the National Police Service unfairly terminated the service of Sergeant *Suleiman Bilali Wanjau, aka "Selle"* of Service No. 72242/97046796, a celebrated Kenyan boxer who won twelve medals for the country, among them two Gold Medals, and confiscated his personal belongings yet the officer had been undergoing medication and rehabilitation from mental illness at the time; the steps, if any, that had been taken to support Mr. *Selle* in

order to assist him to fully recover and resume duties, including catering for his treatment and psychosocial support for mental illness suffered due to boxing;

- (viii) reinstatement of *Mr. Suleiman Bilali Wanjau* and allowing him to honourably retire early and be paid his retirement benefits in full in honour of the seventeen years of his continuous service in the Police force and outstanding representation of the country in world boxing; whether the National Police Service had handed back to *Mr. Wanjau* all the personal belongings confiscated from him, including medals and certificates and if not, when the belongings would be surrendered to him and the measures that had been put in place for the welfare of police officers who are recruited for their sports talents, especially when they cease active participation in sports or suffer adverse sports-related health effects.

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

- (ix) Question No. 056/2023 by Member for Thika Town (Hon. Alice Ng'ang'a, MP) to the Cabinet Secretary for Interior and National Administration on the status of investigations into the circumstances that led to the death of one Mr. Jeff Mwathi in the wee hours of 23rd February 2023 in Kasarani, Nairobi under unclear circumstances; an explanation why no arrests had been made so far despite the case having been reported at the Kasarani Police Station under OB No. 365/2023 on 23rd February 2023 and available evidence being found at the scene and a consideration for offering any necessary financial assistance to the affected family?

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

8. STATEMENT PURSUANT TO STANDING ORDER 44(2) (C)

Pursuant to the provisions of Standing Order 44(2)(c), the Member for Nandi County (Hon. Cynthia Muge, MP) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding Issuance of diplomatic passports to Kenyan Athletes.

In the Statement, the Member sought a report on the status of the undertaking by the Cabinet Secretary for the Ministry of Youth and Sports of November 2022 regarding support for athletes through issuance of diplomatic passports. Particularly, she sought to know the timelines when the Ministry would issue

diplomatic passports to athletes and the plans the Government had put in place to facilitate acquisition of visas by athletes.

9. MOTION - REDUCTION OF PUBLICATION PERIOD OF A BILL

Motion made and Question proposed –

THAT, this pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023) from seven (7) days to one (1) day.

(The Hon. Ndindi Nyoro, MP – Chairperson, Budget and Appropriations Committee)

There being no debate arising;

Question put and agreed to.

10. MOTION - ALTERATION OF THE CALENDAR OF THE HOUSE

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 28(4), this House, resolves to alter its Calendar for the Second Session (*Regular Sessions*), as adopted on Wednesday,

February 15, 2023 by varying the period for the Short Recess with respect to the First Part of the Session so that-

- (a) the Short Recess commences on Friday, 24th March, 2023 and ends on Monday, 10th April, 2023; and
- (b) the House resumes Regular Sittings on Tuesday, 11th April 2023 to continue with the First Part of the Session.

(The Hon. Silvanus Osoro, MP – Majority Party Whip)

There being no debate arising;

Question put and agreed to.

11. MOTION – REPORT ON THE 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, 8th 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*.

(Hon. Samuel Chepkonga, MP – The Chairperson, Committee on Delegated Legislation – 14.03.2023)

Debate on the Motion having been concluded on Thursday, March 16, 2023;

The Mover having replied;

Question put and agreed to.

12. MOTION – APPROVAL OF NOMINEES TO THREE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

THAT, this House **adopts** the Report of the National Government Constituency Development Fund Committee on three (3) Constituency Committees, *laid on the Table of the House on Wednesday, 15th March 2023*, and pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016 **approves** the list of nominees for appointment to the following **three (3)** Constituency Committees of the National Government Constituency Development Fund—

1. GARISSA TOWNSHIP CONSTITUENCY

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Farah Yussuf Ollow	<i>Male Youth Representative</i>	Appointment, pursuant to Sec.43(2)(b)
2.	Hassan Osman Shurie	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)
3.	Maryan Somo Hussein	<i>Female Youth Representative</i>	Appointment, pursuant to Sec. 43(2)(c)
4.	Fatuma Ahmed Kosar	<i>Female Adult Representative</i>	Appointment, pursuant to Sec.43(2)(c)
5.	Siyat Hared Muhumed	<i>Representative of Persons with Disability</i>	Appointment, pursuant to Sec. 43(2)(d)
6.	Mahamud Ahmed Dayib	<i>Nominee of the Constituency Office (Male)</i>	Appointment, pursuant to Sec.43(2)(e)
7.	Haretha Kahiya Saman	<i>Nominee of the Constituency Office (Female)</i>	Appointment, pursuant to Sec.43(2)(e)

2. MBEERE NORTH CONSTITUENCY (Additional names)

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Brian Wallen Muteti Njiru	<i>Male Youth Representative</i>	Appointment, pursuant to Sec.43(2)(b)
2.	Jervasius Nyombyekothe Ngungi	<i>Male Adultsentative</i>	Appointment, pursuant to Sec.43(2)(b)

3. NAROK EAST CONSTITUENCY

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Oropi Ole Matuyia Meshuko	<i>Male Youth Representative</i>	Appointment, pursuant to Sec.43(2)(b)
2.	Tapaiya Olingashar Punyua	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)
3.	Hanah Naishipae Kusero	<i>Female Youth Representative</i>	Appointment, pursuant to Sec. 43(2)(c)
4.	Gladys Wanjiru Soitara	<i>Female Adult Representative</i>	Appointment, pursuant to Sec.43(2)(c)
5.	Leshinka Mututua	<i>Representative of Persons with Disability</i>	Appointment, pursuant to Sec. 43(2)(d)
6.	John Salaton Swakei	<i>Nominee of the Constituency Office (Male)</i>	Appointment, pursuant to Sec.43(2)(e)
7.	Pilale Ene Kashanga Kisotu	<i>Nominee of the Constituency Office (Female)</i>	Appointment, pursuant to Sec.43(2)(e)

(The Chairperson, Select Committee on National Government Constituencies Development Fund – 16.03.2023)

Debate having been concluded on Thursday, March 16, 2023;

The Mover having replied;

Question put and agreed to.

13. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)

(The Chairperson, Committee on Delegated Legislation)

First Reading

Bill read a First Time and committed to the relevant Departmental Committee pursuant to the Standing Orders.

14. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2023)

(The Chairperson, Budget and Appropriations Committee)

First Reading

Bill read a First Time and committed to the relevant Departmental Committee pursuant to the Standing Orders.

15. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2023)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Division of Revenue Bill (National Assembly Bill No. 9 of 2023) be now read a Second Time;

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Mathira (Hon. Eric Kahungu) claimed to move that “The Mover be now called upon to reply”;

And thereupon, Question put and agreed to;

Mover replied;

Question put and agreed to.

Bill read a First Second and committed to the relevant Committee of the Whole House, tomorrow.

16. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

The Division of Revenue Bill (National Assembly Bill No. 9 of 2023)

Clauses 3, 4 and 5 - agreed to.

Schedule - agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported without amendments.

17. HOUSE RESUMED

- The Fifth Chairperson in the Chair

Bill reported without amendments;

Motion made and Question proposed;

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023);

(The Hon. Ndindi Nyoro, MP – Chairperson, Budget and Appropriations Committee)

There being no debate arising;

Question put and agreed to.

Motion made and Question proposed;

THAT, the Division of Revenue Bill (National Assembly Bill No. 9 of 2023) be now read a Third Time;

(The Hon. Ndindi Nyoro, MP – Chairperson, Budget and Appropriations Committee)

Debate arising;

Question put and agreed to.

Bill read a First Time and passed.

18. MOTION – REPORT OF SESSIONS OF THE ORGANIZATION OF AFRICA, CARIBBEAN AND PACIFIC STATES AND THE EUROPEAN UNION JOINT PARLIAMENTARY ASSEMBLY

Motion having been made and Question proposed –

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.*

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

Debate interrupted on Thursday, march 9, 2023 resumed;

Mover replied;

Putting of the Question deferred Pursuant to Standing Orders 53(3)

QUORUM OF THE HOUSE

The Member for Wajir West (Hon. Farah Yusuf) 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 Fifth Chairperson of Committee adjourned the House without Question put pursuant to Standing Order 35(2)(a).

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

19. HOUSE ROSE - at Ten Minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, March 22, 2023 at 9.30am

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