



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 19, 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 Statement

- 8*. **SPECIAL MOTION -** **CONSIDERATION OF NOMINEE FOR**
APPOINTMENT AS CHAIRPERSON OF THE
KENYA FISH MARKETING AUTHORITY
(The Chairperson, Departmental Committee on Blue
Economy, Water and Irrigation)

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy, Water and Irrigation in its Report on the vetting of a nominee for the appointment as the Chairperson of the Kenya Fish Marketing Authority, *laid on the Table of the House on Wednesday, 12th April 2023* and pursuant to the provisions of section 201(1)(a) and (2) of the Fisheries Management and Development Act, 2016 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Hon. Martin Otieno Ogingo** as the Chairperson of the Kenya Fish Marketing Authority.

(Question to be put)

9*. SPECIAL MOTION - CONSIDERATION OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE ETHICS AND ANTI-CORRUPTION COMMISSION

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for the appointment as the Chairperson of the Ethics and Anti-Corruption Commission, *laid on the Table of the House on Tuesday, 18th April 2023*, and pursuant to the provisions of section 10 (3) of the Ethics and Anti-Corruption Commission Act, 2011 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Dr. David Adang Oginde** as the Chairperson of the Ethics and Anti-Corruption Commission.

10*. MOTION – INQUIRY REGARDING SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES IN KERICHO COUNTY

(The Chairperson, Departmental Committee on Labour)

THAT, this House **adopts** the Report of the Departmental Committee on Labour on the Inquiry regarding Sexual Harassment of Female Workers in Tea Estates in Kericho County, *laid on the Table of the House on Thursday, 23rd March 2023*.

(Resumption of debate interrupted on Tuesday, April 18, 2023)

(Balance of time – 1 hour 32 minutes)

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 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,

...../11*(Cont'd)

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*

NOTICES**NOT LATER THAN 3.00 P.M.****I. QUESTION TIME IN PLENARY -**

PURSUANT to the provisions of Standing Order 42(A)(6B), the Speaker will today, not later than 3.00 p.m., invite the Cabinet Secretary for Environment, Climate Change and Forestry and the Cabinet Secretary for Roads and Transport to respond to Questions as appearing in the Appendix.

LIMITATION OF DEBATE

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

Limitation of Debate on Motions

- II. THAT**, each speech in a debate on any **Motion, including a Special motion** shall 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.

Limitation of Debate on Other Committee Reports

- III. 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

- IV.** **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

- V.** **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** shall 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, April 20, 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, April 20, 2023—

A. MOTION – INQUIRY REGARDING SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES IN KERICHO COUNTY

(The Chairperson, Departmental Committee on Labour)

(If not concluded on Wednesday, April 19, 2023 – Afternoon Sitting)

B. 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, April 19, 2023 – Afternoon Sitting)

C. 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, April 19, 2023 – Afternoon Sitting)

...../Appendix*

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A(6B), the **following Cabinet Secretaries** will respond to the following Questions in plenary on Wednesday (Afternoon), April 19, 2023 –

I. The Cabinet Secretary for Environment, Climate Change and Forestry—

QUE. NO

ORDINARY QUESTIONS

069/2023

The Member for Elgeyo Marakwet (Hon. Caroline Ng'elechei, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary –

- (i) explain the rationale behind the ban on maize cultivation in Plantation Establishment and Livelihood Improvement Scheme (PELIS) areas?
- (ii) explain why there is a massive decrease in forest cover percentage in Elgeyo Marakwet County despite the ban on maize cultivation under PELIS?
- (iii) explain the pros and cons of maize cultivation under the PELIS system, and clarify whether the area residents can revert to the initial maize cultivation in PELIS areas?

104/2023

The Member for Mandera South (Hon. Abdul Haro, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry:-

Could the Cabinet Secretary –

- (i) clarify whether Kenya has ever experienced any heat waves in recent years and provide details on the impact of these episodes on humans and livestock?

- (ii) provide the status of any records maintained on critical heatwave events experienced in the country and clarify whether such records have been used to provide disaster warnings for purposes of adaptation strategies?
- (iii) what measures has the Ministry taken to mitigate the impact of heat waves on human life and the livestock in the country?

II. The Cabinet Secretary for Roads and Transport—

QUE. NO

ORDINARY QUESTIONS

018/2023

The Member for Machakos County (Hon. Joyce Kamene, MP) to ask the Cabinet Secretary for Roads and Transport:

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Could the Cabinet Secretary outline the measures the Ministry has put in place to provide for pedestrian footbridges along an approximately 2-kilometre stretch of Mombasa Road, especially the crossing at Hilton Garden Inn and the Syokimau Railway Station/Nairobi SGR Terminus and the stretch between KAPPA Industries and Mastermind?

072/2023

The Member for Rongo (Hon. Paul Abuor, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary –

- (i) explain the circumstances under which construction of the *Riosiri-Rongo University-Cham Gi Wadu* Road has stalled for the last two years?
- (ii) state plans that the Ministry has put in place to ensure that the contractor resumes construction of the said road? and
- (iii) further state the timeline for completion of the said Road?

077/2023

The Member for Mwingi Central (Hon. Gideon Mulyungi, MP) to ask the Cabinet Secretary for Roads and Transport:

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Could the Cabinet Secretary -

- (i) provide the details on the total contract sum and the contract period for construction of *Kalisasi-Mumbuni* Road, Phase I and Phase II?
- (ii) indicate when the construction of the *Kalisasi-Mumbuni* Road is expected to be completed?
- (iii) consider extending the construction of the *Kalisasi-Mumbuni* Road to *Mumbuni* Shopping Centre instead of the current terminus?

078/2023

The Member for Mwingi Central (Hon. Gideon Mulyungi, MP) to ask the Cabinet Secretary for Roads and Transport:

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Could the Cabinet Secretary: -

- (i) provide the details of the total contract sum and the contract period for the construction of *Nguni-Nuu* Road and *Enziu* Bridge in Kitui County?
- (ii) explain why the construction of the said Road and Bridge has stalled for such a long period and state when the projects are expected to be completed?
- (iii) clarify whether there are any corporate social responsibility (CSR) projects provided for in the contracts for the two projects, and if so, provide details and timelines for delivery?

079/2023

The Member for Mwingi West (Charles Ngusya, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary –

- (i) explain the status of the remaining section of *Kibwezi-Kitui-Kabati-Migwani-Mbondoni* Road which was being upgraded to bitumen standard?
- (ii) state when construction of the said road is expected to be completed and the measures that the Ministry has put in place to ensure that the project is not abandoned before its completion?

080/2023

The Member for Suna West (Hon. Peter Masara, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary –

- (i) explain why the construction of *Kokendi-Arombe* Bridge in Suna West Constituency has stalled despite the project having been funded?
- (ii) provide details of the name of the contractor awarded the contract, contract sum allocated to the project, amount paid so far and the expected date of completion and commissioning of the named Bridge?
- (iii) explain measures the Ministry has put in place to ensure that construction of the said bridge is expedited and completed to ease access to key facilities like *Arombe* Dispensary, *Arombe* Primary School and *Arombe* Chief's Camp?

081/2023

The Member for Mwingi Central (Hon. Gideon Mulyungi, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary –

- (i) provide a status report on the use of the Nairobi Expressway since its inauguration and how it has improved traffic congestion in the city?
- (ii) State when the Ministry intends to improve the main Mombasa Road that was affected by the construction of the expressway, including providing the necessary drainage infrastructure, road signs & drawings, and bus stops?
- (iii) explain why there are no entry and exit points to the Nairobi Expressway to and from the City Centre, and in particular at Haile Selassie Avenue and Kenyatta Avenue?
- (iv) clarify whether this was a strategic provision or an erroneous omission and if so, when will the Ministry rectify this glaring omission?

083/2023

The Member for Mwingi Central (Hon. Gideon Mulyungi, MP) to ask the Cabinet Secretary for Roads and Transport:

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Could the Cabinet Secretary –

- (i) provide details of the total contract sum and the contract period for construction of the *Mwingi – Slaughter House Road*?
- (ii) explain the causes for the delay in the construction of the said Road which is yet to be completed, including works relating to drainage, access culverts and re-instatement of services such as water pipes and street lights, among others?

115/2023

The Member for Kiambaa (Hon. John Njuguna, MP) to ask the Cabinet Secretary for Roads and Transport: -

Could the Cabinet Secretary –

- (i) Provide a list of all stalled road projects in the country, enumerating the reason for the stalling of each of the projects?
 - (ii) Provide details of all pending bills owed to road contractors in the country and explain the measures in place to settle and the status of payment of each of the pending bill?
 - (iii) Explain the measures that the Ministry is taking to ensure that the stalled works resume and that all pending bills are immediately settled?
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