



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – FIRST SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, JUNE 29, 2023**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. Presiding – the Hon. Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication from the chair:

**Recognition of Members from the Kilifi County Assembly**

“**Honourable Members**, I wish to introduce to you a delegation of Members of the County Assembly of Kilifi, seated at the Speaker’s Gallery. The delegation comprises Members of the County Assembly’s House Business Committee. They are—

- (i) The Hon. Teddy Mwambire, MCA – Speaker of the County Assembly
- (ii) The Hon. Stephen Mwaro, MCA
- (iii) The Hon. Grace Mwangi, MCA
- (iv) The Hon. Agnes Sidi, MCA
- (v) The Hon. Tete Haron, MCA
- (vi) The Hon. Emmanuel Changawa, MCA
- (vii) The Hon. Benson Ngirani, MCA

**Honourable Members**, the delegation is accompanied by five (5) officers of the County Assembly. They are on a visit to benchmark with the National Assembly with a view to learning best practices and sharing experiences in the execution of their mandates.

**Honourable Members**, on my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during the course of the visit.

**I thank you!”**

5. **MESSAGES**

The Speaker conveyed the following Message from the Senate:

**On the Passage of the Economic and Social Rights Bill (Senate Bill No. 7 of 2022)**

“**Honourable Members**, Pursuant to the provisions of Standing Order 41(4) of the National Assembly Standing Orders, I wish to convey to the House that I have received a Message from the Senate regarding the passage of the Economic and Social Rights Bill (Senate Bill No. 7 of 2022).

**Honourable Members**, the Economic and Social Rights Bill (Senate Bill No. 7 of 2022) was published *vide Kenya Gazette Supplement No. 178 of 9<sup>th</sup> November, 2022*. The Bill seeks to provide for Preservation of Human Dignity and Enforcement of Economic and Social Rights, to provide a framework for the promotion, monitoring and enforcement of economic and social rights; and to establish mechanisms for monitoring and promoting adherence by the National and county governments to Article 43 of the Constitution.

**Honourable Members**, the Message conveys that on Tuesday, 20<sup>th</sup> June, 2023, the Senate considered and **passed** the said Bill **with amendments**. The Senate now seeks the concurrence of the National Assembly on the Bill pursuant to Article 110(4) of the Constitution and Standing Orders 46(1) of the Senate Standing Orders.

**Honourable Members**, Standing Order 143 (1) (c) of the National Assembly Standing Orders requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message. I, therefore, direct the Clerk to have the Bill listed in the Order Paper for the First Reading at the next sitting. After being Read a First Time, the Bill will stand committed to the Departmental Committee on Justice and Legal Affairs for consideration.

**I thank you.”**

## **6. PETITIONS**

The Member for Kilifi North Constituency (Hon. Owen Baya, MP) presented a Petition on behalf of residents of Kilifi North regarding **delayed adjudication and settlement of residents of Msifuni, Vibandani and Kibarani sub-locations, Tezo Location in Kilifi North Constituency**.

The Petition was referred to the Public Petitions Committee pursuant to the Standing Orders.

## **7. PAPERS LAID**

The following Papers were laid on the Table:

- (i) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June 2022 and the certificates therein—

- |                   |                      |
|-------------------|----------------------|
| a) Mbeere South;  | n) Balambala;        |
| b) Mbeere North;  | o) Igembe South;     |
| c) Mandera East;  | p) Loima;            |
| d) Mandera West;  | q) Keiyo North;      |
| e) Mandera South; | r) Tigania West;     |
| f) Mandera North; | s) Saboti;           |
| g) Wajir East;    | t) Kapenguria;       |
| h) Wajir North;   | u) Lagdera;          |
| i) Buuri;         | v) Dadaab;           |
| j) Sigor;         | w) Lafey;            |
| k) Maara;         | x) Lamu East;        |
| l) Ijara;         | y) Lamu West; and    |
| m) Banisa;        | z) Garissa Township. |

- (ii) Bank Supervision Annual Report for the year ended 2021 from the Central Bank of Kenya

*(Deputy Majority Party Whip)*

(iii) Report of the Departmental Committee on Lands on its consideration of the National Rating Bill (National Assembly Bill No. 55 of 2022)

*(Chairperson, Departmental Committee on Lands)*

(iv) Report of the Public Debt & Privatization Committee on its consideration of the Consolidated Fund Service Expenditures under the FY 2022/2023 Supplementary Budget Estimates II.

*(Chairperson, Public Debt and Privatization Committee)*

(v) Report of the Committee on Delegated Legislation on its consideration of the Draft Charter for the Open University of Kenya

*(Chairperson, Committee on Delegated Legislation)*

## 8. NOTICES OF MOTION

The following Notices of Motion were given –

### (i) Policy and Funding for Sugarcane farming in the Country

**THAT, aware that**, commercial sugarcane production in Kenya was introduced in the early years of independence with an aim of eliminating dependence on sugar importation and contributing to economic transformation in the sugar belt and the country at large through agriculture; **acknowledging that**, at its pinnacle, the sugar industry significantly contributed to the country's National Gross Domestic Product (GDP) and became one of the largest employers which supported livelihoods of many Kenyans both directly and indirectly; **concerned that**, over the last 25 years, sugarcane farming particularly in Western Kenya has been declining significantly, thereby dipping sugar production from over 600,000 metric tonnes per year in the 1990s to less than 300,000 metric tonnes in recent years; **noting that**, the decline in sugarcane farming has forced local millers to operate far below their milling capacities and pushed the country to over-rely on net importation of sugar, which negatively impacts on the balance of trade; **noting that**, the decline in sugar production is attributable to factors such as mismanagement, interference and unfair competition from cheap imported sugar; **further concerned that**, state-owned sugar millers like Mumias Sugar Company and Nzoia Sugar Company ceased milling while owing farmers hundreds of millions of shillings; **appreciating that**, the Government has been putting in place strategies, policies and regulations to define roles of millers and major players and stakeholders in the sugar industry in a bid to revamp the sector; **concerned that**, the acute shortage of sugarcane resulting from mass abandonment of sugarcane farming continues to roll back initiatives for reviving sugar milling; **recognizing that**, further investment in revamping sugar companies before reviving sugarcane farming would occasion loss of the invested public funds instead of yielding success; **now therefore, this House resolves that**, the National Government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for development of sugarcane farming, incentivizing farmers to embrace sugarcane growing and to enhance cane production in each of the respective zones.

*(Hon. Peter Nabolindo, MP)*

### (ii) National sensitization and support for combating sickle cell and haemophilia diseases

**THAT**, aware that Article 43(1) of the Constitution entitles every person to the right to the highest attainable standard of health, which includes the right to health care services; **further aware that**, every year, an estimated 14,000 children born in Kenya suffer from sickle cell and haemophilia diseases, with the highest prevalence rate being within Western, Nyanza and Coastal Regions; **concerned that**, failure to undertake sickle

cell and haemophilia screening at birth hinders timely administration of appropriate treatment and other mitigation measures to forestall high infant mortality caused by preventable diseases like malaria; **cognizant that**, national population surveys does not include data on sickle cell and haemophilia diseases; **concerned that**, the dearth of data and information negatively hinders prioritization of resources and implementation of sickle cell disease management programs; **recognizing that**, the number infant deaths caused by the disease continues to grow as a result of underfunding due to lack of data on the number of cases of the killer disease; **now therefore**, this House **resolves** that the National Government, through the Ministry of Health, and in conjunction with county governments –

- a) conducts awareness and sensitization programmes on sickle cell and haemophilia diseases and supports research and training for medical personnel on the two diseases; and
- b) puts in place measures for mandatory screening of newborns sickle cell and haemophilia diseases in all public health facilities in the country in order to create a database to guide funding and other interventions aimed at curbing the diseases and reducing infant mortalities resulting from the diseases.

*(Hon. Peter Nabolindo, MP)*

(iii) Consideration of the Consolidated Fund Service Expenditures under the FY 2022/2023 Supplementary Budget Estimates

**THAT**, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Service Expenditures under the financial year 2022/2023 Supplementary Budget Estimates II, *laid on the Table of the House on Thursday, 29<sup>th</sup> June 2023*.

*(Chairperson, Public Debt & Privatization Committee)*

(iv) Consideration of the Draft Charter for the Open University of Kenya

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the draft Charter for the Open University of Kenya, *laid on the Table of the House on Thursday, 29<sup>th</sup> June, 2023*, and pursuant to the provisions of section 24(1) of the Universities Act, 2012, **approves** the award of Charter for the Open University of Kenya.

*(Chairperson, Committee on Delegated Legislation)*

**9. NOTICE OF MOTION – ADJOURNMENT OF THE HOUSE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING INCIDENCES OF INSECURITY IN LAMU COUNTY**

**10.**

Rising in his place pursuant to Standing Order 33, the Member for Nandi Hills (Hon. Benard Kitur. MP) sought leave to move the adjournment of the House for purposes of discussing a definite matter of urgent national importance regarding incidences of insecurity in Lamu County;

And there being not less than twenty other Members rising in their places in support of the adjournment Motion;

Thereupon the Speaker directed that the House adjourn at 5:30pm during the same sitting to discuss the matter.

**11. STATEMENTS**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, July 04, 2023.

**12. MOTION – RATIFICATION OF THE AMENDED NAIROBI CONVENTION AND THE PROTOCOL FOR THE PROTECTION OF MARINE AND COASTAL ENVIRONMENT OF THE WESTERN INDIAN OCEAN FROM LAND BASED SOURCES AND ACTIVITIES**

Motion made and Question proposed;

**THAT**, this House **adopts** the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities, *laid on the Table of the House on Thursday, 4<sup>th</sup> May 2023*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities*.

*(Chairperson, Departmental Committee on Environment, Forestry & Mining)*

Debate on the Motion having been concluded on Tuesday, 27<sup>th</sup> June 2023;

Question put and agreed to.

**13. MOTION – RATIFICATION OF THE KIGALI AMENDMENTS ON THE MONTREAL PROTOCOL ON THE SUBSTANCES THAT DEplete THE OZONE LAYER**

Motion made and Question proposed;

**THAT**, this House **adopts** the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the Kigali amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer, *laid on the Table of the House on Thursday, 4<sup>th</sup> May, 2023* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer*.

*(Chairperson, Departmental Committee on Environment, Forestry & Mining)*

Debate on the Motion having been concluded on Tuesday, 27<sup>th</sup> June 2023;

Question put and agreed to.

**14. 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, 15<sup>th</sup> February 2023 by varying the period for the Short Recess with respect to the Second Part of the Session so that —

- (a) the Short Recess commences on Friday, 7<sup>th</sup> July 2023 and ends on Monday, 24<sup>th</sup> July 2023; and
- (b) the House resumes Regular Sittings on Tuesday, 25<sup>th</sup> July 2023 to continue with the Second Part of the Session.

*(Leader the Majority Party)*

There being no debate arising;

Question put and agreed to.

**15. SPECIAL MOTION – CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS A MEMBER OF THE SALARIES AND REMUNERATION COMMISSION**

Order read;

Order deferred.

**16. SPECIAL MOTION – CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE COMMISSION ON REVENUE ALLOCATION**

Motion made and Question proposed;

**THAT**, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the vetting of a nominee for the appointment as a Chairperson of the Commission on Revenue Allocation, *laid on the Table of the House on Tuesday, 27th June 2023*, and pursuant to the provisions of Article 215(2)(a) of the Constitution and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **CPA Mary A.C. Wanyonyi** as a Chairperson of the Commission on Revenue Allocation.

*(Chairperson, Departmental Committee on Finance & National Planning)*

There being no debate arising;

Question put and agreed to.

**17. MOTION – RATIFICATION OF THE BAMAKO CONVENTION ON THE BAN OF THE IMPORTATION INTO AFRICA AND THE CONTROL OF TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTE WITHIN AFRICA**

Order read;

Order deferred.

**18. MOTION – CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NATIONAL PEACE SUPPORT OPERATIONS FUND) REGULATIONS, 2023**

Motion made and Question proposed;

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (National Peace Support Operations Fund) Regulations, 2023, *laid on the Table of the House on Wednesday, 21st June, 2023*, and pursuant to the provisions of section 24(4) of the Public Finance Management Act, 2012, **approves** the Public Finance Management (National Peace Support Operations Fund) Regulations, published as *Legal Notice No. 58 of 2023*.

*(Chairperson, Committee on Delegated Legislation)*

*(Change of Chair from Speaker to Deputy Speaker)*

Debate arising;

*(Change of Chair from Deputy Speaker to Third Chairperson of Committees)*

Rising in his place on a point of order pursuant to Standing Order 95, the Member for Roysambu (Hon. Augustine Mwafrika, MP) claimed to move that the Mover be called upon to reply;

The Chair acceded to the request;

Question that the Mover be called upon to reply put and agreed to;

Thereupon, the Deputy Majority Leader (Hon. Owen Baya, MP) replied on behalf of the Mover;

Question deferred.

**19. ADJOURNMENT MOTION ON A MATTER OF URGENT NATIONAL IMPORTANCE REGARDING INSECURITY IN LAMU COUNTY**

Motion made –

**THAT**, this House do now adjourn to discuss a definite matter of national importance regarding incidences of insecurity in Lamu County.

*(Hon. Bernard Kitur, MP)*

Debate arising;

Debate concluded.

And the time being one minute past Seven O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

**20. HOUSE ROSE** - at one minute past Seven O'clock,

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**M E M O R A N D U M**

The Speaker will take the Chair on Tuesday, July 04, 2023 at 2.30 p.m.

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