



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 13, 2024 AT 9.30 A.M. (MORNING SITTING)

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Deputy Speaker
4. **QUORUM AT COMMENCEMENT OF THE HOUSE**
There being no Quorum present at the commencement of the House, the Deputy Speaker ordered the Quorum Bell to be rung for ten minutes;

And, Quorum having been attained within ten minutes, the business commenced.

5. **MESSAGES**

The 6th Chairperson of Committees conveyed the following Message: -

Message from Senate on the Passage of the Affordable Housing Bill (National Assembly Bills No. 75 of 2023)

Honourable Members,

Pursuant to Standing Order 41(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from the Senate regarding the passage of the Affordable Housing Bill (National Assembly Bill No. 75 of 2023).

The Message conveys that, on Tuesday, 12th March 2024, the Senate considered and **passed** the Bill **with amendments**.

Honourable Members, you will recall that on Wednesday, 21st February 2024, the National Assembly considered and passed the Bill **with amendments**, following which the Speaker referred the Bill to the Senate for consideration pursuant to the provisions of Article 110(4) of the Constitution.

In this regard, the Message and the Schedule of amendments is hereby referred to the Departmental Committee on Finance & National Planning and the Departmental Committee on Housing, Urban Planning and Public Works to jointly consider and report to the House. I further direct the Clerk to circulate these amendments to all Members in accordance with Standing Order 145.

Honourable Members,

Noting the urgent nature of the Bill, I urge the two Committees to expeditiously consider the amendments to the Bill and submit a report to guide and enable the House conclude the next steps. Additionally, the Committees are encouraged to liaise with the sponsor of the Bill in processing the Senate amendments.

The House is accordingly guided,

I thank you!

6. PAPERS

The following papers were laid on the Table –

- a) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of -
 - (i) Railway Development Levy Fund (Holding Account) –State Department for Transport;
 - (ii) GCF Project Preparation Facility: “Devolved Climate Change Governance to strengthen resilience of communities in target counties” (Project No: KEN-PPF-010) - National Environment Management Authority;
 - (iii) Kenya Water Security and Climate Resilience Project (Grant No. TFOA0761A and Credit No. No.5268/5674-KE) – State Department for Water and Sanitation;
 - (iv) Kenya Rural Transformation Centres Digital Platform Project –Cooperative University of Kenya;
 - (v) Kenya Slum Upgrading Low-Cost Housing and Infrastructure Trust Fund – State Department for Housing and Urban Development; and
 - (vi) National Quality Control Laboratory.

(Deputy Leader of the Majority Party)

7. QUESTIONS

The following Questions were made to various Commissions –

- (i) Question No. 044/2024 by the Member for Kibwezi West (Hon. Mwengi Mutuse, OGW, MP) regarding delayed payment of compensation to residents whose land was compulsorily acquired for the construction of Kibwezi – Kitui Road and parking for lorries in Kibwezi Town in 2017.

(To be replied by the National Land Commission: before the Departmental Committee on Lands)

- (ii) Question No. 056/2024 by the Member for Mandera South (Hon. Abdul Haro, MP) regarding the circumstances that led to the delay in workmanship compensation of Mr. Mohamed Sheikh Ibrahim of ID No. 9566896 and TSC No. 274712 who was involved in a road accident on 27th December 1994 while on official duty.

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

8. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL NO. 5 OF 2023)

Motion Made and Question proposed –

THAT, the Cotton Industry Development Bill (Senate Bill No. 5 Of 2023) be now read a second time.

(The Hon. Mary Emaase, MP – Co-Sponsor 06.03.2024)

Debate on the Bill having been concluded;

Question put and agreed to.

9. THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)

(The Hon. Umulkher Harun Mohamed, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

10. THE WHISTLEBLOWER PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2023)

(The Hon. Irene Kasalu, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

11. COMMITTEE OF THE WHOLE HOUSE**Order for committee read;****IN THE COMMITTEE***(In the Chair - The Sixth Chairperson of Committees)***(i) The Land (Amendment) Bill (National Assembly Bill No. 40 of 2022)**Clause 3 - agreed to.Clause 2 - agreed to.Title - agreed to.Clause 1 - agreed to.Bill to be reported without amendments.**(ii) The Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bill No. 45 of 2022)**Clause 3 - amendment proposed –**THAT**, Clause 3 of the Bill be amended –

- (i) in the proposed new paragraph (ba), by deleting the words “persons with”;
- (ii) in the proposed new paragraph (bb), by deleting the word “treatment” and substituting therefor the words “the management”; and
- (iii) by inserting the following new paragraph immediately after the proposed new paragraph (bb) –

“(bc)to secure and regulate the use of e-health in cancer management and the provision of cancer diagnosis, treatment and rehabilitation services and other medical care related to cancer;”

(Vice Chairperson of the Departmental Committee on Health)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;Clause 3 - as amended agreed to.Clause 4 - amendment proposed;**THAT**, Clause 4 of the Bill be amended by deleting the proposed new subsection (3) and substituting therefor the following new subsection (3) –

“(3) The Institute shall collaborate with the national government, universities, colleges and the private sector to promote the training of oncology professionals”.

(Chairperson of the Departmental Committee on Health)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments;

(iii) The Penal Code (Amendment) Bill (National Assembly Bill No. 56 of 2022)

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported without amendments;

12. HOUSE RESUMED - Second Chairperson of Committees in the Chair

(i) The Land (Amendment) Bill (National Assembly Bill No. 40 of 2022)

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 Land (Amendment) Bill (National Assembly Bill No. 40 of 2022).

(The Hon. Simon King'ara, MP)

Rising in his place on a Point of Order pursuant to Standing Order 53(3) the Member for Ruiru (Hon. Simon King'ara, MP) requested that the putting of the Question be deferred to another day;

And the Second Chairperson of Committee having acceded to the request;

Thereupon, putting of the Question deferred.

(ii) **The Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bill No. 45 of 2022)**

Bill reported with 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 Cancer Prevention and Control (Amendment) (No.2) Bill (National Assembly Bill No. 45 of 2022).

(Hon. Abdul Rahim Dawood, MP)

Rising in his place on a Point of Order pursuant to Standing Order 53(3) the Deputy Majority Party Leader (Hon. Owen Baya, CBS, MP) requested that the putting of the Question be deferred to another day;

And the Second Chairperson of Committee having acceded to the request;

Thereupon, putting of the Question deferred.

(iii) **The Penal Code (Amendment) Bill (National Assembly Bill No. 56 of 2022)**

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 Penal Code (Amendment) Bill (National Assembly Bill No. 56 of 2022).

(Hon. David Gikaria, CBS, MP)

Rising in his place on a Point of Order pursuant to Standing Order 53(3) the Deputy Majority Party Leader (Hon. Owen Baya, CBS, MP) requested that the putting of the Question be deferred to another day;

And the Second Chairperson of Committee having acceded to the request;

Thereupon, putting of the Question deferred.

13. MOTION: 027/2023 – DEVELOPMENT OF A SATELLITE-BASED CLIMATE CHANGE MONITORING POLICY

Motion having been made and Question proposed –

THAT, aware that the Constitution recognizes the people's respect for the environment as the country's heritage and the commitment to sustaining the environment for future generations; further aware that the cyclic drought in the country has caused devastating effects and serious disruption to the economy; recognizing that climate change is a global problem with developing countries being the most affected as these regions are dependent on climate-sensitive sectors such as agriculture and forestry; further recognizing that the severe effects of climate change are already being experienced in the form of frequent droughts, flooding and other extreme weather occurrences; concerned that the current climate change monitoring mechanisms in the country are based on traditional methods which rely on ground observations and

climate models which have limitations in terms of accuracy, timeliness and spatial coverage; noting that the country recently launched its first operational satellite to collect and transmit high- quality data; further noting that this technology can help in accurately monitoring and forecasting climatic and weather patterns; cognizant of the fact that other jurisdictions have made use of this technology to monitor climate change with marked positive impacts; appreciating that the use of technology especially satellite technology would allow enhanced monitoring that can have significant impact on sustainable environmental management; further appreciating that this technology would be useful in monitoring difficult-to-reach, expansive and unsafe areas; now therefore, this House resolves that the Ministry of Environment, Climate Change & Forestry develops a policy on IT that deploys the use of satellites in the monitoring and forecasting of climatic conditions with the objective of ensuring timely and accurate data collection to enhance the country's capacity to respond to weather-related risks and vulnerabilities including climate change.

(The Hon. Abdul Haro, MP – 06.03.2024)

Debate interrupted on Wednesday, March 07, 2024 (Morning Sitting) resumed;

Mover replied;

Putting of the Question deferred pursuant to Standing Order 53(3).

14. MOTION: 019/2023 – POLICY FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES

Order for the Motion read;

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that, mental health is a key determinant of overall health and socio-economic development; recognizing that, the Constitution assigns to the national government the responsibility of matters of health policy; concerned that, according to the World Health Organization (WHO), mental and neurological disorders are common and about ten (10) percent of the global population suffer from at least one mental health disorder at any given time; concerned that, psychiatric units are only available in a few facilities in the country and patients requiring psychiatric services have limited or no access to these facilities; acknowledging that, access to healthcare facilities would lead to improved overall health, increased economic productivity, social equity and improved quality of life for all; now therefore, this House urges the National Government, through the Ministry of Health, to collaborate with County Governments to develop a policy integrating mental health services in all healthcare facilities in the country.

(The Hon. Mishi Mboko, MP)

Order deferred.

15. MOTION: 025/2023 – PROVIDING A SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES

Motion made and Question proposed –

THAT, aware that, Article 21(3) of the Constitution provides that all State Organs have the duty to address the needs of vulnerable groups within the society; further aware that the persons with severe disabilities cash transfer programme (PWSD-CT) is one of the four cash transfer programmes implemented by the government as part of the overall social protection interventions; noting that caregivers undertaking the immense responsibility of providing daily care and assistance to persons with severe disabilities (PWSD) are oftentimes the immediate family members of the PWSD; concerned that, this causes a disproportionate burden on these families as persons who would otherwise be engaged in gainful employment or other activities to provide for the families are limited by these immense responsibilities; further concerned that, this loss of income opportunities and resources exacerbates the challenges faced by these families; cognizant that, the government ought to take action to recognize the invaluable contributions of caregivers and support them in caring for individuals with severe disabilities; now therefore, this House resolves that the government, through the Ministry of Labour & Social Protection, recognizes primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for these primary caregivers.

(The Hon. Dorothy Ikiara, MP)

(Change of Chair from Second Chairperson to the Sixth Chairperson)

Debate arising;

And the time being One O' Clock, the Sixth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at One O'clock.

M E M O R A N D U M

The Speaker will take the Chair on,
Wednesday, March 13, 2024 at 02.30 p.m.

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