



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 17, 2024 AT 2.30 PM

1. The House assembled at Thirty Minutes past Two O'clock in the afternoon
2. The Proceedings were opened with Prayer
3. **Presiding** – The Honourable Speaker
4. **LACK OF QUORUM**
There being no Quorum present to commence business, the Honourable Speaker ordered that the Quorum Bell be rung for Ten minutes; and

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

5. **COMMUNICATION FROM THE CHAIR**

The Rt. Honourable Speaker issued the following Communication to the House

Resumption of Sittings for the Third Part of the Third Session

“Honourable Members, I wish to welcome you back to the House for the Third and last Part of the Third Session of the 13th Parliament. I note that the recess was a working break for most Committees, given the vetting of nominees proposed for appointment to various State offices and other priority matters that were referred to Committees before and during the recess period. Nevertheless, it is my hope that you managed to spend some valuable time with your families and constituents and are now rejuvenated and ready to tackle the business that lies ahead.

Honourable Members, as we resume our sittings, the House is expected to transact several priority business, some of which is already before Committees. These include consideration of nominees for appointment as Inspector-General of the National Police Service, and the Director-General of the Competition Authority, which have statutory timelines. Additionally, the House shall consider key Bills that are at various stages of consideration, including four (4) National Assembly Bills and two (2) Senate Bills that are currently under Mediation Stage. The Bills are—

- (a) the **Sugar Bill (National Assembly Bill No. 34 of 2022)**. With regard to this Bill, you will recall that on 1st August 2024, this House considered and rejected some of the Senate amendments to the Bill, necessitating mediation on the Bill. Consequently, I proceeded to appoint nine (9) Members to the Mediation Committee and designated the **Hon. Emmanuel Wangwe, CBS, MP**, who is also the sponsor of the Bill, as the Co-Chairperson. In reference

to this, I have since received communication from the Senate designating the following Senators to the Committee—

- (1) Sen. James Murango, MP;
- (2) Sen. Richard Onyonka, EBS, MP;
- (3) Sen. David Wafula, MP;
- (4) Sen. Catherine Mumma, MP;
- (5) Sen. Samson Cherarkey, MP;
- (6) Sen. Agnes Muthama, MP; and
- (7) Sen. Esther Okenyuri, MP.

Honourable Members, now that the Senate has appointed Members to the Mediation Committee, the Committee is fully constituted and should embark on attempting to develop a mediated version of the Bill in accordance with the provisions of Article 113 of the Constitution.

- (b) the **National Rating Bill (National Assembly Bill No. 55 of 2022)** is another Bill undergoing mediation process. The Bill was referred to a Mediation Committee that is co-chaired by the **Hon. Joash Nyamoko, MP**, the Chairperson of the Departmental Committee on Lands.
- (c) The third Bill under mediation is the **Water (Amendment) Bill (National Assembly Bill No. 33 of 2023)**. The Mediation committee is co-chaired by the **Hon. Kangogo Bowen, MP**, Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation.
- (d) the **Conflict-of-Interest Bill (National Assembly Bill No. 12 of 2023)** sponsored by the Leader of the Majority Party is another Bill awaiting mediation. The Bill was referred to a Mediation Committee that is co-chaired by the **Hon. George Murugara, CBS, MP**, Chairperson of the Departmental Committee on Justice and Legal Affairs.
- (e) **the Employment (Amendment) Bill (Senate Bill No. 11 of 2022)** which is sponsored by Sen. Samson Cherarkey, MP is the fifth Bill also awaiting to be processed through Mediation under Article 113 of the Constitution. The Bill was lost at Second Reading on 5th March 2024. It was referred to a Mediation Committee that is co-chaired by the **Hon. Eric Muchangi, MP**, Chairperson of the Departmental Committee on Labour.
- (f) **the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 2022)** which is sponsored by Sen. Danson Mungatana, MP, was lost at Second Reading on 12th March 2024, is also awaiting Mediation. It was referred to a Mediation Committee that is co-chaired by the **Hon. David Gikaria, CBS, MP**, Chairperson of the Departmental Committee on Environment, Forestry and Mining.

Honourable Members, Article 113 provides that a Mediation Committee must report back to both Houses with an agreed version of the Bill, or lack thereof, within thirty days of its establishment. I urge co-chairpersons and the mediation teams representing the House to expedite consideration of the six (6) Bills for their progression to the next stage. This will bring a timely conclusion to the bicameral processes relating to the Bills.

Further, **Hon. Members**, the House is expected to consider Senate amendments, if any, to three (3) Bills passed by the House before the recess, that are meant for financing of our counties. These are **the Division of Revenue (Amendment) Bill, 2024**, the **County Allocation of Revenue Bill, 2024** and the **County Government Additional Allocations Bill, 2024**.

On behalf of the Leadership of the House and indeed on my own behalf, may I reiterate our readiness and availability to support the House, its committees, and its Members, both individually and collectively, to discharge the great public duty bestowed on us. I therefore urge each one of you to diligently undertake your national duty, appreciating that your dedication to your constituents and the nation, is paramount.

Honourable Members, you may also recall that I had informed the House of the temporary suspension of the Question Time to afford the newly appointed Cabinet Secretaries time to familiarize themselves with their respective dockets. Noting the passage of time since the Cabinet Secretaries assumed their new responsibilities, and following consultations with the Leader of the Majority Party, I now wish to inform the House that we will resume Question Time starting tomorrow, Wednesday 18th September, 2024.

In this regard, and as indicated in the Notice of Questions in today's Order Paper, the Cabinet Secretary for Education is scheduled to appear in plenary tomorrow afternoon to respond to, among other matters, the progress in implementing the commitments made during the Member's *Kamukunji* held on Tuesday, 20th August 2024 regarding the *New Higher Education Funding Model*.

Additionally, the Cabinet Secretary shall also address other issues of concern in the education sector including incidents of school fires and unrest across the country, and the general safety of learners. Particular attention shall be paid to the tragic incident at the *Hillside Endarasha Academy* in Nyeri County, where we unfortunately lost twenty-one (21) learners. This incident represents a tragic loss to the nation and the House must be fully apprised of its cause and the remedial measures proposed to be taken by the Ministry. On behalf of the House and indeed on my own behalf, I wish to extend our deepest condolences to the affected families.

Having said that **Honourable Members**, May I therefore request that we all stand to observe a minute of silence in honour of the young departed souls. May their souls rest in eternal peace. I thank you!"

6. MESSAGES

The Rt. Honourable Speaker conveyed the following Message from the Senate

Approval of a Nominee for Appointment as the Inspector-General of the National Police Service

"Honourable Members, Pursuant to the provisions of Standing Order 41(4), I wish to report to the House that on 21st August 2024, I received a Message from the Senate

regarding the approval of **Mr. Douglas Kanja Kirocho** for appointment to the position of Inspector-General of the National Police Service.

Honourable Members, the Message conveys that the Senate, by a resolution passed on 20th August 2024, approved the appointment of **Mr. Douglas Kanja Kirocho** as the Inspector-General of the National Police Service.

Honourable Members, you will recall that the approval hearings for the nominee for Inspector-General of the National Police Service were conducted jointly by the relevant Committees of the two Houses of Parliament in line with established practice and in fulfilment of the provisions of Article 245(2)(a) of the Constitution.

Accordingly, the Departmental Committee on Administration and Internal Security is expected to table the Joint Report on the vetting of the nominee this afternoon. Consequently, the House Business Committee has scheduled the said Report for consideration by the House tomorrow, Wednesday, 18th September 2024, during the morning sitting. The House is accordingly guided! I thank you!"

7. **PAPERS**

The following Papers were laid on the Table of the House-

- (a) The following Legal Notices from the Ministry of Mining, Blue Economy and Maritime Affairs:
 - (i) Legal Notice No. 120 of 2024 relating to the Fisheries Management and Development (Safety and Quality) Regulations, 2024;
 - (ii) Legal Notice No. 121 of 2024 relating to the Fisheries Management and Development (Beach Management Units) Regulations, 2024;
 - (iii) Legal Notice No. 122 of 2024 relating to the Fisheries Management and Development (Inland Fisheries) Regulations, 2024;
 - (iv) Legal Notice No. 123 of 2024 relating to the Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024;
 - (v) Legal Notice No. 124 of 2024 relating to the Fisheries Management and Development (General) Regulations, 2024;
 - (vi) Legal Notice No. 125 of 2024 relating to the Fisheries Management and Development (Marine Fisheries) Regulations, 2024;
 - (vii) Legal Notice No. 126 of 2024 relating to the Fisheries Management and Development (Aquaculture) Regulations, 2024; and
 - (viii) Legal Notice No. 127 of 2024 relating to the Fisheries Management and Development (Recreational Fisheries) Regulations, 2024.
- (b) Legal Notice No. 130 of 2024 relating to the Pest Control Products (Registration) Regulations 2024 and the Explanatory Memorandum from Ministry of Agriculture and Livestock Development;
- (c) Legal Notice No. 131 of 2024 relating to the Kenya Defence Forces (Court Martials) (Appeals) Rules, 2024 and the Explanatory Memorandum from the Ministry of Defence;

- (d) The Proposed Budget Ceiling for Each Constituency for the Financial Year 2024/2025 from the National Government Constituencies Development Fund Board.
- (e) Reports of the Auditor-General and Financial Statements of the National Governments Constituencies Development Fund (NG-CDF) for the year ended 30th June, 2023 and the certificates therein in respect of the following Constituencies: -
- (i) Belgut;
 - (ii) Bomachoge Borabu;
 - (iii) Borabu;
 - (iv) Dagoretti North;
 - (v) Embakasi Central;
 - (vi) Embakasi East;
 - (vii) Embakasi North;
 - (viii) Embakasi South;
 - (ix) Embakasi West;
 - (x) Juja;
 - (xi) Kabete;
 - (xii) Kaloleni;
 - (xiii) Kiambu;
 - (xiv) Kikuyu;
 - (xv) Kirinyaga Central;
 - (xvi) Konoin;
 - (xvii) Kuria West;
 - (xviii) Langata;
 - (xix) Lari;
 - (xx) Makadara;
 - (xxi) Nyaribari Chache;
 - (xxii) Nyaribari Masaba;
 - (xxiii) Ruiru;
 - (xxiv) Sigowet/Soin;
 - (xxv) Wajir East; and
 - (xxvi) West Mugirango.

(Hon. Owen Baya, MP – Deputy Leader of the Majority Party)

- (f) Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations on the Vetting of Mr. Douglas Kanja Kirocho for appointment as the Inspector-General of the National Police Service.

(The Co-Chairperson, Joint Committee)

- (g) Report of the Departmental Committee on Trade, Industry and Cooperatives on the Budget Implementation Monitoring for the FY 2022/2023 for the following State Departments:
- (i) Vote 1173 – The State Department for Cooperatives;
 - (ii) Vote 1174 – The State Department for Trade;

- (iii) Vote 1175 – The State Department for Industry;
- (iv) Vote 1176 – The State Department for Micro, Small & Medium Enterprises Development; and
- (v) Vote 1177 – The State Department for Investment Promotion.

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

8. NOTICES OF MOTION

The following Notices of Motion were given –

(i) Adjournment of the House to discuss transition to the Competency Based Curriculum Transition

Pursuant to the provisions of Standing Order 33(1) (c), the Deputy Leader of the Minority Party (Hon. Robert Mbui, M.P.) sought leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent national importance regarding implementation of transition to the Competency Based Curriculum student.

And the Speaker being satisfied that the matter was definite, urgent and of national importance that may be raised on a Motion of adjournment of the House;

And more than twenty Members having risen in their places in support of the Motion;

Thereupon, the Speaker nominated 5.30pm as the time for adjournment of the House to discuss the matter.

(ii) Consideration of a nominee for appointment as the Inspector-General of the National Police Service

THAT, taking into consideration the findings of the Joint Committee on the National Assembly Departmental Committee on Administration and Internal Security and the Senate Standing Committee on National Security, Defence and Foreign Relations in its Report on the vetting of Mr. Douglas Kanja Kirocho for Appointment as Inspector-General of the National Police Service, *laid on the Table of the House on Tuesday, 17th September 2024*, and pursuant to the provisions of section 12(1) of the National Police Service Act, CAP 84 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of **Mr. Douglas Kanja Kirocho, CBS, OGW** as the Inspector-General of the National Police Service.

(Chairperson, Joint Committee)

(iii) Consideration of the Report on Budget Implementation Monitoring for the FY 2022/2023 for various State Departments;

THAT, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Cooperation on Budget Implementation Monitoring for FY 2022/2023 for the following State Departments, *laid on the Table of the House on Tuesday, 17th September 2024* –

- (i) Vote 1173 – The State Department for Cooperatives;
- (ii) Vote 1174 – The State Department for Trade;
- (iii) Vote 1175 – The State Department for Industry;
- (iv) Vote 1176 – The State Department for Micro, Small & Medium Enterprises Development; and
- (v) Vote 1177 – The State Department for Investment Promotion.

(Hon. Abdul Dawood, MP - Vice-Chairperson, Special Funds Accounts Committee)

9. STATEMENTS

- (a) Pursuant to the provisions of Standing Order 44(2)(c), the Member for Saboti (Hon. Caleb Hamisi, MP) requested for a Statement from the Chairperson, Departmental Committee on Transport and Infrastructure regarding upgrading of the road network in Saboti Constituency to bitumen standards;
- (b) Pursuant to the provisions of Standing Order 259(D)(2)(a), the following Statements were made—
 - (i) Statement by the Member Bomachoge Chache (Hon. Alfah Miruka, MP) regarding the demise of the former Member of Parliament for Bomachoge Chache, the late Hon. Simon Nyaundi Ogari; and
 - (ii) Statement by the Member for Jomvu (*Hon. Bady Twalib, MP*) regarding the untimely passing on of Hasmukh Patel commonly referred to as '*Hasu Patel of Mombasa Cement*', the owner of Mombasa Cement.

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 further alter its Calendar as adopted on 14th February 2024 and amended on 25th June, 26th June and 7th August 2024, in respect of the *Third Part of the Third Session (2024)* so as to—

- (i) commence the short recess on Friday, 18th October 2024; and
- (ii) resume regular sittings on Tuesday, 5th November 2024.

(The Leader of the Majority Party)

And there being no debate arising;

Question put and agreed to.

11. THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022)

Motion having been made and Question proposed—

THAT, the Mung Beans Bill (Senate Bill No. 13 of 2022) be now read a Second Time.

(The Hon. Paul Nzengu, M.P. – Co-sponsor – 14.8.2024)

Debate interrupted on Thursday, August 15, 2024 resumed;

And debate having been concluded;

Reply by the Mover deferred to Thursday, September 19, 2024.

12. THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

Motion made and Question proposed—

THAT, the Mung Beans Bill (Senate Bill No. 13 of 2022) be now read a Second Time

(The Leader of the Majority Party – Co-sponsor)

Debate arising;

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

(Change of Chair from the Deputy Speaker to the Fourth Chairperson of Committees)

And the time being 5.30 O'clock, the Fourth Chairperson interrupted debate to allow a Motion of adjournment of the House to discuss a definite matter of urgent national importance regarding the challenges facing the transitioning to the Competency based Curriculum (CBC).

13. ADJOURNMENT OF THE HOUSE ON A MATTER OF URGENT NATIONAL IMPORTANCE REGARDING IMPLEMENTATION OF TRANSITION TO THE COMPETENCY BASED CURRICULUM.

Motion

Debate interrupted by the fourth Chairperson;

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

14. HOUSE ROSE - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on

Wednesday, September 18, 2024 at 9.30 a.m.

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