



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 28, 2024 AT 9.30 A.M.

1. The House assembled at Thirty Minutes past Nine 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 to commence business, the Honourable Deputy Speaker ordered that the Quorum Bell be rung for ten minutes; and

And Quorum having not been attained after the expiration of the ten minutes, the Honourable Deputy Speaker directed that the bell be rung for a further five minute;

And Quorum having been attained, proceedings commenced.

5. PAPERS

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

- (a) Report of the Auditor-General and Financial Statements for the year ended 30th June, 2024 and the certificates therein in respect of: -
 - (i) Mombasa-Nairobi-Addis Ababa Road Corridor Project Phase III (Turbi-Moyale) No. P-ZI-DBO-095 Loan No. 21001500255546 – Kenya National Highways Authority;
 - (ii) Mombasa Gate Bridge Construction Project (1) Loan Agreement No. KE-P34 - Kenya National Highways Authority;
 - (iii) Nairobi Metropolitan Services Improvement Project (IDA Credit No.5102-KE) – State Department for Housing and Urban Development);
 - (iv) Samatar-Wajir Road Project Loan No. 13451P, 13/779 and 995 - Kenya National Highways Authority;
 - (v) National Urban Transport Improvement Project-IDA Credit No.5140-KE – Kenya Railways Corporation;
 - (vi) Horn of Africa Gateway Development Project Grant/Credit Number 6768-KE - State Department for Roads;
 - (vii) South Sudan Link Road Project (Ref: No. 2020 62 065 and BMZ NO. 2020 83 939 – Kenya National Highways Authority;
 - (viii) Bagamoyo-Horohoro Lunga Lunga-Malindi Road Project (Phase I) ID No: PZI-DBO-129 - Kenya National Highways Authority;

- (ix) Merille Marsabit Road Rehabilitation Project (KE/001/09) Loan Agreement No.KE/FED/2009/021-655 – Kenya National Highways Authority;
- (x) Nairobi - Thika Highway Improvement Project Lot III Government Concessional Loan Agreement No. (2009) 39 Total No. (290) – 1290003022009110585 - Kenya National Highways Authority;
- (xi) National Urban Transport Improvement Project-IDA Credit No.5140-KE – Kenya National Highways Authority;
- (xii) Nairobi-Thika Highway Improvement Project LOT I and II (Credit No.2100150015544) Project No. P-KE-DBO-018 – Kenya National Highways Authority;
- (xiii) Improvement of rural roads and market infrastructure in Western Kenya Project Credit No. BMZ 2007-65 123 (KFW) – Kenya Rural Roads Authority;
- (xiv) East Africa Trade and Transport Facilitation Project (IDA Credit No. 4148-KE) - Kenya National Highways Authority; and
- (xv) Arusha - Namanga-Athi River Road Development Project No. P-ZI-DBO-040 - Kenya National Highways Authority.

(The Majority Party Whip)

6. RE-ARRANGEMENT OF THE SEQUENCE OF BUSINESS

Pursuant to Standing Order 40(2), the Deputy Speaker reordered the sequence of proceedings for the House to first consider the following Orders before reverting to Order No. 7 (Questions and Statements)—

- (i) Order No. 8 (Report of the Committee of the whole House on Committee of the Whole House on its consideration of the Ethics and Anti-Corruption Commission Bill (National Assembly Bill No. 11 of 2024);
- (ii) Order no. 9 (Report of the Committee of the whole House on Committee of the Whole House on its consideration of the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024);
- (iii) Order No. 10 (Report of the Committee of the whole House on Committee of the Whole House on its consideration of the Kenya Revenue Authority (Amendment) (No. 2) Bill (National Assembly Bill No. 35 of 2024);
- (iv) Order No. 11 (Second Reading of the Public Finance Management (Amendment) (No. 3) Bill (National Assembly Bill No. 44 of 2024);
- (v) Order no 12 (Second Reading of the Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bill No. 45 of 2024);
- (vi) Order No. 13 (Second Reading of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 48 of 2024);
- (vii) Order No. 14 (Second Reading of the Unclaimed Financial Assets (Amendment) Bill (National Assembly Bill No. 15 of 2024); and,
- (viii) Order No. 15 (Second Reading of the Land Control Bill (National Assembly Bill No. 39 of 2023).

7. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE ETHICS AND ANTI-CORRUPTION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2024)**

Motion having been made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Ethics and Anti-Corruption Commission Bill (National Assembly Bill No. 11 of 2024).

(Leader of the Majority Party – 27.11.2024)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Ethics and Anti-Corruption Commission Bill (National Assembly Bill No. 11 of 2024).

(Leader of the Majority Party – 27.11.2024)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2024)**

Motion having been made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024).

(Leader of the Majority Party – 27.11.2024)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024).

(Leader of the Majority Party – 27.11.2024)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA REVENUE AUTHORITY (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2024)**

Motion having been made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Kenya Revenue Authority (Amendment) (No. 2) Bill (National Assembly Bill No. 35 of 2024).

(Leader of the Majority Party – 27.11.2024)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Kenya Revenue Authority (Amendment) (No. 2) Bill (National Assembly Bill No. 35 of 2024).

(Leader of the Majority Party – 27.11.2024)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

10. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 3) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2024)

Motion having been made and Question proposed –

THAT, the Public Finance Management (Amendment) (No. 3) Bill (National Assembly Bill No. 44 of 2024).

(Leader of the Majority Party – 27.11.2024)

Debate on the Motion having been concluded on Wednesday, November 27, 2024;

Mover having replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House, tomorrow.

11. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 4) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2024)

Motion having been made and Question proposed –

THAT, the Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bill No. 45 of 2024)

(Leader of the Majority Party – 27.11.2024)

Debate on the Motion having been concluded on Wednesday, 27th November 2024;

Mover having replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House, tomorrow.

12. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2024)

Motion having been made and Question proposed –

THAT, the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 48 of 2024)

(Chairperson, Departmental Committee on Finance & National Planning-27.11.2024)

Debate on the Motion having been concluded on Wednesday, November 27, 2024;

Mover having replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House, tomorrow.

13. THE UNCLAIMED FINANCIAL ASSETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2024)

Motion having been made and Question proposed –

THAT, the Unclaimed Financial Assets (Amendment) Bill (National Assembly Bill No. 15 of 2024)

(Leader of the Majority Party – 27.11.2024)

Debate on the Motion having been concluded on Wednesday, November 27, 2024;

Mover having replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House, tomorrow.

14. THE LAND CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2023)

Motion made and Question proposed –

THAT, the Land Control Bill (National Assembly Bill No. 39 of 2023)

(Hon. Wilberforce Oundo – 06.11.2024)

Debate on the Motion having been concluded on Wednesday, November 27, 2024;

Mover having replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House, tomorrow.

15. REQUESTS FOR STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to the provisions of Standing Order 44(2)(c)—

- (i) The Member for Tarbaj Constituency (Hon. Hussein Barre) requested for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the Security Situation in Shebtakurrow area in Tarbaj;
- (ii) The Member for Kiambu Constituency (Hon. Machua Waithaka) requested for a Statement from the Chairperson of the Departmental Committee on
- (iii)

Communication, Information, and Innovation regarding the Status of internet connectivity in ICT Hubs within Kiambu Constituency;

- (iv) The Member for Nandi Hills Constituency (Hon. Bernard Kitur) requested for a Statement from the Chairperson of the Departmental Committee on Health regarding illegal organ harvesting in Eldoret City;
- (v) The Member for Changamwe Constituency (Hon. Omar Mwinyi) requested for a Statement from the Chairperson of the Departmental Committee on Labour regarding grievances by employees of Ashton Apparel (EPZ) Limited; and
- (vi) The Member for Kuresoi South Constituency (Hon. Joseph Tonui) requested for a Statement from the Chairperson of the Departmental Committee on Labour regarding mistreatment of workers and unfair dismissal of employees at Kiptagich Tea Estate.

16. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Sixth Chairperson in the Chair

(i) The Public Finance Management (Amendment) (No. 3) Bill (National Assembly Bill No. 44 of 2024)

(The Leader of the Majority Party)

Clause 2 - amendment proposed—

THAT, Clause 2 of the Bill be amended in the proposed new section 186G (1) by deleting the words “the County Treasury” appearing immediately after the words “Controller of Budget;” and substituting therefor the words “the National Treasury”.

(Chairperson of the Departmental Committee on Finance and National Planning)

Question of the amendment proposed—

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

New Clause 1A & 1B - proposed—

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 1—

Amendment of section 94 of Cap. 412A. **1A.** Section 94 of the Public Finance Management Act is amended in subsection (1) (a) by inserting the following new subparagraph immediately after subparagraph (ii)—

“(iia) has persistently delayed or failed to remit employee salaries statutory deductions including taxes, pension, social health insurance and cooperative societies deductions;”

Amendment of section 109 of Cap. 412A. **1B.** Section 109 of the Public Finance Management Act is amended by inserting the following new subsections immediately after subsection (7)—

(7A) The Controller of Budget shall not approve any withdrawals from the County Revenue Fund if—

- (a) a county government has committed persistent material breach as defined in section 96 of this Act;
- (b) has persistently delayed or failed to remit statutory deductions including taxes, pension contributions, social health insurance, and cooperative societies deductions.

(7B) A county government shall, every quarter, submit the following additional documents to the Controller of Budget and the National Treasury—

- (a) a statement of statutory deductions status;
- (b) a statement on the county government’s progress in implementing the previous year’s plan for paying its outstanding statutory deductions;
- (c) a certification of payment of previous statutory deductions issued by the relevant statutory institutions; and
- (d) a statement of the county government’s plan for repaying the statutory deductions which shall be accompanied by an agreement signed by the relevant statutory institution accepting the repayment plan.

17. *(Chairperson of the Departmental Committee on Finance and National Planning)*

Motion made and Question proposed—

THAT, New Clauses 1A & 1B be now read a Second Time;

(Chairperson of the Departmental Committee on Finance and National Planning)

Debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Clauses 1A & 1B be part of the Bill;

(Chairperson of the Departmental Committee on Finance and National Planning)

Debate arising;

Question put and agreed to;

New Clauses 1A&1B - agreed to.

New Clause1A - **proposed—**

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 1—

Amendment of section 117 Cap. 412A is amended—

- 1A.** Section 117 of the Public Finance Management Act
- (a) in subsection (1) by deleting the expression “by the 28th February” appearing immediately after the words “county assembly,” and substituting therefor the expression “by the 7th March”;

(b) in subsection (6) by deleting the word “fourteen” appearing immediately after the words “not later than” and substituting therefor the word “twenty-one”.

(The Leader of the Majority Party)

Motion made and Question proposed—

THAT, New Clauses 1A be now read a Second Time;

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Clauses 1A be part of the Bill;

(The Leader of the Majority Party)

18. Debate arising;

Question put and agreed to;

New Clauses 1A - agreed to.

Long Title - **amendment proposed—**

THAT, the long title of the Bill be amended by inserting the words “the two levels of government pursuant to” immediately after the word “between”.

(Chairperson of the Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long Title - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(ii) **The Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bill No. 45 of 2024)**

(The Leader of the Majority Party)

Clause 2 - **amendment proposed—**

THAT, Clause 2 of the Bill be amended—

(a) in paragraph (a) the proposed new subsection (2C) by deleting the word “Act” and substituting therefor with the word “provision”; and

(b) in paragraph (b) in the proposed new subsection (2CA) by deleting the words “, not later than five years from the date of coming into force of this Act,”.

(Chairperson of the Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Clause 3 - **amendment proposed—**

THAT, Clause 3 of the Bill be amended—

(a) in paragraph (a)—

- (i) by deleting the words “paragraph (g)” and substituting therefor the words “paragraph (e)”;
- (ii) by renumbering the proposed new paragraph (h) as paragraph (ea);
- (iii) by renumbering the proposed new paragraph (i) as paragraph (eb);

(b) in paragraph (b) in the proposed new subsection (6)—

- (i) by deleting the words “subsection (1) (h)” appearing immediately after the words “contemplated under” and substituting therefor the words “subsection (1) (ea);
- (ii) by deleting the words “subsection (1) (h) appearing immediately after the words “commencement of” and substituting therefor the words “subsection (1) (ea).

19. *(Chairperson of the Departmental Committee on Finance and National Planning)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

New Clause 1A - **proposed—**

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 1—

Amendment
of section
25 of Cap.
412A

1A. Section 25 of the Public Finance Management Act is amended—

- (a) in subsection (7) by deleting the word “fourteen” appearing immediately after the words “not later than,” and substituting therefor the word “twenty-one”;
- (b) in subsection (9) by deleting the word “fifteen” appearing immediately after the words “not later than,” and substituting therefor the word “twenty-two”;

20. *(Leader of the Majority Party)*

Motion made and Question proposed;

THAT, New Clauses 1A be now read a Second Time;

(The Leader of the Majority Party)

21. Debate arising;

Question put and agreed to;

Motion made and Question proposed;

THAT, New Clauses 1A be part of the Bill;

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

New Clauses 1A - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(iii) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 48 of 2024)

Clause 3 - amendment proposed

THAT, Clause 3 of the Bill be amended in the proposed new subsection (4) by—

- a) deleting the word “under” appearing immediately after the word “doubt, except” and substituting therefor the word “where a”; and
- b) inserting the word “for” immediately after the word “provides”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 as amended - agreed to.

Clauses 4, 5, 6, 7 & 8 - agreed to.

Clause 9 - amendment proposed

THAT, Clause 9 of the Bill be amended—

- a) in paragraph (a) by deleting the proposed new subsection (4) and substituting therefor the following new subsection
“(4) A debarment under this section shall be for a specified period of time of not less than three years and not exceeding six years.”
- b) in paragraph (b) by deleting the expression “(5)” and substituting therefor the expression “(4A)”

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 as amended - agreed to.

Clause 10 - agreed to.

Clause 11 - amendment proposed

THAT, Clause 11 of the Bill be amended—

- a) in paragraph (a) in the proposed new subsection (6A) by deleting the words “less than” and substituting therefor the words “up to”;
- b) in paragraph (b) in the proposed new subsection 15—
 - (i) by inserting the words “exhibiting unfair competition” immediately after the word “A foreigner”;
 - (ii) by deleting the words “exhibiting unfair competition” appearing immediately after the words “as being Kenyan”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 as amended - agreed to.

Clauses 12, 13, 14, 15, 16 & 17 - agreed to.

Clause 18 - amendment proposed

THAT, Clause 18 of the Bill be amended in the proposed new subsection (1A) by deleting the word “Authority” and substituting therefor the words “accounting officer”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 as amended - agreed to.

Clauses 19 & 20 - agreed to.

Clause 21 - amendments proposed

THAT, Clause 21 of the Bill be amended—

- a) in the proposed new subsection (3) by deleting the word “Authority” and substituting therefor the words “accounting officer”;
- b) in the proposed new subsection (4) (b) by deleting the word “Authority” and substituting therefor the words “accounting officer”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 as amended - agreed to.

Clauses 22 & 23 - agreed to.

Clause 24 - amendment proposed

THAT, Clause 24 of the Bill be amended in paragraph (a) by deleting the expression “(7)(a)” and substituting therefore the expression “(8)(a)”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 as amended - agreed to.

Clause 25 - agreed to.

Clause 26 - amendment proposed

THAT, Clause 26 of the Bill be amended in paragraph (a) by deleting paragraph (ii).

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 as amended - agreed to.

Clause 27 - amendment proposed

THAT, Clause 27 of the Bill be amended in the proposed new section 177 in subsection (1)(a) (i) by deleting the words “not less than” appearing immediately after the words “a term of” and substituting therefor the words “not exceeding”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 as amended - agreed to.

Clause 2 - amendments proposed

THAT, Clause 2 of the Bill be amended—

a) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) in the definition of “asset” by inserting the words “or virtual or digital assets” immediately after the words “proprietary rights”;

b) in paragraph (b) by deleting the definition of “local firm” and substituting therefor the following new definition—

Cap. “Local firm” means a company incorporated in Kenya under 486. the Companies Act or any other written law whose shareholding is wholly owned by a Kenyan citizen.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 as amended - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

22. HOUSE RESUMED - Third Chairperson of Committees in the Chair

(i) The Public Finance Management (Amendment) (No. 3) Bill (National Assembly Bill No. 44 of 2024)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.

(Chairperson of the Departmental Committee on Finance & National Planning)

Question deferred.

(ii) The Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bill No. 45 of 2024)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.

(Chairperson of the Departmental Committee on Finance & National Planning)

Question deferred.

(iii) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 48 of 2024)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report.

(Chairperson of the Departmental Committee on Finance & National Planning)

Question deferred.

23. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2022)

Order for Second Reading read;

Motion made and question proposed—

THAT, the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 58 of 2022) be now read a Second Time.

(Hon. Joyce Kamene – 18.10.2024)

Debate interrupted on Friday, 18th October 2024 (Morning Sitting) resumed;

(No.110)

THURSDAY, NOVEMBER 28, 2024

(1168)

Debate arising;

Mover replied;

Question deferred.

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

24. HOUSE ROSE - at One O'clock

MEMORANDUM

The Speaker will take the Chair on,
Thursday, 28th November 2024 at 2.30 p.m.

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