



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, AUGUST 11, 2016 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. Statements

- 8\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON  
THE SENATE AMENDMENTS TO THE ENERGY BILL, 2015**  
(The Leader of the Majority Party)

**THAT**, the House do agree with the Report of the Committee of the whole House on the consideration of the Senate amendments to the Energy Bill (National Assembly Bill No. 50 of 2015).

*(Question to be put)*

- 9\*. **THE PUBLIC BENEFITS ORGANIZATIONS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 9 OF 2016)**  
(The Hon. Aghostinho Neto, M.P.)

Second Reading  
*(Question to be put)*

- 10\*. **THE BRIBERY BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2016)**  
(The Leader of the Majority Party)

Second Reading  
*(Mover to reply)*

- 11\*. **MOTION – THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)**  
(The Leader of the Majority Party)

**THAT**, the Senate Amendments to the Fisheries Management and Development Bill (National Assembly Bill No. 20 of 2015) be now considered.

- 12\*. **MOTION – THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**  
(The Hon. Priscilla Nyokabi, M.P.)

**THAT**, the Senate Amendments to the Access to Information Bill (National Assembly Bill No. 36 of 2015) be now considered.

- 13\*. **COMMITTEE OF THE WHOLE HOUSE**

**IN THE COMMITTEE**

- (i) Consideration of the Senate amendments to the Fisheries Management and Development Bill (National Assembly Bill No. 20 of 2014)  
(The Leader of the Majority Party)
- (ii) Consideration of the Senate amendments to the Access to Information Bill (National Assembly Bill No. 36 of 2015)  
(The Hon. Priscilla Nyokabi, M.P.)

- 14\*. **THE CIVIL AVIATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2016)**  
(The Leader of the Majority Party)

Second Reading

- 15\*. **MOTION – ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE GOVERNMENT OF KENYA ACCOUNTS FOR THE YEAR 2013/2014**  
(The Chairperson, Public Accounts Committee)

**THAT**, this House **adopts** the Report of the Public Accounts Committee on the Government of Kenya Accounts (Volume I and Volume II) for the year 2013/2014, laid on the Table of the House on Wednesday, June 22, 2016.

*(Resumption of debate interrupted on Wednesday, August 10, 2016 – Afternoon Sitting)*

**16\*. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**17\*. THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL  
(NATIONAL ASSEMBLY BILL NO. 39 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**18\*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2016)**

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Second Reading

**19\*. THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014).**

(The Chairperson, Departmental Committee on Education, Research and Technology)

Second Reading

**20\*. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL  
NO. 24 OF 2014)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

**21\*. THE NATIONAL YOUTH SERVICE BILL (SENATE BILL NO. 26 OF 2014)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

**22\*. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL  
NO. 23 OF 2014)**

(The Chairperson, Departmental Committee on Education, Research and Technology)

Second Reading

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**\* Denotes Orders of the Day**

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## **N O T I C E S**

### **I. SENATE AMENDMENTS TO THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

#### **CLAUSE 2**

##### **Senate Amendment**

**THAT**, clause 2 of the Bill be amended —

- (a) in the interpretation of the word “information” by inserting the words “or a private body” immediately after the words “public entity”
- (b) in the interpretation of the expression “personal information” by inserting the following new paragraph immediately after paragraph (g) —
  - (h) contact details of an individual.
- (c) in the interpretation of the expression “public record” by deleting the word “writing” appearing immediately after the words “includes any” and substituting therefor the words “record in written or any other form”.

#### **CLAUSE 3**

##### **Senate Amendment**

**THAT**, clause 3 of the Bill be amended —

- (a) in paragraph (b) by deleting the word “require” appearing at the beginning of the paragraph and substituting therefor the words “provide a framework for”;
- (b) in paragraph (c) by deleting the word “create” appearing at the beginning of the paragraph and substituting therefor the word “provide”;
- (c) in paragraph (d) by deleting the words “by public service and private service” appearing immediately after the words “information disclosure” and substituting therefor the words “by public entities and private bodies”; and

- (d) in paragraph (e) by deleting the word “release” appearing immediately after the words “persons who” and substituting therefor the word “disclose”.

**CLAUSE 4****Senate Amendment**

**THAT**, clause 4 of the Bill be amended by deleting sub clause (3) and substituting therefor the following new sub clause –

- (3) Access to information held by a public entity or a private body shall be provided expeditiously at a reasonable cost.

**CLAUSE 5****Senate Amendment**

**THAT**, clause 5(1) of the Bill be amended –

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph –
- (a) facilitate access to information held by such entity and which information may include –
- (b) in sub paragraph (vi) of paragraph (a) by deleting the words “any guidance used by it in relation to” appearing at the beginning of the sub paragraph and substituting therefor the words “guidelines used by the entity in”;
- (c) in sub paragraph (vii) of paragraph (a) by deleting the word “consulted” appearing immediately after the words “indexes to be” and substituting therefor the word “inspected”;
- (d) in paragraph (e) by deleting the word “means” appearing immediately after the words “other suitable” and substituting therefor the word “media”; and
- (e) in sub paragraph (iii) of paragraph (e) by inserting the word “service” immediately after the words “name of the”.

**CLAUSE 6****Senate Amendment**

**THAT**, clause 6 of the Bill be amended –

- (a) in paragraph (e) of sub clause (1) by deleting the words “infringe on the” appearing at the beginning of the paragraph and substituting therefor the words “substantially prejudice the”; and

- (b) by inserting the following new paragraphs immediately after paragraph (g) of sub clause (2) —
- (h) information between the national and county governments deemed to be injurious to the conduct of affairs of the two levels of government;
  - (i) cabinet deliberations and records;
  - (j) information that should be provided to a State organ, independent office or a constitutional commission when conducting investigations, examinations, audits or reviews in the performance of its functions;
  - (k) information that is referred to as classified information in the Kenya Defence Forces Act; and
  - (l) any other information whose unauthorized disclosure would prejudice national security.

**CLAUSE 8****Senate Amendment**

**THAT**, clause 8 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clauses —

- (2) Where an applicant is unable to make a written request for access to information in accordance with subsection (1) because of illiteracy or disability, the information officer shall take the necessary steps to ensure that the applicant makes a request in a manner that meets their needs.
- (2A) The information officer shall reduce to writing, in a prescribed form the request under made subsection (2) and the information officer shall then furnish the applicant with a copy of the written request.

**CLAUSE 9****Senate Amendment**

**THAT**, clause 9 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clauses —

- (2) Where the information sought concerns the life or liberty of a person, the information officer shall provide the information within forty-eight hours of the receipt of the application.

(2A) The information officer to whom a request is made under subsection (2) may extend the period for response on a single occasion for a period of not more than fourteen days if –

(a) the request is for a large amount of information or requires a search through a large amount of information and meeting the stipulated time would unreasonably interfere with the activities of the information holder; or

(b) consultations are necessary so as to comply with the request and the consultations cannot be reasonably completed within the stipulated time.

#### **CLAUSE 10**

##### **Senate Amendment**

**THAT**, clause 10 of the Bill be amended in clause (3) by deleting the words “fifteen days” appearing immediately after the words “application within” and substituting therefor the words “twenty-one days”.

#### **CLAUSE 11**

##### **Senate Amendment**

**THAT**, clause 11(1) of the Bill be amended in paragraph (e) by inserting the words “if any” immediately after the words “the payment”.

#### **CLAUSE 14**

##### **Senate Amendment**

**THAT**, clause 14 of the Bill be amended in sub clause (1) by deleting paragraph (f) and substituting therefor the following new paragraph –

(f) a decision relating to the remission of a prescribed application fee;

#### **CLAUSE 16**

##### **Senate Amendment**

**THAT**, clause 16 of the Bill be amended –

(a) in sub clause (3) by deleting the words “the he or she” appearing immediately after the words “(1) or (2) where” and substituting therefor the words “such person”; and

(b) in sub clause (4) by deleting the words “the other” appearing immediately after the words “to injure” and substituting therefor the word “another”.

**CLAUSE 23****Senate Amendment**

**THAT**, clause 23 of the Bill be amended in sub clause (8) by deleting the words “relevant private body or” appearing immediately after the words ”public entity” and substituting therefor the words “or the relevant”.

**CLAUSE 26****Senate Amendment**

**THAT**, clause 26 of the Bill be amended –

- (a) in sub clause (1) by deleting the words “to the National Assembly” appearing immediately after the words “annual report” and substituting therefor the words “to Parliament”; and
- (b) in sub clause (3) by deleting the words “the National Assembly” appearing immediately after the words “Commission before” and substituting therefor the words “Parliament”.

**CLAUSE 28****Senate Amendment**

**THAT**, clause 28 of the Bill be amended in sub clause (7) by deleting the words “under the Public Procurement and Disposal Act or any Act replacing that Act” appearing immediately after the words “with government” and substituting therefor the words “under the laws relating to matters of procurement and disposal.”.

**THE SCHEDULE****Senate Amendment**

**THAT**, the schedule be amended –

- (a) in paragraph 1(2) by deleting the words “Kenya Archives” appearing immediately after the words “the expression” and substituting therefor the words “Kenya National Archives”;
- (b) in paragraph 2(2) by deleting the words “of the Freedom of Information Act 2012” appearing immediately after the words “section 6”;
- (c) in paragraph 3(2) by deleting the words “of the Freedom of Information Act, 2012” appearing immediately after the words “section 6”.



## **II. SENATE AMENDMENTS TO THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

### **CLAUSE 10**

#### **Senate Amendment**

**THAT**, clause 10 of the Bill be amended in subclause (1) by deleting the words “and the Director of the Service” appearing immediately after the words “the Director-General” in paragraph (g).

### **CLAUSE 33**

#### **Senate Amendment**

**THAT**, clause 33 of the Bill be amended in subclause (2) by inserting the words “collaborate with the Director-General in the management of fisheries and shall, for this purpose” immediately after the words “each county shall”.

### **CLAUSE 35**

#### **Senate Amendment**

**THAT**, clause 35 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph –

- (b) take into account any recommendations that may be made by the Director-General with respect to the plan.

### **CLAUSE 36**

#### **Senate Amendment**

**THAT**, clause 36 of the Bill be amended by –

- (a) deleting subclause (3);
- (b) deleting subclause (4).

**CLAUSE 37****Senate Amendment**

**THAT**, clause 37 of the Bill be amended –

- (a) in subclause (1) by deleting the words “governing the administration of beach management units” appearing immediately after the words “make regulations” and substituting therefor the words “setting out standards for the management of beach management units established by the county governments”.
- (b) in subclause (2) by –
  - (i) deleting paragraph (b) and substituting therefor the following new paragraph –
    - (b) minimum standards in the general administration of the beach management units;
  - (ii) deleting paragraph (c);
  - (iii) deleting paragraph (d) and substituting therefor the following new paragraph –
    - (d) standards to be adhered to by beach management units in imposing levies and charges and the management and utilization of such funds;
  - (iv) deleting paragraph (e) and substituting therefor the following new paragraph –
    - (e) such other standards which the Cabinet Secretary may consider necessary for the effective administration and management of the beach management unit;

**CLAUSE 39****Senate Amendment**

**THAT**, clause 39 of the Bill be amended –

- (a) in the introductory clause of subclause (1) by inserting the words “in consultation with the Council of Governors and” immediately after the words “the Board may”; and
- (b) in the introductory clause of subclause (2) by inserting the words “in consultation with the relevant county governments” immediately after the words “Director-General shall”.

**CLAUSE 84****Senate Amendment**

**THAT**, clause 84 of the Bill be amended –

(a) in subclause (1) by –

- (i) deleting paragraph (d);
- (ii) deleting paragraph (e).

(b) by inserting the following new subclause immediately after subclause (1) –

(1A) The respective county governments shall be responsible for issuing licences with respect to –

(a) using any vessel for recreational fishing in the Kenya fishery waters;  
and

(b) operating a fish processing establishment within the respective county.

(1B) The Cabinet Secretary shall prescribe the standards for the registration of vessels and grant, renewal and revocation of licences by a county government under subclause (1A).

(1C) Each County Government may enact county specific legislation setting out the –

(a) criteria for the registration of a vessel and issuance of a licence to an applicant for a licence under subsection (1A);

(b) information required to be submitted by an applicant for registration or issuance of a licence;

(c) process of determination of an application;

(d) conditions for the issuance or renewal of a licence under this Act;

(e) grounds for the rejection of an application or cancellation of a licence issued under this Act;

(f) process of application for the renewal of licences, de-registration of a vessel and revocation of a licence issued to an applicant by the county government; and

(g) appointment of inspectors or such other authorised officers to carry out such inspections as the county executive committee member responsible for fisheries may consider necessary for the implementation of this Act.

**CLAUSE 85****Senate Amendment**

**THAT**, clause 85 of the Bill be amended in subclause (1) by inserting the words “to the respective county government” immediately after the words “shall require to apply”.

**CLAUSE 87****Senate Amendment**

**THAT**, clause 87 of the Bill be amended in subclause (4) by inserting the words “county executive committee member responsible for fisheries in the respective county in consultation with” immediately after the words “effect unless the”.

**CLAUSE 104****Senate Amendment**

**THAT**, clause 104 of the Bill be amended in subclause (2) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the words “county executive committee member”.

**CLAUSE 112****Senate Amendment**

**THAT**, clause 112 of the Bill be amended –

- (a) in subclause (1) by –
  - (i) inserting the words “respective county executive committee member responsible for fisheries may, in consultation with” immediately after the words “quantity as the” in paragraph (a);
  - (ii) deleting the words “Director-General” appearing immediately after the words “notified to the” in paragraph (c) and substituting therefor the words “respective county executive committee member responsible for fisheries”
- (b) in subclause (2) by deleting the word “authorized officer or inspector” appearing immediately after the words “request of an” and substituting therefor the words “officer or inspector authorized to carry out an inspection by the county executive committee member responsible for fisheries”.

**CLAUSE 114****Senate Amendment**

**THAT**, clause 114 of the Bill be amended in –

- (a) subclause (1) by inserting the words “or the county executive committee member responsible for fisheries, as the case may be” immediately after the words “the Director-General”;

- (b) subclause (4) by inserting the words “or the county executive committee member responsible for fisheries, as the case may be” immediately after the words “the Director-General”;

**CLAUSE 200****Senate Amendment**

**THAT**, clause 200 of the Bill be amended by deleting paragraph (f).

**CLAUSE 201****Senate Amendment**

**THAT**, clause 201 of the Bill be amended –

- (a) by inserting the following new paragraph immediately after paragraph (e) –

- (ea) one person, who has knowledge and experience in matters relating to fisheries, nominated by the Council of Governors;

- (b) in paragraph (h) by –

- (i) deleting the word “five” appearing at the beginning of the introductory clause and substituting therefor the word “four”;
- (ii) deleting the word “three” appearing at the beginning of subparagraph (ii) and substituting therefor the word “two”.

The House resolved on Wednesday, February 10, 2016 as follows:-

- III. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, 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 (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- IV. THAT**, notwithstanding the provisions of Standing Order 97(4), 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.
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# **NOTICE PAPER**

## **Tentative business for**

**Tuesday, August 16, 2016**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Tuesday, August 16, 2016:-

A. **THE CIVIL AVIATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2016)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, August 11, 2016)*

B. **MOTION - ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE GOVERNMENT OF KENYA ACCOUNTS FOR THE YEAR 2013/2014**

(The Chairperson, Public Accounts Committee)

*(If not concluded on Thursday, August 11, 2016)*

C. **THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, August 11, 2016)*

D. **MOTION - ADOPTION OF THE REPORT ON THE INQUIRY INTO ALLEGATIONS OF FRAUD AND FINANCIAL MISMANAGEMENT AT THE YOUTH ENTERPRISE DEVELOPMENT FUND**

(The Chairperson, Public Investments Committee)

E. **THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, August 11, 2016)*

- F. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2016)**  
(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Second Reading  
(If not concluded on Thursday, August 11, 2016)

- G. **MOTION - ADOPTION OF THE TWENTIETH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**  
(The Chairperson, Public Investments Committee)

(If not concluded on Thursday, August 11, 2016)

- H. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)**  
(The Leader of the Majority Party)

Second Reading

- I. **MOTION – RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF THE UNITED KINGDOM CONCERNING DEFENCE COOPERATION**  
(The Chairperson, Departmental Committee on Defence and Foreign Relations)

(Resumption of debate interrupted on Tuesday, July 19, 2016)

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# **APPENDIX**

## **PETITIONS to be reported on**

**Thursday, August 11, 2016**

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It is notified that, pursuant to the provisions of Standing Order 227, the following Petitions will be reported on **today, Thursday, August 11, 2016:-**

<b>NO.</b>	<b>PETITION TO BE REPORTED BY</b>	<b>SUBJECT</b>	<b>PETITIONER(S)</b>
<b>001</b>	Chairperson, Departmental Committee on Environment and Natural Resources	Damage caused by dumping of soil in Ngong River near Lunga Lunga Village and St. Elizabeth Primary School	Residents of Lunga Lunga Village and St. Elizabeth Primary School community, Nairobi County
<b>002</b>	Chairperson, Departmental Committee on Natural Resources	Human –wildlife conflict in Meru County	Residents of Meru County

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