



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, AUGUST 16, 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 FISHERIES MANAGEMENT AND DEVELOPMENT 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 Fisheries Management and Development Bill (National Assembly Bill No. 20 of 2015).

(Question to be put)

- 9*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO ACCESS TO INFORMATION BILL, 2015**
(The Hon. Priscilla Nyokabi, M.P.)

THAT, the House do agree with the Report of the Committee of the whole House on the consideration of the Senate amendments to the Access to Information Bill (National Assembly Bill No. 36 of 2015).

(Question to be put)

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, August 11, 2016)

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

(The Leader of the Majority Party)

Second Reading

12*. 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)

13*. THE UNIVERSITIES (AMENDMENT) (NATIONAL ASSEMBLY BILL NO. 67 OF 2015)

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

15*. THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

16*. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

17*. 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)

THAT, this House **adopts** the Report of the Public Investments Committee on the Inquiry into allegations of Fraud and Financial Mismanagement at the Youth Enterprise Development Fund, laid on the Table of the House on Wednesday, May 04, 2016.

18*. MOTION – ADOPTION OF THE TWENTIETH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Twentieth Report of the Public Investments Committee on the Accounts of State Corporations, laid on the Table of the House on Thursday December 03, 2015.

19*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)

(The Leader of the Majority Party)

Second Reading

20*. MOTION - RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation, laid on the Table of the House on Wednesday, 6th July, 2016, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation.

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

*** Denotes Orders of the Day**

N O T I C E S

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

- I. **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.
- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.
- III. **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** 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.

NOTICE PAPER I

Tentative business for

Wednesday (Morning), August 17, 2016

(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 Wednesday (Morning), August 17, 2016:-

A. THE BIOMEDICAL ENGINEERS BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)

(The Hon. Stephen M. Mule, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, February 10, 2016 – Morning Sitting)
(Balance of time – 1 hour 22 minutes)*

B. THE KENYATTA MAUSOLEUM BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2016)

(The Hon. Muthomi Njuki, M.P.)

Second Reading

C. MOTION – DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS

(The Hon. Geoffrey Odanga, M.P.)

*(Resumption of debate interrupted on Wednesday, August 10, 2016 – Morning Sitting)
(Balance of time – 2 hours)*

D. MOTION – FREE ISSUANCE OF KENYA POLICE MEDICAL EXAMINATION (P3) FORMS

(The Hon. Omar Mwinyi, M.P.)

E. MOTION – SUPPORT FOR YOUTH INNOVATION BY THE GOVERNMENT

(The Hon. Isaac Mwaura, M.P.)

F. MOTION – ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE MATTERS RELATING TO GMOs

(The Hon. (Dr.) Wilber Ottichilo, M.P.)

G. MOTION – RECRUITMENT OF SCHOOL BURSARS TO ENSURE PRUDENT UTILIZATION/MANAGEMENT OF FREE PRIMARY EDUCATION FUNDS

(The Hon. James Lusweti, M.P.)

**H. MOTION – FORMULATION OF A POLICY TO GUARANTEE CAREER
ADVANCEMENT, PROMOTIONS AND SECURITY OF TENURE FOR
PUBLIC SERVANTS**

(The Hon. Joyce Emanikor, M.P.)

**I. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 7 OF 2016)**

(The Hon. Mithika Linturi, M.P.)

Second Reading

**J. THE KENYA UWEZO FUND BILL (NATIONAL ASSEMBLY BILL NO. 65
OF 2015)**

(The Hon. David Kangogo, M.P.)

Second Reading

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), August 17, 2016

(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 Wednesday (Afternoon), August 17, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Kenya Roads Bill (National Assembly Bill No. 26 of 2015)
(The Leader of the Majority Party)
- (ii) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015)
(The Leader of the Majority Party)

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

Second Reading

C. 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 Tuesday, August 16, 2016)

D. 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 Tuesday, August 16, 2016)

E. THE UNIVERSITIES (AMENDMENT (NATIONAL ASSEMBLY BILL NO. 67
OF 2015)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, August 16, 2016)

F. 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 Tuesday, August 16, 2016)

- G. **THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**
(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

- H. **THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)**
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

(If not concluded on Tuesday, August 16, 2016)

- I. **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)

(If not concluded on Tuesday, August 16, 2016)

- J. **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 Tuesday, August 16, 2016)

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

(If not concluded on Tuesday, August 16, 2016)

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

Second Reading

(If not concluded on Tuesday, August 16, 2016)

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

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

NOTICE PAPER III

Status of Business before Committees

Wednesday (Afternoon) August 17, 2016

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of *Wednesday, August 17, 2016 (Afternoon)*, the Chairpersons of the following Committees will be called upon to apprise the House on the Status of the Business pending before their respective Committees:-

- A. Departmental Committee on Finance, Planning and Trade
- B. Departmental Committee on Health

APPENDIX I

PETITIONS to be presented on

Tuesday, August 16, 2016

It is notified that, pursuant to Standing Orders 225, the following Petitions will be presented to the House **today Tuesday, August 16, 2016:-**

NO.	PETITION TO BE PRESENTED BY	SUBJECT	PETITIONER(S)
001	The Member for Ruiru (The Hon. Esther Gathogo, M.P.) <i>Pursuant to Standing Order 225(2)(b).</i>	Alleged unlawful interdiction of one Ephraim Kamuhu Wambugu by the Teachers Service Commission	One Ephraim Kamuhu Wambugu
002	The Member for Mwingi North (The Hon. John Munuve, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Alleged brutal murder of the late Cosmas Mutunga at the Kenyatta National Hospital	Family of the late Cosmas Mutunga and residents of Mwingi North Constituency

APPENDIX II

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, August 16, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Health; Agriculture, Livestock and Fisheries; and Water and Irrigation* will appear before the following Departmental Committees on Tuesday, August 02, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Health	<i>Cabinet Secretary for Health</i>	10.00 am – 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Agriculture, Livestock and Cooperatives	<i>Cabinet Secretary for Agriculture, Livestock and Fisheries</i>	10.00 am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Environment and Natural Resources	<i>Cabinet Secretary for Water and Irrigation</i>	11.30am – 12.30pm	<i>The Mini Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

AGENDA

(Published pursuant to Standing Order 170E (2))

1. Prayers
2. Communication from the Chairperson(s)

I. Questions under the Departmental Committee on Health

Questions to the Cabinet Secretary for Health

- (i) **Question No. 036/2016 by the Member for Matungulu (The Hon. Stephen Mule, M.P.):**

Could the Cabinet Secretary inform the Committee whether the Ministry is aware that the Global Vaccine Alliance Organization (GAVI) has frozen its cash-based support to Kenya for purchase of vaccines since 2010 due to unanswered audit queries on funds previously

disbursed; why the Ministry has not been preparing the audit reports and financial statements for Kenya's Immunization Support Services (ISS) grant and Health System Strengthening 1(HSS1) grant programmes; why the Ministry has not been providing financial statements to GAVI responding to the audit queries raised on the grants; what remedies has the Ministry made after the loss of the \$34 million funding from GAVI for these two programmes, including providing the timelines and reports on the proposed remedies; and provide information on the status of the funds still unaccounted for under the ISS and HSS1 programmes?

(ii) Question No. 038/2016 by the Member for Mukurweini (The Hon. Kabando wa Kabando, M.P.):

Considering that Article 43 of the Constitution provides that *“every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; a person shall not be denied emergency medical treatment; and that the State shall provide appropriate social security to persons who are unable to support themselves and their dependents”*, could the Cabinet Secretary inform the Committee, what measures are being taken to increase accessibility and affordability to quality healthcare to all Kenyans through the National Health Insurance Fund?

(iii) Question No. 039/2016 by the Member for Kirinyaga Central (The Hon. Joseph Gitari, M.P.):

Could the Cabinet Secretary inform the Committee on the amount of funds set aside for the construction of an ultra-modern teaching, research and referral hospital at the Kenya Medical Research Institute (KEMRI)'s precincts in Kirinyaga County; state the grounds by which KEMRI's Assistant Director for Human Resources at Kirinyaga, Ms. Anne Wang'ombe of Personal No. 22045, was dismissed from her post, clarify whether the matter has been investigated, and further enlighten Members on measures, if any, that have been put in place to ensure that her Constitutional rights have not been violated nor have labour laws been flouted?

(iv) Question No.075/2016 by the Member for Molo (The Hon. Jacob Macharia, M.P.):

Could the Cabinet Secretary explain to the Committee the reason why the Ministry has not taken over the management of the Mkolombozi and Mchorwe Dispensaries including the doctors' quarters in both dispensaries despite completion of construction by the Molo Constituencies Development Fund; why the Ministry has not made the Children's ward and Maternity wings of the Molo Level 4 Hospital since its construction 4 years ago; and why the mortuary's cold room is not functional?

(v) Question No.076/2016 by the Member for Homa Bay (The Hon. Peter Kaluma, MP):

Considering that the population of Homa Bay County has increased exponentially to over one million people traversing an area of 3,154.7 km²; and further in view of the fact that this

development continues to put great strain on the few medical facilities in the region thereby compromising the quality of healthcare, could the Cabinet Secretary inform Honourable Members on the timelines for elevating Homa Bay County Referral Hospital into a Level 5 Hospital?

II. Questions under the Departmental Committee on Agriculture, Livestock and Cooperatives

Questions to the Cabinet Secretary for Agriculture, Livestock and Fisheries

(i) Question No.074/2016 by the Member for Wajir South (The Hon. Abdullayi Diriye, M.P.):

Considering that the government has put in place measures to mitigate losses incurred by cattle owners in Northern Kenya; could the Cabinet Secretary apprise the Committee on the amount of money that was allocated and disbursed to the Kenya Meat Commission during the 2014/2015 financial year; the number of cattle and amount of money used to purchase cattle from cattle owners during the 2014/2015 financial year; and clarify allegations that about Kshs.400 Million budgeted for purchasing of cattle from farmers during the 2014/2015 financial year was misappropriated?

(ii) Question No.082/2016 by the Member for Bomet Central (The Hon. Ronald K. Tonui, M.P.):

Considering that H.E. the President recently gave a directive for the waiver of all taxes in the tea sector, could the Cabinet Secretary, list the specific taxes that have been waived from the tea sector; state the amount of tax waived per kilogram of tea and the amount by which tea farmers will benefit as a result of this waiver; state the eventual increase in the price of a kilogram of tea, both processed and unprocessed; and outline measures to ensure that the new fuel levies imposed under the 2016/2017 Budget do not wipe off the tea tax waiver, thus making the waiver of no substantial net effect?

(iii) Question No.083/2016 by the Member for Manyatta (The Hon. John Muchiri Nyaga, M.P.):

Considering that Kithimu Horticultural Market in Manyatta Constituency of Embu County was earmarked for construction through the Smallholder Horticulture Marketing Programme (SHOMaP) under the Ministry of Agriculture,, Livestock and Fisheries with a view to improving farm productivity and enhanced incomes from fruits, vegetables and grain, the latter of which is a predominant crop in the region; could the Cabinet Secretary apprise the Committee on reasons behind the stalling of the market's construction; state the timelines within which construction shall resume inclusive of the anticipated completion date; and further aver that the longterm benefits of the market to Manyatta farmers shall include improved farm productivity as well as enhanced quality and consumption of fruits, vegetables and grains as envisaged under the SHOMaP Programme?

III. Questions under the Departmental Committee on Environment and Natural Resources

Questions to the Cabinet Secretary for Water and Irrigation

(i) Question No. 041/2016 by the Member for Kajiado County (The Hon. Mary Seneta, M.P.):

Considering that Kitengela Town is one of the fastest growing urban areas in East and Central Africa, could the Cabinet Secretary explain to the Committee the reasons why the town does not have any registered Water Services Provider long after the enactment of the Water Act 2002; state the actions that have been taken against public officers, including the Chief Executive Officer of Tanathi Water Services Board, who ignored a directive by H.E. the President to establish a Water Service Provider in Kitengela Town in 2014; and further apprise the Committee on timelines within which this institution shall be set up in Kitengela?

(ii) Question No.091/2016 by the Member for Machakos County (The Hon Susan Musyoka, MP):

Considering that Yatta farrow in Yatta Constituency is a key source of water and livelihood for over 100,000 people in Yatta and that over the last few years there have been prolonged closures of the farrow for desilting works funded by African Development Bank, disrupting the supply of water to thousands of households resulting in scarcity of water; could the Cabinet Secretary inform the Committee when the works will be completed; and plans, if any, to allow some reasonable water distribution on a weekly basis through the canal to the affected areas even as the work is on-going?

(iii) Question No.092/2016 by the Member for Bura (The Hon. Ali Wario, M.P.):

Considering that the Government initiated the Bura Irrigation and Settlement Scheme Rehabilitation Project aimed at enhancing the standard of living of the inhabitants of Bura and resettling about 2500 farming families in the said area through the rehabilitation of irrigation and agricultural drainage systems (i.e. Bura Gravity Project), and additional rehabilitation of infrastructure of about 5500 hectares on the west bank of the River Tana; further in view of the fact that the project consists of remedial and emergency works, construction of new gravity intake with its related structures, construction of a supply canal, rehabilitation of the existing main canal and the irrigation and drainage network as well as the rehabilitation of field roads; and in light of the fact that the Project commenced in 2013, could the Cabinet Secretary state the total cost of the Bura Gravity Project and provide Progress Status Report indicating the timelines involved considering that the delayed completion of the Project has led to the loss of lives and livestock?
