



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

TUESDAY OCTOBER 27, 2015 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 - THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2014)
(The Leader of the Majority Party)

THAT, the House do agree with the Report of the Committee of the whole House on its Consideration of the Senate Amendments to the Mining Bill (National Assembly Bill No.9 of 2014).

(Question to be put)

9*. COMMITTEE OF THE WHOLE HOUSE

Consideration of the Presidential Memorandum on the Excise Duty Bill (National Assembly Bill No. 28 of 2015)
(The Leader of the Majority Party)

10. THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**
(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, October 22, 2015)

11*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2015)
(The Leader of the Majority Party)

Second Reading

- 12*. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)
(The Leader of the Majority Party)

Second Reading

- 13*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)
(The Leader of the Majority Party)

Second Reading

- 14**. THE PROTECTION OF TRADITIONAL KNOWLEDGE AND
TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY
BILL NO. 48 OF 2015)
(The Leader of the Majority Party)

Second Reading

- 15**. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL
ASSEMBLY BILL NO. 49 OF 2015)
(The Leader of the Majority Party)

Second Reading

* Denotes Orders of the Day

**Denotes Bill with Constitutional Timeline

NOTICES

I. THE EXCISE DUTY BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2015)

PRESIDENT'S RECOMMENDATION:

1. **Amendments recommended by H. E. the President to the Excise Duty Bill (National Assembly Bill No. 28 of 2015)**

FIRST SCHEDULE

THAT, Part I of paragraph 1 of the First Schedule be amended by –

- (i) inserting the following items and the corresponding rate of excise immediately before the item on “Food supplements” as follows:-

Fruit juices (including grape must), and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.	Shs. 10 per litre
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- (ii) deleting the items relating to cigarettes appearing immediately after the item on “catridge for use in electronic cigarettes” and substituting therefor the following item and the corresponding rate of excise duty:

Cigarettes containing tobacco or tobacco substitutes	Shs. 2500 per mille
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- (iii) deleting the item relating to “Motor vehicles of tariff heading 87.02, 87.03 and 87.04” and the corresponding rates of excise duty and substituting therefor the following:

Motor vehicles of tariff heading 87.02, 87.03 and 87.04	Less than three years old from the date of first registration Kshs. 150,000 per unit
	Over three years old from the date of first registration Kshs. 200,000 per unit

- (iv) inserting the following item and its corresponding rate of excise duty immediately before the item referring to “Plastic shopping bags”:

Motor cycles of tariff 87.11 other than motor cycles ambulances	Shs. 10,000 per unit.
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2. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade intends to move the following amendments to the recommendations contained in the Presidential Memorandum on the Excise Duty Bill, 2015 at the Committee Stage—

- (i) Part I of Paragraph 1 of the First Schedule: *Fruit juices and corresponding rate of excise duty-*

THAT, the recommendation by H.E the President to insert a new item in Part I of Paragraph 1 of the First Schedule, relating to *Fruit juices (including grape must), and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter and corresponding rate of excise duty*, be deleted

(The Speaker has determined the proposed amendment as having the effect of negating the President's Reservations and two-thirds majority of Members is required for its passage)

- (ii) Part I of Paragraph 1 of the First Schedule: *Cigarettes and corresponding rate of excise duty-*

THAT, the proposed recommendation by H.E the President on Part I of Paragraph 1 of the First Schedule relating to *cigarettes and corresponding rate of excise duty* be **further** amended by deleting the proposed item and corresponding rates of excise duty and substituting therefor the following —

Plain cigarettes or plain cigarettes and soft cap cigarettes with ex-factory price of up to Kshs.4,000	Kshs.1,500 per mille
Soft Cap cigarettes and Hinge lid cigarettes with ex-factory price exceeding Kshs.4,000	Kshs.2,500 per mille

(The Speaker has determined the proposed amendment as having the effect of negating the President's Reservations and two-thirds majority of Members is required for its passage)

- (iii) Part I of Paragraph 1 of the First Schedule: *Motor Vehicles and corresponding rate of excise duty-*

THAT, the proposed recommendation by H.E the President to amend Part I of Paragraph 1 of the First Schedule relating to *Motor Vehicles of tariff heading 87.02, 87.03 and 87.04 and corresponding rate of excise duty* be deleted

(The Speaker has determined the proposed amendment as having the effect of negating the President's Reservations and two-thirds majority of Members is required for its passage)

- (iv) Part I of Paragraph 1 of the First Schedule: *Motor Cycles and corresponding rate of excise duty-*

THAT, the proposed recommendation by H.E the President to amend Part I of Paragraph 1 of the First Schedule relating to *Motor cycles of tariff 87.11 other than motor cycles ambulances and corresponding rate of excise duty*, be deleted

(The Speaker has determined the proposed amendment as having the effect of negating the President's Reservations and two-thirds majority of Members is required for its passage)

The House resolved on Wednesday, February 11, 2015 as follows:-

- II. 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 shall 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 any **Motion**, including a Special motion shall 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.
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NOTICE PAPER I

Tentative business for

Wednesday (Morning) October 28, 2015

(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), October 28, 2015:-

A. **THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO.60 OF 2015)**

(The Hon. Adan Keynan, M.P.)

First Reading

B. **THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

(The Hon. Priscilla Nyokabi, M.P.)

Second Reading

C. **THE BIOMEDICAL ENGINEERS BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2015)**

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

Second Reading

D. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2014)**

(The Hon. Adan Keynan, M.P.)

Second Reading

E. **MOTION - FIREARMS TRACKING AND REGISTRATION SYSTEM**

(The Hon. (Dr.) Victor Munyaka, M.P.)

(Resumption of debate interrupted on Wednesday, July 29, 2015 - Morning Sitting)

(Balance of time - 2hr 30 mins)

F. **MOTION- DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(The Hon. William Cheptumo, M.P.)

G. **MOTION - DEVELOPMENT OF A NATIONAL CURRICULUM FOR EMERGENCY TRAINING OF MEDICAL PERSONNEL**

(The Hon. Dr. Susan Musyoka, M.P.)

H. **MOTION- ENGAGEMENT OF THE NATIONAL YOUTH SERVICE IN CONSTRUCTION OF DAMS**

(The Hon. Joe M. Mutambu, M.P.)

NOTICE PAPER II

Status of Business before Committees

Wednesday (Afternoon) October 28, 2015

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of *Wednesday October 28, 2015 (Afternoon)*, the Chairpersons of the following Committees will be called upon to appraise the House on the Status of the Business pending before their respective Committees-

- A. The Departmental Committee on Defence and Foreign Relations
- B. The Departmental Committee on Education, Research and Technology
- C. The Departmental Committee on Energy, Communication and Information

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, October 27, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for *Education, Science and Technology; Environment, Water and Natural Resources; and the National Treasury* will appear before the following Departmental Committees on Tuesday, October 27, 2015 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Departmental Committee on Education, Research and Technology	<i>Cabinet Secretary Education, Science and Technology</i>	10.00 - 11.30 am	<i>The Mini Chamber, County Hall</i>
(ii) Departmental Committee on Environment and Natural Resources	<i>Cabinet Secretary for Environment, Water and Natural Resources</i>	10.00 am – 11.15 am	<i>The National Assembly Chamber</i>
(iii) Departmental Committee on Finance, Planning and Trade	<i>Cabinet Secretary for the National Treasury</i>	11.15am - 12.30 pm	<i>The National Assembly Chamber</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 Education, Research and Technology

Questions to the Cabinet Secretary for Education, Science and Technology:

- (i) **Question No. 065/2015 by the Member for Sirisia Constituency (The Hon. John Waluke Koyi, M.P.):**

Could the Cabinet Secretary inform the Committee the criteria used to appoint and promote academic staff at the University of Eldoret; address the allegations that ethnicity is a factor as seen by lecturers seeking support of local politicians for promotions which led to the recent violent

protests by students and the local community leading to the closure of the institution; address the allegations that the chaos targeted persons from non-local ethnic communities leading to the ejection of Vice Chancellor from office; confirm whether due process was followed in the recent appointments; and table names of candidates interviewed and appointed as well as their positions and remuneration?

(ii) Question No. 107/2015 by the Member for Kesses Constituency (The Hon. James Kimaru Bett, M.P.):

Considering that a number of learning institutions in Garissa County including Garissa University, Garissa Medical Training Institute, Garissa Technical Training Institute failed to re-open following the April 2015 terrorist attack, could the Cabinet Secretary apprise Members on whether the situation on the ground provides guarantee for resumption of learning without endangering the lives of students and tutors; the rationale behind Garissa University inviting students to report back despite the current security concerns in the area; the measures in place to secure both the students and the institutions; and plans, if any, to transfer students from the said institutions particularly those from Kesses Constituency bearing in mind that most of them are still traumatized by the terrorist attack which claimed the lives of their colleagues?

(iii) Question No. 108/2015 by the Member for Ndhiwa Constituency (The Hon. Agostinho Neto, M.P.):

Could the Cabinet Secretary apprise the Committee on the number of times that Kenya Certificate of Secondary Education (KCSE) results for Obera Boys Secondary School and Magina Girls Secondary School in Ndhiwa Constituency have been withheld over the past five years; the reasons behind the withholding decisions; measures, if any, either disciplinary or otherwise that have been taken against those found culpable; and measures that have been taken to remedy and secure the rights of the boys and girls who have been constantly been affected by the situation?

(iv) Question No. 109/2015 by the Member for Eldama Ravine Constituency (The Hon. Moses K. Lessonet, M.P.):

Could the Cabinet Secretary apprise the Committee on the general deployment policy of the Teachers Service Commission, and in particular, explain to the Members the reasons behind the continued discrimination against schools in Eldama Ravine Constituency when it comes to deployment of teachers; further enlighten the Committee on why Schools in the Constituency have fewer TSC teachers compared to other parts of Baringo County which have smaller population sizes and some of whose schools have been in operation for less than four years as shown in the following analysis:

Within Eldama Ravine Constituency		
<i>School Name</i>	<i>Number of Teachers</i>	<i>Year Started</i>
Timboroa Secondary School	3 Teachers	1977
Sabatia Secondary School	5 Teachers	1978
Sigoro Secondary School	4 Teachers	1987
Kiplombe Secondary School	6 Teachers	1987
Tolmo Secondary School	5 Teachers	2007
Poror High School	15 Teachers	1980
Kabimoi High School	22 Teachers	1977
Outside Eldama Ravine Constituency, but within Baringo County		
<i>School Name</i>	<i>Number of Teachers</i>	<i>Year Started</i>
Lombokishu Secondary School	8 Teachers	2011

Kipngorom Girls Secondary School	6 Teachers	2011
Mogotio Girls High School	28 Teachers	xxxx

(v) Question No. 110/2015 by the Member for Garissa County (The Hon. Shukran Hussein Gure, M.P.):

Could the Cabinet Secretary explain to Members the reasons behind the indefinite closure of public learning institutions in Garissa County including the Kenya Medical Training College (KMTTC) and the North Eastern Provincial Technical College, and provide timelines within which the institutions shall be reopened?

(vi) Question No. 111/2015 by the Member for Kandara Constituency (The Hon. Alice Wahome, M.P.):

Could the Cabinet Secretary apprise the Committee on whether County Governments have authority to convert public primary schools into boarding primary schools, and more so without feasible sustainability programs in place and indeed without authority from the Ministry of Education, Science and Technology; and in particular confirm to Members whether he is aware that the County Government of Murang'a is converting two primary schools per sub-county (constituency) in Murang'a County into public boarding schools including Gakarara and Githunguri Primary Schools in Kandara Constituency; and the policies, if any, that address such conversions; measures the Ministry has in place to either prevent or sustain these conversions?

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

Questions to the Cabinet Secretary for Environment, Water and Natural Resources:

(i) Question No. 071/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.)

Could the Cabinet Secretary inform the Committee whether an Environmental Impact Assessment (EIA) was undertaken and approved by the National Environmental Management Authority (NEMA) for the construction of the Standard Gauge Railway (SGR) from Mombasa to Nairobi, the mitigation measures to be undertaken in ensuring that the construction of the railway through Tsavo East and Tsavo West National Parks will not impact negatively on the environment; movement and survival of wildlife; and the mechanisms, both short and long-term that have been put in place to evaluate the success or failure of the proposed mitigation measures?

(ii) Question No. 072/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary table before the Committee the current implementation status report of the Lake Victoria Environmental Management Programme funded by the World Bank, showing projects that have been implemented, their total costs, location, environmental impact, impact on human welfare, whether respective stakeholders and leaders were fully involved in their identification and implementation, and the projects planned for the near future?

(iii) Question No. 073/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary inform the Committee on the programmes and activities that the Ministry has put in place to implement the National Climate Change Action Plan that was launched

in 2013, the number of programmes and activities being mainstreamed at the County level, the avenues being pursued by the Ministry in involving the key stakeholders in the formulation and development of national proposals and positions towards the preparation of Global Climate Change Agreement that will be negotiated and approved in Paris, France during the 21st Conference of Parties of the UN Framework on Climate Change Convention in November/ December 2015?

(iv) Question No. 114/2015 by the Member for Galole Constituency (The Hon. Hassan Dukicha, M.P.):

Considering that Article 132(1)(h) of the Constitution envisages equity and diversity in the representation of Kenya's communities in public appointments, could the Cabinet Secretary explain to Members whether the recruitment of Kenya Wildlife Services (KWS) rangers in Tana River in the recently concluded recruitment exercise was equitable; and further apprise Members on the actions the Ministry is undertaking to ensure equity in such appointments in Tana River.

(v) Question No. 115/2015 by the Member for Turkana North Constituency (The Hon. Christopher Nakuleu, M.P.):

Could the Cabinet Secretary apprise Members on measures being pursued by the Ministry towards sustainable water security for arid and semi-arid regions of the country, and in particular, confirm the timeline by which the water pans and boreholes that were allocated to Turkana North Constituency in the 2013/2014 Budget will be completed considering that the procurement process had already been initiated through regional authorities of Kerio Valley Development Authority and Rift Valley Water Service Board (RVWSB); explain what occasioned the two-year delay in the completion of these projects; and inform the Committee on the alternative ways of timely execution and completion of essential projects within the shortest time possible in the face of the current lengthy and bureaucratic procurement procedures?

(vi) Question No. 116/2015 by the Member for Embakasi North Constituency (The Hon. James Mwangi Gakuya, M.P.):

Could the Cabinet Secretary provide an update of the status of Nairobi River and the new park between Kijabe and Kipande Roads; information on the ownership of the land on which the park is situated, the status of the rehabilitation project including the satisfaction of the relevant Ministry with the work done; and further apprise Members on whether procurement procedures were followed in the acquisition of project materials including tree seedlings; and highlight the plans, if any, being pursued by the Ministry in permanently employing the people working as casual labourers under the project?

III. Questions under the Departmental Committee on Finance, Planning and Trade

Questions to the Cabinet Secretary for the National Treasury:

(i) Question No. 039/2015 by the Member for Makadara Constituency (The Hon. Benson Mutura, M.P.):

Could the Cabinet Secretary inform the Committee what steps the Government is taking to ensure that the economic interests of Kenyan investors in South Sudan affected by the non-convertibility of the South Sudan currency are restored and in particular explain the measures the Kenyan and South Sudanese Governments are taking to help convert the cash already accumulated by Jetlinkin Juba and subsequently enable the airline, which had already grounded its fleet, to resume operations?

(ii) Question No. 040/2015 by the Member for Westlands Constituency (The Hon. Timothy Wanyonyi, M.P.):

Could the Cabinet Secretary inform the Committee the current status of unclaimed financial assets in the country, and in particular, apprise Members on why the Unclaimed Financial Assets Authority has allegedly neglected its supreme mandate of ensuring that all asset holders make all reasonable efforts to locate and notify owners of their assets as provided for in the Unclaimed Financial Assets Act 2011 thereby causing untold suffering to families of owners of unclaimed assets who continue to wallow in poverty oblivious of the assets due to them; whether or not the Authority has published a list in a medium accessible to most people including the families of owners of unclaimed financial assets to enable them trace them; actions taken so far by both the Authority and the Ministry at informing families/ beneficiaries of unclaimed financial assets whose owners are either deceased or cannot be traced; measures in place to compel and ensure that all asset holders of unclaimed financial assets inform the Authority of the said assets, and punitive action being meted against non-compliance by asset holders?

(iii) Question Nos. 051/2015 and 055/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary apprise the Committee on the current status of Fresh Produce Markets that were under the Economic Stimulus Programme during the 2012/2013 financial year, how much has been spent on them, the completion rate, the operational status, timelines for finishing the incomplete ones, and action to be taken against those who were responsible for the supervision and construction of the incomplete Markets?

(iv) Question No. 052/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary acquaint Members on the current status of Jua Kali Sheds (Constituency Industrial Development Centres) that were under the Economic Stimulus Programme during the 2012/2013 financial year, how much has been spent on them, the completion rate, the equipping and operational status, timelines for finishing the incomplete ones, action to be taken against those who were responsible for the supervision and construction of the incomplete Sheds, and the procedure to be used in allocating them to prospective renters?

(v) Question No. 055/2015 by the Member for Mvita Constituency (The Hon. Abdullswamad Shariff Nassir, M.P.):

Could the Cabinet Secretary apprise the Committee on the current status of the Economic Stimulus Programme (ESP), and in particular, inform Members whether the funds allocated are still available, the timelines for completing all projects under the programme, whether an audit was carried out to verify that the projects were actually implemented, and the current status of individuals who were hired under this Programme?
