



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, AUGUST 04, 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*. THE TRANSFER OF PRISONERS BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2014)

(The Leader of the Majority Party)

Third Reading

(Question to be put)

9*. MOTION - RATIFICATION OF THREE EAST AFRICAN PROTOCOLS ON DEFENCE MATTERS

(The Chairperson, Committee on Defence and Foreign Relations)

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on a Protocol, Pact and Agreement relating to Defence Affairs, laid on the Table of the House on Tuesday, 7th July, 2015; and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of:-

- (i) The East African Community Protocol on Cooperation in Defence Affairs;
- (ii) The Mutual Defence Pact between the Republic of Kenya, Uganda and Rwanda; and
- (iii) The Agreement on the Establishment of the Eastern Africa Standby Force.

(Question to be put)

10*. MOTION - RATIFICATION OF BILATERAL AIR SERVICES AGREEMENTS

(The Chairperson, Departmental Committee on Transport, Public Works & Housing)

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works & Housing on its consideration of the Bilateral Air Services agreements between the Government of the Republic of Kenya and the Governments of the Republics of Ghana and Niger, laid on the Table of the House on Thursday, 18th June 2015, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Bilateral Air Services agreements between the Government of the Republic of Kenya and the Governments of the Republics of Ghana and Niger.

(Question to be put)

11*. MOTION - REPORT ON THE HIRE OF AN AIRCRAFT FOR THE DEPUTY PRESIDENT FOR A TOUR OF FOUR AFRICAN NATIONS IN MAY, 2013

(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on the Hire of an Aircraft for the Deputy President for a Tour of Four African Nations in May, 2013, laid on the Table of the House on Wednesday, 23rd April, 2014.

(Question to be put)

12*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 3 OF 2013

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

THAT, this House adopts Sessional Paper No. 3 of 2013 on the National Productivity Policy, laid on the Table of the House on Wednesday, July 17, 2013.

(Question to be put)

13*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2013

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

THAT, this House adopts Sessional Paper No. 4 of 2013 on the Employment Policy and Strategy for Kenya, laid on the Table of the House on Tuesday, September 17, 2013.

(Question to be put)

14*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 9 OF 2013

(The Chairperson, Joint Committee on National Cohesion and Equal Opportunity)

THAT, this House adopts Sessional Paper No. 9 of 2013 on the National Cohesion and Integration, laid on the Table of the House on Thursday, July 31, 2014.

(Question to be put)

15*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2014

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

THAT, this House adopts Sessional Paper No. 2 of 2014 on the National Social Protection Policy, laid on the Table of the House on Tuesday, June 17, 2014.

16*. THE INSOLVENCY BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2015)

(The Leader of the Majority Party)

Second Reading

17*. THE COMPANIES AND INSOLVENCY LEGISLATION (CONSEQUENTIAL AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2015)

(The Leader of the Majority Party)

Second Reading

18*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2014

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

THAT, this House adopts Sessional Paper No. 4 of 2014 on the Governance, Justice, Law and Order Sector (GJLOS) Policy, laid on the Table of the House on Thursday, February 12, 2015.

19*. MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 5 OF 2014

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

THAT, this House adopts Sessional Paper No. 5 of 2014 on the National Policy for Peacebuilding and Conflict Management, laid on the Table of the House on Thursday, July 31, 2014.

20*. THE SPECIAL ECONOMIC ZONES BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2015)

The Leader of the Majority Party

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

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

- I. **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.
- 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**, pursuant to the provisions of Standing Order 97(1), and notwithstanding the resolution of the House of February 11, 2015, each speech in a debate on a **Sessional Paper during the current Part of the Session** shall be limited as follows: a maximum of sixty minutes (60) minutes with not more than ten (10) minutes for the Mover in moving and five (five) minutes in replying, and a maximum of five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER

Tentative business for

Wednesday (Morning), August 05, 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), August 05, 2015:-

A. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 01 OF 2015)

(The Hon. David O. Ochieng, M.P.)

Second Reading

B. THE CONSTITUTION OF KENYA (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 02 OF 2015)

(The Hon. George Kaluma, M.P.)

Second Reading

C. 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)*

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

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

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

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

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

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

G. MOTION - IMPLEMENTATION OF FLEXIBLE WORK POLICIES

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

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, August 04, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Transport and Infrastructure; Health; and Land, Housing and Urban Development; will appear before the following Departmental Committees on Tuesday, August 04, 2015 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Transport, Public works and Housing	<i>Transport and Infrastructure</i>	10.00 - 11.30 am	<i>The Mini Chamber, County Hall</i>
(ii) Health	<i>Cabinet Secretary for Health</i>	11.30 am – 12.30pm	<i>The Mini Chamber, County Hall</i>
(iii) Lands	<i>Cabinet Secretary for Land, Housing and Urban Development</i>	10.00am - 11.30 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 Transport, Public Works and Housing

Questions to the Cabinet Secretary for Transport and Infrastructure

- (i) **Question by Private Notice, No. PVT/ 02/2015 by the Member for Kikuyu Constituency (The Hon. Kimani Ichung'wah, M.P.):**-

Considering that Article 236(b) of the Constitution provides that a public officer shall not be dismissed, removed from office, demoted in rank or otherwise subjected to disciplinary action without due process of law, could the Cabinet Secretary inform the Committee whether he is aware that some staff of the Kenya Airports Authority (KAA) were

suspended without following the due process contrary to the above provisions; whether the Ministry is aware that the move is likely to expose the Government to unnecessary litigation; and the measures the Ministry has taken to address the same?

- (ii) **Question Nos. 023/2015 and Question No. 029/2015 by the Member for Embakasi South Constituency (The Hon. Irshadali M. Sumra, M.P. and the Member for Mbooni Constituency (The Hon. Kisoi Munyao, M.P.) respectively:-**

Could the Cabinet Secretary inform the Committee on measures in place to ensure that road contractors complete their works within the scheduled timelines, and in particular acquaint Members on reasons behind the delayed completion of **Outering Road(Embakasi)** despite the long and continuous presence of the contractor at the site, and measures taken to ensure employment of local residents by the road contractors, and Secondly, the reasons for the stalling of the tarmacking of **Tawa-Kikima-Kyambalasi Road (Mbooni)**; the plans put in place by the Ministry to ensure the speedy completion of the said road and the expected date of completion of the same?

- (iii) **Question No. 024/2015 by the Member for Embakasi South Constituency (The Hon. Irshadali M. Sumra, M.P.):**

Could the Cabinet Secretary inform the Committee on the plans in place, if any, to re-open roads that are currently closed around the Jomo Kenyatta International Airport (JKIA), in particular, sections of the Airport North Road from the Taj Mall Junction to the JKIA that were closed allegedly for security reasons and which have been causing huge inconveniences to Embakasi residents and the expected timelines for the re-opening.

- (iv) **Question No. 025/2015 by the Member for Embakasi South Constituency (The Hon. Irshadali M. Sumra, M.P.):**

Could the Cabinet Secretary inform the Committee on plans in place to enhance pedestrians' safety through the construction of footbridges, and in particular, brief Members on plans, if any to construct footbridges between City Cabanas and the Taj Mall Junction, at Imara Daima Area and at the Embakasi Junction?

- (v) **Question No. 026/2015 by the Member for Kibra Constituency (The Hon. Ken Okoth, M.P.):**

Could the Cabinet Secretary inform the Committee the mechanisms in place to enhance the welfare of staff in agencies under the Ministry of Transport and Infrastructure, and in particular, the steps being undertaken by the Government to safeguard the Kenya Railways Pension Scheme beneficiaries from irregular and fraudulent disposal, leasing and allocation of their property?

(vi) Question No. 089/2015 by the Member for AlegoUsonga Constituency (The Hon. George W.M. Omondi, M.P.):

Considering that construction works on the section just before Rangala bridge to Rangala along the Rangala-Siaya-Bondo Road (C28/D246) has stalled yet a contract was awarded to upgrade it to bitumen standard, could the Cabinet Secretary inform the Committee on the scope of works covered in the tender; reasons for the inordinate delay in completion of this section; whether this delay has resulted in accrual of interest on the contract sum; who is to bear the cost of offsetting such interest without unjustly burdening taxpayers; and the definite date when construction of the said section of the said road is expected to commence?

II. Questions under the Departmental Committee on Health

Questions to the Cabinet Secretary for Health

(i) Question by Private Notice No. PVT/09/15 by the Member for Marakwet East Constituency (The Hon. Kangogo Bowen, M.P.):

Considering that Section 6 of the Kenya Medical Training College Act, 1990 places the duty of admission of students to KMTCs under an Academic Board constituted by the Act under the Ministry of Health and that the Universities Act, 2012 created the Kenya Universities and Colleges Central Placement Service which has been selecting students for admission to different universities and colleges including KMTCs contrary to the KMTC Act, could the Cabinet Secretary inform the Committee the measures being taken by the Ministry to end the confusion among students and college management as a result of the double placement of students to Kenya Medical Training College as these are two bodies performing the same function; and the role of the KMTC Academic Board in respect of admission of students to Certificate and Diploma courses in view of the new arrangement given that the KMTC Act, 1990 was not repealed under Part X of the Universities Act, 2012?

(ii) Question No. 164/2015 by the Member for Sirisia Constituency (The Hon. John Waluke Koyi, M.P.):

Could the Cabinet Secretary inform the Committee what policy is in place to regulate the importation and operational standards of medical equipment; what the Government has done in the last ten years to arrest the situation in medical imaging technology in the Country and why there has been a lack of regulatory capacity in this sector; and when the Government intends to put the radiology equipment strictly under qualified professionals the same way pharmaceutical drugs have been put under qualified pharmacists?

(iii) Question No. 165/2015 by the Member for Matungulu Constituency (The Hon. Stephen Mule, M.P.):

Could the Cabinet Secretary apprise Members on the reasons why the Kenya Medical Laboratory Technologist Technician Board (KMLTTB) in collaboration with the Kenya Revenue Authority (KRA) has been enforcing the payment of a 2% fee on the value of all imports of in-vitro diagnostic products including medical laboratory equipment through the new single window import clearance system (Kenya National Electronic Single Window System); explain why this levy is exorbitantly higher compared to that charged by other state agencies such as the Pharmacy and Poisons Board (at 0.75% of FOB value for pharmaceuticals), the Nursing Council of Kenya (0.25%) and Pest Control Produce Board (0.8%); and further enlighten the Committee on plans, if any, to direct KMLTTB to put on hold imposition of the fees until wide and sufficient consultations among all key stakeholders have taken place they have widely consulted and agreed with all stakeholders considering that these fees will make healthcare more expensive since companies will pass the costs to hospitals and patients?

III. Questions under the Departmental Committee on Lands

Questions to the Cabinet Secretary for Lands, Housing and Urban Development

(i) Question No. 087/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary inform the Committee on when the Ministry intends to enact appropriate laws to prescribe the minimum and maximum land holding acreages in respect to private land; to regulate the manner in which any land may be converted from one category to another; to protect, conserve and consider access to all public land; and to enable the review of all grants or dispositions of public lands to establish their propriety or legality as per Article 68 of the Constitution?

(ii) Question No. 088/2015 by the Member for Sigor Constituency (The Hon. Philip L.R. Rotino, M.P.):

Could the Cabinet Secretary apprise the Committee on the disputes resolution mechanism for disputed parcels of lands particularly those among neighbouring communities; the current ownership status of the 1,500-acre land in Sigor Constituency that is being claimed by residents of the neighbouring Marakwet East Constituency; reasons behind the protracted dispute; and the available avenues for resolving this stalemate?

(iii) Question No. 089/2014 by the Departmental Committee on Land , To be Moved by The Committee Chairperson (The Hon. Alex Muiru, M.P.):

Could the Cabinet Secretary apprise the Committee on the status of ownership of the land registered as L. R. No. 3586/3 in Karen, Nairobi County?
