



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, AUGUST 18, 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 COMPANIES BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2015)

(The Leader of the Majority Party)

Third Reading
(Question to be put)

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

(The Leader of the Majority Party)

First Reading

10*. THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2015)

(The Leader of the Majority Party)

First Reading

11*.THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)

(The Leader of the Majority Party)

First Reading

12*.COMMITTEE OF THE WHOLE HOUSE

The Insolvency Bill (National Assembly Bill No.15 of 2015)
(The Leader of the Majority Party)

13*. THE BUSINESS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO.13 OF 2015)

The Leader of the Majority Party

Second Reading

14*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

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

Second Reading

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

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

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

16*. MOTION - THE REPORT ON EAST AFRICAN COMMUNITY (EAC) PEACE AND SECURITY PROTOCOL, AND THE MUTUAL PEACE AND SECURITY PACT

(The Committee on Regional Integration)

THAT, this House adopts the Report of the Committee on Regional Integration on East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact, laid on the Table of the House on Wednesday, 29th April, 2015 and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact.

17*. MOTION - THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA

(The Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis Facing the Sugar Industry in Kenya, laid on the Table of the House on Thursday, 12th March, 2015.

18*. THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)

Chairperson, Departmental Committee on Justice and Legal Affairs

Second Reading

19*. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 4 OF 2014)**

Chairperson, Departmental Committee on Justice and Legal Affairs

Second Reading

20*. **MOTION - THE REPORT ON THE RESETTLEMENT OF SQUATTERS IN MURI; MATHENGETA TUMUTUMU, RIAKANAU; DRAKE & KASEKU FARMS**

(The Chairperson, Departmental Committee on Lands)

THAT, this House adopts the Report of the Departmental Committee on Lands on the Resettlement of Squatters in Muri Farm; Mathengeta Tumutumu/Riakanau Farm; and Drake Farm and Kaseku Farm, laid on the Table of the House on Thursday, 12th June, 2014.

*** Denotes Orders of the Day**

NOTICES

I. THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA

Notice is given that the Member for Ugunja Constituency (Hon. James O.Wandayi), intends to move the following amendment to the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Crisis facing the Sugar Industry in Kenya –

THAT, the motion be amended by deleting the full stop at the end and inserting the words, “subject to the insertion of the following new Recommendations after Recommendation 120 on page 52:

121. **THAT**, stiff legal action be taken against all the Managing Directors, Transport Managers, Commercial Directors, Finance Directors, National Sales Managers (sugar), Procurement Managers and other officials serving in the Board of Management of Mumias Sugar Company between 2011 and 2014 for losses incurred by the company.
122. **THAT**, disciplinary action be taken against the staff of Mumias Sugar Company who approved and paid extra invoices to some companies like Milicon's, and allowed execution of variations without first obtaining cost estimates and the approval of the Management Tender Committee of the Mumias Sugar Company.
123. **THAT**, disciplinary action be taken against the staff who failed to adhere to company policy on pricing, discounts, recruitment and management of distributors and transporters and management of inter-warehouse transfers at Mumias Sugar Company.
124. **THAT**, all distributor and transport contracts at Mumias Sugar Company should be reviewed immediately. All distributors and transporters that do not meet the mandatory requirements as per contract should be terminated.
125. **THAT**, the Chief Executive Officer of Mumias Sugar Company takes disciplinary action against all the staff identified as being responsible for anomalies and failings in the sugar importation process; and
126. **THAT**, the Board of Mumias Sugar Company undertakes a review of their internal audit department with a view to assessing current risks and employing measures to address them.

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 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.
- 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** 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.
- IV. **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, a Sessional Paper or any other Report submitted to the House, shall 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

The House also resolved on Wednesday, July 29, 2015 as follows:-

- V. **THAT**, notwithstanding the resolution of the House of Wednesday, February 11, 2015 regarding limitation of time in debates, each speech in a debate on any **Sessional Paper** shall be limited in the following manner: - A maximum of sixty (60) minutes with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking 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 19, 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 19, 2015:-

A. COMMITTEE OF THE WHOLE HOUSE

The Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 09 of 2015)
(Hon. Irungu Kangata)

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

(Hon. George Kaluma)

Second Reading

C. THE PARLIAMENTARY POWERS AND PRIVILEGES BILL, (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)

(Hon. Adan Keynan)

Second Reading

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 AND IMPLEMENTATION 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 M. Mutambu, M.P.)

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, August 18, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Interior and Coordination of National Government; Labour, Social Security and Services; and National Treasury, will appear before the following Departmental Committees on Tuesday, August 18, 2015 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Administration and National Security	<i>Cabinet Secretary for Interior and Coordination of National government</i>	10.00 - 12.30 pm	<i>The National Assembly Chamber</i>
(ii) Labour and Social welfare	<i>Cabinet Secretary for Labour, Social Security and Services</i>	10.00 am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Finance, Planning and Trade	<i>Cabinet Secretary for the National Treasury</i>	11.30am - 12.30 pm	<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 Administration and National Security

Questions to the Cabinet Secretary for Interior and Coordination of National Government

- (i) **Question No. 037/2014 by the Member for Rangwe Constituency (Hon. George Oner, M.P.):**-

Could the Cabinet Secretary inform the Committee on the funding mechanisms of the security administration in the country, and in particular how much money has been allocated

and disbursed in the first quarter of the 2014/2015 Budget to County Commissioners, County Police Commanders, County Administration Police Commanders, Deputy County Commissioner, OCPD and DAPC as compared to the last three financial years; the roles of Regional Commissioners and Regional Police Commanders in the present devolution dispensation and whether the National Police service and the National Government Administration Officers have adequate capacity to detect and deter crime across the country?

(ii) Question No. 038/2014 by Nominated Member (Hon. SunjeevBirdi, M.P.):

Could the Cabinet Secretary inform the Committee on mechanisms the Government has put in place to safeguard its citizens from lawbreakers, in particular the steps it has taken towards sensitizing people on tackling rape cases, reporting rape cases promptly, and seeking treatment; the structures in place to identify the high number of repeat offenders and ensure that they face the law; and plans, if any, of putting up more medical facilities to handle rape cases, considering that most rape cases go unreported and that rape has become rampant in our country as witnessed on 4th March 2014 in MjiWaHuruma Village - Nairobi (13 year old girl), on 11th March 2014 in Lukusi Village - Lugari (10 year old girl), on 23rd March 2014 in KundaKindu - Kitui (13 year old boy), on 25th March 2014 in Laikipia (7 year old boy), on 26th March 2014 in Kinwet - Bomet (9 year old girl) and 2nd August 2014 at University of Nairobi's hostel (second year student), among others?

(iii) Question Nos. 009/2015 by the Member for Gatundu North Constituency (Hon. KigoNjenga, M.P.) and 012/2015 by the Member for Malava Constituency(Hon.MaluluInjendi M.P.):

Could the Cabinet Secretary apprise the Committee on the progress made in implementing the Alcoholic Drinks Control Act, 2010 and National Authority for Campaign against Alcohol and Drug Abuse (NACADA) Act, 2012, and in particular, inform Members on the amount of monies collected and utilized per constituency to-date under the Alcoholic Drinks Control Fund provided for in Section 5 of the Alcoholic Drinks Control Act, 2010; Providing per year comparison of the number of persons who have died of alcohol-related causes since 2009; the reasons behind failure by the Ministry to avail promotion and quality control regulations, the reasons as to why NACADA has failed to rise up to the new challenges, and the timelines for full implementation of Section 19 of the NACADA Act 2012 and Section 50 of the Alcoholic Drinks Control Act 2010?

(iv) Question No. 010/2015 by the Member for Turbo Constituency (Hon. Elisha Busienei, M.P.):

Could the Cabinet Secretary inform the Committee regarding the policy on compensation of victims of stray bullets and other ammunitions from Kenya Police and in particular appraise Members on the circumstances surrounding the death one Millicent Jepkosgei, who was a class 3 primary school pupil at Kaptebengwet Primary School in Soy, Turbo Constituency

who was killed on 4th July 2014 by a stray bullet emanating from the Recruits Training School (RTS), Moi Barracks Rifle Range. Could the Cabinet Secretary also inform the Committee on the possibility of a financial compensation, if any, to the family of the deceased?

(v) Question No. 011/2015 by the Member for Kwanza Constituency (Hon. Ferdinand Wanyonyi M.P.):

Could the Cabinet Secretary inform the Committee on the policy in place for the establishment of Sub-County Headquarters and reasons why Kwanza Sub-County does not have its own Headquarters at Kwanza Centre despite having all the requisite facilities; why most Sub-Counties in the Country lack Deputy County Commissioners; and the measures being undertaken to urgently set up Kwanza Sub-County Headquarters at Kwanza Centre considering that Endebess which is currently serving two Sub-Counties, is far away from Kwanza Sub-County?

(vi) Question No. 013/2015 by the Member for Njoro Constituency (Hon. Joseph Kiuna M.P.):

Could the Cabinet Secretary inform the Committee the number of lives lost in land clashes due to the unsettled dispute regarding Muthera Farm in Njoro Constituency and measures, if any, being undertaken by the Ministry to resolve land disputes in Taita- Taveta and Njoro areas?

(vii) Question No. 014/2015 by the Member for Makadara Constituency (Hon. Benson Mutura, M.P.):

Could the Cabinet Secretary inform the Committee why the Kenya Police impose a charge to private companies, Associations and individuals for provision of security services during sporting events, yet security should be guaranteed and offered free to every citizen as contemplated in the Constitution?

II. Questions under the Departmental Committee on Labour and Social Welfare

Questions to the Cabinet Secretary for Labour, Social Security and Services

(i) Question No. 138/2015 by the Member for Kitui East Constituency (Hon. (Maj). Marcus Muluvi, MP):

Could the Cabinet Secretary apprise Members on the general recruitment policy of the government, and in particular, explain the rationale that led to the Commission on Administrative Justice replacing 25-year old Ms. Linda Syomiti Mwanza from its final recruitment list for the post of nine Legal Officers in early 2015 despite the fact that the Commission had shortlisted her as the Most Outstanding applicant among all Legal Officer applicants; further enlighten Members on the rationale for replacing an Applicant in Position

One having a score of 80.2% with Applicants below the Top Ten having poorer scores of 61.7% and even 59.0%; enlighten Members on the rationale for eliminating the Position One performer in a post having nine vacancies; and finally inform the Committee on when Ms. Linda shall be reinstated and absorbed by the Commission considering that this is what the basic laws of natural justice require?

(ii) Question No. 139/2015 by the Member for Ndaragwa Constituency (Hon. Francis WaweruNderitu, MP):

Could the Cabinet Secretary apprise Members on the rationale behind the recent decision to transfer payments points of stipend for the old, persons with disabilities and orphans from the more decentralized Post Offices to Kenya Commercial Bank branches which are fewer and hence beyond reach of many; and considering that this goes against the government policy of decentralization and has already experienced challenges as evidenced by the fact that an elderly person collapsed and died in Garissa after walking a long distance just to discover that his name was not on the list, could the Cabinet Secretary enlighten the Committee on measures in place to reverse this decision, to reduce the suffering experienced by these vulnerable groups in accessing stipend, and the alternative payment methods that can be introduced such as through mobile phone transfer mechanisms such as Mpesa?

(iii) Question No. 140/2015 by the Member for Saboti Constituency (Hon. David Wafula, MP):

Considering that government agencies encourage and even sponsor their staff to undertake various training programmes and further studies as part of their professional development, could the Cabinet Secretary apprise the Committee on the reasons why some of them fail to recruit internally when positions fall vacant, why they fail to give priority to their staff in filling in-house vacancies; and further explain the rationale by which the Kenya Revenue Authority spends a lot of resources in hiring and training new recruits instead of recognizing the talent and qualifications already within the institution, and measures in place to address this undesirable state of affairs?

(iv) Question No. 141/2015 by the Member for Embakasi North Constituency (Hon. James Mwangi Gakuya, MP):

Considering the re-emergence of street children and families in major towns notably Nairobi, could the Cabinet Secretary explain to the Committee the plight of children and families that have since returned to the streets bearing in mind that their presence is both a security risk and an economic stumbling block to the aspirations of a 24-hour economy; provide information on the coordinated efforts, if any, between the national and county governments in ridding towns of the menace of street families; and further apprise Members on whether there are plans to integrate these street families and children into society by enrolling the latter in

schools and admitting adults in vocational training institutions to acquire skills on various trades, among other interventions?

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 (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 Southern 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 Jetlink in 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 (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 No. 051/2015 by the Member for Emuhaya Constituency (Hon. (Dr.) Wilber Ottichilo, MP):

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. 055/2015 by the Member for Mvita Constituency (Hon. AbdullswamadShariff Nassir, MP):

Could the Cabinet Secretary apprise the Committee on the current status of the Economic Stimulus Programme (ESP), and in particular, inform Members on whether the funds are still available, the timeline for finishing the incomplete projects, whether audit exercises were undertaken to verify that the projects were actually done, and the current status of individuals who were hired under this Programme?
