



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY DECEMBER 01, 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 – MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)
(The Chairperson, Mediation Committee)

THAT, this House adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014), laid on the Table of the House on Wednesday, 18th November, 2015, and **approves** the Mediated Version of the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014).

9*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 57 of 2015)
(The Leader of the Majority Party)
- (ii) The Tax Procedures Bill (National Assembly Bill No. 29 of 2015)
(The Leader of the Majority Party)

10. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
(The Leader of the Majority Party)

Second Reading

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

Second Reading

- 12**. **THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**
(The Leader of the Majority Party)

Second Reading

- 13**. **THE LEGAL AID BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2015)**
(The Leader of the Majority Party)

Second Reading

- 14*. **MOTION - REPORT OF THE PUBLIC ACCOUNTS COMMITTEE**
(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary of May, 2014, laid on the Table of the House on Tuesday, 7th July, 2015.

* Denotes Orders of the Day

** Denotes Bill with Constitutional Timeline

N O T I C E SI. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)
BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2015)

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs, intends to move the following amendment to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 57 of 2015) at the Committee Stage -

CLAUSE 1

THAT Clause 1 of the Bill be amended by inserting the words “and shall come in to force upon publication in the Gazette” immediately after the expression “2015”.

SCHEDULE

THAT, the Bill be amended in the Schedule—

- (a) in the proposed amendments to the Criminal Procedure Code by inserting the words “the Sexual Offences Act” immediately after the words “Laundering Act” in the proposed new section 364 (1) (c).
- (b) in the proposed amendments to the Prisons Act —
- (i) by deleting the word “office” appearing immediately after the words “or for an” in the proposed new section 46 (1) (ii) and substituting therefor the word “offence”;
 - (ii) by deleting the words “or while malingering” appearing immediately after the word “fault” in the proposed new section 46 (3)(a);
 - (iii) by deleting the word “if” appearing immediately after the words “considers that” in the proposed new section 46 (4) (b) and substituting therefor the word “it”;
 - (iv) by deleting the words “on the recommendation of the Commissioner, the CS” appearing immediately after the words “of this section” in the proposed new section 46 (5) and substituting therefor the words “the Commissioner”.
- (c) in the proposed amendment to section 30 of the Judicial Service Act, 2011 by deleting the proposed amendment to subsection (3) and substituting therefor the following new provision in its proper numerical sequence—
- | | |
|-----------|--|
| Provision | Amendment |
| s. 30 | Delete subsection 3 and substitute therefor the following— |
- (3) The provisions of this section shall apply to the appointment of the Chief Justice and Deputy Chief Justice except that—

- (a) the Secretary shall, within three days of the Commission's vote, forward the names of three qualified persons for each vacant position to the President;
 - (b) the President shall, within fourteen days of receipt of the names forwarded select the person to fill the each vacant position and forward the name of the person to the National Assembly for approval;
 - (c) the National Assembly shall, within twenty-one days of the day it next sits after receipt of the name of a person nominated for appointment to the post of Chief Justice or Deputy Chief Justice vet and consider the person;
 - (d) where the National Assembly approves of the appointment of a person to the post of Chief Justice or Deputy Chief Justice, the Speaker of the National Assembly shall forward the name of the person to the President for appointment;
 - (e) where the National Assembly rejects the nomination of a person for appointment to the post of Chief Justice or Deputy Chief Justice, the Speaker shall within three days communicate its decision to the President and request the President to submit a fresh nomination;
 - (f) where a nominee is rejected by the National Assembly the President shall within seven days, submit to the National Assembly a fresh nomination from amongst the three persons shortlisted and forwarded by the Commission under paragraph (a);and
 - (g) if the National Assembly rejects all of the subsequent nominees submitted by the President for approval the Commission shall constitute a different selection panel and conduct the recruitment afresh.
- (d) in the proposed amendments relating to the National Police Service Act, 2011(No 11A of 2011) by inserting the following new rows in proper alphabetical sequence-
- | | |
|----------|--|
| s.33 | Insert the words "drawn from the Service" immediately after the word "officers" |
| s.88(4) | Delete |
| s.110(1) | Insert the words "but not above the fifty five years" immediately after the word "years". |
| s.112(1) | Delete and substitute therefor with the following- |
| | (1) Every reserve police officer enrolled under this Act shall serve for a period of five years and shall not be re-engaged. |
- (e) [A1]in the proposed amendments to the Environment and Land Court Act, 2011—
- (i) by deleting the word "our" appearing immediately after the words "be admitted" and substituting therefor the word "out" in the proposed new section 16A (2);

- (ii) by deleting the words “of the Chief Magistrate as set out in section 5 of” appearing immediately after the words “pecuniary jurisdiction” and substituting therefor the words “as set out in” in the proposed new section 26 (4)(b).
- (f) in the proposed amendments to the Power of Mercy Act, 2011 by deleting the proposed amendment to section 23 (1) and substituting therefor the following new provision in its proper numerical sequence—

Provision	Amendment
s. 23 (1)	“Delete the word “thirty” appearing immediately after the word “within” and substitute therefor the word “sixty”.
- (g) in the proposed amendments to the Public Appointments (Parliamentary Approval) Act, 2011 by —
 - (i) deleting the proposed amendment to section 2;
 - (ii) deleting the proposed new section 7A.
- (h) in the proposed amendments to the Kenya School of Law Act, 2012 by deleting the words “of Higher” appearing immediately after the word “Commission” in the proposed new paragraph 6 (2) (e) and substituting therefor the words “for University”.
- (i) in the proposed amendments to the Prevention of Terrorism Act, 2012 in section 12A (2) by deleting the word “improved” wherever it appears and substituting therefor the word “improvised”
- (j) in the proposed amendments to the Universities Act, 2012 by inserting the words “in regulations” immediately after the word “prescribed in the proposed new section 39 (1A)”;
- (k) in the proposed amendments to the Kenya Medical Supplies Authority Act, 2013 (No 20 of 2013) by inserting a new row as follows-

s.8(4)	Delete the words “three years and shall be eligible for re-appointment for one further term of three years” and substitute therefor the words “four years and shall be eligible for re-appointment by the Cabinet Secretary for one further term”
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- (l) in the proposed amendments relating to the Treaty Making and Ratification Act, 2012(No 45 of 2012) by —
 - (i) deleting the proposed amendment to section 2;
 - (ii) deleting the proposed amendment to section 8(1);
 - (iii) deleting the proposed amendment to section 8(4);
 - (iv) deleting the proposed amendment to section 8(7);
 - (v) deleting the proposed amendment to section 8(8);

(vi) deleting the proposed amendment to section 9;

(vii) deleting the proposed amendment to section 13(1);

2) Notice is given that the Member for Tinderet (Hon. Julius Melly), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 57 of 2015) at the Committee Stage—

THAT, the Bill be amended in the Schedule by –

(a) deleting the proposed amendments to the Kenya School of Law Act, 2012

(b) deleting the proposed amendments to the Universities Act, 2012.

3) Notice is given that the Chairperson Departmental Committee on Defence and Foreign Relations, intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 57 of 2015) at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule, in the proposed amendments relating to the Treaty Making and Ratification Act, 2012 (No 45 of 2012) by —

(i) deleting the proposed amendment to section 2;

(ii) deleting the proposed amendment to section 8(1);

(iii) deleting the proposed amendment to section 8(4);

(iv) deleting the proposed amendment to section 8(7);

(v) deleting the proposed amendment to section 8(8);

(vi) deleting the proposed amendment to section 9;

(vii) deleting the proposed amendment to section 13(1);

4) Notice is given that the Member for Kikuyu (Hon. Kimani Ichungwa), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 57 of 2015) at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule-

(a) in the proposed amendments to section 3(1) of the Pharmacy and Poisons Act (Cap 244) by deleting the first row and substituting therefor the following new row-

Delete the words “paragraph (d)” and substitute therefor the following new paragraph-

(d) three Pharmacists representing the categories specified in this paragraph and appointed by the Minister from nine names competitively nominated by the Pharmaceutical Society of Kenya with due regard to gender, in which case the Society shall submit three names in respect of each of the following categories-

(i) the public service;

(ii) the community pharmacy; and

(iii) the pharmaceutical industry

(b) in the proposed amendments relating to the Universities Act, 2012 (No. 42 of 2012) by inserting the following new row immediately after the row relating to the proposed amendment to section 20(1) –

Amendment
of section 22
of No.42 of
2012

Section 22 of the principal Act is amended-

(i) by deleting subsection (1) and substituting therefor the following new subsection-

(1) The President may, on the recommendation of the Cabinet Secretary revoke a Charter if in the opinion of the President that the revocation is in the best interests of university education in Kenya.

(ii) by deleting subsection (2) and substituting therefor the following new subsection-

(2) The recommendation referred to under subsection (1) shall be made with the prior concurrence of the Commission which shall satisfy itself that the revocation is in the best interests of university education in Kenya.

New s. 22A

Inserting the following new section immediately after section 22-

Variation of Charter

22A. (1) The Cabinet Secretary may, upon an initiation made under subsection (3), vary a Charter if in the opinion of the Cabinet Secretary that the variation is in the best interests of university education in Kenya.

(2) The recommendation referred to under subsection (1) shall be made based on a need to-

(a) align the particular Charter to the Constitution or any written law;

- (b) align the university to the training and research priority of the national government that would develop expertise in a specified academic field, including instilling of skills with bias in employment creation;
 - (c) in the case of a private university, to reflect changes in sponsorship of the university; or,
 - (d) align the university to the dynamics in research, technology and prevailing academic requirements recommended by the body which by law represents employers;
 - (e) align the charter to the best interests of university education in Kenya.
- (3) A variation under subsection (1) may be initiated-
 - (a) by the Commission upon request by a university, in the case of a public university; or
 - (b) by the sponsor in the case of a private university, and may include the introduction of such mechanisms as shall enable the university concerned to better carry out its functions.
- (4) A decision for the variation by the Cabinet Secretary shall be made without unreasonable delay, but in any case-
 - (a) within three months from the date a recommendation for variation is made by the Commission, if the process is initiated by the Commission; or
 - (b) within six months from the date a formal request for variation is made by a university, if the process is initiated by a university;
- (5) If a Charter is varied under subsection (1) the Cabinet Secretary shall forthwith cause a notice of the variation to be published in the *Gazette*, and the variation shall come into effect on such date as may be specified in the notice.
- (6) Notwithstanding subsection (5) the variation of a Charter shall not affect the validity of any academic award made by the University before the variation.
- (7) For the purposes of this section, "vary" includes a review or amendment.
 - (c) in the proposed amendments relating to the Veterinary Surgeons and Veterinary Para Professionals Act, 2011(No. 29 of 2011) by-
 - (i) deleting the proposed amendment to section 23(3);

(ii) deleting the proposed amendment to section 44A.

(d) in the proposed amendments to the Kenya Medical Supplies Authority Act, 2013 (No 20 of 2013) by inserting a new row as follows-

s. 8(4) Delete the words “three years and shall be eligible for re-appointment for one further term of three years” and substitute therefor the words “four years and shall be eligible for re-appointment by the Cabinet Secretary for one further term”

5) Notice is given that the Member for Machakos Town (Hon. (Dr.) Victor K. Munyaka), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 57 of 2015) at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule—

(e) in the proposed amendments relating to the Veterinary Surgeons and Veterinary Para Professionals Act, 2011(No. 29 of 2011) by-

(i) deleting the proposed amendment to section 23(3);

(ii) deleting the proposed amendment to section 44A

(f) in the proposed amendments to section 3(1) of the Pharmacy and Poisons Act (Cap 244) by deleting the first row and substituting therefor the following new row-

Delete the words paragraph (d) and substitute therefor the following new paragraph-

(d) three Pharmacists representing the categories specified in this paragraph and appointed by the Minister from nine names competitively nominated by the Pharmaceutical Society of Kenya with due regard to gender, in which case the Society shall submit three names in respect of each of the following categories-

(i) the public service;

(ii) the community pharmacy; and

(iii) the pharmaceutical industry

(g) in the proposed amendments to the Kenya Medical Supplies Authority Act, 2013 (No 20 of 2013) by inserting a new row as follows-

- s. 8(4) Delete the words "three years and shall be eligible for re-appointment for one further term of three years" and substitute therefor the words "four years and shall be eligible for re-appointment by the Cabinet Secretary for one further term"

6) Notice is given that the Chairperson, Committee on Administration and National Security intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 57 of 2015) at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule—

- (a) in the proposed amendments to the National Police Service Act, 2011 (No. 11A of 2011), by deleting the proposed amendment to section 10(1) (g) and substituting therefor the following-

Provision Amendment

- s.10(1)(g) Delete and replace with the following new paragraph—

"(g) determine the distribution and deployment of officers in the Service in the rank of Superintendent and below;"

New Insert the following new paragraph immediately after paragraph (g)—

"(ga) recommend to the Commission and the County Policing Authorities for distribution and deployment of officers above the rank of Superintendent;"

- (a) in the proposed amendments to the Power of Mercy Act, 2011 (No. 21 of 2011) by—

- (i) deleting the proposed amendment to section 2;
(ii) deleting the proposed amendment to section 25.

- (b) in the proposed amendments to the Prevention of Terrorism Act, 2012 (No. 30 of 2012) in the proposed amendment to section 12A(2) by—

- (i) deleting the word "prejuce" appearing at the beginning of the proposed new subsection (2) and substituting therefor the word "prejudice";

- (ii) deleting the word “improved” wherever it appears in the proposed new subsection (2) and substituting therefor the word “improvised”.
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II. **THE TAX PROCEDURES BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2015)**

- 1) **Notice is given that the Chairperson of the Departmental Committee on Finance Planning and Trade, intends to move the following amendment to the Tax Procedures Bill (National Assembly Bill No. 29 of 2015) at the Committee Stage —**

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) inserting the following new definitions in their proper alphabetical sequence—

“tax evasion” in relation to an individual or company means engaging in deliberate and deceptive actions with a clear intent to minimize tax liability through misrepresentation of the true value of assets, concealment of ownership, underreporting of income, false accounting, failure to declare profits on domestic and foreign investments or false accounting under any tax law;”

- (b) deleting the definition on “tax avoidance”.

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (6) —

“(6A) Where the Commissioner fails to respond to the application for deregistration within six months, the applicant shall be deemed to be deregistered.”

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting sub-clause (1).

CLAUSE 35

THAT clause 35 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2) —

“(3) Where the penalty or interest payable under this section accrues, the aggregate payable penalty or interest shall not exceed the principal tax liability.”

CLAUSE 38

THAT clause 38 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (7) —

“(8) The accrued late payment interest shall not, in aggregate, exceed the principal tax liability.”

CLAUSE 47

THAT clause 47 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4) —

“(5) Where a tax refund under subsection (4) (c) is contemplated, the Commissioner shall—

- (a) upon receiving the application for refund, notify the tax payer of the refund due within ninety days;
- (b) pay the refund due to taxpayer within ninety days of the notification of the refund;
- (c) where the refund is not paid within six months be liable to pay interest on such outstanding refunds, computed on the Kenya Bankers Reference Rate as published from time to time.”

CLAUSE 50

THAT clause 50 of the Bill be amended in sub-clause (1) by deleting paragraph (a).

CLAUSE 66

THAT clause 66 of the Bill be amended in sub-clause (1) by deleting the word “avoidance” appearing in paragraph (g) and substituting therefor the word “evasion.”

CLAUSE 84

THAT clause 84 of the Bill be amended—

- (a) in sub-clause (1), paragraph (a)—
 - (i) by inserting the word “knowingly” immediately after the words “if that person” ;
 - (ii) by inserting the word “knowingly” immediately after the words “material particular or”
- (b) deleting sub-clause (6).

CLAUSE 85

THAT the Bill be amended by deleting clause 85 and inserting the following new clause—

Tax evasion
penalty.

85. Where the Commissioner has applied a tax evasion provision in assessing a tax payer, the tax payer, is subject to Article 50 of the Constitution, liable for a tax evasion penalty equal to double the amount of the tax that would have been evaded but for the application of the tax evasion provision.

CLAUSE 92

THAT clause 92 of the Bill be amended in paragraph (c) by deleting the word "avoidance" and substituting therefor with the word "evasion."

CLAUSE 112

THAT clause 112 of the Bill be amended in sub-clause (2)—

- (a) by inserting the words "to be paid" immediately after the word "tax" in paragraph (b);
 - (b) by deleting paragraph (c);
 - (c) by deleting paragraph (g).'
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III. THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE
ON THE SPECIAL AUDIT REPORT OF THE JUDICIAL
SERVICE COMMISSION (JSC) AND THE JUDICIARY

1) Notice is given that the Member for Ugenya (Hon. David Ochieng'), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words immediately after the words "Tuesday, 7th July, 2015"—

"Subject to the –

- (i) **deletion** of recommendation number 2 appearing on page 136 of the Report;
- (ii) **deletion** of recommendation number 4 appearing on page 136 of the Report, and substituting therefor with the following –

"The various Commissioners of the Judicial Service Commission must take personal responsibility for allowances paid to them for attending meetings that were convened without the knowledge and approval of the Chief Justice. An audit of all such meetings should be undertaken and the responsible Commissioners surcharged;" and

- (iii) **deletion** of recommendation number 5 appearing on page 136 of the Report;"

2) Notice is given that the Deputy Leader of the Majority Party, intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words immediately after the words "Tuesday, 7th July, 2015"—

“Subject to the insertion of the following:-

(i) New recommendation 6.v on page 137 of the Report as follows:-

“v. Mrs. Lydia Achode for her role in the irregular procurement of offices at Mayfair Court Centre, when she was the Registrar of Judiciary.”

(ii) New recommendation number 23 on page 140 of the Report as follows:-

“23. That the Judicial Service Commission forthwith desists from interfering with the financial administrative and operational functions of the Judiciary; and further that National Assembly through the Departmental Committee on Justice and Legal Affairs, undertakes an urgent review of the Judicial Service Act 2011 to address through statute, the unlawful encroachment of the Judicial Service Commission into the administration of the Judiciary which falls outside of its mandate under Article 172 of the Constitution of Kenya”.

3) Notice is given that the Nominated Member (Hon. Amina Abdalla), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words “immediately after the words “Tuesday, 7th July 2015” -

“Subject to the deletion of recommendation number 19 on page 139 of the report, and substitution thereof with the following:-

“The security upgrades implemented by Mr. Simiyu Werunga, a security consultant and contractor, should be subjected to detailed audit by an independent Security Consultant, working jointly with relevant departments of the Government, and any sums paid over and above fair market value be claimed from the consultant/contractor”.

4) Notice is given that the Member for Ainabkoi (Hon. Samuel Chepkonga), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting following words “immediately after the words “Tuesday, 7th July 2015” -

“Subject to the insertion of the following words immediately after the words “Administration Committee of the JSC” appearing in the recommendation number 20 on page 139 of the Report:

“Commissioners Smokin Wanjala, Mohammed Warsame, Ahmednassir Abdullahi, Rev. Samuel Kobia, Christine Mango and Emily Ominde”

5) Notice is given that the Member for Lari Constituency (Hon. Irungu Kangata), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the motion be amended by inserting the following words "immediately after the words "Tuesday, 7th July 2015" –

"Subject to the insertion of the following words immediately after the words "Administration Committee of the JSC" appearing in the recommendation number 20 on page 139 of the report:

"Commissioners Smoking Wanjala, Mohammed Warsame, Rev. Samuel Kobia, Ahmednassir Abdullahi, Christine mango and Emily Ominde".

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

- 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 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.
- V. **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.

NOTICE PAPER I

Tentative business for

Wednesday (Morning), December 02, 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), December 02, 2015:-

- A. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)
(The Leader of the Majority Party)
- B. MOTION - ADOPTION OF SESSIONAL PAPER NO. 3 OF 2014 ON THE NATIONAL POLICY AND ACTION PLAN ON HUMAN RIGHTS
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
- C. MOTION - ADOPTION OF SESSIONAL PAPER NO. 11 OF 2014 ON THE NATIONAL EDUCATION FOR SUSTAINABLE DEVELOPMENT POLICY
(The Chairperson, Departmental Committee on Environment and Natural Resources)
- D. MOTION - ADOPTION OF SESSIONAL PAPER NO. 8 OF 2013 ON THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
- E. MOTION - ADOPTION OF SESSIONAL PAPER NO. 10 OF 2014 ON THE NATIONAL ENVIRONMENT POLICY
(The Chairperson, Departmental Committee on Environment and Natural Resources)
- F. MOTION - ADOPTION OF SESSIONAL PAPER NO. 12 OF 2014 ON THE NATIONAL WETLANDS AND CONSERVATION MANAGEMENT POLICY
(The Chairperson, Departmental Committee on Environment and Natural Resources)
- G. MOTION - ADOPTION OF SESSIONAL NO. 13 OF 2014 ON THE INTEGRATED COASTAL ZONE MANAGEMENT (ICZM) POLICY
(The Chairperson, Departmental Committee on Environment and Natural Resources)
- H. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS
(The Hon. William Cheptumo, M.P.)
- I. MOTION - ENGAGEMENT OF THE NATIONAL YOUTH SERVICE IN CONSTRUCTION OF DAMS
(The Hon. Joe M. Mutambu, M.P.)
- J. MOTION - IMPLEMENTATION OF FLEXIBLE WORK POLICIES
(The Hon. Muthomi Njuki, M.P.)

NOTICE PAPER II

Status of Business before Committees

Wednesday (Afternoon) December 02, 2015

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday December 02, 2015 (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. The Departmental Committee on Transport, Public Works and Housing

B. The Budget and Appropriations Committee

C. The Catering and Health Club Committee

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, December 01, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Cabinet Secretaries for Agriculture, Livestock and Fisheries; and Land, Housing and Urban Development* will appear before the following Departmental Committees on Tuesday, December 01, 2015 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Agriculture, Livestock and Cooperatives	<i>Cabinet Secretaries for Agriculture, Livestock and Fisheries</i>	10.00 - 11.30 am	<i>The Mini Chamber, County Hall</i>
(ii) Departmental Committee on Lands	<i>Cabinet Secretary for Land, Housing and Urban Development</i>	10.00 - 11.30 am	<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 Agriculture, Livestock and Cooperatives

Questions to the Cabinet Secretary for Agriculture, Livestock and Fisheries

(i) Question No. 097/2015 by the Member for Embakasi North (The Hon. James M. Gakuya, M.P.):

Considering that tea has been one of the major foreign-exchange earners for the country but is currently faced by a dwindling export market as witnessed at the Tea Auction in Mombasa; and further bearing in mind that the main causes of the decline are prohibitive and punitive legislation which subjects small-scale/ indigenous farmers and other stakeholders to loss of income since all tea cannot be exported directly but has to go through the auction, all this against a backdrop of political instability in Kenya's main tea markets in Africa, Asia and the United Kingdom; could the Cabinet Secretary apprise Members on the status, strategies and mechanisms used in marketing tea in the world market at the Mombasa Auction; the necessity, if any, of restrictions on the processing, packaging and selling of tea by indigenous tea farmers and cooperative societies directly to consumers outside the country; whether an appeal to these restrictive legislation can be considered; and further inform the Committee on the specific measures in place to open up new global markets for Kenya's tea?

(ii) Question No. 098/2015 by the Member for Malindi (The Hon. Dan Kazungu, M.P.):

Could the Cabinet Secretary appraise Members on the plans, if any, that the Ministry has in developing and rehabilitating community irrigation projects in Malindi along River Sabaki/Galana especially in Madunguni, Jilore, Kakoneni, Arabuko, Langobaya, Chakama and other areas so as to assist in sustainable food security and boost residents' livelihood?

(iii) Question No. 099/2015 by the Member for Malindi Constituency (The Hon. Dan Kazungu, M.P.):

Could the Cabinet Secretary apprise Members on reports that members of Orma community have invaded the Galana-Kulala Ranch and settled inside the land meant for a major irrigation project thereby hindering progress and presenting a security threat?

(iv) Question No. 100/2015 by the Member for Ndhiwa (The Hon. Aghostinho Neto, M.P.):

Could the Cabinet Secretary apprise Members on reasons behind the stalling of construction of the Pala-Bade Boyo Bridge in Ndhiwa Constituency that was being implemented using funds from the Kenya Sugar Board; the plans, if any, to complete the road project and the allocation thereof considering that the bridge is key to opening up the area for sugarcane production?

(v) Question No. 102/2015 by the Member for Wajir East (The Hon. Abbas Sheikh Mohamed, M.P.):

Could the Cabinet Secretary inform the Committee the status of the issuance of tenders meant for the construction of abattoirs and the modernization of Athi River plant considering that the Government allocated about one billion shillings for the same; what plans the Kenya Meat Commission has in place to set up abattoirs in all the 47 counties to enable it control the domestic market where it is currently facing stiff competition from the private sector; and what became of the Commission's roll out of livestock off-take programme meant to mitigate the effect of drought that was funded by the United Nations Development Fund?

II. Questions Under the Departmental Committee on Lands

Questions to the Cabinet Secretary for Land, Housing and Urban Development:

(i) Question No. 142/2015 by the Member for Saboti (The Hon. David Wafula, M.P.):

Considering that the majority of land owners including public institutions such as schools and health centres do not possess title deeds for their respective lands in Trans Nzoia County, could the Cabinet Secretary provide details of all land owners with and without title deeds for the land they own in the County, explain reasons behind the failure by the Government to issue these vital documents for so long and further provide timelines by which the Government will issue title deeds to all rightful land owners in the County?

(ii) Question No. 143/2015 by the Member for Buuri (The Hon. Kinoti Gatobu, M.P.):

Could the Cabinet Secretary apprise Members on the reasons why Mr. M'Thuranira M'Twarichia Kamoi of Identity Card Number 0978294 and Personal Number 96982 received only his pension upon retirement in 1987 from the Ministry of Works, Housing and Urban Planning but never receives his half monthly salary?

- (iii) **Question No. 144/2015 by the Member for Malindi (The Hon. Dan Kazungu, M.P.):**
Could the Cabinet Secretary shed light on the allegations that the Social Services land in Malindi was grabbed by a private developer who intends to construct a wall around the plot and demolish the buildings within the plot?
- (iv) **Question No. 146/2015 by the Member for Malindi (The Hon. Dan Kazungu, M.P.):**
Could the Cabinet Secretary apprise Members on the status and way forward concerning the situation facing hundreds of residents who have settled on a controversial piece of land that is part of the Arabuko Sokoke forest land at Kakuyuni in Malindi Constituency on the Malindi-Salagata Road and who have been fighting for the right to stay in this land over the years?

- (v) **Question No. 147/2015 by the Member for Ndaragwa (The Hon. Francis Nderitu, M.P.):**

Considering that Ms. Rose Mbithe Mulwa a Director at Sehat Investments Limited of P.O. Box 1273 Code 00502 Nairobi purchase two acres of land LR No. 1160/784 (originally LR 1160/418) in Karen in 1998 from Mr. Douglas Kiereni at Ksh 4.6 million and later sold half an acre to Hon. William Kipsang (former Member of Parliament); in light of the fact that despite Ms. Mulwa continuously paying land rates for the one-and-a-half acre property the land was allegedly illegally and fraudulently transferred in 2005 to Ms. Josephine Akoth Onyango and charged with the Kenya Commercial Bank for Ksh 8.5 million, a loan which was subsequently paid by Ms. Mulwa for fear of losing the land together with interests totaling Ksh 13.5 million; further considering that in 2009, despite pleas from Ms Mulwa to KCB to stop further transactions on the property since criminal investigations were underway, the Bank went ahead and advanced Ksh 10 million to Ms. Onyango, an amount she has not repaid to-date and which stands at Ksh 17.7 million; bearing in mind that forensic investigations by the (then) Criminal Investigations Department (CID) clearly proved that Ms. Mulwa's signature and company seals together with lawyer Peter Ngoge's signature had been forged in the purported transfer documents; aware that several attempts have been made to evict Ms. Mulwa from the premises by Mr. Abudwal Ahmednasir (former Judicial Service Commission member) and KCB officials; could the Cabinet Secretary apprise Members on the actions the Ministry will take in solving the land dispute and ensuring that justice prevails?
