



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, JULY 26, 2016 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8*. THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL
(SENATE BILL NO. 3 OF 2015)**

(The Chairperson, Departmental Committee on Health)

First Reading

**9*. THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT)
(No.2) BILL (SENATE BILL NO. 14 OF 2015)**

(The Chairperson, Departmental Committee on Education, Research and Technology)

First Reading

**10*. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2016)**

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

Second Reading

(Resumption of debate interrupted on Thursday, July 21, 2016)

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

(The Leader of the Majority Party)

Second Reading

12*. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 10, 2016)

13*. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

15*. **THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 64 OF 2015)**

(The Leader of the Majority Party)

Second Reading

16*. **THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

* Denotes Orders of the Day

N O T I C E

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

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 be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

NOTICE PAPER I

Tentative business for

Wednesday (Morning), July 27, 2016

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Morning), July 27, 2016:-

A. THE INSTITUTE OF DIRECTORS OF KENYA BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)

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

First Reading

B. THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2016)

(The Hon. Leonard Sang, M.P.)

First Reading

C. COMMITTEE OF THE WHOLE HOUSE

(i) The Banking (Amendment) Bill (National Assembly Bill No. 62 of 2015)
(The Hon. Jude Njomo, M.P.)

(ii) The Military Veterans Bill (National Assembly Bill No. 34 of 2013)
(The Hon. Adan Keynan, M.P.)

(iii) The Kenya National Examination Council (Amendment) Bill (National Assembly Bill No. 1 of 2016)
(The Hon. Chrisantus Wamalwa, M.P.)

D. MOTION – PROVISION OF HONORARIUM FOR VILLAGE ELDERS

(The Hon. Malulu Injendi, M.P.)

*(Resumption of debate interrupted on Wednesday, July 20, 2016 – Morning Sitting)
(Balance of time – 45 minutes)*

E. MOTION – PROVISION OF WATER TO PUBLIC FACILITIES

(The Hon. Andrew Mwadime, M.P.)

F. MOTION – ESTABLISHMENT OF A SELECT COMMITTEE TO INQUIRE INTO YOUTH VULNERABILITY TO RADICALIZATION

(The Hon. Kanini Kega, M.P.)

G. MOTION – DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS

(The Hon. Geoffrey Odanga, MP)

H. MOTION – PROCEDURE FOR OBTAINING KENYA POLICE MEDICAL EXAMINATION (P3) FORMS

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

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

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

Second Reading

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

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

Second Reading

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), July 27, 2016

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Wednesday (Afternoon), July 27, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Miscellaneous Fees and Levies Bill (National Assembly Bill No. 30 of 2015)
(The Leader of the Majority Party)

B. THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)

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

Reading Second

C. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2014)

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

Second Reading

D. THE NATIONAL YOUTH SERVICE BILL (SENATE BILL NO. 26 OF 2014)

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

Second Reading

E. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 23 OF 2014)

(The Chairperson, Departmental Committee on Education, Research and Technology)

Second Reading

F. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, July 26, 2016)

**G. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 4 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, July 26, 2016)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, July 26, 2016)

**I. THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 64 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, July 26, 2016)

**J. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 31 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, July 26, 2016)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, July 26, 2016)

APPENDIX I

PETITIONS to be presented on

Tuesday, July 26, 2016

It is notified that, pursuant to the provisions of Standing Orders 225, Petitions will be presented to the House **today, Tuesday, July 26, 2016** as follows:-

| NO. | PETITION TO BE PRESENTED BY | SUBJECT | PETITIONER(S) |
|-----|--|--|---|
| 001 | The Honourable Speaker of the National Assembly, <i>Pursuant to Standing Order 225(2)(b).</i> | Proposed amendments to the Girl Guides Act, Cap 220 | The Kenya Girl Guides Association. <i>(submitted on behalf by one Prof. Faith Nguru and a Ms. Jennifer Karina)</i> |
| 002 | The Member for Homabay Town (The Hon. Peter Kaluma, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i> | Accidental shooting of a student from St. Albert's Ulanda Girls High School, Homabay County by a Prison Warder | Parents of the victim |

APPENDIX II

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, July 26, 2016

It is notified that, pursuant to the provisions of Standing Orders 191 and 216, the Cabinet Secretaries *for Interior and Coordination of National Government; Transport, Infrastructure, Housing and Urban Development; and National Treasury* will appear before the following Departmental Committees on Tuesday, July 26, 2016 at the times hereunder:-

| <u>Departmental Committee</u> | <u>Cabinet Secretary</u> | <u>Time</u> | <u>Venue</u> |
|---|---|---------------------|--------------------------------------|
| (i) Committee on Administration and National Security | <i>Cabinet Secretary for Interior and Coordination of National Government</i> | 10.00 - 11.30 am | <i>The National Assembly Chamber</i> |
| (ii) Committee on Transport, Public Works and Housing | <i>Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development</i> | 10.00am – 11.30 am | <i>The Mini Chamber, County Hall</i> |
| (iii) Committee on Finance, Planning and Trade | <i>Cabinet Secretary for National Treasury</i> | 11.30 am – 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 by Private Notice PVT/9/2016 by the Member for Turbo (The Hon. Elisha Busienei, M.P.):**

Could the Cabinet Secretary apprise the Committee on the compensation policy for victims of stray bullets and other ammunitions used by the Kenya Police, and in particular,

highlight the circumstances surrounding the death of one Millicent Jepkosgei, a Class 3 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; and further state the avenues of financial compensation to her family?

(ii) Question No. 122/2015 by the Member for Saboti (The Hon. David Wafula, M.P.):

Could the Cabinet Secretary apprise Members on the Government's short and long-term plans for provision of decent housing to administrative and police officers, and in particular, clarify the reasons why the Government has left the construction of offices and houses of police officers to the Constituencies Development Fund (CDF), and further enlighten Members on how the Government plans to play an increasingly greater role in securing the welfare of its officers through decent and adequate housing?

(iii) Questions Nos. 123/2015 and 124/2015 by the Member for Lamu West (The Hon. Julius Ndegwa Kariuki, M.P.) and the Member for Lamu East (The Hon. Sharif A. Ali, M.P.):

Could the Cabinet Secretary apprise Members on the rationale behind the suspension of issuance of national identity cards to Lamu residents following the Lamu terror attacks in 2014 considering that such suspension is contrary to Article 12(b) of the Constitution; and further bearing in mind that this action greatly disadvantaged Lamu youths who are unable to secure job opportunities such as recruitment into the disciplined forces, could the Cabinet Secretary enlighten Members on timelines for ending the suspension, the mechanism of issuing identity cards to Year 2014 applicants/ candidates without affecting succeeding groups, and plans, if any, that the Government has in offering compensation to youths who have missed employment since the suspension began?

(iv) Question No. 125/2015 by the Nominated Member (The Hon. Sunjeev K. Birdi, M.P.):

Could the Cabinet Secretary apprise Members on measures the Government has put in place to prevent trafficking of children within and outside the country; the efforts made in arresting and prosecuting child traffickers and pedophiles; and mechanism the Government has implemented to ensure that no medical practitioner in either public or private practice gets involved in child abduction and/or trafficking?

(v) Question No. 126/2015 by the Member for Lamu East (The Hon. Sharif A. Ali, M.P.):

Could the Cabinet Secretary explain the circumstances that led to the ill-treatment of Mbajumwali residents (a village on Faza Island, Lamu East District) during a family wedding on the eve of February 11, 2015 by police officers ostensibly on orders from the County Commissioner and the County Police Commander; and considering that the

curfew earlier imposed in the area had been lifted at the time of the event, could the Cabinet Secretary further apprise Members on what the Government is doing to avert similar cases in future?

(vi) Question No. 129/2015 by the Member for Kiharu (The Hon. Irungu Kangata, M.P.):

Could the Cabinet Secretary inform the Committee the measures being implemented by the Government in assisting survivors and families of victims of terrorism rebuild their lives, and in particular, enlighten the Committee on the action that was taken by the Government in assisting survivors and families of victims of the Garissa University terrorist attack resettle and re-stabilize?

(vii) Question No. 131/2015 by the Member for Endebess (The Hon. Robert Pukose, M.P.):

Could the Cabinet Secretary explain to the Committee the reasons why Mr. Stephen Boki, a former police officer, was dismissed from the service following unsubstantiated allegations by his colleagues that he was not present during a parade held on October 23, 1990 yet it is evidently clear that he attended the said parade as per records contained in the Occurrences Book (OB); and further apprise Members on why the Ministry has failed to make any efforts in addressing the issue despite several appeals lodged by the officer with the Inspector General of Police to intervene on the matter?

(viii) Question No. 132/2015 by the Member for Nakuru County (The Hon. Mary Mbugua, HSC, M.P.):

Considering the rise in general insecurity in Nakuru County that has hampered business and investments on account of reported cases of murder, rape, robberies, attacks by armed thugs and gangsters, among other forms of crime, could the Cabinet Secretary provide data on insecurity cases that have been reported to the police since January 2014 and the action taken by police; and further enlighten Members on the Government's policy on armed gangsters found having firearms without license?

II. Questions under the Departmental Committee on Transport, Public Works and Housing

Questions to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development

(i) Question No.085/2016 by the Member for Nyeri Town (The Hon. Esther Murugi, M.P.):

Considering that M/s Aegis Construction Ltd was contracted by the Government through the Kenya Rural Roads Authority (KeRRA) on 6th June 2013 to construct the Mweiga-Brookside-Kimathi University (D449/D450A) Roads under Contract No. RWC 061, and

in view of the fact that the Contractor has put only soil on the road with the contract period almost lapsing, could the Cabinet Secretary inform the Committee whether the work contracted was for gravelling or tarmacking; state the reason behind failure by the Contractor to complete the works despite all requisite payments having been undertaken; and further state the timelines within which the works shall be completed in order to save road users from the current distress occasioned by dust and the poor state of the road?

(ii) Question No.086/2016 by the Member for Homa Bay Town (The Hon. Peter Kaluma, M.P.):

Could the Cabinet Secretary inform the Committee the status of ownership of the current fleet of aeroplanes being used by the Kenya Airways; the rationale behind the sale of the Boeing 767 and 777 planes soon after acquisition by the Airline having completed payment of loan/debt used to purchase the planes and whether there was return on investment after the sale, and also declare the suppliers and cost of consumables offered by the Airline during flight?

(iii) Question No. 087/2016 by the Nominated Member (The Hon. Isaac Mwaura, M.P.):

Considering that Article 27(4) of the Constitution provides for non-discrimination of any person on any grounds including disability, could the Cabinet Secretary inform the Committee what measures the Ministry is taking to bring to an end the incessant discrimination of persons with disabilities by Fly 540, the most recent case being the ill treatment of one Muhib Noorani, the proprietor of Rocky Driving school who was denied access to an aircraft on the basis of his disability despite having booked the ticket and informed the airline of his disability; and further explain the measures taken by the Ministry to ensure the perpetrators are held culpable?

(iv) Question No.088/2016 by the Member for Igembe North (The Hon. Joseph M'eruaki, M.P.):

Considering that Miraa was upgraded to cash crop status through the Statute Law (Miscellaneous Amendment) Act, 2016, and that the crop continues to play an important socio-economic role to the users; could the Cabinet Secretary apprise the Committee on reasons why air travelers/passengers are barred from travelling with Miraa for their own consumption even when the consumption is not to be done while aboard?

(v) Question No.089/2016 by the Member for Rabai (The Hon. William Kamoti, M.P.):

Could the Cabinet Secretary apprise the Committee on the reason(s) why security screening machines at the Jomo Kenyatta International Airport (JKIA) are not working despite having been procured by the Government at substantial costs; and further state the timelines within which their usage shall resume considering that the manual frisking methods being currently used at the Airport are not only time-consuming on account of

the delays and inconveniences experienced by travelers but also unreliable in fully guaranteeing the security of those utilizing the facility?

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

Questions to the Cabinet Secretary for the National Treasury

(i) Question No. 064/2016 by the Member for Mukurweini (The Hon. Kabando wa Kabando, M.P.):

Considering that the accumulated illicit capital flight from Kenya hidden in over 40 tax havens around the world amounts to a staggering Ksh566 billion (US\$6.369 billion) as at 2010 according to a Report by Kroll Associates (UK) Limited which was commissioned by the Government to investigate the matter, could the Cabinet Secretary inform the Committee the implementation Status of the said report; the amount of money paid to Kroll Associates (UK) Limited; how much of the money detailed in the Report has been recovered to date; and the measures the Government is taking to ensure compliance and prevent misappropriation and illicit transfers of public finances.

(ii) Question No. 065/2016 by the Member for Mukurweini (The Hon. Kabando wa Kabando, MP):

Considering that Audit reports have revealed that some multinationals operating in Kenya have been evading taxes through 'Transfer Pricing' contrary to Section 45 of the Anti-Corruption and Economic Crimes Act, 2003. Could the Cabinet Secretary provide a detailed report, containing the names of the offending companies, including the sector which is most culpable; state exactly how much has been recovered in taxes and penalties within which period or duration of time; the measures the Government is taking to prevent tax evasion and ensure that such serious economic crimes are dealt with accordingly?

(iii) Question No. 066/2016 by the Member for Samburu North (The Hon. Alois Lentoimanga MP):

Considering that the Kenya Commercial Bank (KCB) is a public quoted entity with tax payers holding stakes in it through the Government, could the Cabinet Secretary inform the Committee why the Bank has not opened a branch at Baragoi, Samburu North Constituency to enable citizens access their services which are currently accessed from Mararal, which is 150 kilometres away?

(iv) Question No. 067/2016 by the Member for Samburu North (The Hon. Alois Lentoimanga MP):

Considering that the District Treasury in Baragoi, Samburu North Constituency was constructed by the National Government, equipped with modern furniture and handed

over by the contractor ready for use; and further in view of the fact that this undertaking had been necessitated by lack of access to vital government services by residents of Baragoi which forces them to travel all the way to Maralal, could the Cabinet Secretary inform the Committee the reasons why the District Treasury staff have refused to move to Baragoi, and state the long-term remedial measures the Ministry is pursuing to ensure that Baragoi residents access government services?
