



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, JUNE 23, 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*. COMMITTEE OF THE WHOLE HOUSE

Amendments recommended by H. E. the President to the Public Audit Bill (National Assembly Bill No. 38 of 2014)
(The Leader of the Majority Party)

9*. MOTION - NINETEENTH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Nineteenth Report of the Public Investments Committee on the Audited Financial Statements of State Corporations (Volume I & II), laid on the Table of the House on Tuesday, 31st March, 2015.

10*. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

- 12*. **MOTION - THE ADOPTION OF SESSIONAL PAPERS NOS. 3 AND 4 OF 2013**
(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts the Sessional Papers Nos. 3 and 4 of 2013 on the National Productivity Policy, and the Employment Policy and Strategy for Kenya respectively, laid on the Table of the House on Wednesday, July 17, 2013.

- 13*. **MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 9 OF 2013**
(The Chairperson, Joint Committee on National Cohesion and Equal Opportunity)

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

- 14*. **MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2013**
(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts the Sessional Paper No. 2 of 2013 on the National Industrial Training and Attachment Policy, laid on the Table of the House on December 3, 2013.

- 15*. **MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 5 OF 2014**
(The Chairperson, Departmental Committee on Administration and National Security)

THAT, this House adopts the 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.

- 16*. **MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 2 OF 2014**
(The Chairperson, Departmental Committee on Labour and Social Welfare)

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

- 17*. **MOTION - THE ADOPTION OF SESSIONAL PAPER NO. 4 OF 2014**
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, this House adopts the 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.

*** Denotes Orders of the Day**

NOTICES

I . THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)

Amendments recommended by H. E. the President to the Public Audit Bill (National Assembly Bill No. 38 of 2014)

CLAUSE 4

THAT, Clause 4 (2) of the Bill be amended by deleting the existing sub-clause and substituting therefor the following new sub-clause:-

- (2) The Office shall comprise the Auditor-General as its statutory head and all other staff appointed by the Auditor-General as may be delegated in accordance with Article 234 (5) of the Constitution.**

CLAUSE 8

THAT, Clause 8 of the Bill be amended by deleting paragraphs (a), (b), (c), (d), (h) and (j) and substituting therefor the following:-

Administrative
powers of the
office of the
Auditor-
General

- (a) develop an organization structure and staffing establishment for the office of the Auditor-General, subject to Article 234 (5) of the Constitution;**
- (b) subject to Article 234 (5) of the Constitution, recruit and promote qualified and competent staff to perform the office's functions;**
- (c) subject to Article 234 (5) of the Constitution, exercise disciplinary control over staff;**
- (d) subject to Article 234 (5) of the Constitution, develop human resource of the office;**
- (e) subject to Articles 230 (4) (b) and 234 of the Constitution, determine the remuneration and benefits of each member of staff;**
- (f) in addition to what is provided for under any other relevant law, develop and maintain a code of conduct and ethics for the office, specific to auditing, guided by the international code of practice, and code of ethics issued by the International Organization of Supreme Audit Institutions and in consultation with the Public Service Commission and the National Treasury;**

NEW CLAUSE 11 (A)

THAT, the following new Clause be inserted immediately after Clause 11 of the Bill

Acting
Auditor -
General

11A. (1) Where:-

- (a) the office of the Auditor-General becomes vacant;**
- (b) the Auditor-General has been suspended in accordance with the Constitution;**
- (c) the appointment of a person as Auditor-General is pending; or**
- (d) the Auditor-General is, for any reason unable to perform the function of his or her office,**

then, until a person is appointed to and has assumed the functions of that office in accordance with Section 11 above, or until the Auditor-General has resumed the performance of those functions, the Public Service Commission shall recommend the most senior officer in the office of the Auditor-General to the President to designate such a person as the acting Auditor-General.

(2) A person designated under subsection (1) shall meet the minimum qualifications for appointment to the office of the Auditor-General and shall serve for a period not exceeding ninety days.

(3) When acting in terms of subsection (1), the acting Auditor-General shall have all the powers of the Auditor-General.

CLAUSE 16

THAT, Clause 16 of the Bill be amended in sub-clause (1) by inserting the expression **“and 234 (5)”** immediately after expression **“230”**.

CLAUSE 19

THAT, Clause 19 (2) of the Bill be amended by:-

- (a) inserting the words “review and” immediately after the words “year for” and**
- (b) deleting the words “with the Cabinet Secretary’s comments”**

NEW CLAUSE 40A

THAT, the following new Clause be inserted immediately after Clause 40

Auditor-General
not to question
Government
policy objective.

40A. Notwithstanding the provisions of this Act, in an examination under this Act, the Auditor-General shall not question the merits of a policy objective of the national government or county government or any other public entity.

CLAUSE 66

THAT, Clause 66 of the Bill be amended by deleting the words "**Auditor-General**" immediately after the word "**The**" and substitute therefor the words "**Cabinet Secretary responsible for matters relating to finance**".

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

II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on 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

Tentative business for

Wednesday (Morning), June 24, 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), June 24, 2015:-

- A. MOTION - REVIEW OF THE PROCEDURE & COST OF MARRIAGE REGISTRATION, & DECENTRALIZATION OF THE OFFICES OF THE REGISTRAR OF MARRIAGES
(The Hon. Malulu Injendi, M.P.)

(Question to be put)

- B. THE NATIONAL YOUTH EMPLOYMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 08 OF 2015)
(The Hon. Johnson Sakaja, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, June 17, 2015 - Morning Sitting)
(Balance of time – 1hr 20mins)*

- C. MOTION - PERIOD OF SERVICE FOR POLICE OFFICERS UPON COMPLETION OF SPECIALIZED TRAINING
(The Hon. John Waluke, M.P.)
- D. MOTION - ESTABLISHMENT OF INTENSIVE CARE & BLOOD TRANSFUSION UNITS IN EVERY CONSTITUENCY
(The Hon. Abdul Rahim Dawood, M.P.)
- E. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS
(The Hon. William Cheptumo, M.P.)
- F. MOTION - FIREARMS TRACKING AND REGISTRATION SYSTEM
(The Hon. (Dr.) Victor Munyaka, M.P.)
- G. MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL CURRICULUM FOR EMERGENCY TRAINING OF MEDICAL PERSONNEL
(The Hon. (Dr.) Susan Musyoka, MP)
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APPENDIX
THE NATIONAL ASSEMBLY
SCHEDULE of Questions for
Tuesday, June 23, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Lands, Housing and Urban Development; Labour, Social Security and Services; and Devolution and Planning will appear before the following Departmental Committees on Tuesday, June 23, 2015 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Lands	<i>Cabinet Secretary for Lands, Housing and Urban Development</i>	10.00 - 11.30 am	<i>The National Assembly Chamber</i>
(ii) Labour and Social Welfare	<i>Cabinet Secretary for Labour, Social Security and Services</i>	10.30 - 11.30 am	<i>The Mini- Chamber, County Hall</i>
(iii) Finance, Planning and Trade	<i>Cabinet Secretary for the Devolution and Planning</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 Lands

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

(i) Question No. 085/2015 by the Member for Mwatate Constituency (The Hon. Andrew Mwadime, M.P.):

Could the Cabinet Secretary inform Members whether there are plans by the Ministry to waive title deeds transfer fees for women and the youth in the light of the fact that right from Independence title deeds were mainly issued to men, who at their current old age are unable to afford the transfer fees when intending to transfer their lands to their spouses and children?

(ii) Question No. 086/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary apprise the Committee on the technical capability, capacity and resources she has at her disposal to establish Land Information Management System (LIMS) in the country, and the timelines for completing and operationalizing this system?

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

Could the Cabinet Secretary brief the Committee on the disputes resolution mechanism in place 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?

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. 036/2015 (For Comprehensive Feedback) by the Member for Rabai Constituency (The Hon. Kamoti W. Mwamkale M.P.):

Could the Cabinet Secretary inform the Committee the observance of workers' rights to fair labour practices as provided for in Article 41 of the Constitution in Export Processing Zones (EPZs) in the Country in particular, by the Hantex Garments Company, an EPZ affiliate located in Mazeras, Rabai Constituency; the maximum working hours per day; the average minimum wage for workers vis-à-vis the gazetted minimum rate provided for in Legal Notice No. 197 of 2013; and the action by the Government to ensure respect for workers' rights and entitlements in EPZ companies.

(ii) Question No. 084/2015 by the Member for Mwingi Central Constituency (The Hon. Joe Musyimi Mutambu, M.P.):

Considering that the Government launched a social protection plan to enable elderly citizens aged above 65 years to receive Ksh 2,000 per month for upkeep in line with Article 57(d) of the Constitution, could the Cabinet Secretary confirm to the Committee whether the stipend is being disbursed fairly or not; provide the statistics of the programme's current coverage vis-à-vis the population of older members across the country, and measures the Ministry is putting in place to ensure that all deserving and eligible members of the society across the country benefit from the funding?

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

Questions to the Cabinet Secretary for Devolution and Planning:

(i) Question No. 053/2015 by the Member for Yatta Constituency (The Hon. Francis Mwangangi, M.P.):

Could the Cabinet Secretary inform the Committee the number of civil servants who have attained retirement age but are still in office; the sectors where these individuals are engaged in; and the reasons behind them remaining in office considering the high numbers of skilled but unemployed youths?

(ii) Question No. 054/2015 by the Member for Bomet Central Constituency (The Hon. Ronald Tonui, M.P.):

Could the Cabinet Secretary brief Members on the alleged discrimination in the government resettlement programme accorded to over 1,100 Mau Forest evictees who moved to Bomet County and resettled at Chebugen and Kusumek IDP Camps; whether there are plans in place to resettle them considering that even their recent Petition to the Bomet County Commissioner was unsuccessful; and the possibility of providing budgetary allocation in the Supplementary Budget for the resettlement of these evictees who are currently living in deplorable conditions with no access to adequate basic needs?

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

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