



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, MARCH 01, 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\*. PROCEDURAL MOTION- RESOLUTION TO HOLD SITTINGS ON SPECIFIED THURSDAY MORNINGS**

**THAT**, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold Morning Sittings on Thursdays commencing from 9.30 a.m. to 1.00 p.m. for purposes of considering Bills to implement the Constitution, as follows:-

- (i) Thursday, 3<sup>rd</sup> March, 2016;
- (ii) Thursday, 10<sup>th</sup> March, 2016;
- (iii) Thursday, 17<sup>th</sup> March, 2016; and
- (iv) Thursday, 24<sup>th</sup> March, 2016.

**9\*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD**  
(The Hon. Samuel Chepkong'a, M.P.)

**THAT**, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016) from **14 to 11** days.

**10\*\*. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY NO. 3 OF 2016)**  
(The Hon. Samuel Chepkong'a, M.P.)

First Reading

- 11\*. **MOTION – SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 01 OF 2014)**  
(The Chairperson, Departmental Committee on Environment and Natural Resources)

**THAT**, the House do agree with the Report of the Committee of the whole House on its consideration of the Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014)

*(Question to be put)*

- 12\*. **THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2015)**  
(The Leader of the Majority Party)

Second Reading

*(Mover to reply)*

- 13\*\*. **THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY NO. 45 OF 2015)**  
(The Leader of the Majority Party)

Second Reading

- 14\*\*. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**  
(The Leader of the Majority Party)

Second Reading

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

Second Reading

- 16\*. **MOTION – THE REPORT ON THE TERM OF THE TRANSITION AUTHORITY**

(The Chairperson, Constitution Implementation Oversight Committee)

**THAT**, this House notes the Report of the Constitutional Implementation Oversight Committee on Consideration of Extension of the Term of the Transition Authority, laid on the Table of the House on Thursday, 18<sup>th</sup> February, 2016.

*(Resumption of debate interrupted on Thursday, February 25, 2016 – Afternoon Sitting)*

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**\* Denotes Orders of the Day**

**\*\* Denotes Bill with Constitutional Timeline**

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# N O T I C E S

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

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

Tentative business for

Wednesday (Morning), March 02, 2016

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*(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), March 02, 2016:-

**A. COMMITTEE OF THE WHOLE HOUSE**

- (i) The In-Vitro Fertilization Bill (National Assembly Bill No. 36 of 2014)  
(The Hon. Millie Odhiambo-Mabona, M.P.)

*(Resumption of consideration interrupted on Wednesday, February 24, 2016 – Morning Sitting)*  
*(To resume from Clause 27)*

- (ii) The Political Parties (Amendment) Bill (National Assembly Bill No. 5 of 2015)  
(The Hon. Chris Wamalwa, M.P.)

- (iii) The Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No.17 of 2015)  
(The Hon. Silas K. Tiren, M.P.)

**B. MOTION – ACCESSIBILITY TO PUBLIC BUILDINGS BY PERSONS WITH DISABILITY**

(The Hon. Isaac M. Mwaura, M.P.)

*Resumption of debate interrupted on Wednesday, February 17, 2016 – Morning Sitting)*  
*(Balance of time – 45 minutes)*  
*(Motion as amended)*

**C. MOTION - REGISTRATION AS VOTERS OF PERSONS WITH SERIALIZED WAITING CARDS**

(The Hon. Ferdinand Wanyonyi, MP)

**D. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2015)**

(The Hon. (Eng.) Nicolas Gumbo, M.P.)

Second Reading

# NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), March 02, 2016

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*(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), March 02, 2016

**A. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)  
(The Leader of the Majority Party)
- (ii) The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015)  
(The Leader of the Majority Party)
- (iii) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)  
(The Leader of the Majority Party)

**B. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, March 01, 2016)*

**C. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, March 01, 2016)*

**D. MOTION – THE REPORT ON THE TERM OF THE TRANSITION AUTHORITY**

(The Chairperson, Constitution Implementation Oversight Committee)

*If not concluded on Tuesday, March 01, 2016)*

# NOTICE PAPER III

Status of Business before Committees

Wednesday (Afternoon) March 02, 2016

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In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday March 02, 2016 (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. Public Investments Committee**
- B. Procedure and House Rules Committee**
- C. Committee on Regional Integration**

# APPENDIX

## THE NATIONAL ASSEMBLY

### SCHEDULE of Questions for

Tuesday, March 01, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Cabinet Secretaries for Foreign Affairs and International Trade; Labour and East Africa Affairs; and Water and Irrigation* will appear before the following Departmental Committees on Tuesday, March 01, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Defence and Foreign Relations	<i>Cabinet Secretary for Foreign Affairs and International Trade</i>	10.00 - 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Labour and Social Welfare	<i>Cabinet Secretary for Labour and East Africa Affairs</i>	10.00 – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Environment and Natural Resources	<i>Cabinet Secretary for Water and Irrigation</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)

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#### **I. Questions to the Cabinet Secretary for Foreign Affairs and International Trade:**

##### **(i) Question No. 096/2015 by the Member for Kirinyaga Central (The Hon. Joseph Gitari, M.P.):**

Could the Cabinet Secretary apprise the Committee on measures put in place to protect Kenyans from being illegally transported and detained in foreign countries under the guise of employment, and in particular, apprise members on plans being pursued by her Ministry to bring home Farihia Wacera Kanyoko (Cellphone number +966593557872) from her current detention at Jizan Police Station near Jizan University in Saudi Arabia?

**(ii) Question Nos. 155/2015 & 158/2015 by the Member for Embakasi South (The Hon. Irshadali M. Sumra, M.P.):**

Could the Cabinet Secretary apprise the Committee on the circumstances that led to the Ambassador of Kenya to Egypt in charge of the Kenyan Consulate in the Hashemite Kingdom of Jordan to issue a letter to the Jordanian Ministry of Interior recommending the suspension of issuance of visa/ work permits to Kenyan domestic migrant workers; further clarify whether this ban is official, whether it has a gazette notice, whether the Government and the Ministry have banned export of labour, whether such suspension or ban affects all countries or Jordan only, the reasons why the Ambassador breached protocol by handing the letter to the Jordanian Ministry of Interior instead of the Jordanian Foreign Ministry, and plans, if any, that the Ministry is pursuing to have the letter withdrawn? Further, could the Cabinet Secretary enlighten Members on whether or not she is aware that the Kenyan Consulate in the Hashemite Kingdom of Jordan is getting money for running the Consulate from business people and associations; and that the salaries of Consulate staff including the secretary, driver and lawyer are being paid for by people and private entities; and further apprise Members on the feasibility of closing the Consulate and opening up an embassy in Amman considering that the country has over six thousand (6,000) Kenyans?

**(iii) Question No. 156/2015 by the Member for Embakasi South (The Hon. Irshadali M. Sumra, M.P.):**

Considering that the Ministry has had several taskforces inquiring into labour export, could the Cabinet Secretary apprise the Committee on the time it takes in licensing recruitment agencies which are currently unregistered and unregulated; and further explain the whereabouts of funds (approximately Ksh 70 million) that was set aside for labour attachées in the Middle East and other countries bearing in mind that no such attachées have been posted yet?

**(iv) Question No. 159/2015 by the Member for Turkana North (The Hon. Christopher Nakuleu, M.P.):**

Considering that boosting national security and securing all territorial borders with neighbouring states is a key vision of the Government, and noting that Kenya has had to secure its waters that had been claimed by Somalia in the Indian Ocean, and has ongoing contestation with Uganda over the Migingo Island and a long-standing boundary dispute with the Republic of South Sudan as regards the Ilemi Triangle and hence the need for administrative, diplomatic and legal solutions to these disputes, could the Cabinet Secretary apprise the Committee on what happened to the infrastructural plans that were to be undertaken in the Ilemi Triangle area under the 2014/2015 Budget; plans in place to secure the over 14,000 square kilometres of Ilemi land from being taken over by the Government of South Sudan; measures put in place to secure Kenyans living in Soya, Lokwanyia, Natodomeri and Aita areas of the Ilemi Triangle from external attacks by Southern Sudan nationals; the number of people who have lost their lives in



the last one year due to external aggression by Southern Sudanese; and further inform the Committee on the timeline by which the Government intends to deposit the requisite instruments of ownership of Ilemi Triangle to African Union Court in Addis Ababa and with the International Court of Justice bearing in mind that the deadline for doing so is 2018 and that the Republic of South Sudan deposited its instruments immediately after attaining independence?

**(v) Question No. 169/2015 by the Member for Endebess (The Hon. Robert Pukose, M.P.):**

Considering that Mr. Chuma Boniface Muriuki, National Identity Card Number 24263367, Mr. Peter Muriuki Nkonge, ID No. 26946635, Mr. Antony Mwadime Wazome, ID No.25665288, Mr. Anthony Keya Munialo, ID No. 24126599 and Mr. Ravi Ramesh Ghaghdah, ID No.26734838 were arrested in Juba, South Sudan on May 29, 2015 for no apparent reason while working for Click Technologies, and detained with access to them being denied to all including their families, further considering that preliminary investigations done in South Sudan and Kenya indicated that they had not committed any crime; could the Cabinet Secretary explain to the Committee the circumstances that led to their arbitrary arrest, state the physical condition and welfare of these Kenyan citizens; provide timelines within which the said persons shall be released from detention; and further enlighten Members on measures being pursued by the Government in safeguarding the security and welfare of Kenyans living, working and studying outside the country?

**(vi) Question No. 170/2015 by the Member for Kisumu County (The Hon. Rose Nyamunga, M.P.):**

Could the Cabinet Secretary clarify to the Committee whether the Ministry is aware of the Murder of one Alan Ochieng' Onyango, a Kenyan who was until his death working with Kinetic Technology Limited in Tanzania, by the Tanzanian Police; provide information on the circumstances that led to the killing; and state the measures the Ministry is taking to ensure that the family of the deceased finds justice?

**II. Questions to the Cabinet Secretary for Labour and East Africa Affairs:**

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

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. 141/2015 by the Member for Embakasi North Constituency (The Hon. James Gakuya, M.P.):**

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. Question No. PVT/1/2016 by the Member for Yatta (The Hon. Francis Mwangangi, M.P.):**

Considering that the National Social Security Fund (NSSF) is currently operating without a Board of Trustees, which is crucial to decision-making in the institution, could the Cabinet Secretary inform this Committee the cause of the delay in appointment of a new Board; and when the Ministry intends to appoint the new Board of Trustees to enable the NSSF undertake its operations smoothly?

**III. Questions to the Cabinet Secretary for Water and Irrigation:**

**(i) Question No. 115/2015 by the Member for Turkana North (The Hon. Christopher Nakuleu, M.P.):**

Could the Cabinet Secretary apprise Members on measures being pursued by the Ministry towards sustainable water security for arid and semi-arid regions of the country, and in particular, indicate the timeline by which the water pans and boreholes that were allocated to Turkana North Constituency in the 2013/2014 Budget will be completed considering that the procurement process had already been initiated through regional authorities of Kerio Valley Development Authority and Rift Valley Water Service Board (RVWSB); explain what occasioned the two-year delay in the completion of these projects; and

inform the Committee on the alternative ways of timely execution and completion of essential projects within the shortest time possible in the face of the current lengthy and bureaucratic procurement procedures?

**(ii) Question No. 119/2015 by the Member for Laisamis (The Hon. Joseph Lekuton, M.P.):**

Could the Cabinet Secretary inform the Committee the methodology used to ascertain the hydrological status in the country and specifically in arid and semi-arid areas and provide data on the same; what technology the Ministry intends to employ to locate groundwater sources in the country and what efforts have been made so far; the measures taken by the Ministry to protect ground water sources across the country and in particular the Turkana aquifer from over abstraction; and what the Ministry is doing to protect tax-payers from the numerous unsuccessful surveys by hydrogeologists in arid and semi-arid areas?

**(iii) Question No. 160/2015 by the Member for Loima (The Hon. Akujah E. Protus, M.P.):**

Could the Cabinet Secretary inform the Committee why the construction of the following six water pans and a dam that were meant to curb water shortage in Arid and Semi-Arid Lands (ASAL) has either stalled or not begun at all in Loima Constituency; and what measures the Ministry has put in place to ensure their completion; and further state the expected date of completion of the said water pans?

- (a) Naremit dam - not done
  - (b) Lomil water pan - not done
  - (c) Nameyana water pan – not done
  - (d) Lolmil water pan – incomplete & abandoned
  - (e) Lolupe water pan – not done
  - (f) Lorengippi water pan – incomplete & abandoned
  - (g) Urum water pan – incomplete & abandoned
-