



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY NOVEMBER 24, 2015 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

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

8.** **THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

(The Hon. Priscilla Nyokabi, M.P.)

(Second Reading)

(Question to be put)

9*. **THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL (SENATE BILL NO. 10 OF 2014)**

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

Second Reading

(Question to be put)

10.** **THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, November 12, 2015 – Morning Sitting)

11*. **THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 10, 2015)

12 . THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, November 19, 2015 – Afternoon Sitting)

13* THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2015)

(The Hon. Moses Lessonet)

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.

15* . MOTION - ADOPTION OF SESSIONAL PAPER NO. 3 OF 2014

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

THAT, this House adopts Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights, laid on the Table of the House on Wednesday, 3rd June, 2015.

16* MOTION - ADOPTION OF SESSIONAL PAPER NO. 11 OF 2014

(The Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House adopts Sessional Paper No. 11 of 2014 on the National Education for Sustainable Development Policy, laid on the Table of the House on Tuesday, 2nd December, 2014.

17 . 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

18* . THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL (SENATE BILL NO. 14 OF 2014)

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

Second Reading

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

N O T I C E S

I. 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 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 the words, “subject to the insertion of the following words immediately after the word “JSC” and before the word “should” in line two of recommendation 20 on page 139 of the Report:

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

- 2) 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 date “Tuesday, 7th July 2015”.

Subject to the deletion of recommendation 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”.

- 3) 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 words “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 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”.

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.

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

- III. THAT**, pursuant to the provisions of Standing Order No. 97(1) and notwithstanding the resolution of the House of 11th February, 2015 regarding limitation of time in debates, each speech in a debate on any **Sessional Paper during the current part of the Session** shall be limited as follows: - A maximum of sixty (60) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order

IV. ADJOURNMENT OF THE HOUSE TO A SPECIFIED DAY

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day.

MOTION – (The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 31, this House adjourns until Tuesday, 1st December, 2015 at 2.30 p.m.

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

- V. THAT,** notwithstanding the provisions of Standing Order 97(4), the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, shall be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Provided that, when the period of Recess proposed by any such motion does not exceed fifteen (15) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

NOTICE PAPER

Tentative business for

Tuesday, December 01, 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 Tuesday, December 01, 2015:-

A. MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE MINING BILL (NATIONAL ASSEMBLY BILL NO.9 OF 2014))
(The Chairperson, Mediated Committee)

B. MOTION – REPORT OF THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)
(The Chairperson, Mediated Committee)

C. 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)
- (iii) The Protection of Traditional Knowledge and Traditional Cultural Expressions Bill (National Assembly Bill No. 48 Of 2015)
(The Leader of the Majority Party)

D. MOTION - THE REPORT ON THE SPECIAL AUDIT REPORT ON THE JUDICIAL SERVICE COMMISSION (JSC) AND THE JUDICIARY
(The Chairperson, Public Accounts Committee)

(If not concluded on Tuesday, November 24, 2015)

E. 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
(If not concluded on Tuesday, November 24, 2015)

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

Second Reading

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, November 24, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Cabinet Secretaries for Interior and Coordination of National Government; Transport and Infrastructure; and Education, Science and Technology* will appear before the following Departmental Committees on Tuesday, November 24, 2015 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 Secretaries for Interior and Coordination of National Government</i> | 10.00 - 11.30 am | <i>The National Assembly Chamber</i> |
| (ii) Departmental Committee on Transport and Infrastructure | <i>Cabinet Secretary for Transport, Public Works and Housing</i> | 10.00 - 11.30 am | <i>The Mini Chamber, County Hall</i> |
| (iii) Departmental Committee on Education, Research and Technology | Departmental Committee on Education, Science and Technology | 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)
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I. Questions under the Departmental Committee on Administration and National Security

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

- (i) **Question No. 078/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):**

Could the Cabinet Secretary explain the mechanism that has been put in place to ensure that full-time state officers are not engaged in other gainful employment; and that retired state officers do not hold more than two concurrent remunerative positions as chairpersons, directors or employees of state organs as required by Article 77 of the Constitution?

(ii) Question No. 080/2015 by the Member for Trans Nzoia County (The Hon. Janet Nangabo, M.P.):

Could the Cabinet explain to the Committee reasons behind the ongoing dismissals of police officers without explanations or tribunals being set that has led to some among them committing suicide due to frustrations; reasons behind failure to set tribunals to give officers opportunity to defend themselves; measures being pursued to curb this abuse of power by their seniors who appear to sack them at will; and the date set to have all wrongfully dismissed officers reinstated?

(iii) Question No. 082/2015 by the Member for Sirisia Constituency (The Hon. John Waluke, M.P.):

Could the Cabinet Secretary inform the Committee the circumstances that have led to recent jail-breaks through which dozens of hardcore criminals have escaped custody with no reports of their recapture; the facts that most of the daring escapes have been committed outside the precincts of correctional facilities; circumstances by which a robber sentenced to life imprisonment escaped from Kenyatta National Hospital and whether or not he has been recaptured; address the allegation that some prison officers are in collusion with the escapees since they are always being caught off-guard even during prisoners' transportation; the number of escapees rearrested within the last one year; and the long-term measures being pursued to tackle this disturbing and dangerous menace once and for all?

(iv) Question No. 083/2015 by the Member for Kajiado North Constituency (The Hon. Joseph Manje, MP):

Could the Cabinet Secretary apprise Members on the circumstances in which buildings belonging to Museto Women Group in Ngong Town were demolished on November 11, 2014 yet there was a court case scheduled for the same day at 0900hrs at Milimani Commercial Courts; the reason behind use of excessive force by police officers from Kasarani, Lavington, Langata, Dagoretti, Kamukunji, KICC, Muiki and Ngong Police Stations; the reasons behind police officers lobbing teargas canisters at the Area Member of Parliament (Hon. Joseph Manje) which led to serious injuries necessitating admissions at Karen Hospital, Nairobi Hospital and Apollo Hospital in India for treatment; the reasons behind police officers allowing hired youths from Kibra to loot property belonging to the Group; and the rationale behind the fact that the Museto Women Group's case which was registered in Machakos in 2002 has never been concluded?

(v) Question No. 079/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary apprise the Committee on the current status of the San Marco Space Application Centre in Malindi as regards its legal status, status of management and staff, its assets and equipment, the ongoing activities, usage of satellite data generated, income generation, corporate social responsibility, and its future goals; and explain the reasons why the country has not incorporated the use of satellite technology in its security operations and monitoring as well as disaster risk reduction monitoring and management?

(vi) Question No. 081/2015 by the Member for Emuhaya Constituency (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary apprise the Committee on the achievements of the Kenya Space Science Secretariat, the costs it has incurred since its establishment, and when the Kenya National Space Agency (KENSA) will be established?

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

Questions to the Cabinet Secretary for Transport and Infrastructure:

(i) Question No. 152/2015 by the Member for Nakuru County (The Hon. Mary Mbugua, HSC, M.P.):

Considering the rising number of accidents on the Salgaa-Nakuru-Eldoret Highway that have either killed or maimed scores of people due to among other factors, poor or total lack of road signs particularly in the Salgaa area that has become a blackspot, could the Cabinet Secretary apprise Members on plans, if any, that the Government is pursuing in clearly marking this and other roads, erecting traffic signs, replacing vandalized road signs, and repainting faded signs; and further enlighten the Committee on the feasibility of constructing a dual carriage for the Salgaa Road section and other accident-prone roads in the country?

(ii) Question No. 153/2015 by the Member for Eldama Ravine Constituency (The Hon. Moses K. Lessonet, M.P.):

Could the Cabinet Secretary apprise the Committee on reasons why the section of Road C55 Ravine to Nyoru continues to be damaged by overloaded trucks without any visible interventions from the Ministry; explain reasons why the Kenya National Highways Authority (KeNHA) has not installed signages along this section to enable police implement truck control measures; provide names the public officers guilty of negligence in implementing load control measures; highlight the disciplinary measures taken against these officers; and give the estimated cost of damage on this particular section of the road?

(iii) Question No. 154/2015 by the Member for Embakasi South Constituency (The Hon. Irshadali M. Sumra, M.P.):

Could the Cabinet Secretary apprise the Committee on plans, if any, to reduce the cash bail fines imposed on traffic offenders, mainly bodaboda operators, taxis and matatus, from the current Ksh 10,000 to a much lower figure as a means of curbing the harassment of these public commuter service operators by traffic police?

III. Questions Under the Departmental Committee on Education, Research and Technology

Questions to the Cabinet Secretary for Education, Science and Technology:

(i) Question No. 110/2015 by the Member for Eldama Ravine Constituency (The Hon. Moses K. Lessonet, M.P.):

Could the Cabinet Secretary apprise the Committee on the general deployment policy of the Teachers Service Commission, and in particular, explain to the Members reasons behind the continued discrimination against schools in Eldama Ravine Constituency when it comes to deployment of teachers; further enlighten the Committee on why the Constituency has fewer TSC teachers compared to other parts of Baringo County which have smaller population sizes and some of whose schools have been in operation for less than four years as shown in the following analysis:

| Within Eldama Ravine Constituency | | |
|--|---------------------------|---------------------|
| <i>School Name</i> | <i>Number of Teachers</i> | <i>Year Started</i> |
| Timboroa Secondary School | 3 Teachers | 1977 |
| Sabatia Secondary School | 5 Teachers | 1978 |
| Sigoro Secondary School | 4 Teachers | 1987 |
| Kiplombe Secondary School | 6 Teachers | 1987 |
| Tolmo Secondary School | 5 Teachers | 2007 |
| Poror High School | 15 Teachers | 1980 |
| Kabimoi High School | 22 Teachers | 1977 |
| Outside Eldama Ravine Constituency, but within Baringo County | | |
| <i>School Name</i> | <i>Number of Teachers</i> | <i>Year Started</i> |
| Lombokishu Secondary School | 8 Teachers | 2011 |
| Kipngorom Girls Secondary School | 6 Teachers | 2011 |
| Mogotio Girls High School | 28 Teachers | xxxx |

(ii) Question No. 111/2015 by the Member for Garissa County (The Hon. Shukran Hussein Gure, M.P.):

Could the Cabinet Secretary explain to Members the reasons behind the indefinite closure of public learning institutions in Garissa County including the Kenya Medical Training College (KMTTC) and the North Eastern Provincial Technical College, and provide timelines within which the institutions shall be reopened?

(iii) Question No. 112/2015 by the Member for Kandara Constituency (The Hon. Alice Wahome, M.P.):

Could the Cabinet Secretary apprise the Committee on whether County Governments have authority to convert public primary schools into boarding primary schools, and more so without feasible sustainability programs in place and indeed without authority from the Ministry of Education, Science and Technology; and in particular confirm to Members whether he is aware that the County Government of Murang'a is converting two primary schools per sub-county (constituency) in Murang'a County into public boarding schools including Gakarara and Githunguri Primary Schools in Kandara Constituency; and the policies, if any, that address such conversions; measures the Ministry has in place to either prevent or sustain these conversions?
