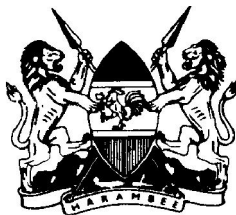


(No. 122)

(2121)



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, OCTOBER 25, 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*. MOTION – FREE ISSUANCE OF KENYA POLICE MEDICAL EXAMINATION (P3) FORMS

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

THAT, aware that the Kenya Police Medical Examination (P3) form is a legal document that is produced in a court of law as evidence in cases which involve body injury; noting that victims are required to have the P3 form completed by a certified public medical officer; further aware that the victims are charged a fee for this service by the hospitals attending to this particular service; concerned that most citizens are financially challenged hence the medical fee charged by the hospitals, is in contravention of Article 48 of the Constitution on access to justice; deeply concerned that if the situation is left unchecked, it may lead to continued abuse of the poor, delayed justice and possible incidents of unrest; this House **urges** the Government to ensure that completion of P3 forms is offered free of charge at all public healthcare facilities.

(Question to be put)

9*. COMMITTEE OF THE WHOLE HOUSE

The Statute Law (Miscellaneous Amendments) Bill (Senate Bill No. 6 of 2014)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

10*. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2016)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, October 19, 2016)

11*. THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

12*. THE CONTEMPT OF COURT BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2016)

(The Leader of the Majority Party)

Second Reading

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

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

Second Reading

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

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

Second Reading

15*. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (No. 3) (NATIONAL ASSEMBLY BILL NO. 18 OF 2015)

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

Second Reading

16*. THE NATIONAL HONOURS (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

17*. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 2 OF 2013)

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

Second Reading

(No.122)

TUESDAY, OCTOBER 25, 2016

(2123)

18*. THE ELECTION LAWS (AMENDMENT) (No. 3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

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

Second Reading

(Resumption of debate interrupted on Thursday, June 30, 2016)

19*. MOTION – ADOPTION OF THE REPORT ON THE INVESTIGATION INTO WILDLIFE POACHING IN KENYA

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

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Investigation into Wildlife Poaching in Kenya, laid on the Table of the House on Thursday, October 01, 2015.

20*. MOTION – ADOPTION OF THE REPORT ON THE INVESTIGATION INTO THE GARISSA UNIVERSITY COLLEGE TERRORIST ATTACK

(The Chairperson, Departmental Committee on Administration and National Security)

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Investigation into the Garissa University College Terrorist Attack, laid on the Table of the House on Tuesday, November 17, 2015.

21*. MOTION – ADOPTION OF REPORT ON THE INQUIRY INTO THE PROCUREMENT OF THE APRON BUSES BY THE KENYA AIRPORTS AUTHORITY

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the Procurement of the Apron Buses by the Kenya Airports Authority, laid on the Table of the House on Thursday, November 19, 2015.

22*. MOTION – ADOPTION OF THE REPORT ON THE INQUIRY INTO THE IMPORTATION OF A CONSIGNMENT OF FERTILIZER BY THE MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES THROUGH THE NATIONAL CEREALS AND PRODUCE BOARD

(The Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Inquiry into the Importation of a Consignment of Fertilizer by the Ministry of Agriculture, Livestock and Fisheries through the National Cereals and Produce Board, laid on the Table of the House on Tuesday, November 24, 2015.

*** Denotes Orders of the Day**

N O T I C E S

I. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 6 OF 2014)

- 1. Notice is given that the Chairperson, Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Statute Law Miscellaneous (Amendment) Bill, 2014 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 of the Bill be amended in the schedule to the proposed amendments to the National Transport and Safety Authority Act by deleting—

- (a) paragraph (a) of the proposed amendment to section 4(1);
- (b) paragraph (a) of the proposed amendment to section 6(1); and
- (c) the proposed new section .

- 2. Notice is given that the Chairperson, Departmental Committee on Administration and National Security, intends to move the following amendments to the Statute Law Miscellaneous (Amendments) Bill, 2014 at the Committee Stage—**

SCHEDULE

THAT, the Bill be amended in clause 2 in the Schedule in the proposed amendments to the National Authority for the Campaign Against Alcohol and Drug Abuse Act, No. 14 of 2012—

- (a) in the proposed amendments to section 5—
 - (i) by deleting paragraph (b); and
 - (ii) by deleting paragraph (c);
- (b) by deleting the proposed amendments to section 6.

3. Notice is given that the Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives intends to move the following amendments to the Statute Law Miscellaneous (Amendments) Bill, 2014 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended in the Schedule by deleting the proposed amendments to the Pyrethrum Act, No. 22 of 2013 and substituting therefor the following new amendments—

The Pyrethrum Act,
No. 22 of 2013

Section 6(2)

(a) renumber paragraph (c) as paragraph (e) appearing immediately after paragraph (d);

(b) delete the word “two” and substitute therefor the word “one” in subparagraph (i) of paragraph (e);

(c) insert the following new sub paragraph immediately after subparagraph (i) in paragraph (e)—

“(ia) one person shall be nominated by the Council of Governors;”

Section 6(3)

Insert the following new subsections immediately after subsection (3)—

(3A) In nominating and appointing members under this section the nominating persons and bodies' shall uphold the principle of one-third gender representation.

(3B) Appointments to the Board shall take into account the national values referred to in Article 10 of the Constitution and the principle that the composition of the Board taken as a whole shall reflect the regional and ethnic diversity of the people of Kenya.

The House resolved on Wednesday, February 10, 2016 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** 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.
- 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 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.
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NOTICE PAPER I

Tentative business for

Wednesday (Morning), October 26, 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), October 26, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Biomedical Engineers Bill (National Assembly Bill No. 37 of 2015)
(The Hon. Stephen M. Mule, M.P.)

B. MOTION- ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE MATTERS RELATING TO GMOs

(The Hon. (Dr.) Wilber Ottichilo, M.P.)

(Resumption of debate interrupted on Wednesday, October 19, 2016 – Morning Sitting)
(Balance of time – 2hrs 50mins)

C. MOTION – SUPPORT FOR YOUTH INNOVATION BY THE GOVERNMENT

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

D. MOTION – RECRUITMENT OF SCHOOL BURSARS TO ENSURE PRUDENT UTILIZATION/MANAGEMENT OF FREE PRIMARY EDUCATION FUNDS

(The Hon. James Luswetii, M.P.)

E. MOTION – FORMULATION OF A POLICY TO GUARANTEE CAREER ADVANCEMENT, PROMOTIONS AND SECURITY OF TENURE FOR PUBLIC SERVANTS

(The Hon. Joyce Emanikor, M.P.)

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

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

Second Reading

G. 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), October 26, 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), October 26, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015)
(The Leader of the Majority Party)

B. THE CONTEMPT OF COURT BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2016)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 25, 2016)

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

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

Second Reading

(If not concluded on Tuesday, October 25, 2016)

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

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

Second Reading

(If not concluded on Tuesday, October 25, 2016)

E. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (No. 3) (NATIONAL ASSEMBLY BILL NO. 18 OF 2015)

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

Second Reading

(If not concluded on Tuesday, October 25, 2016)

F. THE NATIONAL HONOURS (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Tuesday, October 25, 2016)

**G. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL
(SENATE BILL NO. 2 OF 2013)**

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

Second Reading

(If not concluded on Tuesday, October 24, 2016)

**H. THE ELECTION LAWS (AMENDMENT) (No. 3) BILL (NATIONAL
ASSEMBLY BILL NO. 63 OF 2015)**

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

Second Reading

(If not concluded on Tuesday, October 25, 2016)

**I. MOTION – ADOPTION OF THE REPORT ON THE INVESTIGATION INTO
WILDLIFE POACHING IN KENYA**

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

(If not concluded on Tuesday, October 25, 2016)

**J. MOTION – ADOPTION OF THE REPORT ON THE INVESTIGATION INTO
THE GARISSA UNIVERSITY COLLEGE TERRORIST ATTACK**

(The Chairperson, Departmental Committee on Administration and National Security)

(If not concluded on Tuesday, October 25, 2016)

**K. MOTION – ADOPTION OF REPORT ON THE INQUIRY INTO THE
PROCUREMENT OF THE APRON BUSES BY THE KENYA AIRPORTS
AUTHORITY**

(The Chairperson, Departmental Committee on Transport, Public Works and
Housing)

(If not concluded on Tuesday, October 25, 2016)

**L. MOTION – ADOPTION OF THE REPORT ON THE INQUIRY INTO THE
IMPORTATION OF A CONSIGNMENT OF FERTILIZER BY THE MINISTRY
OF AGRICULTURE, LIVESTOCK AND FISHERIES THROUGH THE
NATIONAL CEREALS AND PRODUCE BOARD**

(The Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

(If not concluded on Tuesday, October 25, 2016)

NOTICE PAPER III

Status of Business before Committees

Wednesday (Afternoon) October 26, 2016

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday, October 26, 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:-

- (i) **Committee on Delegated Legislation**
- (ii) **Committee on Regional Integration**

APPENDIX I

PETITION to be presented on

Tuesday, October 25, 2016

It is notified that, pursuant to Standing Orders 225, the following Petition will be presented to the House **today, Tuesday, October 25, 2016:-**

NO.	<u>PETITION TO BE PRESENTED BY</u>	<u>SUBJECT</u>	<u>PETITIONER(S)</u>
001	The Nominated Member (The Hon. Isaac Mwaura, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Enactment of legislation on Prevention and Management of Sickle Cell Anemia condition	Persons living with Sickle Cell Anemia
002	The Member for Bomet East (The Hon. Bernard Bett, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Gazettement of Bomet East Constituency as a hardship area	Residents of Bomet East Constituency
003	The Member for Kajiado North (The Hon. Joseph Manje, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Illegal dumping in Ngong River and its environs	Residents of Kajiado County
004	The Member for Kiambu (The Hon. Jude Njomo, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Alleged violation of labour laws and tax evasion by Bidco (K) Limited	Concerned citizens

APPENDIX II

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, October 25 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Public Service, Youth and Gender Affairs; Agriculture, Livestock and Fisheries; and Environment and Natural Resources* will appear before the following Departmental Committees on Tuesday, October 25, 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 Public Service, Youth and Gender Affairs</i>	10.00 am – 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Agriculture, Livestock and Cooperatives	<i>Cabinet Secretary for Agriculture, Livestock and Fisheries</i>	10.00 am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Environment and Natural Resources	<i>Cabinet Secretary for environment and Natural Resources</i>	11.30 am – 12.30pm	<i>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 Public Service, Youth and Gender Affairs:

(i) Question No. 012/2016 by the Member for Ikolomani (The Hon. Bernard Shinali, M.P.):

Considering that rising incidences of insecurity in various parts of the country could be attributed to diminishing morale among Chiefs and Assistant Chiefs who have attained the requisite qualifications for promotion to the next job groups but have not been promoted

following a circular by the Public Service Commission of Kenya (PSC) banning promotions, could the Cabinet Secretary apprise Members on the reasons that precipitated the ban on promotions by the PSC; confirm whether the ban on promotion of Clerks, drivers and support staff has been lifted yet Chiefs and Assistant Chiefs were excluded; and finally inform the Committee when Government intends to lift the ban on the promotion of Chiefs and Assistant Chiefs.

(ii) Question No. 013/2016 by the Member for Ugenya (The Hon. David Ochieng, M.P.):

Could the Cabinet Secretary provide the Committee with a list of the current Ministries and State Departments; stipulate the roles and functions of each State Department; provide the Executive Order(s) creating the State Departments with specific reference to the State Departments under the Ministry of Foreign Affairs and the Ministry of Labour & East African Affairs; and give clarity on the relationship between the Head of Public Service on the one hand and the Cabinet Secretaries and the Principal Secretaries on the other?

(iii) Question No. 023/2016 by the Member for Rarieda (The Hon. (Eng.) Nicolas Gumbo, M.P.):

Considering that Article 232(1)(h) of the Constitution on Values and Principles of Public Service envisages a public service that has representation of Kenya's diverse communities and respect gender parity, could the Cabinet Secretary provide to the Committee a list of the names of all holders of the following officers who were appointed before and after March 2013; namely, all Chief Executive Officers (CEOs) and Members of the Boards of the respective parastatals, persons ranked Heads of Directorates and above in all Ministries, Departments and Agencies (MDAs), and Principal Secretaries; with the list indicating their respective gender, Counties of origin, dates on which they were appointed, together with information on when their terms of service are set to expire and clarify whether these appointments meet the requirement of the aforementioned Article of the Constitution?

II. Questions under the Departmental Committee on Agriculture, Livestock and Cooperatives:

Questions to the Cabinet Secretary for Agriculture, Livestock and Fisheries:

(i) Question No.074/2016 by the Member for Wajir South (The Hon. Abdullayi Diriye, M.P.):

Considering that the government has put in place measures to mitigate losses incurred by cattle owners in Northern Kenya; could the Cabinet Secretary apprise the Committee on the amount of money that has been allocated and disbursed to the Kenya Meat Commission during the 2014/2015 financial year; the number of cattle and amount of money used to purchase cattle from cattle owners during the 2014/2015 financial year; and clarify allegations that about Kshs.400 Million budgeted for purchasing of cattle from farmers during the 2014/2015 financial year was misappropriated?

(ii) Question No.082/2016 by the Member for Bomet Central (The Hon. Ronald K. Tonui, M.P.):

Considering that H.E. the President recently gave a directive for the waiver of all taxes in the tea sector, could the Cabinet Secretary: list the specific taxes that have been waived from the tea sector; state the amount of tax waived per kilogram of tea and the amount by which tea farmers will benefit as a result of this waiver; state the eventual increase in the price of a kilogram of tea, both processed and unprocessed; and outline measures at hand to ensure that the new fuel levies imposed under the 2016/2017 Budget do not wipe off the tea tax waiver, thus making the waiver of no substantial net effect?

(iii) Question No.083/2016 by the Member for Manyatta (The Hon. John Muchiri Nyaga, M.P.):

Considering that Kithimu Horticultural Market in Manyatta Constituency of Embu County was earmarked for construction through the Smallholder Horticulture Marketing Programme (SHOMaP) under the Ministry of Agriculture,, Livestock and Fisheries with a view to improving farm productivity and enhanced incomes from fruits, vegetables and grain, the latter of which is a predominant crop in the region; could the Cabinet Secretary apprise Honourable Members on reasons behind the stalling of the market's construction; state the timelines within which construction shall resume inclusive of the anticipated completion date; and further aver that the longterm benefits of the market to Manyatta farmers shall include improved farm productivity as well as enhanced quality and consumption of fruits, vegetables and grains as envisaged under the SHOMaP Programme?

III. Questions under the Departmental Committee on Environment and Natural Resources:

Questions to the Cabinet Secretary for Environment and Natural Resources:

(i) Question No.094/2016 by the Member for Lamu County (The Hon. Shakila Abdalla, M.P.):

Considering that the Ministry recently gazette Pandanguo and Boni-Lungi Forests in Lamu County that traverse a combined area of 81,241 hectares via Gazette Notice No. 945 of 19th February 2016 and Gazette Notice No. 1447 of 4th March 2016 respectively; and in light of the fact that Article 63(3) of the Constitution stipulates that any unregistered community land is to be held in trust by the County Government on behalf of the communities for which it is held; could the Cabinet Secretary apprise the Committee on why no consultations were undertaken with the elected leaders of the County prior to the Gazettement; and further provide a map of the proposed gazettement area?

(ii) Question No.103/2016 by the Member for Mwatate (The Hon. Andrew Mwadime, MP):

Could the Cabinet Secretary inform the Committee whether she is aware that trees are being incessantly cut in the areas of Kambanga, Wananchi and Tsavo West National Park located in Mwatate Constituency; and state what steps the Ministry is taking to mitigate the resultant soil erosion, desertification, land degradation and human-wildlife conflicts among other problems?
