



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, AUGUST 07, 2018 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 - REPORT ON THE INQUIRY INTO FOREST RESOURCES MANAGEMENT AND LOGGING ACTIVITIES IN KENYA**

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

**THAT**, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resources Management and Logging Activities in Kenya, laid on the Table of the House on Thursday, May 3, 2018.

*(Resumption of debate interrupted on Thursday, August 2, 2018)*

**9\*. COMMITTEE OF THE WHOLE HOUSE**

The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)

**10\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2018)**

(The Leader of Majority Party)

Second Reading

**11\*. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)**

(The Leader of Majority Party)

Second Reading

**12\*. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)**

(The Leader of the Majority Party)

Second Reading

**13\*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

(The Leader of the Majority Party)

Second Reading

**14\*. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)**

(The Leader of the Majority Party)

Second Reading

**15\*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2018)**

(The Chairperson, Departmental Committee on Finance & National Planning)

Second Reading

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**\* Denotes Orders of the Day**

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N O T I C E S

THE LAND VALUE INDEX LAWS (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)

Notice is given that the Chairperson of the Departmental Committee on Lands, intends to move the following amendments to the Land Value Index Laws (Amendment) Bill, 2018 (National Assembly Bills No. 3) at the Committee Stage—

**CLAUSE 5**

**THAT**, clause 5 of the Bill be amended by deleting the words “establish the” appearing in paragraph (b) and substituting therefor the words “establish that the acquiring body has identified the”.

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended—

- (a) by deleting the words “jointly by the national government and county government” appearing in the proposed new section 107(A)(1) and substituting therefor the words “by the national government in consultation with the county government”;
- (b) by inserting the words “the market value of the land and” immediately after the words “calculating the land value index” appearing in the proposed new section 107(A)(3); and
- (c) by deleting the words “jointly by the national government and county government” appearing in the proposed new section 107(B)(2)(a) and substituting therefor the words “by the national government in consultation with the county government”.

**CLAUSE 11**

**THAT**, clause 11 of the Bill be deleted.

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended by deleting paragraph (a).

**CLAUSE 14**

**THAT**, clause 14(b) of the Bill be amended by deleting the proposed new sub-section (3A) and substituting therefor the following new sub-section —

“(3A) upon the formal taking of possession of land by the Commission, no order stopping any development in the land may be issued by any court, if public funds have already been committed.

Provided that due process has been followed in the compulsory acquisition of the land.

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended by deleting the words “after paying the first offer of compensation” and substituting therefor the words “after paying full compensation”.

**CLAUSE 18**

**THAT**, clause 18 of the Bill be amended—

(a) in the proposed new section 133A—

(i) by deleting sub-section (1) and substituting therefor the following new sub-section—

“(1) There is established a Tribunal to be known as the Land Acquisition Tribunal which shall consist of five persons appointed by the Cabinet Secretary through a notice in the Gazette.”

(ii) by inserting the following new sub-section immediately after sub-section (1)—

“(1A) The members of the Tribunal shall consist of —

(a) one person appointed from among three persons nominated by the Judicial Service Commission, who shall serve as the Chairperson;

(b) two persons appointed from among five persons nominated by the Valuers Registration Board;

(c) one person appointed from among three persons nominated by the Surveyors Registration Board; and

(d) one person appointed from among two persons nominated by the Attorney-General.”

(b) in the proposed new section 133C by deleting the words “ninety days” appearing in sub-section (3) and substituting therefor the words “sixty days”.

**The House resolved on Wednesday, February 14, 2018 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, 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 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.
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# NOTICE PAPER I

Tentative business for

Wednesday (Morning), August 08, 2018

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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), August 07, 2018:-

**A. MOTION – REVIVAL OF THE CASHEWNUTS SUB-SECTOR IN KENYA**

(The Hon. Owen Baya, M.P.)

*(Question to be put)*

**B. MOTION – ESTABLISHMENT OF A NATIONAL RUGBY UNION STADIUM IN THE COUNTRY AND HIGH PERFORMANCE CENTRES OF EXCELLENCE IN EVERY REGION**

(The Hon. Gideon Keter, M.P.)

*(Question on the amendment to be put)*

**C. MOTION – CONSTRUCTION OF POST-TRAUMA CARE FACILITIES FOR SURVIVORS OF SEXUAL AND GENDER BASED VIOLENCE**

(The Hon. Jessica Mbalu, M.P.)

*(Resumption of debate interrupted on Wednesday, August 1, 2018)*

*(Balance of time - 1 hour 35 minutes)*

**D. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2018)**

(The Hon. Chris Wamalwa, M.P.)

Second Reading

**E. MOTION – ESTABLISHMENT OF SPECIAL NEEDS PRIMARY AND SECONDARY SCHOOLS IN EVERY CONSTITUENCY**

(The Hon. Mishi Juma Mboko, M.P.)

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# NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), August 08, 2018

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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), August 07, 2018:-

- A. MOTION – APPROVAL OF NOMINEES FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF THE NATIONAL GENDER AND EQUALITY COMMISSION**  
(The Chairperson, Departmental Committee on Labour & Social Welfare)
- B. MOTION – APPROVAL OF A NOMINEE FOR APPOINTMENT AS THE PRINCIPAL SECRETARY FOR THE STATE DEPARTMENT FOR YOUTH**  
(The Chairperson, Departmental Committee on Labour & Social Welfare)
- C. MOTION – APPROVAL OF A NOMINEE FOR APPOINTMENT AS THE PRINCIPAL SECRETARY FOR THE STATE DEPARTMENT FOR TRANSPORT**  
(The Chairperson, Departmental Committee on Transport, Public, Works & Housing)
- D. MOTION – APPROVAL OF NOMINEES FOR APPOINTMENT AS AMBASSADORS AND HIGH COMMISSIONERS**  
(The Chairperson, Departmental Committee on Defence & Foreign Relations)
- E. MOTION - REPORT ON THE INQUIRY INTO ALLEGED IMPORTATION OF ILLEGAL AND CONTAMINATED SUGAR IN THE COUNTRY**  
(The Co-Chairpersons, Joint Departmental Committees on Agriculture & Livestock and Trade, Industry & Cooperatives)

**THAT**, this House adopts the Report of the Joint sittings of the Departmental Committees on Agriculture & Livestock and Trade, Industry & Cooperatives on the *Inquiry into Alleged Importation of Contaminated Sugar in the Country*, laid on the Table of the House on Wednesday, August 01, 2018.

**Notice is given that the Co-Chairpersons of the Joint Departmental Committees on Agriculture & Livestock and Trade, Industry & Cooperatives intend to move the following amendment to the Motion:-**

**THAT** the motion be amended by inserting the following words after the figure "2018"

"Subject to insertion of the following new recommendations-

- a.) That recommendation No. 5.5 on page 60 of the Report be deleted and substituted with the following new recommendation.

*5.5 the Cabinet Secretary for National Treasury should be held responsible for the excess importation of sugar into the country and consequent tax evasion based on the gazette Notice No. 4536, Gazette Notice No. 9801, Gazette Notice No. 9802 and Gazette Notice No. 10149.*

- b.) That recommendation No. 5.6 on page 60 of the Report be deleted and substituted with the following new recommendation.

*5.6 the then Cabinet Secretary for Agriculture, Livestock and Fisheries should be held responsible for recommending waiver of duty for the fourteen (14) companies which imported sugar under Gazette Notice No.9802.*

- c.) That recommendation No. 5.11 on page 61 of the Report be deleted and substituted with the following new recommendation.

*5.11 the then Cabinet Secretary, Ministry of Trade, Industry and Co-operatives under whose docket KEBS falls to should be held responsible for failure to undertake adequate market surveillance to guarantee the safety and quality of sugar in the country.*

**F. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL  
(NATIONAL ASSEMBLY BILL NO. 12 OF 2018)**

(The Leader of Majority Party)

Second Reading

*(If not concluded on Tuesday, August 7, 2018)*

**G. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL  
ASSEMBLY BILL NO. 14 OF 2018)**

(The Leader of Majority Party)

Second Reading

*(If not concluded on Tuesday, August 7, 2018)*

**H. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE  
BILL NO. 4 OF 2017)**

(The Leader of the Majority Party)



Second Reading

*(If not concluded on Tuesday, August 7, 2018)*

**I. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, August 7, 2018)*

**J. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, August 7, 2018)*

**K. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2018)**

(The Chairperson, Departmental Committee on Finance & National Planning)

Second Reading

*(If not concluded on Tuesday, August 7, 2018)*



# **APPENDIX**

## THE NATIONAL ASSEMBLY SCHEDULE of Questions for Tuesday, August 07, 2018

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It is notified that pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Education; Water and Irrigation; and Industry, Trade and Cooperatives, will appear before the following Departmental Committees on Tuesday, July 24, 2018 at the times hereunder:-

<b><u>Departmental Committee</u></b>	<b><u>Cabinet Secretary</u></b>	<b><u>Time</u></b>	<b><u>Venue</u></b>
(i) Education and Research	<i>Cabinet Secretary for Education</i>	10.00 am – 12.00 pm	<i>National Assembly Chamber</i>
(ii) Environment a & Natural Resources	<i>Cabinet Secretary for Water and Irrigation</i>	10.00 am – 11.10 am	<i>Mini Chamber, County Hall</i>
(iii) Trade, Industry & Cooperatives	<i>Cabinet Secretary for Industry, Trade &amp; Cooperatives</i>	11.00 am -12.00 pm	<i>Mini Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

### **AGENDA**

1. Prayers
  2. Communication from the Chairperson(s)
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#### **I. QUESTIONS UNDER THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH**

##### **Questions to the Cabinet Secretary for Education:**

- (i) **Question No. 037/2018 by the Member Wajir East Constituency (Hon. Rashid Kassim Amin, MP):-**

Could the Cabinet Secretary apprise the Committee regarding the circumstances that led to the transfer all non-local teachers from Wajir County and other Counties in the North Eastern Region; and the measures the Ministry has put in place to ensure that replacements are made to the affected schools, and that the recommended teacher to student ratio is adhered to and sustained?

**(ii) Question No. 062/2018 by the Member for Kiambu County (Hon. Gathoni Wamuchomba, MP):-**

Aware that Section 39 of the Basic Education Act, 2013 as amended in 2017 provides that it shall be the responsibility of the Government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty, and provide a safe and environmentally sound mechanism for disposal of the sanitary towels; and further, Section 88 of the Act provides that the Government shall provide for among others, conditional capitation funds to facilitate the acquisition of the said sanitary towels; could the Cabinet Secretary apprise the Committee on the implementation status of the said provisions since the Act came into effect; and the various disposal mechanisms being used by institutions?

**(iii) Question No. 067/2018 by the Member for Molo Constituency (Hon. Kimani Kuria, MP):-**

Aware that the Government in 2014 introduced waiver of examinations registration fees for both primary and secondary schools candidates through a scheme aimed at easing the financial burden on parents and making education accessible and affordable, further aware that the waiver was in 2017 extended to candidates in private schools, could the Cabinet Secretary inform the Committee whether the scheme is applicable to adult candidates who register under the adult basic education as well as adult and continuing education centers?

**(iv) Question No. 068/2018 by Nominated Member (Hon. Godfrey Osotsi, MP):-**

Aware that Section 14 of the Higher Education Loans Board Act provides that the Board shall notify every applicant in writing whether the application for a higher education loan has been accepted or rejected, could the Cabinet Secretary brief the Committee on the average processing time for loan applications; the total amount disbursed in the past three (3) years for the various loan categories; and how the Board harmonizes disbursements with the academic calendars for various institutions to ensure release of funds to beneficiaries is not delayed?

**II. QUESTION UNDER THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

## **Questions to the Cabinet Secretary for Water and Irrigation: -**

### **Question No. 073/2018 by the Member for Turkana North Constituency (Hon. Doye Christopher Nakuleu, MP):-**

Aware that in 2015, the Cabinet Secretary for Water and Irrigation then during site visits to several areas in Turkana County, including Naduat, Lokori, Lokichoggio, Nanam, among others pledged to have the Ministry drill boreholes in Naduat, Lochor-Apus in Lokore location of Turkana West Sub-County, Koyasa and Elelea in Kaeris; further aware that to date, the projects promised are yet to be implemented and area residents are still experiencing water challenges, could the Cabinet Secretary apprise the Committee on the following?-

- a) What occasioned delays in implementation of the boreholes to the above listed areas in spite the budgetary allocation for the same being available.
- b) When is the Ministry intending to drill and equip boreholes in Naduat, Elelea, Kaloyara and Koyasa areas?

## **III. QUESTION UNDER THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES**

### **Questions to the Cabinet Secretary for Industry, Trade and Cooperatives: -**

#### **Question No. 079/2018 by the Member for Matayoa Constituency (Hon. Godfrey Odanga, MP):-**

Concerned over the recent reports in the country regarding of imported sugar alleged to contain traces of mercury and copper; further concerned over the many reports of counterfeit goods in the market; could the Cabinet Secretary inform the Committee on the reasons for lapses in quality assurances and why the Kenya Bureau of Standards and the Anti-Counterfeit Agency which are mandated to among other things, ensure that industry standards are maintained for all products have failed in their mandate. Could the Cabinet Secretary state the steps, if any that the Ministry is undertaking to address this influx of counterfeit products, and give the justification for the two agencies existence given their inability to manage the situation?

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