



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, NOVEMBER 27, 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. Questions and Statements

8*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017).

Amendment moved and Question proposed-

THAT, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words at the end thereof-

“subject to re-committal of Clause 3 of the Bill.”

(Question of the re-committal to be put)

9*. COMMITTEE OF THE WHOLE HOUSE

The Warehouse Receipt System Bill (Senate Bill No. 10 of 2017)

(The Leader of the Majority Party)

(Subject to re-committal)

10*. MOTION – REPORT ON CONSTITUENCY DIGITAL INNOVATION HUBS

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

THAT, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on Constituency Digital Innovation Hubs, laid on the Table of the House on Thursday, October 25, 2018.

11*. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)

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

Second Reading

(Resumption of debate interrupted on Thursday, November 21, 2018 – Morning sitting)

12*. MOTION - REPORT ON THE JUDICIARY FUND REGULATIONS, 2018

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Judiciary Fund Regulations, 2018 (Legal Notice No. 117 of 2018), laid on the Table of the House on Tuesday, November, 13, 2018, and pursuant to the provisions of Section 15(1) of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) ***annuls in entirety*** the said Regulations.

13*. MOTION – RATIFICATION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Departmental Committee on Health on the Ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products, laid on the Table of the House on Tuesday, November 13, 2018, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products.

14*. THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)

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

Second Reading

...../15*

15*. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)

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

Second Reading

16*. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)

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

Second Reading

17*. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

Second Reading

18*. THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

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

Second Reading

19*. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

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

Second Reading

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)

(Notice of re-committal given)

Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017) at the Committee Stage—

CLAUSE 3

THAT, clause 3 of the Bill be amended—

(a) by deleting sub clause (3) and substituting therefor the following new sub-clause—

(3) The Council shall consist of—

- (a) a Chairperson, who shall be appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
- (c) the Principal Secretary for the time being responsible for matters related to finance or a representative;
- (d) one person nominated by the Council of Governors;
- (e) the Director-General of Agriculture and Food Authority or a representative;
- (f) the chief executive officer of the Council who shall be an *ex-officio* member;
- (g) one person nominated by Financial Sectors Regulators Forum;
- (h) one person nominated by the Kenya Farmers Association;
- (i) one person nominated by Kenyan members of the Eastern Africa Grain Council;
- (j) one person nominated by Consumer Federation of Kenya
- (k) one person nominated by Kenya Bankers Association; and
- (l) one person nominated by the Kenya Warehouse Operators Association.”

(b) by deleting sub-clause (5) and substituting thereof with the following subclause—

(5) A person shall be qualified for appointment as chairperson of the Council if such a person—

- (a) is a citizen of Kenya;
- (b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution;
- (c) holds relevant academic and professional qualifications including a university degree in a relevant field; and
- (d) has at least eight years' experience in—

- (i) agriculture;
- (ii) finance;
- (iii) business;
- (iv) law;
- (v) procurement; or
- (vi) administration.

(c) in sub-clause (9), by—

(i) inserting the words, “in contravention of the Public Officer Ethics Act and any other relevant law” immediately after the word “office” in paragraph (c);

(ii) deleting the words “ in the opinion of the Council” in paragraph (e);

(iii) deleting paragraph (g) and substituting therefor with the following paragraph—

“(g) conviction of an offence and sentenced to six months imprisonment without an option of a fine.”

The House resolved on Wednesday, February 14, 2018 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a **debate** on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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 **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.
- IV. 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER I

Tentative business for

Wednesday (Morning), November 28, 2018

(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), November 28, 2018:-

A. PROCEDURAL MOTION– EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

(The Leader of the Majority Party)

B. MOTION - TWENTY-SECOND REPORT ON AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS

(The Chairperson, Public Investments Committee)

(Resumption of debate interrupted on Wednesday, November 21, 2018 – Morning sitting)

C. MOTION - REPORT ON THE EXAMINATION OF THE AUDITOR'S GENERAL REPORT ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT

(The Chairperson, Public Accounts Committee)

D. MOTION – ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES TO CHILDREN

(The Hon. Mary Wamaua Njoroge, M.P.)

E. MOTION – MODERNIZATION AND STANDARDIZATION OF POLICE CELLS ACROSS THE COUNTRY

(The Hon. Omar Mohamed Maalim, M.P.)

F. MOTION – PROVISION OF FREE, SECURE, RISK-FREE AND HIGH QUALITY WIFI SERVICES IN EVERY CONSTITUENCY

(The Hon. Osotsi Godfrey, M.P.)

G. HOJA – KUFUTILIA MBALI KWA ADA ZA MATIBABU KATIKA HOSPITALI ZA UMMA PINDI MGONJWA ANAPOFARIKI

(Mhe. Mohamed Ali Mohamed)

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), November 28, 2018

(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), November 28, 2018:-

**A. THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 4 OF 2018)**

(The Leader of the Majority Party)

Second Reading

(Mover to Reply)

(Question to be put)

**B. MOTION – REPORT ON CONSTITUENCY DIGITAL INNOVATION
HUBS**

(The Chairperson, Select Committee on National Government
Constituencies Development Fund)

(If not concluded on Tuesday, November 27, 2018)

**C. MOTION - REPORT ON THE JUDICIARY FUND REGULATIONS,
2018**

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Tuesday, November 27, 2018)

**D. MOTION – RATIFICATION OF THE PROTOCOL TO ELIMINATE
ILLCIT TRADE IN TOBACCO PRODUCTS**

(The Chairperson, Departmental Committee on Health)

(If not concluded on Tuesday, November 27, 2018)

**E. THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 19 OF 2018)**

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

Second Reading

(If not concluded on Tuesday, November 27, 2018)

**F. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 21 OF 2018)**

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

Second Reading

(If not concluded on Tuesday, November 27, 2018)

A P P E N D I X

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No.

121/2018 The Member for Kesses Constituency (Hon. (Dr.) Swarup Mishra, MP) to ask the Ethics and Anti-Corruption Commission (EACC): -

- a) To provide a list of total number of persons and holders of public and private offices who have been prosecuted and proceeds of corruption recovered since 2003?
- b) What efforts are being made by the Commission in recovering, repatriation of proceeds of economic crimes in form of Assets held both locally and in foreign countries?
- c) What are the challenges in enforcing anti-corruption laws during recovery of assets of economic crimes and the mitigation measures to address these challenges?
- d) How many persons have made application to surrender the ill-gotten wealth as stipulated by the anti-corruption and Economic Crimes Act?

(For Written Reply by the EACC)

161/2018 The Member for Meru County (Hon. Bishop Kawira Mwangaza, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- a) Is the Cabinet Secretary aware that the use of Toyota Probox is a popular and convenient means of public service transport in most parts of the Country and further that public transport in the Country, particularly Meru County had been inconvenienced by the enforcement of public transport regulations?
- b) When will the Ministry regulate and license the use of Toyota Probox as Public Service Vehicles?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

214/2018 The Member for Kinangop Constituency (Hon. Kwenya Thuku, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government:-

- (a) Is the Cabinet Secretary aware that the late John Mwaura Karanja, Identification Card number. 24288120, went missing on 2nd September 2018 from Magumu in Kinangop Constituency, with the body later being found in Matungulu, Machakos County?
- (b) Could the Cabinet Secretary provide details on how far the investigations have gone into this matter, and confirm whether any culprits involved in the murder of this young man have been arrested?

(To be replied before the Departmental Committee on Administration and National Security)

216/2018 The Member for Kamukunji Constituency (Hon. Yusuf Hassan, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- a) What was the outcome of an investigation on the fire in Gikomba Market that destroyed goods and properties worth millions of shillings in Kamukunji Constituency on 28th June 2018 and when is it going to be made public?
- c) How many people have been arrested, questioned and brought to book in relation to the outbreak of this fire?
- d) What measures is the Ministry putting in place in providing and protecting traders, customers and properties in Gikomba Market and in particular on fire safety?

(To be replied before the Departmental Committee on Administration and National Security)

217/2018 The Member for Mandera North Constituency (Hon. Major (Rtd) Bashir Abdullaih, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (a) Is the Cabinet Secretary aware that one, Ms. Abdia Omar Adan of Identification Card number. 0019090, was shot dead in her compound in Rhamu, Mandera North Constituency on the evening of Saturday, 16th November 2017 by a police officer?
- (b) Could the Cabinet Secretary provide details of the investigations into this matter, and confirm whether any action has been taken against the officer involved?
- (c) Could the Cabinet secretary consider compensating the family of the deceased?

(To be replied before the Departmental Committee on Administration and National Security)

233/2018

The Member for Kabondo Kasipul Constituency (Hon. Eve A, Obara, MP) to ask the Cabinet Secretary for Education: -

- a) Is the Cabinet Secretary aware that students who were admitted by Kenya Universities and Colleges Central Placement Service (KUCCPS) to TVET, TTI and National Polytechnics for the August 2018 intake in the country received letters of admission but no capitation was released to the colleges?
- b) Is the Cabinet Secretary further aware that most of these students have been sent home by the said Institutions or have not reported due to lack of school fees?
- c) What measures is the Ministry taking to ensure that disbursement of initial capitation or letters of undertaking to the institutions to allow students attend classes?

(To be replied before the Departmental Committee on Education and Research)

261/2018

The Member for Kandara (Hon. Alice Muthoni Wahome, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- a) Is the Cabinet Secretary aware that a young boy, Master Juliano Kanyonyo Mbatha of 15 years from Gatitu Primary School lost his life through circumstances that indicate he was murdered during healing period after circumcision as a result of inability to produce an extortion bribe by mentors in Kandara Constituency??
- b) Is the Cabinet Secretary further aware that Master Evans Wanyoike Ngaruiya of 14 years at Maragua Level 4 Hospital and Master Nelson Njuguna are currently hospitalized at Gaichanjiru Mission Hospital after undergoing circumcision in an environment suspected to be unhygienic and unprofessional?
- c) Is the Cabinet Secretary further aware that young initiates are being recruited into organized criminal groups such as *Gaza, Mungiki, 42 Brothers and Usiku SACCO* which are exposing them to drugs and other criminal activities?
- d) What measures is the Ministry undertaking to ensure that this matter is investigated and culprits brought to book including cracking down of the resurgent criminal groups?

(To be replied before the Departmental Committee on Administration and National Security)
