



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, OCTOBER 02, 2019 AT 9.30 A.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\*. THE KENYA INFORMATION AND COMMUNICATION (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2019)**

(The Hon. Malulu Injendi, M.P.)

First Reading

**9\*. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 64 OF 2019)**

(The Hon. Swarup Ranjan Mishra, M.P.)

First Reading

**10\*. THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.65 OF 2019)**

(The Hon. Gladys Wanga, M.P.)

First Reading

**11\*. THE EMPLOYMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2019)**

(The Hon. Martha Wangari, M.P.)

Second Reading

*(Question to be put)*

**12\*. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2019)**  
(The Hon. Ndindi Nyoro, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, July 24, 2019 – Morning sitting)*

*(Balance of time – 3 hours 20 minutes)*

**13\*. THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2019)**  
(The Hon. Bashir Abdullahi, M.P.)

Second Reading

**14\*. MOTION - POLICY MEASURES TO ENSURE 100 PERCENT TRANSITION FROM SECONDARY EDUCATION TO TERTIARY EDUCATION**

(The Hon. John Munene Wambugu, M.P.)

**THAT**, aware that according to available data from the country's education sector, a huge percentage of the students who sit for the Kenya Certificate of Secondary Education do not transition to Universities to pursue degree courses; further aware that technical skills and knowledge are fundamental in every profession; concerned that despite the importance of technical and vocational training in teaching necessary skills and building adequate human capital to achieve and sustain the Country, its uptake in the Country remains low; cognizant that promotion of technical and vocational education and skills alongside academics provides a mix of professionals and skills that the economy requires so as to create balanced manpower requirements; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth access relevant education and training; appreciating the Government's policy of achieving 100 per cent transition of pupils from primary to secondary schools which has seen a huge increase in enrollment in secondary schools; this House resolves that the Government puts in place policy measures to ensure 100 percent transition from secondary to tertiary education.

*(Resumption of debate interrupted on Wednesday, September 25, 2019 – Morning Sitting)*

*(Balance of time – 2 hours 44 minutes)*

**15\*. MOTION- REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE**

(The Hon. Charles Njagua Kanyi, M.P.)

**THAT**, aware that seventy-five percent of Kenya's population is under the age of thirty-five years and that, the overall unemployment among the youth is at fifty-five percent; further aware that over 800,000 graduates from Universities, Colleges, Technical Institutes, Vocational Centres and other

...../15\*(cont'd)

tertiary institutions join the job market annually with only approximately 70,000 being absorbed into the formal labour force market; concerned that the high rate of unemployment in Kenya, particularly among the youth remains a major challenge; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth gain access to relevant education, training and employment; noting that the mandatory retirement age for public servants is set at sixty (60) years; this House **urges** the Government to review the mandatory retirement age in the public service from the current sixty to fifty years to among other things, create opportunities for the employment of the youth.

**16\*. MOTION - REGISTRATION OF FARMERS AND FORMATION OF AGRI-BUSINESS ENTITIES FOR IMPROVED BENEFITS AND SUSTAINABLE FOOD AND NUTRITIONAL SECURITY**  
(The Hon. (Dr.) John Mutunga, M.P.)

**THAT**, aware that farmers in Kenya are least organized into Associations, following the collapse of the Agricultural Cooperatives; further aware that, the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organizations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organize farmers is through their organizations; appreciating that the best suited organization to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organized farmers, farming will be more beneficial in terms of volumes, lowered cost of production and improving organized raw material supply to industry; realizing that organizing farmers into Agri-business entities is a costly undertaking which calls for Government support, and acknowledging that through organized production systems, the country will achieve the Big 4 Agenda faster and also create more and better jobs in the Agricultural Value Chains; this **House urges** the Government to facilitate and support the Kenya National Farmers' Federation to mobilize and organize the registration of farmers into preferred entities and manage national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

**17\*. MOTION - FORMULATION OF A COMPREHENSIVE POLICY TO HARNESS DIASPORA KENYANS FOR NATIONAL DEVELOPMENT**  
(The Hon. Godfrey Osotsi, M.P.)

**THAT** aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenyan Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittance from Kenya Diaspora account for over 3% of the country's GDP

...../17\*(cont'd)

channeled by an estimated three million Kenyans; noting that, contribution by the Kenyan diaspora to the country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, diaspora investments funds, knowledge exchange among other enormous potential benefits; acknowledging that, the diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; concerned that, Kenya ought to formulate practical and incentive-driven policy to harness existing and future diaspora resources for social-economic development; cognizant that Kenya has an obligation to counter the challenges hindering diaspora contribution to national development; **this House resolves** that the Government reviews and formulates a comprehensive policy and structure to harness the ever increasing diaspora resources for national development and that the said policy be presented to National Assembly within one year for consideration.

**18\*. MOTION - ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES TO CHILDREN**

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

**THAT**, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; **this House urges** the Government to establish database centres in all Civil Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

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## **CERTIFICATES**

(The Hon. Gladwell J. Cheruiyot, M.P.)

**THAT**, aware that disclosure of information about previous criminal convictions through a Police Clearance Certificate has long been considered an important safeguard for employers and various organizations seeking individuals to serve in positions of trust; concerned that the Police Clearance Form includes cases that are pending before court, thus going against the principle of Article 50(2) of the Constitution which provides for the presumption of innocence until proven guilty; further concerned that, the bureaucratic manual procedure of acquiring criminal data and laxity in updating the records results in erroneous information on the Police Clearance Certificate and consequently denies applicants employment opportunities; cognizant of the fact that in Kenya, based on an administrative directive from 1990, criminal records are waived after a term of 20 years except for serious offences such as murder, robbery, manslaughter, rape, defilement, treason or drug possession which remain as permanent records; noting that research has shown a clear nexus between crime and poverty and that a criminal record remains a permanent barrier for young people looking for employment as this will be shown in the Police Clearance Form which will perpetuate the cycle of poverty; this House **urges** the Directorate of Criminal Investigation to leverage on the use of Information Communication Technology (ICT) to ensure criminal data availed in Police Clearance Forms is accurate and up-to-date.

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**\* Denotes Orders of the Day**

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...../Notices

(No.86)

**WEDNESDAY, OCTOBER 02, 2019**

(2217)

**NOTICES**

**The House resolved on Wednesday, February 13, 2019 as follows:-**

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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.
  
- 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 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

**NOTICE PAPER**

**Tentative business for**  
**Wednesday (Afternoon), October 02, 2019**

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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), October 02, 2019:-

**A. THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.26 OF 2018)**

(The Chairperson, Departmental Committee on Education and Research)

Second Reading

*(Question to be put)*

**B. MOTION- RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE INTERNATIONAL ANTI-CORRUPTION ACADEMY AS AN INTERNATIONAL ORGANIZATION**

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

**C. MOTION- REPORT ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA**

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

**D. THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**

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

Second Reading

**E. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

(The Leader of the Majority Party)

Second Reading

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...../Appendix

## **A P P E N D I X**

### **ORDER NO.7 - QUESTIONS**

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

**Question No.****ORDINARY QUESTIONS**

429/2019 **The Member for Mwatate (Hon. Andrew Mwadime, MP) to ask the Cabinet Secretary for Education: -**

Could the Cabinet Secretary-

- (i) Explain the criteria used to identify and consequently *gazette* hardship areas;
- (ii) Provide a list of hardship areas in Mwatate Constituency; and
- (iii) Clarify whether public servants working in hardship areas in Mwatate Constituency particularly teachers in *Kunga Primary School and Ronge Ward* are paid hardship allowances as required?

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

430/2019 **The Member for Mandera South (Hon. Adan Haji Ali, MP) to ask the Cabinet Secretary for Petroleum and Mining: -**

- (i) What is the status of seismic exploration being undertaken by M/s. Octant Energy in *Kenya Block 1 - Mandera North East* at *Elwak, Dabacity* and *Garse Sala* towns in Mandera South Constituency which commenced in 2017?
- (ii) When will M/s. Octant Energy submit the seismic data and exploration findings of the 1,900km section in *Kenya Block 1* to the Ministry?
- (iii) When will further exploration of a 300 km stretch of the same block which was suspended in 2017 resume so as to facilitate data interpretation, well prognosis and drilling?

*(To be replied before the Departmental Committee on Energy)*

431/2019 **The Nominated Member (Hon. Wilson Sossion, MP) to ask the Cabinet Secretary for Labour and Social Protection: -**

- (i) Could the Cabinet Secretary explain why Safaricom Plc is discouraging and preventing its employees from joining workers' unions of their choice contrary to the provisions of Article 41 of the Constitution?
- (ii) What action does the Ministry intend to take against the said company for unprocedurally terminating employment of several of its workers on account of sickness as a result of working for long hours in unsafe environment at its Call Centers?

*(To be replied before the Departmental Committee on Labour and Social Welfare)*

432/2019 **The Member for Nyakach (Hon. Aduma Owuor, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

Could the Ministry consider putting a distinct administrative boundary between *Magina Sub Location in Wawidhi Location, Nyando Sub-County* and *Wasare, Gem-Rae Sub Location in North Nyakach Sub-County* to bring to an



end conflicts among residents of the two Sub-Counties?

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

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**Twelfth Parliament**

**(No. 87)**



**Third Session  
Afternoon Sitting**

**(2218)**

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, OCTOBER 02, 2019 AT 2.30 P.M.

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.26 OF 2018)**

(The Chairperson, Departmental Committee on Education and Research)

Second Reading

*(Question to be put)*

**9\*. MOTION- RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE INTERNATIONAL ANTI-CORRUPTION ACADEMY AS AN INTERNATIONAL ORGANIZATION**

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

**THAT**, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Instrument for Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization, *laid on the Table of the House on Wednesday, June 26, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization.

...../10\*

(No.87)

WEDNESDAY, OCTOBER 02, 2019

(2219)

**10\*. MOTION- REPORT ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA**

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

**THAT**, this House **adopts** the Report of the Departmental Committee on Labour and Social Welfare on the visit to Riyadh, Saudi Arabia on a Fact Finding Mission on the Welfare of Migrant Kenyan Workers in the Kingdom of Saudi Arabia from February 27 to March 3, 2019, *laid on the Table of the House on Thursday, August 8, 2019.*

**11\*. THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**

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

Second Reading

**12\*. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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...../Notices

(No.87)

WEDNESDAY, OCTOBER 02, 2019

(2220)

**NOTICES**

The House resolved on Wednesday, February 13, 2019 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, 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.
- 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 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.
- 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.

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...../Notice Paper

## **NOTICE PAPER**

**Tentative business for**

**Thursday, October 03, 2019**

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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 Thursday, October 03, 2019:-

- A. **MOTION- RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE INTERNATIONAL ANTI-CORRUPTION ACADEMY AS AN INTERNATIONAL ORGANIZATION**  
(The Chairperson, Departmental Committee on Justice & Legal Affairs)  
*(If not concluded on Wednesday, October 2, 2019 – Afternoon sitting)*
- B. **MOTION- REPORT ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA**  
(The Chairperson, Departmental Committee on Labour & Social Welfare)  
*(If not concluded on Wednesday, October 2, 2019 – Afternoon sitting)*
- C. **MOTION – PETITION BY THE EXECUTIVE FOR THE VARIATION OF THE BOUNDARIES OF MOUNT ELGON FOREST RESERVE**  
(The Chairperson, Departmental Committee on Environment and Natural Resources)
- D. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**  
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

*(If not concluded on Wednesday, October 2, 2019 – Afternoon sitting)*

- E. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**  
(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, October 2, 2019 – Afternoon sitting)*

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## **A P P E N D I X**

### **ORDER NO.7 - QUESTIONS**

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

**Question No.**                      **ORDINARY QUESTIONS**

433/2019            The Member for Tigania West (Hon. John Kanyuithia, MP) to

**ask the Cabinet Secretary for Interior & Coordination of National Government: -**

- (i) Could the Cabinet Secretary address concerns that crime levels have generally escalated in areas where the National Police Reservists (NPR) were disarmed?
- (ii) Are there plans by the Ministry to compensate farmers who have suffered losses through cattle rustling which has been a direct result of NPR disarmament?

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

**434/2019 The Member for Tharaka (Hon. George G. Murugara, MP) to ask the Cabinet Secretary for Energy:-**

- (i) What measures have been put in place to resolve the inordinate delay in the release of electrification construction materials imported into the Country by Kenya Power's contractors due to Treasury's delays in issuing duty-free permits for the release of the said materials at the Mombasa Port?
- (ii) What steps is the Ministry taking to avert a similar crisis in future, which may negatively affect rural electrification initiatives?

*(To be replied before the Departmental Committee on Energy)*

**435/2019 The Member for Kipkelion West (Hon. Hillary Kosgey, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -**

When will the case of Police Constable Rebecca Moraa of Service No. 117166, who was suspended from service in April 2019 under unclear circumstances, be finalized?

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

**436/2019 The Member for Butere (Hon. Tindi Mwale, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -**

Could the Ministry consider increasing the number of police officers in Butere Constituency, which is currently experiencing an acute shortage of officers as a result of transfers effected in the last four months, to curb the increased cases of insecurity in the Constituency?

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

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