



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, OCTOBER 16, 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 ANTI-CORRUPTION AND ECONOMIC CRIMES
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2019)
(The Hon. Ndindi Nyoro, M.P.)**

Second Reading

(Question to be put)

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

Second Reading

*(Resumption of debate interrupted on Wednesday, October 9, 2019 – Morning sitting)
(Balance of time – 1 hour 16 minutes)*

**10*. 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

...../10*(cont'd)

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)*

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

(The Hon. Charles Njagua, 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 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.

12*. 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'

...../12*(cont'd)

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.

13*. 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 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.

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

(The Hon. Mary Wamaua, 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.

15*. MOTION - INFORMATION IN POLICE CLEARANCE 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.

16*. MOTION - INTRODUCTION OF AGE-APPROPRIATE SEX EDUCATION IN SCHOOLS

(The Hon. Elsie Muhanda, M.P.)

THAT, aware that in Kenya about 11 percent of teenagers are engaging in sex before their 15th birthday with an estimated 47% of teens already sexually active before the age of 18 years which is the legal age of consent; further aware that Kenya’s adolescent birth rate is 96 per 1000 women, with 15% of all adolescent women having already given birth and 3% being pregnant with their first child; concerned that the sexual activity is encouraged by the proliferation of the internet and mobile phones, poverty and the conservative attitudes combined with the traditional values which tend to have parents shying away from discussing sex with their young ones while other traditional African cultures encourage early marriages; acknowledging that young persons in the country do not get sex education to make sexual choices; recognizing the need for a comprehensive and age appropriate sex education from the age of six (6) years, this **House urges** the National Government through the Ministry of Education and Research in collaboration with other relevant actors to introduce, institutionalize and entrench sex education in both primary and secondary school curriculum and ensure that it is beyond policy and legal framework and encourage the development and building of more boarding school especially for girls.

17*. THE PARLIAMENTARY PENSIONS (AMENDMENT)(No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Hon. Andrew Mwadime, M.P.)

Second Reading

18*. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

*** Denotes Orders of the Day**

...../Notices

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.

...../Notice Paper

NOTICE PAPER

Tentative business for **Wednesday (Afternoon), October 16, 2019**

(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 16, 2019:-

- A. THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)**
(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(Resumption of debate interrupted on Tuesday, October 15, 2019)

- B. THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

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

Second Reading

- D. MOTION - ANNULLMENT OF THE RETIREMENT BENEFITS (OCCUPATIONAL RETIREMENT BENEFITS SCHEMES)(AMENDMENT) REGULATIONS, 2019 AND THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE) (AMENDMENT) RULES, 2019**

(The Chairperson, Committee on Delegated Legislation)

- E. THE DATA PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2019)**

(The Leader of the Majority Party)

Second Reading

...../Appendix

APPENDIX

Could the Cabinet Secretary explain the measures put in place by the National Environment Management Authority (NEMA) to ensure that pollution and health hazards caused by chemical contents and emissions by M/S Krystalline Salt Factory at the *Gongoni* Salt Works in Magarini Constituency of Kilifi County, which continues to affect area residents, are mitigated?

(To be replied before the Departmental Committee on Environment and Natural Resources)

454/2019

The Member for Tharaka (Hon. George Gitonga Murugara, MP) to ask the Cabinet Secretary for Environment and Forestry: -

What measures has the Ministry put in place to curb illegal water tapping, canalling and other diverting acts by residents living upstream of the main rivers in Tharaka Constituency?

(To be replied before the Departmental Committee on Environment and Natural Resources)



REPUBLIC OF KENYA

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ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
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5. Papers
6. Notices of Motion
7. Questions and Statements

- 8*. **THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)**
(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(Resumption of debate interrupted on Tuesday, October 15, 2019)

- 9*. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

- 10*. **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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11*. MOTION - ANNULLMENT OF THE RETIREMENT BENEFITS (OCCUPATIONAL RETIREMENT BENEFITS SCHEMES)(AMENDMENT) REGULATIONS, 2019 AND THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE) (AMENDMENT) RULES, 2019

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (*Legal Notice No. 88 of 2019*) and the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (*Legal Notice No. 92 of 2019*), laid on the Table of the House on Wednesday, October 2, 2019, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) **annuls in entirety-**

- (i) the Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (*Legal Notice No. 88 of 2019*); and,
- (ii) the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (*Legal Notice No. 92 of 2019*).

12*. THE DATA PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2019)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

...../Notices

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 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.

- 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.

- III. 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.

...../Notice Paper

NOTICE PAPER

Tentative business for
Thursday, October 17, 2019

(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 17, 2019:-

- A. THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)**
(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(If not concluded on Wednesday, October 16, 2019 – Afternoon sitting)

- B. 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 16, 2019 – Afternoon sitting)

- C. 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 16, 2019 – Afternoon sitting)

- D. MOTION - ANNULLMENT OF THE RETIREMENT BENEFITS (OCCUPATIONAL RETIREMENT BENEFITS SCHEMES)(AMENDMENT) REGULATIONS, 2019 AND THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE) (AMENDMENT) RULES, 2019**
(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Wednesday, October 16, 2019 – Afternoon sitting)

- E. THE DATA PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2019)**
(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, October 16, 2019 – Afternoon sitting)

- F. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2019)**
(The Leader of the Minority Party)

**G. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH ITS
CALENDAR**

...../Appendix

APPENDIX

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.

ORDINARY QUESTIONS

455/2019

The Member for Baringo County (Hon. Gladwell Cheruiyot, MP) to ask the Cabinet Secretary for the Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary provide an update on the investigations regarding the attack of one Ms. Norah Jepchirchir Moiben of ID No. 25946764 who was attacked by unknown assailants on 6th August 2019 near Camp David adjacent to Eldama Ravine Police Station in *Lembuskwen* Ward of Baringo County during which both her eyes were reportedly gouged out?
- (ii) Could the Government consider facilitating Ms. Norah, a registered P1 teacher recently employed by the Teachers Service Commission, TSC No. 671024, to undertake a course in braille, following her enrollment at Machakos School for the Blind?

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

456/2019

The Member for Voi (Hon. Jones Mlolwa, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain why in June 2019, the Government withdrew hardship allowances for Assistant County Commissioners, Chiefs and Assistant Chiefs in *Mbololo* and *Ngolia Locations* in *Tausa Division*, Voi Sub-County, Taita Taveta County?
- (ii) When will the said hardship allowances be reinstated?

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

457/2019

The Member for Nyatike (Hon. Tom Mboya Odege, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -

- (i) Could the Cabinet Secretary provide the compensation status for the persons whose land was affected during the implementation of the *Lower Kujja Irrigation Scheme Project* in Nyatike Constituency, Migori County?
- (ii) What is the resettlement plan for persons that have not been compensated and are still living within the project area?

(To be replied before the Departmental Committee on Environment & Natural Resources)
