



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**WEDNESDAY, DECEMBER 04, 2019 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 NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)**  
(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 Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2019).

*(Question to be put and Third Reading)*

- 9\*. MOTION - REPORT ON CONSIDERATION OF THE CENTRAL BANK OF KENYA (MORTGAGE REFINANCE COMPANIES) REGULATIONS, 2019**  
(The Chairperson, Committee on Delegated Legislation)

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Central Bank of Kenya (Mortgage Refinance Companies) Regulations, 2019 (*Legal Notice No. 134 of 2019*) laid on the Table of the House on Thursday, November 21, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b) **annuls Regulation 26(2) and Regulation 42** of the said Regulations.

*(Question to be put)*

10\*. **THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2019)**

(The Leader of the Majority Party)

First Reading

11\*. **SPECIAL MOTION - APPROVAL OF NOMINEE FOR APPOINTMENT AS A REPRESENTATIVE OF THE PARLIAMENTARY SERVICE COMMISSION TO THE SALARIES & REMUNERATION COMMISSION**

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

**THAT**, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the *Vetting of the Nominee for Approval as a Representative of the Parliamentary Service Commission to the Salaries & Remuneration Commission, laid on the Table of the House on Tuesday, December 3, 2019*, and pursuant to the provisions of Article 250(2)(b) of the Constitution and section 7(11) of the Salaries and Remuneration Commission Act, this House **approves** the appointment of the **Hon. Amina Abdalla** as the representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission.

*(Resumption of debate interrupted on Wednesday, December 4, 2019 - Morning Sitting)*

12\*. **MOTION – APPROVAL OF NOMINEES TO THE BARINGO SOUTH NG-CDF CONSTITUENCY COMMITTEE**

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

**THAT**, pursuant to the provisions of section 43(4) and (10) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and(10) of the National Government Constituency Development Fund Regulations, 2016, this House **approves** the list of the following persons *laid on the Table of the House on Tuesday, December 3, 2019*, for appointment to the Baringo South Constituency Committee of the National Government Constituency Development Fund-

- |       |                           |   |  |
|-------|---------------------------|---|--|
| (i)   | Samuel Kiprotich Bungei   | - | Male Adult Representative                        |
| (ii)  | Geoffrey Kipkebut Kosgei  | - | Male Youth Representative                        |
| (iii) | Zakia Jemuge Kiptuisang   | - | Female Youth Representative                      |
| (iv)  | Hellen Cheptoo            | - | Female Adult Representative                      |
| (v)   | Christine Jepkemoi Kandie | - | Representative of Persons Living with Disability |
| (vi)  | Eunice Tarkok Kiprotich   | - | Nominee of the Constituency Office (Female)      |
| (vii) | Justine Kiprono Chebii    | - | Nominee of the Constituency Office (Male)        |

**13\*. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 77 OF 2019)**

(The Leader of the Majority Party)

Second Reading

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

The Kenya Roads Board (Amendment) Bill (National Bill No. 77 of 2019)

(The Leader of the Majority Party)

*(By leave of the House)*

**15\*. MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017**

(The Chairperson, Public Accounts Committee)

**THAT**, this House **adopts** the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2016/2017, *laid on the Table of the House on Wednesday, November 27, 2019.*

*(Resumption of debate interrupted on Tuesday, December 3, 2019)*

**16\*. MOTION - REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES**

(The Chairperson, Public Investments Committee)

**THAT**, this House **adopts** the Report of the Public Investments Committee on its Inquiry into the Safety of Ferries as observed in the Audited Accounts of Kenya Ferry Services for the Financial Year 2016/2017, *laid on the Table of the House on Tuesday, December 3, 2019.*

**17\*. THE TEA BILL (SENATE BILL NO. 36 OF 2018)**

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

**18\*. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)**

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

Second Reading

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

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

20\*. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF THE  
RESOLUTION OF THE HOUSE ON CONDITIONAL  
APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN  
AMBASSADOR

(The Chairperson, Committee on Implementation)

**THAT**, taking into consideration the findings of the Select Committee on Implementation on its Report on *Examination of the Implementation Status of the Resolution of the House of 6<sup>th</sup> June, 2019 regarding the conditional Approval of Ms. Mwendu Mwinzi for Appointment as Ambassador of Kenya to Seoul, South Korea, laid on the Table of the House on November 27, 2019*, which takes cognizance of the determination of the High Court of Kenya of 14<sup>th</sup> November, 2019, (*Nairobi Constitutional Petition No. 367 of 2019*) particularly paragraphs 104 and 105 that, while Ms. Mwendu Mwinzi **cannot be coerced** to renounce her citizenship of the United States of America (USA), a person holding dual citizenship **ought not** be an ambassador unless the person renounces the citizenship of the foreign state as *dual citizenship may jeopardize the national interest of the Republic of Kenya against the interest of the foreign state*; this House **rejects** the appointment of Ms. Mwendu Mwinzi as an Ambassador.

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**\* Denotes Orders of the Day**

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...../Notices

# **NOTICES**

## **I. THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.77) OF 2019)**

Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Kenya Roads Board (Amendment) Bill, 2019 at the Committee Stage—

### **CLAUSE 1**

**THAT**, Clause 1 of the Bill be amended by inserting the words “and shall come into force upon assent” immediately after the expression “2019”.

### **CLAUSE 3**

**THAT**, Clause 3 of the Bill be amended by deleting the proposed new subsection (6) and substituting the following new subsections—

“(6) Every annual roads programme funded out of any monies whether borrowed or appropriated by the National Assembly shall be managed as approved by the National Assembly.

(7)The Board shall manage the annual roads programme under sub-section (6) under the directions of the Cabinet Secretary.”

### **CLAUSE 4**

**THAT**, Clause 4 of the Bill be deleted and substituted therefor the following new clause-

4. Section 31 of the principal Act is amended –

(a) in subsection (2) by inserting the following new paragraph immediately after paragraph (d)-

(e) such monies as may be appropriated by the National Assembly for the development, maintenance and rehabilitation of roads;

(b) by inserting the following new subsection immediately after subsection (2)–

“(2A) The National Assembly shall ensure that–

(a) not more than ten percent of the monies appropriated under subsection (2)(e) are allocated for maintenance of roads to be administered by the Kenya Rural Roads Authority; and

(b) not more than eighteen percent of the monies appropriated under paragraph (a) are allocated for research and standardization, capacity building and monitoring and evaluation, to be administered by the Principal Secretary responsible for matters relating to roads.”

**CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended in the proposed new section 32A–

- (a) in sub-clause (1), by inserting the expression “(1)” immediately after the expression 32A;
- (b) in sub-clause (2), by deleting the words “road development, rehabilitation and maintenance” and substituting therefor the words “maintenance, development and rehabilitation of roads” appearing immediately after the words “demand for”;
- (c) by deleting sub-clause (3) and substituting therefor the following new sub clause–  
“**(3)** The Cabinet Secretary shall make regulations for the better carrying out of this section.”



...../Notices (cont'd)

**The House resolved on Wednesday, February 13, 2019 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 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.
- IV. 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.

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...../Notice Paper

**NOTICE PAPER**

**Tentative business for**

# Thursday, December 05, 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, December 05, 2019:-

**A. MOTION - REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017**

(The Chairperson, Public Accounts Committee)

*(If not concluded on Wednesday, December 4, 2019 – Morning sitting)*

**B. MOTION - APPOINTMENT OF A MEMBER TO COMMITTEES**

(The Chairperson, Committee on Selection)

**C. MOTION - EXTENSION OF PERIOD FOR CONSIDERATION OF AN INQUIRY ARISING FROM A REQUEST FOR STATEMENT**

**D. MOTION – APPROVAL OF NOMINEES TO THE NORTH IMENTI NG-CDF CONSTITUENCY COMMITTEE**

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

**E. MOTION – RATIFICATION OF THE MULTILATERAL CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS**

(The Chairperson, Departmental Committee on Defence & Foreign Relations)

**F. THE TEA BILL (SENATE BILL NO. 36 OF 2018)**

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

*(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)*

**G. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)**

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

Second Reading



*(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)*

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

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

*(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)*

**I. MOTION - REPORT ON THE IMPLEMENTATION STATUS OF**  
**THE RESOLUTION OF THE HOUSE ON CONDITIONAL**  
**APPROVAL OF A NOMINEE FOR APPOINTMENT AS AN**  
**AMBASSADOR**

(The Chairperson, Committee on Implementation)

*(If not concluded on Wednesday, December 4, 2019 – Afternoon sitting)*

**J. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE**  
**CALENDAR**

...../Appendix

**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.**                      **ORDINARY QUESTIONS**

525/2019

**The Member for Magarini (Hon. Michael Kingi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) What is the status of the construction of the *Baricho – Galana ADC Road* in Magarini Constituency?
- (ii) What measures has the Ministry putting in place to expedite the rehabilitation of the said road and when is it expected to be completed?

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

526/2019

**The Member for Lamu County (Hon. Ruweida Obo, MP) to ask the Cabinet Secretary for Health: -**

- (i) What is the status of collecting, testing, and distributing blood and blood related products to all transfusing hospitals in the country?
- (ii) What is the quantity of blood reserve in the Government's blood banks as managed by the Kenya National Blood Transfusion Services (KNBTS) and is the quantity sufficient to serve casualties in case of occurrences of disasters and emergencies?
- (iii) What challenges is the Kenya National Blood Transfusion Services facing with regard to continued support of the project by donor agencies?
- (iv) What measures has the Ministry put in place to ensure sufficient funding of the Services?

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

527/2019

**The Member for Kilifi South (Hon. Richard Chonga, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Could the Cabinet Secretary provide a progress report on why the construction of the 32 kilometer stretch of the Mombasa – Nairobi Highway has stalled at *Mto wa Mawe in*

*Athi River?*

- (ii) Could the Cabinet Secretary further explain why the construction of a foot bridge at stage 39 along the same road is yet to be completed?
- (iii) When will the construction of said section of the road and footbridge be completed?

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

**528/2019**

**The Member for Rongo (Hon. Paul Abuor, MP) to ask the Cabinet Secretary for Petroleum and Mining-**

- (i) Could the Cabinet Secretary clarify why *M/s. Total Kenya Ltd* and *M/s. Vivo Energy Kenya* are charging Petroleum Products Dealers Kshs. 1.7 per litre for cost of services for the supply of petroleum products, over or above the set guidelines by the Energy and Petroleum Regulatory Authority?
- (ii) Could the Cabinet Secretary explain the measures that the Government has put in place to ensure that the guidelines by the Energy and Petroleum Regulatory Authority on implementation of the cost of service for the supply of petroleum products is complied with by the Oil Marketing Companies and that the Petroleum Products Dealers are not exploited?

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

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