



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 16, 2021**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

(i) **Visiting Delegation – CPA Uganda Branch.**

“Honourable Members,

I wish to introduce to you a delegation of Members of Parliament and Staff from the Uganda Branch of the Commonwealth Parliamentary Association (CPA) Executive Committee, seated at the Speaker’s Row. The delegation comprises of-

1. The Hon. Bintu Lukumu Ngonzi Abwooli Jalia, MP – Leader of the Delegation;
2. The Hon. Elijah Okupa, MP – Deputy Treasurer;
3. The Hon. Nsubuga Simeo Muwanga, MP; and
4. The Hon. Patrick Nsamba Oshabe, MP.

The delegation is accompanied by: -

1. Mr. Paul Gamusi Wabwire – Deputy Clerk, Parliamentary Affairs;
2. Ms. Shallon Atuhaire Mugabe – Deputy Editor of Hansard;
3. Mr. Enamu Jonathan – Principal Research Officer;
4. Mrs. Geria Beatrice Gladys – Principal Administrative Officer; and
5. Mrs. Jacqueline Mpitsi Oidu – Clerk Assistant/Delegation Secretary.

Honourable Members, the delegation is in the country on a visit to our Parliament specifically to share experiences on the CPA Kenya Branch Rules, Branch Operations, induction of new Members of Parliament on CPA Matters, on CPA activities and the overall strategic objectives of Parliament.

On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the country. Thank you”.

(ii) **Demise of the Member for Bonchari Constituency, the Hon. John Oroo Oyioka, MP**

“Honourable Members, it is with deep sorrow that I wish to notify the House of the untimely passing on of the Member for Bonchari Constituency, the Hon. John Oroo Oyioka, MP, who passed on yesterday, Monday 15<sup>th</sup> February 2021 while undergoing treatment at Aga Khan Hospital, Kisumu.

Honourable Members, the late Hon. John Oroo Oyioka, MP was born on 5<sup>th</sup> May 1950 in Bonchari. He attended Cardinal Otunga Mosochi High School where he obtained his “O” Level Certificate in 1970. He proceeded to Strathmore for “A” Level and thereafter joined the University of Nairobi where he graduated with a Bachelor of Education (Science Option) in 1976. The Late Hon. Oyioka worked as a high school teacher in various stations, including Cheptenye High School, Kaaga Girls High School and Kericho Day High School. His excellence enabled him to rise to the position of Education Officer and later to the level of Assistant Director for Education at the Ministry of Education Headquarters, a position he held until his retirement in 1999. He had immense enthusiasm for education as a tool for securing the future of young people through impartation of skills and values.

Honourable Members, the late Hon. Oyioka made his debut in elective politics in 2013 when he contested for and won the Bonchari Constituency parliamentary seat on Kenya African National Union (KANU) party ticket. His stint was however short-lived because he lost the seat in a by-election that was held in 2014, following nullification of the election results by the High Court. The Late Hon. Oyioka was re-elected to the National Assembly in the 2017 General Elections when he successfully reclaimed the parliamentary seat on the People’s Democratic Party (PDP) ticket. Until his demise, he was a dedicated member of the Departmental Committee on Education and Research.

Honourable Members, the Late Hon. Oyioka was a devoted legislator who passionately articulated issues of concern to his electorate through Parliamentary Questions and relentlessly served the interests of his people. In terms of legislation, the late Member had sponsored the Central Bank of Kenya (Amendment) Bill, 2020, which was read a First Time on 28<sup>th</sup> July 2020 and is awaiting Second Reading. Through the Bill, the late member sought to anchor in law a legal framework that would obligate the Central Bank of Kenya to regulate digital financial lending products and services. In honour of the late Hon. Oyioka, I urge the relevant Departmental Committee to consider taking up the Bill and moving its consideration in the pending stages. The Parliamentary fraternity will forever remember the Late Hon. Oyioka for his humility, friendliness and belief in collegiality during his time as a Member of this House.

Honourable Members, on behalf of all Members and staff of the National Assembly and indeed on my own behalf, I wish to convey condolences to the family of the late Hon. John Oroo Oyioka, the people of Bonchari Constituency and all his relatives and friends during this difficult time of mourning their departed leader. As the National Assembly, we assure the family of our support during this period of great sorrow.

In this regard, Hon. Members, and in line with the Parliamentary Service Commission’s Bereavement Policy I have constituted an *Ad-Hoc* Committee to help with the funeral arrangements. The Committee comprises of the following-

- a. The Hon. Ben Momanyi, MP, Member of the Parliamentary Service Commission-Chairperson;
- b. The Hon. Richard Onyonka, MP;
- c. The Hon. Samuel Arama, MP;
- d. The Hon. Joash Nyamoko, MP;
- e. The Hon. Richard Tong’i, MP;

- f. The Hon. Jerusha Momanyi, MP;
- g. The Hon. Geoffrey Odanga, MP;
- h. The Hon. Innocent Momanyi, MP; and,
- i. The Hon. Janet Ong'era, MP

I have also requested the Speaker of the Senate to nominate two Senators to the Adhoc Committee. Hon. Members are therefore encouraged to liaise with the *Ad-Hoc* Committee on matters relating to the funeral and interment of our departed colleague.

May his soul rest in eternal peace. I thank you”.

**(iii) Demise of the Senator for Garissa County, the Hon. Sen. Mohamed Yusuf Haji, MP**

“Honourable Members, as you are already aware, the week started off on a very sad note for the country, the residents of Garissa County and indeed the Nation as a whole following the demise of Hon. Sen. Mohamed Yusuf Haji, MP. The Honourable Member passed on in the morning of yesterday, Monday, the 15<sup>th</sup> day of February, 2021, while undergoing treatment at the Aga Khan Hospital, Nairobi.

Honourable Members, the late Hon. Sen. Mohamed Yusuf Haji was born on 23<sup>rd</sup> December 1940, and attended his post-secondary education, where he earned a Degree from the University of Birmingham majoring in Management and Finance Control. His parliamentary career commenced when he was nominated in 1998 to Parliament and appointed an Assistant Minister in the Office of the President.

The late Hon. Haji was elected on a KANU ticket, to represent the Ijara Constituency in the National Assembly in 2002 on a KANU Ticket. He was also reelected in the Ninth Parliament when he again won on a KANU ticket during the 27 December 2007 General Elections. During the term of that Parliament, he was appointed Minister of State for Defence. He is fondly remembered for his resolute and brave leadership as shown when he led the Kenyan delegation to Mogadishu, Somalia on 18 October, 2011 to meet with the Transitional Federal Government of Somalia (TFG) officials to discuss security matters and cooperation, amongst other assignments.

Honourable Members, at the time of his death, the Late Hon. Senator Haji was serving his fourth term as a Member of Parliament. He was also the Chairperson of the Building Bridges Initiative (BBI) Taskforce appointed to coordinate review of the Constitution of Kenya by H.E The President. The Late Senator Yusuf Haji was a dependable leader who served Kenyans with utmost commitment. He was selfless, ambitious, realistic, resourceful and committed to public service. Truly, his approach to leadership, and as heartfully said by the Hon. Aden Duale, Member for Garissa Township - *“his guidance will be greatly missed, as a man who advocated for peace and harmony among communities across the country during his lifetime.”*

Without doubt, Honourable Members, the residents of Garissa County, the entire Parliament and the Nation at large have lost a vibrant, pragmatic and dedicated leader.

The Member was laid to rest yesterday at the Langata Cemetery in accordance with Islamic tradition. May God rest his soul in peace.

In tribute and honour to the departed colleagues, the late Hon. John Oroo Oyioka, MP, and the late Senator Mohamed Yusuf Haji, MP, I request that we all stand to observe a minute of silence. I thank you”.

5. PAPERS LAID

The following Papers were laid on the Table-

(i) By the Leader of the Majority Party-

- a) Annex 4B to the Budget Policy Statement - FY 2021/22 and Medium - Term Programmes/Sub-Programmes, Outputs, Performance Indicators and Targets by the Sector from the National Treasury and Planning.
- b) Performance Audit Report on Management of Drought in Kenya by the National Drought Management Authority from the Office of the Auditor-General.
- c) Status of the Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the year 2019/2020 (*An Evaluation Report prepared pursuant to Article 234(2)(h) of the Constitution*) from the Public Service Commission (*Report submitted both in English and Kiswahili*).
- d) The Report of the Auditor-General and Financial Statements in respect of the Kenya Post Office Savings Bank for the year ended 31<sup>st</sup> December, 2018 and the certificate therein.
- e) The Report of the Auditor-General and Financial Statements of the Teachers Service Commission for the year ended 30<sup>th</sup> June, 2020 and the certificate therein:-
- f) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2019 and the certificates therein-
  - i) The National Treasury;
  - ii) The National Treasury - Equalisation Fund;
  - iii) The National Treasury - Development Revenue Statements;
  - iv) State Department for Infrastructure - Roads Annuity Fund;
  - v) Ministry of Health;
  - vi) Competition Authority of Kenya;
  - vii) State Department for Housing and Urban Development - Kenya Slum Upgrading Low-Cost Housing and Infrastructure Trust Fund (KENSUF);
  - viii) State Department for Housing and Urban Development - State Officers House Mortgage Scheme Fund;
  - ix) State Department for Crop Development - Commodities Fund;
  - x) State Department for Public Works for eight (8) months period;
  - xi) State Department for Crop Development and Agricultural Research - Small Scale Irrigation and Value Addition Project; and
  - xii) Ministry of Environment and Forestry.

(ii) By the Co-Chair, Joint Committee on Referendum Bills-

- The Report of the Joint Meeting between the Constitutional Implementation Oversight Committee and the Departmental Committee on Justice and Legal Affairs on the consideration of the Referendum Bill (National Assembly Bill No. 11 of 2020) and the Referendum (No.2) Bill (National Assembly Bill No. 14 of 2020).

(iii) By the Chairperson, Committee on Delegated Legislation-

- Reports of the Committee on Delegated Legislation on its consideration of-
  - (a) The Value Added Tax (Amendment) Regulations, 2020;
  - (b) The Value Added Tax (Electronic Tax Invoice) Regulations, 2020; and
  - (c) The Value Added Tax (Digital Market Place Supply) Regulations, 2020.

## 6. NOTICES OF MOTION

The following Notices were given –

(i) By the Chairperson, Select Committee on Delegated Legislation-

- (a) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Amendment) Regulations, 2020 *laid on the Table of the House on Tuesday, February 16, 2021*, and pursuant to the provisions of section 67 of the Value Added Tax Act, 2013 **approves** the Value Added Tax (Amendment) Regulations, 2020 published as *Legal Notice No. 188 of 2020*.
- (b) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Digital Market Place Supply) Regulations, 2020 *laid on the Table of the House on Tuesday, February 16, 2021*, and pursuant to the provisions of section 67 of the Value Added Tax Act, 2013 **approves** the Value Added Tax (Digital Market Place Supply) Regulations, 2020 published as *Legal Notice No. 189 of 2020*.
- (c) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Electronic Tax Invoice) Regulations, 2020 *laid on the Table of the House on Tuesday, February 16, 2021*, and pursuant to the provisions of section 67 of the Value Added Tax Act, 2013 approves the Value Added Tax (Electronic Tax Invoice) Regulations, 2020 published as *Legal Notice No. 190 of 2020*.
- (d) **THAT**, in furtherance to the provisions of Standing Order 210(3) relating to the mandate of the Committee on Delegated Legislation, and notwithstanding the provisions of Section 15(2) of the Statutory Instruments Act, 2013 relating to the period of consideration of statutory instruments by the Committee, this House resolves to extend the period for consideration of the Petroleum Development Levy Order, 2020 (*Legal Notice No. 124 of 2020*) submitted to the House on 5<sup>th</sup> August, 2020, by a **further period of twenty-one (21) days** from 16<sup>th</sup> February, 2021 pursuant to the provisions of section 15 (3) of the Statutory Instruments Act, 2013.

(ii) By the Hon. John Kiarie, MP-

**THAT**, aware that there are diverse talents amongst the youth of this country; **noting** that these talents have been severally displayed through various inventions and innovations showcased by the artisans in platforms such as the Annual Youth Innovation Week and other profiled on social media; **concerned**, that most of these innovations and artworks do not go beyond making sensational stories in their localities, local dailies and social media mentions; **further noting** that most of these innovations and artworks are crucial in ideas promotion, intellectual development, creating employment and addressing the problems that affect us as Kenyans on a daily basis; **concerned** that there is inadequate support and administrative measures in place by the Government to support the artisans; **cognizant** of the fact that the Kenya Vision 2030 seeks to make our country an industrialized middle-income

economy; **aware** of the immense potential for wealth creation and job opportunities that our own local production can generate if well-developed and commercialized; **recognizing** that while our imports are well in excess of Kshs.2 billion and are largely composed of non-

value adding consumer goods; **noting** that homegrown technology would be region sensitive and appropriate for the environment, social economic dynamics and suitable for our utility; **further concerned** that most artisans lack appropriate technological, skills, capital and tools, **this House therefore resolves** that the National Government through the relevant Ministry formulates a policy which stipulates that at least two per cent (2%) of the National Government Constituencies Fund and *Uwezo* Fund is allocated for the purpose of equipping artisans with the necessary skills, tools and technology. **Thank you, Hon. Speaker.**

#### 7. STATEMENT

The Member for Mvita (Hon. Abdulswamad Nassir) requested a statement regarding the recent shootings of Mr. Salim Abdallha, Fahal Salim Abdallah and Mr. Ahmed Salim in Kaloleni, Mombasa County.

#### 8. QUESTIONS

(a) The following Questions were asked –

- (i) Question No.006/2021 by the Member for Butere (Hon. Tindi Mwale) regarding relief foodstuff allocated to people affected by floods in Butere sub-county;

*(To be be replied to by the Cabinet Secretary for Devolution and ASALs before the Departmental Committee on Administration and National Security)*

- (ii) Question No.011/2021 by the Member for Kisumu West (Hon. Olago Aluoch) regarding blocking of Usoma-Nawa-Kirembe (C35) road by construction of perimeter fence;

*(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works and Housing)*

- (iii) Question No.012/2021 by the Member for Kitutu Masaba (Hon. Shadrack Mose) regarding delays in registering new primary and secondary schools Kitutu Masaba Constituency;

*(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)*

- (iv) Question No.014/2021 by the Member for Marakwet East (Hon. Kangogo Bowen) regarding designing of the Chesoi-Maron-Chesegon road;

*(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works and Housing)*

- (v) Question No.017/2021 by the Member for Nakuru Town East (Hon. David Gikaria) regarding the alleged proposed construction of an airport or airstrip at the current IDP land in Nakuru town;

*(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works and Housing)*

- (vi) Question No.023/2021 by the Member for Magarini (Hon. Michael Kingi) regarding implementation of the recommendations of the report on the Determination of Review of Grants and Disposition of Public Land by the National Land Commission under Gazette Notice No.11714 of November 9, 2018;

*(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)*

- (b) The following Question was dropped-

Question No.022/2021 by the Member for Igembe South (Hon. John Mwirigi) regarding compensation of the residents living along the Kijji-Auuki-Maua road to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works.

9. **MOTION – APPROVAL OF SESSIONAL PAPER NO. 1 OF 2020 WILDLIFE POLICY**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Sessional Paper No. 1 of 2020 on Wildlife Policy, *laid on the Table of the House on Thursday, December 03, 2020*, and further approves Sessional Paper No. 01 of 2020.

*(Chairperson, Departmental Committee on Environment & Natural Environment – 11.02.2021)*

Debate interrupted on Thursday, February 11, resumed;

*(Change of Chair from the Speaker to the Second Chairperson)*

Question deferred to another day.

And the time being twenty-eight minutes past Six O'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at twenty-seven minutes past Six O'clock

**M E M O R A N D U M**

The Speaker will take the Chair today,  
Tuesday, February 16, 2021 at 7.00 p.m.