



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 25, 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. **PETITIONS**

The following petitions were presented in the House-

- (i) The Member for Kirinyaga Central (Hon. John Munene) presented a petition regarding the safeguarding of public interest in the use of *Kangaita* Tea Farm Land in Kirinyaga County to establish a Japanese specialty green tea production factory by Kenya tea development agency

Petition referred to the Departmental Committee on Agriculture and Livestock pursuant to Standing Order 227.

- (ii) The Member for Busia County (Hon. Florence Mutua) presented a petition regarding lack regarding Devolution of Pension Services

Petition referred to the Departmental Committee on Finance and National Planning pursuant to Standing Order 227.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- a) Twelfth (12th) Edition of the Bi-Annual report on the Status of Alcoholic and Drug Abuse Control in Kenya.
- b) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein -
 - i. Dedan Kimathi University of Technology;
 - ii. State Corporation Appeal Tribunal; and
 - iii. Kenya Space Agency.

6. **QUESTIONS**

(a) The following Questions were asked –

- (i) Question No. 113/2021 by Igembe Central (Hon. Kubai Iringo), regarding status of construction of the *Muringene- Irindi- Athiru stage road* in Igembe Central Constituency despite procurement having been done and the contract awarded;

(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).

- (ii) Question No. 114/2021 by the Hon. Robert Pkokuse on behalf of the Member for Muiyas East (Hon. Benjamin Washali), regarding notable effects of the Oxford made - *AstraZeneca COVID-19 Vaccine (AZD1222)* against COVID-19.

(To be replied to by the Cabinet Secretary for Health before the Departmental Committee on Health)

- (iii) Question No. 118/2021 by the Member for Galde (Hon. Said Hribae), regarding plans by the Ministry to address the deplorable state of the *Boji Road (B89)* that serves Galde and Ijara Constituencies.

(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)

- (iv) Question No. 128/2021 by the Member for Rangwe (Hon. Dr. Lilian Gogo), regarding the status of construction and performance of *Knira Ouch Smallholder Farm Improvement Project (KOSFIP)*, a National Government irrigation project funded by ADB and GoK which began in February 2007 and was expected to be completed in September 2013.

(To be replied to by the Cabinet Secretary for East Africa Community and Regional Development before the Departmental Committee on Defence and Foreign Relations)

- (v) Question No. 133/2021 by the Nominated Member (Hon. Godfrey Osotsi), regarding the cause of declining national revenue performance that has led to exchequer and budgetary challenges in Government.

(To be replied to by the Cabinet Secretary for Treasury and National Planning before the Departmental Committee on Finance and National Planning)

(b) The following Question was deferred –

Question No. 134/2021 by Member for Mathira (Hon. Rgathi Gachagua) to Cabinet Secretary for Interior and Coordination of National Government, regarding action the Ministry is taking against an organized, vicious and well-coordinated criminal gang operating in Mathira Constituency.

7. **STATEMENTS**(a) The following statements were requested –

- (i) Pursuant to the provisions of Standing Order 44(2) (c), the Member for Garissa Township (Hon. Aden Duale), requested for a statement from the Chairperson of the Departmental Committee on Energy regarding Kenya Power's inflated electric power procurement costs.
- (ii) Pursuant to the provisions of Standing Order 44(2) (c), the Member for Nyando (Hon. Jared Okello), requested a statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding the planned elections by the Tea Factory Companies managed by Kenya Tea Development Agency (KTDA) as directed by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Cooperatives.
- (iii) Pursuant to the provisions of Standing Order 218(2), the Member for Mita (Hon. Abdul Swamad Sheriff Nassir), requested the Speaker to direct the Chairpersons of the Departmental Committee on Energy and the Select Committee on Delegated Legislation to undertake a joint inquiry on the pricing parameters used by the Energy and Petroleum Regulatory Authority (EPRA) in determining the maximum wholesale and retail petroleum prices in the country.
- (iv) Pursuant to Standing Order 43, the Member for Kisumu East (Hon. Shakeel Shabbir), made a statement regarding great religious tolerance and recognition of religious diversity by His Excellency the President of Republic of Kenya.
- (v) Pursuant to the provisions of Standing Order 43, the Member for Kisumu East (Hon. Rozaah Buyu), made a statement regarding a recent happening in Kisumu County on the manhandling of a female hawker by the County law enforcement officials.

(b) The following response to statements were made–

- (i) The Chairperson, Departmental Committee on Administration and National Security made response to statements requested by-
 - (a) The Member for Kuresoi South (Hon. Mses Cheboi), regarding Facilitation of Village Elders;
 - (b) The Member for Mbayale (Hon. Qalicha Gufu Wario), regarding insecurity and displacement of residents of Mbayale Constituency; and
 - (c) The Member for Kibwezi East (Hon. Jessica Mbalu), regarding sexual violence against children in Kibwezi East Constituency.
- (ii) The Chairperson, Departmental Committee on Labour and Social Welfare made a response to a Statement requested by the Nominated Member (Hon. Wilson Sossion) regarding Gazettement of Agency Fees in Respect of Negotiated Collective Bargaining Agreements.
- (iii) Pursuant to Standing Order 44(2) (a), the Leader of the Majority Party made a statement on the Business for the week commencing March 30, 2021.

8. **PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF A SPECIFIED PETITION**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 227(2) (*Committee of Petitions*), this House resolves to extend the period for consideration of a Public Petition regarding *Establishment of a Retirement Package for the Auditor General presented by the Member for Dagoretti South (the Hon. John Kiari, MP)* by the Constitutional Implementation Oversight Committee by a further period of sixty (60) days with effect from 26th March, 2021.

(The Hon. Opondo Kaluma Member, Constitutional Implementation Oversight Committee)

There being no debate arising;

Question put and agreed to;

The House **resolved** accordingly.

9. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No. 3) BILL (NATIONAL ASSEMBLY BILL NO 39 OF 2020)**

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

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time tomorrow

10. **THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 2 OF 2021)**

(The Leader of the Majority Party)

Order deferred to another day

11. **THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO 3 OF 2021)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time tomorrow

12. **THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILL NO 6 OF 2021)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time tomorrow

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson of Committees

The Business Laws (Amendment) (No. 2) Bill (National Assembly Bill No. 50 of 2020)

SCHEDULE -

Clause 2 - Provisions relating to the Law of Contract Act (CAP 23)

Section (36) - agreed to

Provisions relating to the Law of Contract Act (CAP 23) - agreed to

Clause 3 - Provisions relating to the Industrial Training Act (Cap. 237)

Section 5B - agreed to

Provisions relating to the Industrial Training Act (Cap. 237) - agreed to

Clause 4 - Provisions relating to the Stamp Duty Act (Cap. 480)

Section 117 - agreed to

Provisions relating to the Stamp Duty Act (Cap. 480) - agreed to

Clause 5 - Provisions relating to the National Hospital Insurance Fund Act (No. 9 of 1998)

Section 15(4) - agreed to

Provisions relating to the National Hospital Insurance Fund Act (No. 9 of 1998) - agreed to

Clause 13 - Provisions relating to the National Social Security Fund Act (No. 17 of 2015)

Proposed amendment to Section 20 - amendment proposed

THAT, the Bill be amended by deleting clause 13 and substituting therefor the following new clause 13—

“The National Social Security Fund Act is amended—

(a) in section 20 by inserting the following new subsection immediately after subsection (1) —

(1A) An employer shall pay the contribution under subsection (1) on the ninth day of each month or on such later date as the Board may, in consultation with the Cabinet Secretary, prescribe.

(Chairperson of the Departmental Committee on Labour and Social Welfare)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Section 20 as amended - agreed to

Proposed amendment to Section 27 - amendment proposed

THAT, the Bill be amended by deleting clause 13 and substituting therefor the following new clause 13—

“The National Social Security Fund Act is amended—

(b) in section 27 by deleting the words “within one month after the end of the month in which the last day of the contribution period to which it falls” appearing in subsection 1 and substituting therefor the following “on or before the prescribed day on which the payment in respect of any month is due”

(Chairperson of the Department d Committee on Labour and Social Welfare)

Question of the further amendment proposed;

Debate arising

Question put and agreed to;

Section 27 as amended - agreed to

Provisions relating to the National Social Security Fund Act (No. 17 of 2015) as amended - agreed to

Clauses 14, 15, 16 and 17 - Provisions relating to the Companies Act (No. 17 of 2015)

Section 3 - agreed to

Section 283(2) - agreed to

Section 285(1) - agreed to

Paragraph 11 of the Sixth **Schedule** - agreed to

Provisions relating to the Companies Act (No. 17 of 2015) - agreed to

Clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 & 59 - Provisions relating to the Insolvency Act (No. 18 of 2015)

Sections 474(5); Section 636(1); Section 637(marginal notes); Section 638; Section 640(e), (g), (h); Section 642; Section 643(1), (2), (3), (4), (5), (6), (7); Section 644(1)(a), (c), (d); Section 645(2), (3), (6), (7), (8); Section 646(1), (3); Section 647 Marginal Note, (1), (2), (3); Section 648 Marginal Note, (1), (2), (3); Section 649(1), (2), (4); Section 651; Section 653 Marginal Note, (1); Section 655(1), (1b); Section 656(1); Section 657(2), (3); Section 658 Marginal Note, (1), (2), (3), (4), (5); Section 659 Marginal Note, (1), (2), (3), (4), (5), (6), (7); Section 660 Marginal Note, (1), (3); Section 661 Marginal Note, (1), (3); Section 662 Marginal Note, (1), (2), (3); Section 662 subheading “Subdivision 5”; Section 663; Section 664; Section 665; Section 666; Section 667; Section 668; Section 668 Subheading “Subdivision 6”; Section 669; Section 670(1), (2), (3); Section 671(1), (2), (3), (4); Section 672; Section 672 Subheading “Subdivision 7”; Section 673; & Section 674(2), para(a) and (b). - agreed to

Part IXA - agreed to

Provisions relating to the Insolvency Act (No. 18 of 2015) - agreed to

Clause 60 - Provisions relating to the Small Claims Court Act (No. 2 of 2016)

Proposed amendment to Section 34 - amendment proposed
THAT, the Bill be amended by deleting Clause 60 and substituting therefor the following new clause-

Amendment of **60.** Section 34 of the Small Claims Court Act is amended in subsection 34 of No. 2 section (1) by inserting the words 'of the matter which shall be of 2016 within sixty days from the date of filing the claim immediately after the word 'determination' appearing at the end of the subsection

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Section 34 as amended - agreed to

Provisions relating to the Small Claims Court Act (No. 2 of 2016) as amended - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

14. **HOUSE RESUMED** - Third Chairperson in the Chair

The Business Laws (Amendment) (No. 2) Bill (National Assembly Bill No. 50 of 2020)

Bill reported with amendments;

Motion made and Question proposed -

THAT, the House do agree with the Committee in the said report

(The Leader of the Majority Party)

Putting of the Question deferred to another day.

15. **THE NARCOTICS, DRUGS AND PSYCHOTROPIC SUBSTANCE (CONTROL) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2020**

Order for Second Reading read;

Debate interrupted on Tuesday, March 9, 2021 resumed;

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

Debate arising;

And the time being thirty minutes past six O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at minutes thirty minutes past six O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, March 25, 2021 at 7.00 p m

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