

**REPUBLIC OF KENYA****TWELFTH PARLIAMENT – FIFTH SESSION****THE NATIONAL ASSEMBLY****VOTES AND PROCEEDINGS****THURSDAY, AUGUST 19, 2021 (AFTERNOON SITTING)**

1. The House assembled at Thirty Minutes past Two O'clock in the morning
2. The Proceedings were opened with Prayer
3. **Presiding** – The Hon. Speaker
4. **PETITIONS**

The following Petitions were reported-

- a) Pursuant to Standing Order 225(2)(b), the Speaker reported to the House the following Petitions –

(i) **Zero-rating Taxation on water tanks, farming equipment and tools as laid out in the Finance Act and other relevant legislation**

“Honourable Members, Standing Order 225(2) (b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, **Honourable Members**, I wish to report to the House that my office has received a petition signed by Mr. Taratisio Ireri Kawe of ID No. 8600483. The Petitioner is concerned that the country's food production is heavily reliant on rainfall patterns, which have become quite unreliable in the recent past. Given the circumstances, the Petitioner observes that food security is not sustainable unless immediate action is taken to protect the environment and conserve water. The Petitioner is appalled that most citizens have drifted into abject poverty due to lack of an enabling environment that ensures sustainable agricultural production and to reduce uncompetitive importation of farm produce from neighbouring countries.

Honourable Members, the Petitioner notes that majority of poor Kenyans cannot afford to purchase equipment for the construction of pans and for harvesting rain water to ensure sustainable irrigation systems and to reduce reliance on the seasonal rains. He therefore proposes complete zero rating of taxes on water tanks, farming equipment and tools.

Honourable Members, the Petitioner is cognizant of the fact that although it may seem that the Government may lose revenue due to the gap created by the failure to tax the equipment and machinery, the government is bound to benefit from more taxes collected through agribusiness.

Honourable Members, the Petitioners therefore pray that the National Assembly amends all relevant laws and reviews relevant regulations with a view to encouraging majority of Kenyans to harvest rain water.

Honourable Members, having determined that the matters raised by the petitioners are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this Petition be committed to the Departmental Committee on Finance and National Planning. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

I thank you!"

(ii) Payment of Pending Bills owed to Suppliers of the National Youth Service (NYS) for the period 2013-2018

"Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation. In this regard, I wish to report to the House that my office has received a petition from persons identifying themselves as suppliers and contractors who were engaged by the National Youth Service (NYS) to supply goods and offer various services during the period 2013-2018.

Honourable Members, the petitioners aver that during the period 2013-2018, the NYS initiated various projects and programmes including the rebranding of the agency, slum upgrading projects as well as youth and women empowerment programmes across the country. They further aver that in line with the terms of engagement, they delivered on their contractual obligations to the satisfaction of the agency and were there entitled to payment for the good and/or services rendered. However, due to financial scandals that erupted within the NYS around the year 2015, all payments were suspended and a Multi-Agency Verification Committee was later jointly established by the Cabinet Secretary for Public Service & Gender and the National Treasury to verify all pending bills and claims against the NYS.

Honourable Members, the petitioners state that the Multi-Agency Verification Committee tendered its report and recommended the payment of the genuine and verified suppliers and contractors. However, the petitioners observe that this has not happened despite a presidential directive for all public entities to clear all verified pending bills owed to suppliers and contractors.

Consequently, the petitioners now seek the intervention of this House to cause the concerned parties to process the verified payments to the suppliers to avert further

suffering as some are servicing loans and other credit facilities. **Honourable Members**, The petitioners seem to have knocked on every other door without success. It is for this reason that they now seek the assistance of the National Assembly as a matter well within its authority.

Honourable Members, pursuant to the provisions of Standing Order 227(1), this Petition stands committed to the Departmental Committee on Finance & National Planning. The Committee is requested to consider the petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2). In considering the issues herein and whatever recommendations it makes, may I implore the Committee to ensure you address the fact that it is possible there were genuine suppliers even before the scandals and who have not been paid to date. You may therefore attempt to separate the genuine suppliers and the others as that seem to be the bone of contention, which has clearly had detrimental effects to numerous genuine merchants.

I thank you!"

- b) Pursuant to Standing Order 225(2)(a), the Member for Laikipia North Constituency (Hon. Sarah Paulata Korere, M.P.) presented a Petition on behalf of residents of Kirimun Community in Samburu and Laikipia Counties regarding restoration of Kirimun Community Land.

The Petition was referred to the Departmental Committee on Lands for consideration.

5. PAPERS

The following Papers were laid on the Table of the House –

- i) Proposed budget ceilings for each Constituency for the Financial Year 2021/2022 from the National Government Constituencies Development Fund Board;
- ii) 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: -
 - a) Nzoia Sugar Company Limited;
 - b) Kenya National Highways Authority; and
 - c) Kenya Roads Board Fund.
- iii) The Report of the Auditor-General and Financial Statements of the Kenya-European Union Partnership for the implementation of the National Strategy to counter violent Extremism in Kenya for the year` ended 30th June, 2020 and the certificate therein.
- iv) Legal Notice No. 168 on the Water Services Regulations, 2021 and the Explanatory Memorandum;
- v) Legal Notice No. 169 on the Water Harvesting and Storage Regulations, 2021 and the Explanatory Memorandum; and
- vi) Legal Notice No. 170 on the Water Resources Regulations, 2021 and the Explanatory Memorandum.

(The Hon. (Dr.) Amos Kimunya - Leader of the Majority Party)

- vii) Report of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of Sessional Paper No. 4 of 2020 on the National Cooperative Policy on promoting cooperatives for Socio-Economic Transformation.

(The Hon. Ali Adan - Member, Departmental Committee on Trade, Industry & Cooperatives)

- viii) Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the Information, Communication Technology Practitioners Bill (National Assembly Bill No. 38 of 2020).

(Hon. Erastus Nzioka, MP - Member, Departmental Committee on Communication, Information & Innovation)

6. NOTICES OF MOTION

The following Notice of Motion was given –

APPROVAL OF SESSIONAL PAPER NO. 04 OF 2020 ON THE NATIONAL COOPERATIVE POLICY

THAT, this House adopts the Report of the Departmental Committee on Sports, Industry and Cooperatives on its consideration of Sessional Paper No. 04 of 2020 on the National Cooperative Policy, laid on the Table of the House on Thursday, August 19, 2021, and further approves Sessional Paper No. 04 of 2020.

(The Hon. Ali Adan - Member, Departmental Committee on Trade, Industry & Cooperatives)

7. QUESTIONS

(a) The following Questions were asked –

- i) Question No. 202/2021 by Nominated Member (Hon. Gideon Keter, MP) regarding the measures that the Ministry has put in place to rehabilitate the dilapidated Kenya National Archives, circumstances under which some artifacts were removed from the Archives, and appointment of a Director for the Kenya National Archives.

(To be replied to by the Cabinet Secretary for Sports, Culture and Heritage before the Departmental Committee on Sports, Culture and Tourism)

- ii) Question No. 229/2021 by the Member for Kwale County (Hon. Zuleikha Hassan, MP) regarding implementation status of the National Coroners Service Act, 2017.

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

- iii) Question No. 316/2021 by the Member for Ainabkoi (Hon. William Chepkut, MP), regarding implementation status of the Tot-Kalowa Irrigation Scheme.

(To be replied to by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment & Natural Resources)

- iv) Question No. 329/2021 by the Member for Mogotio (Hon. (Dr.) Daniel Tuitoek, MP) regarding the extent of geothermal drilling activities in Kajiado, Narok,

Nakuru, Baringo, Turkana and Samburu Counties, the names of companies awarded concessional tenders to undertake the drilling and whether public participation was undertaken prior to settling on the said companies.

(To be replied to by the Cabinet Secretary for Mining before the Departmental Committee on Environment & Natural Resources)

- v) Question No. 333/2021 by the Member for Embakasi (Hon. George Theuri, MP) regarding erection of barricades along *Outer-Ring Road* in Nairobi City County, particularly between *Taj Mall Stage* and *Allsops* to prevent pedestrians from crossing below footbridges to forestall recurrence of accidents at the said area, and measures put in place to ensure that comprehensive campaigns to sensitize Kenyans on road safety, particularly in urban areas are carried out.

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

- vi) Question No. 335/2021 by the Member for Kibra (Hon. Benard Okoth, MP) regarding the criteria used by the Ministry in allocation of infrastructure funds and other resources for school development; the list of school that benefitted from the fund in the FY 2017/2018, 2018/2019 and 2019/2020 and steps being taken to ensure that the funds are distributed equitably and transparently.

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

- vii) Question No. 352/2021 by the Member for Kiambaa (Hon. John Njuguna, MP.) regarding the measures that the Ministry has taken to curb alcohol, drug and other substance abuse in the country, particularly in Kiambaa constituency.

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- viii) Question No. 353/2021 by the Member for Malindi (Hon. Aisha Jumwa, MP) regarding the reasons why high school Boards of Management in public and private schools across the country make it mandatory for parents and guardians to obtain school items in school with costs higher than most external outlets; reasons why school principals continue to send students away from school for not paying remedial levies that are not part of the approved fees structure contrary to the Government's directive; and actions being taken against school principals who have failed to comply with the Government's directive regarding approved fees.

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

(b) The following Question was deferred –

Question No. 325/2021 by the Member for Kathiani (Hon. Robert Mbui, MP) to the Cabinet Secretary for Transport and Public Works regarding the upgrading of *Mumbuni-Kathiani Road* in Kathiani Constituency to bitumen standards.

Pursuant to Standing Order 43, the Chairperson of the Select Committee on National Government Constituencies Development Fund issued a Statement regarding the *Budget Ceilings for Each Constituency for the Financial Year 2021/2022*. He stated that a total of Kshs. 41,714,800,000 was allocated to the National Government Constituencies Development Fund (NG-CDF) for the Financial Year 2021/2022 and that the ceiling for each constituency had been fixed at Kshs. 137,088,879. He urged Members to cause the NG-CDF Committee in their respective constituencies to initiate preparation of Project Proposals to enable timely release of funds for the First Quarter.

9. STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**(a) Requests for Statements**

- i) Nominated Member (Hon. Gideon Keter, MP) requested for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding increased killings of young people in the country;
- ii) The Member for Mumias East (Hon. Benjamin Washiali, MP) requested for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing concerning dangers posed by open quarries abandoned by contractors in the country;
- iii) The Member for Jomvu (Hon. Bady Twalib, MP) requested for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources on water provision crisis in Jomvu Constituency; and
- iv) The Member for Kikuyu (Hon. Kimani Ichung'wah, MP) requested for a Statement from the Chairperson of the Defence and Foreign Relations regarding Issuance of visas to Kenyans travelling to the People's Republic of China.

(b) Responses to Statements

- (i) The Chairperson of the Departmental Committee on Trade, Industry & Cooperatives issued a response to a Statement requested by the Member for Igembe (Hon. John Mwirigi) on closure of airspace by the Federal Republic of Somalia and its effect on Miraa farmers.
- (ii) The Chairperson of the Departmental Committee on Trade, Industry & Cooperatives laid on the Table of the House a response to a Statement requested by the Member for Kilifi North (Hon. Owen Baya regarding policy measures regarding manufacturing and value addition of pineapples in Kilifi County.
- (iii) The Chairperson of the Departmental Committee on Transport, Public Works and Housing laid on the Table of the House responses to the following requests for Statements–
 - (a) Statement by the Member for Kajiado East (Hon. Peris Tobiko, MP) regarding heavy Traffic Flow in Kitengela Town.
 - (b) Statement by the Member for Marakwet East (Kangogo Bowen, MP) regarding Traffic Flow in Nairobi.
 - (c) Statement by the Member for Kisumu West (Hon. Olago Aluoch) regarding failure by Kenya railways Corporation to engage Casual labour.

10. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

- (a) Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, September 21, 2021.
- (b) The Leader of the Majority Party sought the indulgence of the Speaker pursuant to Standing Order 1 that the following Members be permitted to participate in committee activities during recess, pending their formal appointment to committees when the House resumes from the recess –
 - (i) The Member for Bonchari (Hon. Oimeke, Robert Pavel Obwoto, MP) to participate in the activities of the Departmental Committee on Energy in the place of the Member for Turkana East (Hon. Mohammed, Lokiru Ali. MP), who was proposed to participate in the activities of the Departmental Committee on Education and Research;
 - (ii) The Member for Juja (Hon. Ndung'u, George Koimburi, MP) to participate in the activities of the Special Funds Accounts Committee
 - (iii) The Member for Kiambaa (Hon. John Njuguna, MP) to participate in the activities of the Select Committee on Implementation.

Thereupon, the Speaker –

- (i) Declined the request for the Member for Bonchari (Hon. Oimeke, Robert Pavel Obwoto, MP) and the Member for Turkana East (Hon. Mohammed, Lokiru Ali, MP) to participate in the Departmental Committee on Energy and the Departmental Committee on Education and Research respectively until formal appointment was processed through the Committee on Selection;
- (ii) Acceded to the request that the Member for Juja (Hon. Ndung'u, George Koimburi, MP) and the Member for Kiambaa (Hon. John Njuguna, MP) participate in the activities of the Special Funds Accounts Committee and the Committee on Implementation, respectively, with full rights and benefits, pending formal appointment to the Committees.

11. THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2021)

Motion having been made and Question proposed-

THAT, the Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021) be read a Second Time.

(The Leader of the Majority Party – 17.08.2021)

Debate on the Motion having been concluded on 18.08.2021;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House, tomorrow.

12. MOTION - APPROVAL OF NOMINEES TO THREE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

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

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House **approves** the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund, *laid on the Table of the House on Tuesday, August 3, 2021 and Tuesday, August 17, 2021*, respectively –

1. NAMBALE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Tryphosa Ngobiro Muyodi	<i>Female Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)

2. SIRISIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	David Watwati Bunguswa	<i>Male Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)

3. BONCHARI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Jared Achando Nyakeya	<i>Male Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)
2.	Joseph Mokua Somoni	<i>Male Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)
3.	Helina Kemunto Morang'a	<i>Female Youth Representative</i>	Fresh appointment, pursuant to Sec.43(3)
4.	Christine Bonareri Mbeki	<i>Female Adult Representative</i>	Fresh appointment, pursuant to Sec.43(3)
5.	Hellen Bonareri Ondieki	<i>Representative of Persons Living with Disability</i>	Fresh appointment, pursuant to Sec.43(3)
6.	Charles Ogaro Nyangoto	<i>Nominee of the Constituency Office (Male)</i>	Fresh appointment, pursuant to Sec.43(3)
7.	Monicah Mwango Suleiman	<i>Nominee of the Constituency Office (Female)</i>	Fresh appointment, pursuant to Sec.43(3)

Order for the Motion read;

Order deferred.

13. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2021)

THAT, the Kenya Roads (Amendment) Bill (National Assembly Bill No. 13 of 2021) be read a Second Time

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

Order for the Motion read;

Order deferred

14. THE CENTRAL BANK OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2021)

Motion made and Question proposed-

THAT, the Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 10 of 2021) be read a Second Time.

(The Chairperson, Departmental Committee on Finance and National Planning – 11/08.2021(PM))

(Change of Chair from the Speaker to the First Chairperson)

Resumption of debate interrupted on Wednesday, August 11, 2021 - Afternoon Sitting; Debate arising;

Mover replied;

Question of the Motion deferred.

Rising in his place on a point of order pursuant to Standing Order 35(1), the Member for Tetu (Hon. James Gichuhi) claimed that there was no quorum in the House;

And the Speaker having counted the Members in the House and confirmed that there was no quorum ordered the division bell to be rang for ten minutes;

And there still being no quorum at the expiry of the ten minutes;

And the time being eight minutes to seven O'clock, the First Chairperson adjourned the House without Question put pursuant to the Standing Orders pursuant to Standing Order 35(2)(a).

15. HOUSE ROSE - at Eight minutes to seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on Tuesday, September 21, 2021 at 2.30pm