

(No. 096)



(1204)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
TUESDAY, OCTOBER 05, 2021 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*. THE PERPETUITIES AND ACCUMULATIONS (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2021)**

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

Second Reading

(Question to be put)

**9*. MOTION – RATIFICATION OF VARIOUS PROTOCOLS UNDER
THE MARITIME LABOUR CONVENTION AND THE
INTERNATIONAL LABOUR ORGANIZATION AND
THE AMENDMENTS THEREIN**

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

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the 2014 and 2018 Amendments to the Maritime Labour Convention, 2006; the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organization Convention C188 (Work in Fishing Convention, 2007); the International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2012 on Safety of Fishing Vessels, *laid on the Table of the House on Thursday, September 23, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of –*

...../9*(Cont'd)

- (i) *the Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);*
- (ii) *the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);*
- (iii) *the International Labour Organization Convention C188 (Work in Fishing Convention, 2007);*
- (iv) *the International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and,*
- (v) *the Cape Town Agreement of 2012 on Safety of Fishing Vessels.*

(Question to be put)

10*. MOTION - REPORT ON A PUBLIC PETITION REGARDING RECOGNITION OF THE PEMBA PEOPLE OF KENYA AS CITIZENS OF THE REPUBLIC OF KENYA

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

THAT, this House **adopts** the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding Recognition of the Pemba People of Kenya as Citizens of the Republic of Kenya, *laid on the Table of the House on Wednesday, August 11, 2021.*

(Question to be put)

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) Consideration of the **President's Reservations** to the Refugees Bill (National Assembly Bill No. 62 of 2019)
(The Leader of the Majority Party)
- (ii) The Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No. 19 of 2021)
(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, September 29, 2021 – Afternoon sitting)

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

(The Leader of the Majority Party)

Second Reading

14*. MOTION - RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA

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

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration for ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America, *laid on the Table of the House on Wednesday, August 18, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America*.

15*. MOTION – RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF OLDER PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

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

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Ratification of Protocols to the African Charter on Human and People’s Rights on the Rights of Older Persons and the Rights of Persons with Disabilities, *laid on the Table of the House on Wednesday, September 22, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves –**

- (i) *the Ratification of the Protocol to the African Charter on Human and People’s Rights on the Rights of Older Persons in Africa; and,*
- (ii) *the Ratification of the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa.*

16*. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2021 on the National Water Policy, *laid on the Table of the House on Wednesday, August 4, 2021*, and further approves Sessional Paper No. 01 of 2021.

*** Denotes Orders of the Day**

NOTICES

I. THE PRESIDENT'S RESERVATIONS TO THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)

(Recommended Text)

Notice is given that the Leader of the Majority Party intends to move the following amendments in respect of the reservations contained in the President's Memorandum to the Refugees Bill, 2019 at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be amended in the definition of the phrase "transit centre", by inserting the words "and includes a prison, immigration detention centre, police station, remand home or any other similar place that may be designated as a transit centre" after the words "security screening".

CLAUSE 8

THAT, clause 8 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (w)-

“(x) promote, insofar as is practicable, the procurement or purchase of local products and services in support of refugee intervention and support programmes.”

CLAUSE 18

THAT, clause 18 of the Bill be amended by inserting the following new subclause immediately after subclause (4)-

“(4A) The provisions of section 17(2), (3), (4) and (5) shall, with the necessary modifications, apply to the revocation of refugee status by the Commissioner.”

CLAUSE 28

THAT, clause 28 of the Bill be amended by inserting the following new subclause immediately after subclause (7)-

“(8) A person from a Partner State of the East African Community who has been recognised as a refugee under this Act may opt to voluntarily give up his or her refugee status for the purposes of enjoying any of the benefits due to him or her under the Treaty for the Establishment of the East African Community, the Protocol for the Establishment of the East African Community Common Market, and any other relevant written law.”

CLAUSE 31

THAT, clause 31 of the Bill be amended by inserting the following new sub clause immediately after sub-clause (4)-

“(5) Any refugee or asylum seeker residing outside a designated area at the commencement of this Act shall, as soon as is practicable after the commencement, notify the Commissioner in the prescribed manner of his or her situation and the Commissioner shall make such orders as may be necessary in the circumstances.”

II. THE TAX APPEALS TRIBUNAL (AMENDMENT) **BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2021)**

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Tax Appeals Tribunal (Amendment) Bill, 2021 at the Committee Stage-

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 1-

Amendment of
section 2 of No.40 of
2013.

1A. The Tax Appeals Tribunal Act is amended in section 2 by inserting the following definition in the proper alphabetical sequence-

“Commission” means the Judicial Service Commission established under Article 171 of the Constitution;

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the proposed clause 4B and 4C and substituting therefor the following new clause-

(4B) The Chairperson and members of the Tribunal shall be recruited and appointed in accordance with the provisions of the Third Schedule to the Judicial Service Act, 2011.

(4C) The Commission shall appoint the members of the Tribunal in a staggered manner so as to ensure that, at all times, at least one third of the members are in office.

CLAUSE 3

THAT, clause 3 of the Bill be amended by-

- (a) deleting paragraphs (c) and substituting therefor the following new paragraph-
(c) by deleting subsection (3);
- (b) deleting paragraph (d) and substituting therefor the following new paragraph-
(d) by deleting subsection (4);
- (c) deleting paragraph (e) and substituting therefor the following new paragraphs-
(e) by deleting subsection (5);
(f) by deleting subsection (6);

CLAUSE 4

THAT, clause 4 of the Bill be amended in the proposed new clause 7 –

- (a) in subsection (1) by deleting the words “Public Service Commission” and substituting therefor the word “Commission”;
- (b) in subsection (2) by-
 - (i) deleting the words “or other relevant institution recognized in Kenya” appearing in paragraph (a);
 - (ii) inserting the words “five of which should have been in senior management” immediately after the words “paragraph (a)” appearing in paragraph (b);
 - (iii) deleting paragraph (e);
- (c) by renumbering the second subsection (2) as (3) and by deleting the words “Public Service Commission” and substituting therefor the word “Commission”.

CLAUSE 5

THAT, the clause 5 of the Bill be amended in the proposed clause 7A by deleting paragraph (f).

CLAUSE 6

THAT, clause 6 of the Bill be amended in the proposed new clause 8-

- (a) in subsection (1) by deleting the words “Cabinet Secretary” and substituting therefor the word “Commission”;
- (b) in subsection (3) by deleting the words “Cabinet Secretary” and substituting therefor the word “Commission”;

CLAUSE 7

THAT, the Bill be amended in clause 7 by—

- (a) deleting the proposed new clause 8A and substituting therefor the following new clause-

Expenses of
the Tribunal

8A. The expenses of the Tribunal shall be paid out of the
Judiciary Fund.

- (b) deleting the proposed new clause 8B.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 7-

Amendment
of section 9
of No.40 of
2013

7A. The principal Act is amended in section 9 by deleting the words “Cabinet Secretary” appearing in subsection (2) and substituting therefor the words “Chief Justice”.

CLAUSE 8

THAT, the Bill be amended by deleting clause 8 and substituting therefor the following new clause-

Amendment
of section
11 of No.40
of 2013.

8. The principal Act is amended by deleting section 11 and substituting therefor the following-

Clerk of a
panel.

11. (1) There shall be a clerk for each panel,
who shall be the secretary to the panel.

(2) A clerk to a panel shall be designated by the
Secretary to the Tribunal from among the staff of
the Tribunal.

CLAUSE 9

THAT, clause 9 of the Bill be amended in paragraph (c) in the proviso by deleting the word “Tribunal” and substituting therefor the word “panel”.

NEW CLAUSE

THAT, the Bill is amended by inserting the following clause immediately after clause 10-

Amendment
of section
21 of No.40
of 2013.

10A. The principal Act is amended in section 21 by deleting the words “one hundred” and substituting therefor the words “five hundred”.

CLAUSE 14

THAT, clause 14 of the Bill be amended in the proposed new clause 29A –

- (a) by deleting the proviso appearing in subsection (1);
- (b) by inserting the words “within fourteen days after receipt of the application” at the end of subsection (3).

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 15-

Insertion of
new section
32A in No.40
of 2013

15A. The principal Act is amended by inserting the following new section immediately after section 32-

Filing of
documents

32A. Any notice, application, decision or other document that is to be made in writing under this Part may be submitted in hard copy or by electronic means.

CLAUSE 18

THAT, the clause 18 of the Bill be amended in the proposed subsection (5) by deleting the words “Public Service Commission” and substituting therefor the word “Commission”.



LIMITATION OF DEBATE

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Bills sponsored by Parties or Committees

- III. THAT**, 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.

Limitation of Debate on Committee Reports

- IV. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit 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 two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

Limitation of Debate on Sessional Papers

- V. THAT**, each speech in a debate on any **Sessional Paper** shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant Committee), 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 and the Leader of the Minority Party, in **THAT** order.

The House further resolved on Thursday, September 23, 2021 as follows-

Limitation of Debate on Reports of Petitions

- VI. THAT**, following the resolution of the House of August 17, 2021 with respect to debate on three specified Reports of Petitions, each speech in a debate on **Reports of Petitions** shall be limited as follows:- A maximum of one hour and twenty minutes, with not more than fifteen (15) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party, and **THAT** five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking 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 I

Tentative business for **Wednesday (Morning) October 06, 2021**

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Wednesday (Morning) October 06, 2021-

A. THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2020)

(The Hon. Abdul Rahim Dawood, M.P.)

Second Reading

(Question to be put)

B. THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL
ASSEMBLY BILL NO. 31 OF 2019)

(The Hon. (Dr.) Robert Pukose, M.P.)

Second Reading

(Question to be put)

C. THE EMPLOYMENT (AMENDMENT)(No.2) BILL (NATIONAL
ASSEMBLY BILL NO. 79 OF 2019)

(The Hon. Gideon Keter, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, September 29, 2021 – Morning sitting)
(Balance of time – 35 minutes)

D. THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 26 OF 2020)

(The Hon. Didmus Barasa, M.P.)

Second Reading

E. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL
ASSEMBLY BILL NO. 30 OF 2020)

(The Hon. Martin Peters Owino, M.P.)

Second Reading

F. THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)

(The Hon. Godfrey Osotsi, M.P.)

Second Reading

G. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

H. THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

I. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

J. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading

NOTICE PAPER II

Tentative business for **Wednesday (Afternoon) October 06, 2021**

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Wednesday (Afternoon) October 06, 2021-

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 05, 2021)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 05, 2021)

C. MOTION - RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA

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

(If not concluded on Tuesday, October 05, 2021)

D. MOTION – RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF OLDER PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

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

(If not concluded on Tuesday, October 05, 2021)

E. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment and Natural Resources)

(If not concluded on Tuesday, October 05, 2021)

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.4 - PETITIONS

It is **notified** that, pursuant to the provisions of Standing Order 225, the following Petition will be presented -

No.	Subject	Petitioner(s)	Relevant Committee
045/2021	Proposed amendment of Articles 102, 142 and 180 of the Constitution to introduce term limits for key elective positions <i>(to be presented pursuant to S.O.225(2)(b))</i>	<i>To be reported by the Speaker on behalf of Mr. Jonah Gachuki</i>	D.C. on Justice and Legal Affairs

ORDER NO.7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

371/2021

The Member for Homa Bay Town (Hon. Peter Kaluma, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain why the Higher Education Loans Board (HELB) is yet to release funding for students joining Universities and other institutions of Higher Learning for the 2021/2022 academic year across the country and in particular for the first years joining the University of Nairobi?
- (ii) What steps is the Ministry taking to ensure that the said money is released to students and could the Cabinet Secretary provide the timelines for the release of the said monies?
- (iii) What procedure has HELB instituted to enable eligible students who have not attained the age of 18 years to access funding?

(To be replied before the Departmental Committee on Education and Research)

377/2021

The Member for Marsabit County (Hon. Safia Sheikh, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain why the National Police Reservists programme in Northern Kenya, particularly in *Marsabit* County, was discontinued?
- (ii) Are there plans to reinstate the programme in *Marsabit* County as it will a long way in complementing the work of the police, facilitate restoration of peace and security in the County and avert further loss of lives and properties arising from insecurity in the region?
- (iii) What steps is the Government taking to enhance security in Northern Kenya, particularly in *Marsabit* County?

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

382/2021

The Member for Kisumu West (Hon. Olago Aluoch, MP) to ask the Cabinet Secretary for Health: -

- (i) What is the Government's policy regarding detention of patients by hospitals over unpaid hospital bills?
- (ii) Could the Cabinet Secretary explain why *Reale Hospital* in *Eldoret* continues to hold the body of the late *Julius Nyerere Odera* who had been hospitalized at the said facility until 1st June, 2021 when he passed on leaving a hospital bill of Kshs.4 million, of which his widow paid Kshs.1.6 million?
- (iii) Could the Cabinet Secretary compel *Reale Hospital* to release the body of the deceased considering that the family has continued to incur a charge of Kshs.1,000 per day as mortuary fees?

(To be replied before the Departmental Committee on Health)

389/2021

The Member for Mumias East (Hon. Benjamin Washiali, MP) to ask the Teachers Service Commission: -

- (i) Could the Chairperson explain the new grading criteria for employment of teachers, which accords additional weight to intern teachers yet opportunities for internship are only available to a few teachers under the age of 35 years against the very many qualified, aged and interested teachers?
- (ii) How will teachers above the age of 35 years access employment opportunities considering that the Teachers Service Commission, while carrying out the national recruitment exercise in July 2021, awarded 30 points to those who were on internship programme over and above other requirements and yet for a teacher to qualify as an intern, one must be 35 years of age or below thus locking out teachers who are above 35 years of age from ever being enlisted?

(Question for Written Reply by the Teachers Service Commission)

The Member for Kajiado Central (Hon. Memusi Kanchory, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary provide the construction status of the roads under *Contract No. KURA/DEV/HQ/336/2019-2020* in Kajiado Central Constituency?
- (ii) Could the Cabinet Secretary explain what has led to the inordinate delays in the execution of the contract and provide the expected timelines for its completion?
- (iii) Could the Cabinet Secretary provide the contract details including the contract sum, the number of employees engaged and the amount of funds that the contractor been paid so far against the works done?
- (iv) Could the Cabinet Secretary explain how the contractor incorporated corporate social responsibility (CSR) while undertaking the project?

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

ORDER NO.7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c) the following Statement will be requested -

No.	Subject	Member	Relevant Committee
1.	Measures to revive the Tourism sector in the country particularly the Coast region during the COVID-19 Pandemic period	<i>The Hon. Owen Baya, MP</i>	D.C. on Sports, Culture and Tourism
