

(No. 121)



(1590)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

**SUPPLEMENTARY**

THURSDAY, DECEMBER 02, 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\*. PROCEDURAL MOTION-      EXEMPTION OF BILLS AND  
PETITIONS FROM LAPSING  
(The Leader of the Majority Party)**

**THAT**, cognizant that this House will be proceeding for a long recess from 3<sup>rd</sup> December, 2021 to 24<sup>th</sup> January, 2022 in accordance with its Calendar (*Regular Sessions - 2021*) and pursuant to the provisions of Standing Order 256 (*Exemption of Business from the Standing Orders*), this House **resolves** –

- (i) to exempt **all Bills** which, having been read a First Time during the Fourth Session (*year 2020*), are pending at various stages of consideration in the House from the provisions of Standing Order 141(2) (*Lapse and Re-introduction of Bills*); and
- (ii) that with respect to **all Public Petitions** pending before Committees, the counting of the sixty (60) days consideration period prescribed under Standing Order 227(2) (*Committal of Petitions*) shall cease upon commencement of the recess and resume when the House next sits in the Sixth Session.

9\*. **PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS**

(The Leader of the Majority Party)

**THAT**, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021) and the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) from **14 days to 6 days**.

10\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE ASIAN WIDOWS’ AND ORPHANS’ PENSIONS (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2021)**

(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 Asian Widows’ and Orphans’ Pensions (Repeal) Bill (National Assembly Bill No. 29 of 2021).

*(Question to be put and Third Reading)*

11\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE PROVIDENT FUND (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2021)**

(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 Provident Fund (Repeal) Bill (National Assembly Bill No. 30 of 2021).

*(Question to be put and Third Reading)*

12\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2021)**

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

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Kenya Roads (Amendment) Bill (National Assembly Bill No. 13 of 2021).

*(Question to be put and Third Reading)*

**13\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION BILL (SENATE BILL NO. 35 OF 2021)**

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the County Governments Additional Allocation Bill (Senate Bill No. 35 of 2021).

*(Question to be put and Third Reading)*

**14\*. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2021)**

(The Leader of the Majority Party)

First Reading

**15\*. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2021)**

(The Leader of the Majority Party)

First Reading

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

The Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2020)

(The Leader of the Majority Party)

**17\*. THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**18\*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)**

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

Second Reading

**19\*. MOTION - OFFICIAL DOCUMENTING OF THE HISTORY OF THE NATIONAL ASSEMBLY**  
(The Leader of the Majority Party)

**THAT**, aware that the history of any institution is key to evaluating its development; **FURTHER AWARE** that documenting history provides a knowledge bank for future generations; **NOTING** that the history of the Parliament of Kenya is largely unrecorded, scattered and piecemeal; **FURTHER NOTING** that most comparable jurisdictions have elaborate records of their history which are periodically updated to capture new developments; **COGNISANT** of the fact that the Parliament of Kenya marks its 114th anniversary this year having been established as the Legislative Council (*LegCo*) in August 1907; **FURTHER COGNISANT** that the legislature has been transforming in the last century both in mandate and composition starting as a fused unicameral legislature, to a bicameral one at independence to a unicameral legislature before again reverting to a bicameral Parliament after the promulgation of the Constitution of Kenya 2010; **RECOGNISING** the many works of arts, including statues, frescoes, murals and pictures connected with the history of the Parliament of Kenya, including the contributions of great men and women, families, architects and politicians throughout the 114 years of the history of the institution, and its transformation and growth throughout the period; **NOW THEREFORE**, in order to ensure the preservation of the history of the institution for future generations, **this House resolves –**

- (i) **THAT**, at an appropriate stage, the House appoints a Committee comprising of not more than nine (9) Members to oversee the preservation of these histories for posterity, with special focus on the National Assembly;
- (ii) **THAT**, the copyrights of the *History of Parliament of Kenya* projects be reserved for the benefit of Parliament and the people of Kenya; and,
- (iii) **THAT**, the Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualize this Resolution.

*(Resumption of debate interrupted on Wednesday, November 24, 2021 – Afternoon sitting)*  
*(Balance of time – 2 hours 55 minutes)*

---

**\* Denotes Orders of the Day**

---

# **N O T I C E S**

## **I. THE KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2020)**

Notice is given that the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives intends to move the following amendments to the Kenya Industrial Research and Development Institute Bill, 2020 at the Committee Stage—

### **SHORT TITLE OF THE BILL**

**THAT**, the short title of the Bill as appears in the heading be amended by deleting the word “Amendment” wherever it appears.

### **CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by—

- (a) inserting the definition of the following terms in proper alphabetical sequence-

“former Institute” means the Kenya Industrial Research and Development Institute existing immediately before the commencement of this Act;

“incubation” means the maintenance of enabling environment conditions for the purpose of facilitating the growth or development of infant technologies ideas or industries;

“indigenous knowledge “means the wisdom developed over generations of holistic traditional scientific utilization of the lands, natural resources and environment;

“innovation” means

- (a) a technology and innovation model, utility model or industrial design within the meaning of the Industrial Property Act, 2001;
- (b) a product, process, service or ideal which is novel;
- (c) an improved use of a new product service or method in industry, business or society;
- (d) indigenous or traditional knowledge by a community of beneficial properties of land, natural resources, including plant and animal resources and the environment; or
- (e) any other non-patentable creations of improvements which may be deemed as deserving promotion and protection or *sui generis* intellectual property rights and innovator shall be construed accordingly.

“invention” means a new and useful process, machine, manufacture or composition of matter, living or inanimate, or any invention of discovery which or may be patentable or otherwise protectable or any novel variety of plant which is or may be protectable;

“innovation” means doing something new to improve a product, process or service.

“intellectual property” means intangible property that is the result of creativity such as patents, copyrights, industrial designs, utility models and trademarks;

“patent” means government authority or license conferring a right or title for a set period especially the sole right to exclude others from making, using or selling an invention;

“secretary” means the corporation secretary appointed by the Board appointed under section 25; and

“technology” means the application of knowledge to meet the goals, goods and services for sustainable development.

(b) deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition—

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to industry;

### **CLAUSE 3**

**THAT**, Clause 3 of the Bill be amended by deleting paragraphs (a) and (b) and substituting therefor the following new paragraphs—

- (a) the establishment of the Kenya Industrial Research and Development Institute;
- (b) the recognition of the Kenya Industrial Research and Development Institute as a body responsible for carrying out industrial research, development, technology and innovation;
- (c) the establishment of internationally recognized industrial research infrastructure; and
- (d) promotion of research, technology, innovation and incubation to facilitate industrial development.

### **NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Objectives of the Institute.

**4A.** The objectives of the institute shall be to—

- (a) undertake research, development and innovation in industrial and allied technologies; and
- (b) disseminate research findings to support industrial development.

**CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended in subsection (1) by inserting the following new paragraph immediately after paragraph (m)—

“(n) building materials technology.

**CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended in subclause (1) by—

- (a) deleting the words “industrial research and development” appearing in paragraph (b) and substituting therefor the word, “industry”;
- (b) inserting the following new paragraphs immediately after paragraph (c)—
  - “(ca) a representative of the National Commission for Science Technology and Innovation appointed by the Cabinet Secretary;
  - “(cb) a representative of the Kenya Industrial Property Institute appointed by the Cabinet Secretary; and
  - “(cc) a representative of the office of the Attorney General.
  
- (c) deleting paragraphs (d) and substituting therefor the following new paragraph—
  - “(d) Three members appointed by the Cabinet Secretary from each category of the following institutions—
    - i. public universities;
    - ii. the Kenya Association of Manufacturers; and
    - iii. the Consumer Federation of Kenya.

**CLAUSE 10**

**THAT**, the Bill be amended by deleting Clause 10 and substituting therefor the following new clause.

Functions of the Bard.

**10.** The Board shall—

- (a) determine the organization’s mission, vision, purpose and core values;
- (b) set and oversee the overall strategy and approve significant policies of the organization;
- (c) approve the organizational structure;
- (d) approve the annual budget of the organization;
- (e) enhance the corporate image of the organization;
- (f) ensure availability of adequate resources for achievement of the organization’s objectives; and
- (g) hire the Chief Executive Officer on such terms and conditions of service as may be approved by the relevant government organs.

**CLAUSE 12**

**THAT**, Clause 12 of the Bill be amended by-

- (a) renumbering the existing provision as subclause (1);
- (b) inserting the following new subclause immediately after the renumbered subclause (2)-  
“(2) The members of the Board shall be appointed at different times so that their terms of office expire at different intervals”.

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1);
- (b) inserting the following new sub-clause immediately after the renumbered subclause (1) —  
“(2) Notwithstanding the generality of the foregoing, the Board shall ensure that any member suspected to have committed an offence under the Constitution or any other written law, vacates office to pave way for investigations.”

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended in subclause (1) by deleting the words “the Board” and substituting therefor the words, “the Cabinet Secretary”.

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended by—

- (a) by deleting the word, “masters” appearing in paragraph (a) and substituting therefor the word “doctorate”;
- (b) by deleting the word, “ten” appearing in paragraph (b) and substituting therefor the word “fifteen”; and
- (c) by deleting the word, “five” appearing in paragraph (c) and substituting therefor the word “eight”.

**CLAUSE 22**

**THAT**, Clause 22 of the Bill be amended by—

- (a) deleting paragraph (b) and substituting therefor the following new paragraph—  
“(b) develop an economic, efficient and cost-effective internal management structure”;
- (b) deleting paragraph (d) and substituting therefor the following new paragraph—  
“(d) cooperate with other entities and organizations in the sector;
- (c) deleting paragraph (f) and substituting therefor the following new paragraph—



“(f) provide advice as required on matters within the Institute’s responsibility”; and

(d) deleting the word, “of” appearing immediately after the words, “such other duties” in paragraph (g).

### **CLAUSE 23**

**THAT**, Clause 23 of the Bill be amended by deleting the word “three” appearing immediately after the words “not exceeding” and substituting therefor the words “five”.

### **CLAUSE 25**

**THAT**, Clause 25 of the Bill be amended by deleting the words “as the Board may on the advice of the Salaries and Remuneration Commission determine” appearing immediately after the words “such terms” and substituting therefor the words “and conditions as the Board may determine”.

### **CLAUSE 26**

**THAT**, Clause 26 of the Bill be amended by deleting the words, “a relevant field” appearing in paragraph (b) and substituting therefor the words “law”.

### **CLAUSE 27**

**THAT**, Clause 27 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1);
- (b) deleting paragraph (b);
- (c) inserting the following new sub-clause immediately after the renumbered subclause (1) —  
“(2) The Corporation Secretary shall be responsible to the Director General.

### **CLAUSE 30**

**THAT**, Clause 30 of the Bill amended by inserting the words “and may be released” immediately after the words, “properly withheld”.

### **CLAUSE 31**

**THAT**, Clause 31 of the Bill be amended by deleting the word “Parliament” appearing immediately after the words “allocated by” in paragraph (a) and substituting therefor the words “the National Assembly”.

### **CLAUSE 38**

**THAT**, Clause 38 of the Bill be amended by—

- (a) deleting subclause (1) and substituting therefor the following new subclause—

“(1) The Cabinet Secretary may within six months upon enactment of this Act, make Regulations generally for the better carrying out of the provisions of this Act.

(b) deleting the expression 9(6) appearing in subclause (2) and substituting therefore the expression 94 (6).

**CLAUSE 39**

**THAT**, the Bill be amended by deleting clause 39.

**CLAUSE 41**

**THAT**, Clause 41 of the Bill be amended by deleting the words “on the appointed day” wherever they appear and substituting therefor the words “upon commencement of this Act”.

---

## **LIMITATION OF DEBATE**

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

### **Limitation of Debate on Bills sponsored by Parties or Committees**

- II. 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 Motions**

- III. THAT**, 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.

## **ADJOURNMENT**

### **IV. NOTIFICATION OF RECESS (3<sup>rd</sup> December, 2021 – 24<sup>th</sup> January, 2022)**

Pursuant to the provisions of Standing Order 28(3) relating to the Calendar of the Assembly, and the resolution of the House of Wednesday, February 10, 2021, the Speaker notifies that upon the rise of the House today at the appointed time, regular sittings will resume on **Tuesday, January 25, 2022 at 2:30 p.m.**

*(Thereafter, the House to adjourn without question put)*

# **A P P E N D I X**

## **NOTICE OF PETITIONS, QUESTIONS & STATEMENTS**

---

### **ORDER NO.4 - PETITIONS**

---

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

| <b>No</b>       | <b>Subject</b>  | <b>Petitioner(s)</b>  | <b>Relevant Committee</b>         |
|-----------------|---|---|-----------------------------------|
| <b>076/2021</b> | Use of heavy mechanization of tea harvesting and declaration of employees as redundant by multinational tea companies in Kericho and Bomet Counties | <i>To be presented by the Hon. Sylvanus Maritim, MP (Ainamoi) on behalf of concerned tea plantation workers and residents of Kericho and Bomet Counties (Subject to Speaker's approval)</i> | D.C. on Labour and Social Welfare |
| <b>080/2021</b> | Forceful eviction of Squatters from Haraka Settlement Scheme in Yatta and Masinga Constituencies  | <i>To be reported by the Speaker on behalf of residents of Haraka Settlement Scheme</i>   | D.C on Lands                      |

# 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.**

QPN  
012/2021

## **QUESTIONS BY PRIVATE NOTICE**

**The Member for Dagoretti North (Hon. Simba Arati, MP) to ask the Cabinet Secretary for Health: -**

- (i) What is the Government's policy regarding detention of deceased bodies by hospitals over unpaid hospital bills?
- (ii) Could the Cabinet Secretary compel the *Kenyatta National Hospital (KNH)* to release the bodies of the late *William Gisege Oira*, who was admitted on *20<sup>th</sup> September 2021* and unfortunately passed on the *22<sup>nd</sup> October 2021* and the late *William Omangwa Siambe*, *Identification Card No. 37371221*, orphans from *Kiabugesi sublocation, Kenyena Subcounty, Kisii County* who was admitted on *15<sup>th</sup> September 2021* and unfortunately passed on the *6<sup>th</sup> October 2021* and the bodies has been lying since then in the KNH mortuary with a bill amounting to Kshs. 2,676,564.50 and 1,798,993.80 respectively?
- (iii) When will the bodies of the said deceased persons be released for burials?

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

## **ORDINARY QUESTIONS**

484/2021

**The Member for Cherangany (Hon. Joshua Kutuny, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Could the Cabinet Secretary explain the circumstances under which one *Mr. Barnabas Lagat* of ID No. *12418176* was allegedly attacked and shot by a police officer attached to *Kapcherop Police Station at Kapsigilai Trading Centre* in Cherangany Constituency in broad daylight on *27<sup>th</sup> September 2021*, ostensibly because he was not wearing a facemask?
- (ii) Under what circumstances did the said police officer stray beyond his area of jurisdiction considering that *Kapcherop Police station* is in *Elgeyo Marakwet County* while *Kapsigilai Trading Centre* is in *Trans Nzoia County*?
- (iii) Are there plans by the Government meet the medical bills incurred by *Mr. Lagat* at the *Moi Teaching and Referral Hospital*, and further compensate him for the shooting?

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

526/2021

**The Member for North Imenti (Hon. Abdul Dawood, MP) to ask the Cabinet Secretary for the National Treasury and Planning: -**

- (i) Could the Cabinet Secretary explain why *Mr. Augustine M'mugwika, Pension No. APN/PC 126572*, a retired teacher and a resident of *North Imenti* Constituency, is yet to paid his monthly pension dues for the months of *January to May 2020 and March 2021*?
- (ii) Could the Cabinet Secretary ensure that the said pensioner's dues are paid with accrued interest?

*(To be replied before the Departmental Committee on Finance and National Planning)*

529/2021

**The Member for Mavoko (Hon. Patrick Kingóla, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -**

- (i) Could the Cabinet Secretary provide a detailed report on water projects implemented from 2017 to date as well as ongoing ones across the country indicating the location of the said projects in terms of Constituency and County?
- (ii) Could the Cabinet Secretary further provide details of water projects implemented by the National Government in Machakos County, particularly in *Mavoko* Constituency including the names of contractors, scope of works done and amount paid to each contractor?
- (iii) Could the Cabinet Secretary explain why the construction of *Ng'alalya Borehole* and *Kavomboni Dam* in Machakos County has stalled since 2019 to date despite funds having been allocated?

*(To be replied before the Departmental Committee on Environment and Natural Resources)*

530/2021

**The Member for Kirinyaga Central (Hon. John Wambugu, MP) to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary explain the circumstances under which forty-one (41) students who sat for the Kenya Certificate of Secondary Education (KCSE) in 2012 at *Sacred Heart Kangaita Secondary School* in Kirinyaga Central Constituency were denied their certificates by the Kenya National Examinations Council (KNEC)?
- (ii) Could the Cabinet Secretary also explain why KNEC has failed to issue KCSE Certificates to *Githae John Kariuki (Index No. 09203422035)* and *Kinyua D. Muriithi (Index No. 09203422005)* who sat for KCSE in 2012 in the said school despite the two having made numerous follow-ups and submitting all the requirements?

(iii) When will the affected students be issued with their KCSE Certificates to enable them pursue their careers?

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

**531/2021      The Member for Langata (Hon. Nixon Korir, MP) to ask the Cabinet Secretary for Devolution: -**

- (i) What plans are there to rehabilitate all the dilapidated roads in Langata Constituency particularly the roads within estates under the Nairobi Metropolitan Services?
  
- (ii) Could the Service provide a list of roads that have been rehabilitated, improved or constructed in Langata Constituency since the establishment of the Nairobi Metropolitan Services?

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



---

## **ORDER NO.7 - STATEMENTS**

---

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

| <b>No.</b> | <b>Subject</b>   | <b>Member</b>   | <b>Relevant Committee</b>                                 |
|------------|--|---|---|
| 1.         | Processing of local intelligence information in order to deter banditry attacks in Laikipia County | <i>The Hon. Sarah Korere, MP<br/>(Laikipia North)</i> | Chairperson, D.C. on Administration and National Security |
| 2.         | Kidnapping and disappearance of persons in the country   | <i>The Hon. Ibrahim Mude, MP<br/>(Lafey)</i>          | Chairperson, D.C. on Administration and National Security |
| 3.         | Delays in the issuance of Identity Cards   | <i>The Hon. Caleb Amisi, MP<br/>(Saboti)</i>          | Chairperson, D.C. on Administration and National Security |

---