



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – FIFTH SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 11, 2021

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker

4. **COMMUNICATION FROM THE CHAIR**

The Second Chairperson issued the following Communication -

The Second Parliamentary Forum for Committees of the National Assembly

Honourable Members,

As you may be aware, the National Assembly is scheduled to hold the second Parliamentary Forum for Committees of the National Assembly on Monday, 15th November, 2021 from 9.00 a.m. to 12.30 p.m. at the Parliament Gardens. Further, on Tuesday, 16th November, 2021, there will be the broadcasting of a documentary titled, 'A House Defying Covid-19' as well as presentations by Chairpersons of Committees on key milestones.

Honourable Members, Rt. Hon. Martin Ngoga, MP, Speaker of the East African Legislative Assembly (EALA) will grace the occasion as the Chief Guest.

Honourable Members, Committees remain a critical source of the core business of the House besides being a key link with stakeholders and the general public through the many public participation processes.

Honourable Members, it is for this reason that the Liaison Committee has organized the Second Parliamentary Forum for Committees of the National Assembly to enable Committees to showcase their work, to foster outreach and to encourage citizen engagement in a wide range of activities of committees. During the said forum, Chairpersons of the Committees will make presentations regarding the mandates of their respective Committees, highlighting key milestones and sharing reflections on the challenges faced during the period under review.

Honourable Members, Committees' Performance Reports for the period October 2019 – 2021 will also be launched. These reports will be drawn from the Annual Progress Reports to be shared with members of the public.

To this end, **Honourable Members,** I take this opportunity to invite all Members and to notify Committee Leaderships that due to the importance of this event in the Calendar of the National Assembly and to accord Honourable Members to participate in the activity, ALL

Committee meetings and activities scheduled for Monday 15th November, 2021 are hereby suspended. The House and Committees are accordingly guided. **I thank you!**

5. PAPERS

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

- (i) A list of nominees to the National Government Constituencies Development Fund Committee for Kiambaa Constituency.
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein –
 - a) Centre for Mathematics, Science and Technology Education in Africa;
 - b) Kenya Institute of Curriculum Development; and
 - c) Higher Education Loans Board.
- (iii) 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) Communications Authority of Kenya;
 - b) Kenya Forestry Research Institute;
 - c) Maasai Mara University;
 - d) Kenya Marine and Fisheries Research Institute;
 - e) East African Portland Cement PLC;
 - f) Kenya School of Law;
 - g) PC Kinyanjui Technical Institute;
 - h) National Communications Secretariat;
 - i) Nachu Technical and Vocational College;
 - j) Ekerubo Gietai Technical Training Institute; and
 - k) Agro-Chemical and Food Company Limited.
- (iv) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2019 and the certificates therein –

a) Makadara;	h) South Mugirango;
b) Likuyani;	i) Kitutu Chache North;
c) Garsen;	j) Rangwe;
d) Wajir East;	k) Kabete;
e) Roysambu;	l) Saku;
f) Saboti;	m) Igembe South; and
g) Tharaka;	n) Isiolo North

(The Majority Party Whip)

6. REORGANISATION OF BUSINESS PURSUANT TO STANDING ORDER 40

Pursuant to Standing Order 40(2), the Deputy Speaker re-ordered the sequence of proceedings to allow for the conclusion of **Orders No. 8** (*Motion – Report of the Committee of the Whole House on the Sugar Bill (National Assembly Bill No. 68 of 2019)*), **Order No. 9** (*Special Motion – Consideration of Nominees for Appointment to the Ethics and Anti-Corruption Commission*), **Order No. 10** (*Special Motion – Consideration of Nominees for Appointment to the Privatization Commission*), **Order No. 11** (*Special Motion – Consideration of Nominees for Appointment to the Competition Authority*), **Order No. 12** (*Special Motion – Consideration of the Breast Milk Substitutes (Regulation and Control) (General) Regulations, 2021*).

7. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)

Motion made and question proposed -

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Sugar Bill (National Assembly Bill No. 68 of 2019).

(Hon. Wafula Wamunyinyi)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Sugar Bill (National Assembly Bill No. 68 of 2019) be now read a Third Time

(Hon. Wafula Wamunyinyi)

Question put and agreed to;

Bill read a Third Time and **passed**.

8. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE ETHICS AND ANTI-CORRUPTION COMMISSION

Motion made and question proposed -

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on its consideration of *Nominees for Appointment as Members of the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Tuesday, November 9, 2021* and pursuant to the provisions of section 10(3) of the Ethics and Anti-Corruption Commission Act, 2011 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Col. (Rtd) Alfred Mtuweta Mshimba** and **Dr. Monica Wanjiru Muiro** as Members of the Ethics and Anti-Corruption Commission.

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate on the Motion having been concluded on Wednesday, November 10, 2021 (Afternoon Sitting);

Question put and agreed to.

9. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE PRIVATIZATION COMMISSION

Motion made and question proposed -

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on its consideration of *Nominees for Appointment as Members of the Privatization Commission, laid on the Table of the House on Tuesday, November 9, 2021*, and pursuant to the provisions of section 5(1)(d) of the Privatization Act, 2005 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of the following persons to the Privatization Commission –

- | | | | |
|-------|------------------------------|---|--------------|
| (i) | Dr. Edward N. Kobuthi, PhD | - | Member; |
| (ii) | Ms. Irene Njeri Wanyoike | - | Member; |
| (iii) | Ms. Celine Anyango Orata | - | Member; |
| (iv) | Mr. Salah Adan Abdi | - | Member; |
| (v) | Mr. CPA David J.O. Nyakang'o | - | Member; and, |
| (vi) | Amb. Wellington Pakia Godo | - | Member. |

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

Debate on the Motion having been concluded on Wednesday, November 10, 2021 (Afternoon Sitting);

Question put and agreed to.

10. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE COMPETITION AUTHORITY

Motion made and question proposed -

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on its consideration of *Nominees for Appointment as Members of the Competition Authority, laid on the Table of the House on Tuesday, November*

9, 2021, and pursuant to the provisions of section 10(2) of the Competition Act, 2010 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of the following persons to the Competition Authority –

- | | | | |
|-------|----------------------------|---|-------------|
| (i) | Ms. Lena Munuve | - | Member; |
| (ii) | Ms. Alome K. Achayo | - | Member; |
| (iii) | Dr. David Wanyonyi Wanyama | - | Member; and |
| (iv) | Mr. Abdi A. Mohamed | - | Member. |

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

Debate on the Motion having been concluded on Wednesday, November 10, 2021 (Afternoon Sitting);

Question put and agreed to.

11. SPECIAL MOTION – CONSIDERATION OF THE BREAST MILK SUBSTITUTES (REGULATION AND CONTROL) (GENERAL) REGULATIONS, 2021

Motion made and question proposed -

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Breast Milk Substitutes (Regulations and Controls) (General) Regulations, 2021, *laid on the Table of the House on Wednesday, November 10, 2021*, and pursuant to the provisions of section 28(5) of the Breast Milk Substitutes (Regulation and Control) Act, 2012 **approves** the Breast Milk Substitutes (Regulations and Controls) (General) Regulations, 2021 published as *Legal Notice No. 184 of 2021 with amendments to Regulations 1, 2 and 27(1)*.

(The Chairperson, Committee on Delegated Legislation)

Debate on the Motion having been concluded on Wednesday, November 10, 2021 (Afternoon Sitting);

Question put and agreed to.

12. QUESTIONS

(a) The following Questions were asked –

ORDINARY QUESTIONS

- (i) **Ordinary Question No. 416/2021** by the Member for Endebess (Hon. (Dr) Robert Pukose) regarding the circumstances that led to the stoppage of the Community Forest Associations that undertook the *Shamba* System commonly referred as *Taungya System* in various forest establishments in the country

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

- (ii) **Ordinary Question No. 450/2021** by the Member for Suna West (Hon. Peter Masara) regarding the total amount of money allocated to Uwezo Fund in Suna West.

(To be replied to by the Cabinet Secretary for Public Service, Gender, Senior Citizens Affairs & Special Programmes before the Departmental Committee on Labour & Social Welfare)

- (iii) **Ordinary Question No. 471/2021** by the Member for Embakasi East (Hon. Babu Owino) regarding the decision to send the entire Kenya Medical Supplies Authority (KEMSA) workforce under the pretext of working from home to undertake investigations concerning the alleged KEMSA Scandal relating to Covid-19 supplies.

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

(b) The following Question was deferred –

- (i) **Ordinary Question No. 449/2021** by the Member for Kajiado North (Hon. Joseph Manje) regarding the whereabouts of an abandoned infant who was rescued on 5th October 2021 in *Ongata Rongai area, Kajiado County* and taken to *Nairobi Women's Hospital* in the same town for medical treatment.
- (ii) **Ordinary Question No. 474/2021** by the Member for Lamu County (Hon. (Capt.) Ruweida Obo) regarding the improvement of the signal on mobile telephony network and coverage at *Siu, Kizingitini and Shanga areas* in Lamu County to aid in service delivery and communication for the residents and other mobile users in the said areas.
- (iii) **Ordinary Question No. 475/2021** by The Member for Meru County (Hon. Bishop Kawira Mwangaza) regarding the access of employment opportunities and economic empowerment of the Youths in Meru County.

13. RESPONSE TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

The following responses to Statements were given –

- (i) The Chairperson of the Departmental Committee on Administration and National Security tabled a response to a Statement sought by the Member for Sigowet/Soin (Hon. Kipsengeret Koros) regarding the conflict along the Nyanza and Rift Valley border.
- (ii) The Chairperson of the Departmental Committee on Administration and National Security tabled a response to a Statement sought by the Member for Tigania West (Hon. John Mutunga) regarding the Misrepresentation of facts during issuance of Identity Cards to Tigania West Constituency.
- (iii) The Chairperson of the Departmental Committee on Environment & Natural Resources responded to a Statement sought by the Member for Igembe Central (Hon. Kubai Iringo) regarding the release of terminal benefits of former KWS Service Ranger.
- (iv) The Chairperson of the Departmental Committee on Labour and Social Welfare responded to a Statement sought by the nominated Member (Hon. (Prof.) Jacqueline Oduol) regarding the recognition and protection of the family unit by the State.

(Change of Chair from Deputy Speaker to Second Chairperson of Committees)

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

Pursuant to the provisions of Standing Order 44(2) (a), the Majority Party Whip issued a Statement regarding the Business of the House for the week commencing Tuesday, November 16, 2021.

15. MOTION – REPORT ON IMPLEMENTATION STATUS ON AN INQUIRY INTO COMPLAINTS OF ENVIRONMENTAL POLLUTION BY LONDON DISTILLERS KENYA LIMITED

Motion made and question proposed –

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the Implementation Status of the Report of the Departmental Committee on Environment and Natural Resources on an inquiry into complaints of environmental pollution by London Distillers Kenya Limited, laid on the Table of the House on Thursday, September 30, 2021.

(Chairperson, Committee on Implementation)

Debate arising;
Mover replied;
Question deferred pursuant to Standing Order 53(3).

16. MOTION – REPORT ON A PUBLIC PETITION BY RESIDENTS OF WAJIR AND GARISSA COUNTIES REGARDING LACK OF ACCESS TO CITIZEN REGISTRATION SERVICES

(The Chairperson, Departmental Committee on Administration and National Security)
Order read;
Resumption of debate on the Motion deferred.

17. THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

(The Chairperson, Departmental Committee on Health)
Order for Second Reading read;
Order deferred.

18. MOTION – ESTABLISHMENT OF A PARLIAMENTARY HEALTH SERVICES UNIT

(The Chairperson, Committee on Members' Services and Facilities)
Order read;
Order deferred.

19. MOTION – STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA

(The Chairperson, Committee on Members' Services and Facilities)
Order read;
Order deferred.

20. MOTION – REPORT ON IMPLEMENTATION STATUS OF A REPORT ON LAND ISSUES IN TAITA TAVETA COUNTY

(The Chairperson, Committee on Implementation)
Order read;
Order deferred.

21. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

(The Chairperson, Committee on National Cohesion and Equal Opportunity)
Order for Second Reading read;
Order deferred.

22. MOTION – THIRD REPORT ON IMPLEMENTATION STATUS OF INQUIRIES, PETITIONS AND RESOLUTIONS OF THE HOUSE

(The Chairperson, Committee on Implementation)
Order read;
Order deferred.

23. MOTION – ROLL-OUT OF COVID-19 ECONOMIC STIMULUS PROGRAMME (Party-Sponsored Motion)

(The Hon. Abdullswamad Nassir)

Order read;
Order deferred.

And the time being fifty five minutes past five O'clock, the Second Chairperson adjourned the House without Question put pursuant to the Standing Orders.

24. HOUSE ROSE - at fifty five minutes past five O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, November 16, 2021 at 2.30 p.m.

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