

(No. 22)



(172)

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, NOVEMBER 10, 2022 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*. MOTION - DEVELOPMENT OF A UNIFIED NATIONAL POLICY ON SMALL AND MICRO-ENTERPRISES

(Departmental Committee on Trade, Industry and Cooperatives)
(The Hon. Beatrice Elachi, M.P.)

THAT, aware that Kenya's economy is largely driven by the informal sector spearheaded by entrepreneurs presenting themselves in form of Small and Micro-Enterprises (SMEs); **concerned** that the informal sector popularly known as the *Jua Kali* has different segments and categories spread out in value chains ranging from agriculture, trade, manufacturing, apparels, IT, transport, the creative economy, education among others; **recognizing that**, there is need to improve coordination of SMEs through development of an all-inclusive well-structured delivery platform that encompasses multiple solutions and all key stakeholders; **noting** that this sector has a potential to create employment opportunities to over eighty (80) percent of Kenya's working population; **further noting that** these SMEs have the capacity to leapfrog our nation to a middle-income economy as witnessed in other economies around the world; **recalling that** strong and consistent commitment and political goodwill can deliver the needed growth for the realization of steady and sustainable economic growth; concerned that previous support by the government to this sector has merely been a knee-jerk reaction in form of skewed funding and tokenism; **cognizant** that there exist no unified national policy or legislation in support of the sector and SMEs across the entire value chain; **now therefore**, this House resolves that the National Government develops a unified National Policy on Small and Micro-Enterprises (SMEs) detailing recognition, funding, mentoring, expansion, restructuring and marketing of the SMEs products.

(Question to be put)

9*. SPECIAL MOTION - CONSIDERATION OF THE NOMINEE FOR APPOINTMENT AS INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE

(The Co-Chairperson, Joint Parliamentary Committee on vetting of the nominee for appointment as Inspector-General of the National Police Service)

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations in its Report on the vetting of **Eng. Japhet Koome Nchebere for approval as Inspector-General of the National Police Service**, *laid on the Table of the House today, Wednesday, November 9, 2022*, and pursuant to the provisions of section 12(1) of the National Police Service Act, 2011 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Eng. Japhet Koome Nchebere** as the Inspector-General of the National Police Service.

10*. MOTION - TREE PLANTING ALONG THE ROADSIDES AND ROAD RESERVES

(Departmental Committee on Transport and Infrastructure)
(The Hon. John Kiarie, M.P.)

THAT, aware that Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69 (1)(d) also mandates the State to encourage public participation in the management, protection and conservation of the environment; further aware that, deforestation is one of the main contributors to climate change; noting that, Kenya has not been spared by the effects of global warming and climate change as a result of deforestation amongst other aspects; also aware that, the road network in the country currently stands at approximately 177,800 kilometres with a development rate of 600km per annum; deeply concerned that, there has been persistent destruction of trees and vegetation along the road reserves and roadsides during road construction leading to adverse effects on the ecosystem; cognizant that, studies have shown that the benefits accumulated from roadside tree planting include better soil formation due to shedding of dead leaves, increased water quality by reducing sediment flow, reduced erosion, road beautification, flood control as the trees slow and absorb water runoff, wind-breaking, providing important pollinator, habitats, improving peoples' health, and protecting crops; now therefore, this House **resolves** that the Government includes a component of tree planting in all road network designs and also makes it compulsory for road contractors to replace any tree harvested during road construction upon completion of the project.

Denotes Orders of the Day

NOTICES

I. STATEMENTS ON THE LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION UNDER STANDING ORDER 114 (7A)

*(The Hon. Gichimu Githinji, M.P. and the Hon. Stephen Mule, M.P.)
(Co-Sponsors)*

(Not later than 3.30 P.M.)

PURSUANT to the provisions of Standing Order 114(7A), it is notified that, on Wednesday, 2nd November, 2022, the Speaker accorded an opportunity to the Member for Gichugu (The Hon. Gichimu Githinji) and the Member for Matungulu (The Hon. Stephen Mule) to make statements on the *Legislative Proposal* to amend the Constitution to entrench the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund, and the Economic Stimulus and Empowerment Fund in the Constitution;

THEREAFTER, the Speaker allowed Members to make general comments on the Legislative Proposal.

(Debate interrupted on Tuesday, November 8, 2022 to resume)

II. LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

(The Hon. Gichimu Gitinji, MP and the Hon. Stephen Mule, MP) (Co-sponsors)

**THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2022
A Bill for**

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

Short title.

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2022.

Insertion of new Articles in the Constitution.

2. The Constitution is amended by inserting the following new Articles immediately after Article 204—

The National Government Constituencies Development Fund.

204A. (1) There is established the National Government Constituencies Development Fund which shall be a national government fund consisting of monies of an amount of not less than five per centum of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(2) All monies allocated under this Article shall be considered as funds allocated to constituencies pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

Senate Oversight Fund.

1. **204B.** (1) There is established the Senate Oversight Fund which shall be a national government fund consisting of monies of an amount of not less than one hundredth per centum of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

2. (2) All monies allocated under this Article shall be considered as funds allocated to the Senate pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

3. (3) Parliament shall enact legislation to make further provision for the operation of this Article.

The National
Government
Affirmative
Action Fund.

204C. (1) There is established the National Government Affirmative Action Fund whose object and purpose shall be to complement the national government programmes on affirmative action measures.

(2) The Fund shall be a national government Fund consisting of monies of an amount of not less than one quarter per centum of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The Economic
Stimulus and
Empowerment
Fund.

204D. (1) There is established the Economic Stimulus and Empowerment Fund whose object and purpose shall be to provide funds for programmes relating to—

- (a) women empowerment;
- (b) men empowerment;
- (c) youth empowerment; and
- (d) empowerment of persons living with disabilities.

(2) Parliament shall enact legislation to make further provision for the operation of this Article.



**SCHEDULE
CONSEQUENTIAL AMENDMENTS**

Act	Provision	Amendment
The National Government Constituencies Development Fund Act, No. 30 of 2015.	s. 4	Delete the expression “2.5% (two and half per centum)” appearing in subsection (1)(a) and substitute therefor the expression “5% (five per centum)”.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons for the Bill

The principal object of this Bill is to amend the Constitution to entrench the following Funds as funds established in the Constitution—

- (a) the National Government Constituencies Development Fund;
- (b) the National Government Affirmative Action Fund;
- (c) the Senate Oversight Fund; and
- (d) the Economic Stimulus and Empowerment Fund.

The entrenchment of these Funds in the Constitution will ensure that the critical role the funds play in promoting the development of national government projects and empowerment of the vulnerable persons is safeguarded, as well as ensuring that the funds are not subject to abuse. Further, this will guarantee an avenue for the facilitation and implementation of national government functions in all parts of the Republic pursuant to Article 6(3) of the Constitution.

Further, the establishment of the Senate Oversight Fund in the Constitution will ensure that the Senate is adequately empowered and resourced to perform its functions as stipulated in Article 96 of the Constitution.

The net effect of the entrenchment of the Funds in the Constitution is to guarantee developmental benefits, without undue interruption, to the people by channelling resources to meet the ever-increasing needs of the people of Kenya.

Clause 1 of the Bill provides for the short title of the Bill.

Clause 2 of the Bill proposes to amend the Constitution by introducing the following new Articles—

- (a) Article 204A which proposes to establish the National Government Constituencies Development Fund as a national government fund. The fund shall be allocated an amount of not less than five per centum (5%) of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;

- (b) Article 204B which proposes to establish the Senate Oversight Fund as a national government fund. The fund shall be allocated an amount of not less than one hundredth per centum (0.001%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;
- (c) Article 204C which proposes to establish the National Government Affirmative Action Fund as a national government fund. The fund shall be allocated an amount of not less than one quarter per centum (0.25%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218; and
- (d) Article 204D which proposes to establish the Economic Stimulus and Empowerment Fund whose object is to provide funds for programmes relating to women empowerment, men empowerment, youth empowerment and empowerment of persons living with disabilities.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

Statement of how the Bill concerns county governments

A Bill to amend the Constitution shall be considered by both Houses of Parliament as provided under Articles 255, 256 and 257 of the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion additional expenditure of public funds.



LIMITATION OF DEBATE

The House resolved on Wednesday, October 12, 2022 as follows-

Limitation of Debate on Motions

- I. **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.



NOTICE PAPER

Tentative business for **Tuesday, November 15, 2022**

(Published pursuant to Standing Order 38(1))

It is notified that the following business is tentatively scheduled to appear in the Order Paper for Tuesday, November 15, 2022-

A. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

First Reading

(Subject to Article 110(3) of the Constitution)

B. THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

First Reading

(Subject to Article 110(3) of the Constitution)

C. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

First Reading

(Subject to Article 110(3) of the Constitution)

D. MOTION - APPROVAL OF NOMINEES TO VARIOUS NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

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

E. MOTION - TREE PLANTING ALONG THE ROADSIDES AND ROAD RESERVES

(Departmental Committee on Transport and Infrastructure)

(The Hon. John Kiarie, M.P.)

(If not concluded on Thursday, November 10, 2022)

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
002/2022	The completion of House units for Kibera residents funded by the World Bank.	<i>To be reported by the Hon. Speaker on behalf of Mr. Peter Kinyua Waveru, Chairperson of Ng'ando PAs Housing Co-operative Society Limited</i>	Public Petitions
