



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIRST SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**WEDNESDAY, NOVEMBER 16, 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\*. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2022)**

(The Leader of the Majority Party)

First Reading

**9\*. 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

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

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.

*(Resumption of debate interrupted on Thursday, November 10, 2022)  
(Balance of time - 43 minutes)*

**10\*. MOTION - PUBLISHING OF THE RULES AND REGULATIONS FOR PRIVATE LAND USE AND MANAGEMENT IN REGARD TO THE MINIMUM AND MAXIMUM LAND HOLDINGS IN KENYA**

*(Departmental Committee on Lands)  
(The Hon. Ferdinand Wanyonyi, M.P.)*

**THAT**, aware that Article 68 (c) (i) of the Constitution of Kenya provides for minimum and maximum land holding acreages in respect to private land; deeply concerned that with high population growth and the demand for land have resulted in excessive fragmentation of land into uneconomic units; noting that at the same time, a number of people own large tracts of land which are not utilized optimally; noting further that cognizant of the fact that the Constitution in Article 60(1) sets out the principles of land policy which among other things requires that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable; **this House therefore resolves that** the Government enforces compliance of Article 68 (c) (i) of the Constitution, section 159 of the Land Act, 2012 and the National Land Policy (Sessional Paper No. 3 of 2009 - on maximum and minimum land holdings in Kenya) through publishing of the rules and regulations for private land use and management in regard to the minimum and maximum land holdings in Kenya.

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**\*Denotes Orders of the Day\***

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**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)*

PURSUANT to the provisions of Standing Order 114(7A), it is notified that, on Wednesday, 2<sup>nd</sup> 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 Article in the Constitution. **2.** The Constitution is amended by inserting the following new Article immediately after Article 204—

Establishment of National Government Funds. **204A.** (1) There is established the following national government funds:

- (a) the National Government Constituencies Development 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;
- (b) the Senate Oversight 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;
- (c) the National Government Affirmative Action 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; and
- (d) the Economic Stimulus and Empowerment Fund consisting of monies allocated by Parliament for purposes of the Fund and any gifts, grants, donations or other endowments given to the Fund.

(2) All monies allocated to the National Government Constituencies Development Fund 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) All monies allocated to the Senate Oversight Fund 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.

(4) The object and purpose of the National Government Affirmative Action Fund shall be to complement the national government programmes on affirmative action measures.

(5) The object and purpose of the Economic Stimulus and Empowerment Fund shall be to provide funds for programmes relating to empowerment of men, women, youth and persons living with disabilities.

(6) The consequential amendments set out in the Schedule shall take effect on the date this Act comes into force.

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

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## 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 Article 204A which proposes —

- (a) 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) 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 (0.01%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;
- (c) 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.

...../Notices\*(Cont'd)

## **LIMITATION OF DEBATE**

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

### **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.
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# **NOTICE PAPER I**

**Tentative business for**

**Thursday (Morning), November 17, 2022**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday (Morning), November 17, 2022-

A. **MOTION - PUBLISHING OF THE RULES AND REGULATIONS FOR PRIVATE LAND USE AND MANAGEMENT IN REGARD TO THE MINIMUM AND MAXIMUM LAND HOLDINGS IN KENYA**

*(Departmental Committee on Lands)*

(The Hon. Ferdinand Wanyonyi, M.P.)

*(If not concluded on Wednesday, November 16, 2022 – Afternoon sitting)*

B. **ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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...../Notice Paper II\*



# **NOTICE PAPER II**

**Tentative business for**

**Thursday (Afternoon), November 17, 2022**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday (Afternoon), November 17, 2022-

**A. MOTION - PUBLISHING OF THE RULES AND REGULATIONS FOR PRIVATE LAND USE AND MANAGEMENT IN REGARD TO THE MINIMUM AND MAXIMUM LAND HOLDINGS IN KENYA**

*(Departmental Committee on Lands)*

*(The Hon. Ferdinand Wanyonyi, M.P.)*

*(If not concluded on Thursday, November 17, 2022 - Morning sitting)*

**B. ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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# **APPENDIX**

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

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

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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>
005/2022	Amendment to the Universities Act, 2012	<i>To be reported by the Hon. Speaker on behalf of Mr. Patrick Kaberia, Executive Director of PAWA Africa</i>	Public Petitions
006/2022	Seeking compensation for Nyanza-Western Kenya Caucus of Internally Displaced Persons	<i>To be presented by the Hon. James Nyikal, MP (Seme) on behalf of the Nyanza-Western Kenya Caucus of Internally Displaced Persons (IDPs)</i>	Public Petitions
007/2022	Probable loss of investments in Cytonn High Yield Solutions Platform	<i>To be presented by the Hon. Samuel Atandi, MP (Alego Usonga) on behalf of Mrs. (Amb.) Josephine Anuor, Mrs. Caroline Atieno &amp; Mr. Omondi Abonyo</i>	Public Petitions

# ORDER NO.7 - QUESTIONS

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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**

003/2022

**The Member for Kabuchai (Hon. Majimbo Kalasinga, MP) to ask the Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises Development: -**

- (i) Could the Cabinet Secretary provide a status report on the circumstances that led to the loss of Kshs. 25.5 million meant for coffee farmers who supplied coffee to *Nakoyonjo Coffee Factory* in March 2022 allegedly through a robbery at *Ushirika Bank* Branch in Kabuchai Constituency?
- (ii) Could the Cabinet Secretary state whether the incident was reported to relevant authorities; and, what is the status of investigations into the disappearance of the money?
- (iii) What action(s) has the Ministry taken to expedite the payments and compensation, if any, to the affected farmers?

*(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)*

005/2022

**The Member for Machakos County (Hon. Joyce Kamene, MP) to ask the Cabinet Secretary for Roads and Transport: -**

- (i) Could the Cabinet Secretary state the measures in place to ensure the safety of pedestrians using the section between *Kappa Industries* and *Mastermind areas* along Mombasa Road?
- (ii) Could the Cabinet Secretary consider constructing a footbridge to facilitate pedestrian crossing of the Nairobi Expressway between *Kappa Industries* and *Mastermind areas* along Mombasa Road?

*(To be replied before the Departmental Committee on Transport and Infrastructure)*

007/2022

**The Member for Mandera South (Hon. Abdul Haro, MP) to ask the Cabinet Secretary for Interior and National Administration: -**

- (i) Could the Cabinet Secretary provide the measures that the Government has put in place to ensure that residents of Mandera County are able to acquire important government documents including, national identification cards and

passports without undue delays caused by lengthy bureaucratic procedures?

- (ii) Could the Cabinet Secretary explain the measures that the Government has put in place to address the unwarranted delays in vetting of persons applying for passports in Mandera County?

*(To be replied before the Departmental Committee on Administration and Internal Affairs)*

**009/2022 The Member for Teso North (Hon. Oku Kaunya, MP) to ask the Cabinet Secretary for Labour and Social Protection: -**

- (i) Could the Cabinet Secretary explain the circumstances that led to the dismissal of *Mr. Gabriel Akimwanary Obasie, holder of Identity Card No. 7230285* from the National Industrial Training Authority on 19<sup>th</sup> February 2022?
- (ii) Could the Cabinet Secretary indicate when the officer will be reinstated back to office and paid his salaries arrears and other benefits for the period he was out of employment?

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

**011/2022 The Member for Malava (Hon. Malulu Injendi, MP) to ask the Cabinet Secretary for National Treasury and Economic Planning: -**

- (i) Could the Cabinet Secretary provide the list of Constituencies that received a share of Ksh. 4.9Billion by the National Government Constituency Development Fund through the Second Supplementary Estimates during the 2021/2022 financial year, and further list those that did not receive any funding?
- (ii) Could the Cabinet Secretary further explain when the Ksh.2.9Billion balance will be disbursed to the remaining Constituencies considering that each Constituency was to receive approximately Ksh.13 million to enable the completion of stalled projects?

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

**012/2022 The Member for Imenti North (Hon. Abdul Dawood, MP) to ask the Cabinet Secretary for National Treasury and Economic Planning: -**

- (i) Could the Cabinet Secretary explain why Kenya Broadcasting Corporation (KBC) employees who retire have to wait for over two or more years for their pension dues to be paid?
- (ii) Could the Cabinet Secretary further explain why the former

KBC employees who received the lump sum amount never receive the monthly pension on time?

- (iii) Could the Cabinet Secretary expedite payment of monthly pension dues to *Mr. Paul Muriira of ID No. 7670170 P/No. 002394*, a former KBC employee who is yet to receive his pension dues from August 2022 to-date?
- (iv) What measures is the Ministry putting in place to ensure that former KBC employees receive their dues, including arrears and interest, without further delay?

*(To be replied before the Departmental Committee on Social Protection)*

**013/2022**

**The Member for Keiyo South (Hon. Gideon Kimaiyo, MP) to ask the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs: -**

- (i) Could the Cabinet Secretary provide details of persons and organizations that surrendered land to *M/s Fluorspar Mining Company Limited* in 1974 to pave way for mining in *Elgeyo-Marakwet* County particularly in *Keiyo South* Constituency?
- (ii) Could the Cabinet Secretary further provide the status of compensation of the said persons and organizations, and indicate when all of them will be compensated?
- (iii) Could the Cabinet Secretary also indicate whether there are any plans by the Government to revive fluorspar mining in the area?

*(To be replied before the Departmental Committee on Environment, Forestry and Mining)*

**014/2022**

**The Member for Funyula (Hon. (Dr.) Ojiambo Oundo, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -**

- (i) Could the Cabinet Secretary explain why the registered land and property owners and their agents as contemplated under the *Land Registration (General) Regulations, 2017* are unable to obtain official searches as required under section 34 of the Land Registration Act No.3 of 2012 that is required for any transfer of property?
- (ii) Could the Cabinet Secretary explain why there has been inordinate delay in preparing and releasing official searches or certified copies of titles acquired and registered under the now repealed *Registration of Titles Act (Cap281)*, the *Government Lands Act (Cap 280)* and the *Land Titles Act (Cap 282)*?

(iii) Could the Cabinet Secretary further explain why all properties registered in the Republic of Kenya pursuant to *Section 7 and 8 of the Land Registration Act No.3 of 2012* are not uploaded in the online platform of *Ardhi Sasa* and when the process will be completed?

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

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