

Thirteenth Parliament

**First Session
Morning Sitting**

(No. 27)

(267)



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – FIRST SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 23, 2022

1. The House assembled at Thirty Minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **LACK OF QUORUM**

There being no Quorum present to commence business, the Deputy Speaker ordered that the Quorum Bell be rung for Ten minutes;

And Quorum having been attained within the Ten minutes, business commenced.

5. PAPERS

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

- (a) Reports of the Auditor General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2021 and the certificates therein: -
 - (i) Budalangi;
 - (ii) Ugenya;
 - (iii) Nyakach;
 - (iv) Kwanza;
 - (v) Matayos;
 - (vi) Sigowet/Soin;
 - (vii) Muhoroni;
 - (viii) Wajir West;
 - (ix) Wajir East;
 - (x) Wajir North;
 - (xi) Wajir South;
 - (xii) Kipkelion East;
 - (xiii) Tarbaj;
 - (xiv) Changamwe;
 - (xv) Mwatate;
 - (xvi) Bondo Kasipul;
 - (xvii) Voi;
 - (xviii) Kuria West;

- (xix) Borabu;
- (xx) Fafi;
- (xxi) Dadaab;
- (xxii) Mandera North;
- (xxiii) Mandera West;
- (xxiv) Mandera East;
- (xxv) Lagdera;
- (xxvi) Eldas;
- (xxvii) Ijara; and
- (xxviii) Lamu West.

- (b) Reports of the Auditor General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein:-
- (i) Alupe University College;
 - (ii) Kenya Institute of Curriculum Development;
 - (iii) TVET Curriculum Development, Assessment and Certification Council;
 - (iv) School Equipment Production Unit;
 - (v) Webuye West Technical and Vocational College;
 - (vi) Navakholo Technical and Vocational College;
 - (vii) Kipsinende Technical and Vocational College;
 - (viii) Higher Education Loans Board;
 - (ix) Friends College Kaimosi (Kaimosi College of Research and Technology);
 - (x) Lake Victoria South Water Works Development Agency;
 - (xi) Ahmed Shahame Mwidani Technical Training Institute;
 - (xii) Chemilil Sugar Company Limited;
 - (xiii) Riragia Technical and Vocational College;
 - (xiv) Soi Technical Training Institute;
 - (xv) Kakrao Technical and Vocational College; and
 - (xvi) Shanzu Teachers Training College, Mombasa.

(The Majority Party Whip)

6. NOTICE OF MOTION

The following Notice of Motion was issued –

Establishment of a Parliamentary Joint Ad-Hoc Committee on a Legislative Proposal to amend the Constitution to entrench certain Specialised Funds

THAT, acknowledging that, Article 256 of the Constitution provides for the process of amending the Constitution by parliamentary initiative; **further acknowledging that**, Standing Order 114(7A) of the National Assembly Standing Orders provides for the process of introducing Legislative Proposals in respect of propositions amending the Constitution; **noting** the general debate in the House 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; **cognizant of** the comments and views of Honourable Members during general debate on the Legislative Proposal; **recognizing** the need for a bicameral approach on the proposal prior to publication of the relevant Bill; **acknowledging that**, the subject matter of the Legislative Proposal cuts across the mandate of more than one Committee of the House; **NOW THEREFORE**, in furtherance to the provisions of Article 256 of the Constitution (*Amendment by parliamentary initiative*), this House **resolves—**

- (1) to establish a *Joint Parliamentary Ad Hoc Committee on a Proposal to amend the Constitution to entrench certain specialized funds*, comprising nine (9) Members from each of the Houses of Parliament to –
 - (a) facilitate collation of the views from the comments by Members of Parliament during the general debate on the proposal; and inviting Members with similar or related proposals to make submissions before the Committee;
 - (b) invite, engage with and consider submissions from stakeholders and relevant constitutional and statutory bodies with a law reform mandate, including the Attorney General; and the commissions and independent offices established under Chapter Fifteen of the Constitution;
 - (c) in consultation with the Sponsors, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received; and
 - (d) report to the Houses of Parliament within ninety (90) days to enable the Speakers to make a decision and give direction on whether or not the Legislative Proposal is to be published into a Bill or not to be proceeded with.
- (2) that the Offices of the Clerks of Houses of Parliament provide secretariat services to the *Joint Parliamentary Ad Hoc Committee* in accordance with the Standing Orders;
- (3) that the following Members represent the National Assembly in the *Joint Parliamentary Ad Hoc Committee* –
 - 1) The Hon. Samuel Kiprono Chepkonga, M.P.
 - 2) The Hon. Eckomas Mwengi Mutuse, M.P.
 - 3) The Hon. Wakili Edward Muriu, M.P.
 - 4) The Hon. Catherine Nanjala Wambilianga, M.P.
 - 5) The Hon. John Mbadi, EGH, M.P.
 - 6) The Hon. (Dr.) Otiende Amollo, M.P.
 - 7) The Hon. David Mwalika Mboni, M.P.
 - 8) The Hon. Kakai Bisau, M.P.
 - 9) The Hon. Rebecca Tonkei, M.P.
 - 10) The Hon. Robert Gichimu Githinji, M.P. (Co-opted)
 - 11) The Hon. Stephen Mule, M.P. (Co-opted)
- (4) to request the Senate to also **appoint** a similar number of Members to represent the Senate in the *Joint Parliamentary Ad Hoc Committee*.

(Leader of the Majority Party)

7. QUESTIONS

The following Questions were asked –

- (a) Question No. 009 of 2022 by the Member for Teso North (Hon. Oku Kaunya, MP) to the Cabinet Secretary for Labour and Social Protection seeking explanation of the circumstances that led to the dismissal of *Mr. Gabriel Akimwanary Obasie*, holder of ID No. 7230285, from the National Industrial Training Authority on 19th February 2022, an indication of when the officer

would be reinstated to office and paid his salary arrears and other benefits for the period he was out of employment?

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour)

- (b) Question No. 012 of 2022 by the Member for Imenti North (Hon. Abdul Rahim Dawood, MP) to the Cabinet Secretary for Labour and Social Protection regarding reasons why Kenya Broadcasting Corporation (KBC) employees who retire have to wait for over two or more years for their pension dues to be paid; why former KBC employees who received the lump sum amount never receive their monthly pensions on time; whether the Cabinet Secretary could expedite payment of monthly pension dues to *Mr. Paul Muriira of ID No. 7670170 and Personnel No. 002394*, a former KBC employee who was yet to receive his dues from August 2022 to date; and the measures the Ministry was putting in place to ensure that former KBC employees receive their dues including arrears and interest without further delay.

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Social Protection)

- (c) Question No. 031 of 2022 by the Member for Gilgil (Hon. Martha Wangari, MP) to the Cabinet Secretary for Roads and Transport on an explanation for why the 15-kilometer road from *Gilgil Town to Kanyiri Center* was left incomplete during the upgrading of the *Gilgil-Olkalau Road* to bitumen standards and timelines for when the said section would be completed as it was in an unmotorable state.

(To be replied to by the Cabinet Secretary for Roads and Transport before the Departmental Committee on Transport and Infrastructure)

- (d) Question No. 032 of 2022 by the Member for Mandera County (Hon. Umul Ker Kassim, MP) to the Cabinet Secretary for Water, Sanitation and Irrigation on the status of the implementation of Mandera Water Supply Project and Mandera Sewerage Project.

(To be replied to by the Cabinet Secretary for Water, Sanitation and Irrigation before the Departmental Committee on Blue Economy and Irrigation)

8. REQUESTS FOR STATEMENTS

The following Requests for Statements were made pursuant to the provisions of Standing Order 44(2)(c) –

- (a) Request for Statement by the Member for Kinango Constituency (Hon. Gonzi Rai, MP) from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding a raid by armed gang at Mwembeni village in Kinango Constituency.
- (b) Request for Statement by the Member for Loima Constituency (Hon. Protus Akuja MP) from the Chairperson of the Departmental Committee on Social Protection regarding exploitation of beneficiaries of Hunger Safety Net Programme and other cash transfer programmes by bank agents.
- (c) Request for Statement by the Member for Kamukunji Constituency (Hon. Yusuf Hassan MP) from the Chairperson of the Departmental Committee on Education regarding addressing the financial distress facing public universities.
- (d) Request for a Statement by the Member for Baringo North Constituency (Hon. Joseph Makilap MP) from the Chairperson of the Departmental Committee on

Energy regarding payment by Kenya Power and Lighting Company to Lake Turkana Wind Power for unsupplied power.

- (e) Request for Statement by the Member for Maragua Constituency (Hon. Mary Wamaua, MP) from the Chairperson of the Committee on Delegated Legislation regarding the gazettment and implementation of the Crops (Coffee) (General) (Amendment) Regulations, 2022.

9. PROCEDURAL MOTION - EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

Motion made and Question proposed –

THAT, this House resolves to exempt the business appearing as Order No. 10 in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(The Hon. Maryanne Kitany, on behalf of the Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

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

Motion having been made and Question proposed –

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.

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

Debate interrupted on Wednesday, November 16, 2022 (Afternoon Sitting) resumed;

Mover replied;

Question deferred pursuant to Standing Order 53(3).

11. MOTION - CONSIDERATION OF SESSIONAL PAPER NO. 1 OF 2022 ON THE NATIONAL AUTOMOTIVE POLICY

Motion made and Question proposed –

THAT, this House adopts Sessional Paper No. 1 of 2022 on the National Automotive Policy, *laid on the Table of the House on Wednesday, May 25, 2022.*

(The Leader of the Majority Party)

And the time being One O'clock, the Sixth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

12. HOUSE ROSE - at One O'clock.

MEMORANDUM

The Speaker will take the Chair on-
Wednesday, November 23, 2022, at 2.30 p.m.

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