



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, MARCH 22, 2023 AT 9.30 A.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 NATIONAL YOUTH COUNCIL (AMENDMENT) BILL**  
**(NATIONAL ASSEMBLY BILL NO. 1 OF 2023)**

(The Hon. Joshua Kandie, M.P.)

First Reading

**9\*. HOJA – KUPIGA MARUFUKU UZUNGUMZIAJI, UCHAPISHAJI NA**  
**USAMBAZAJI WA TAARIFA ZINAZOKUZA MAHUSIANO YA**  
**JINSIA MOJA**

(Mhe. Mohamed Ali, MB.)

**KWAMBA**, tukifahamu kuwa, familia ndio kiungo cha msingi cha jamii, na kutambua kwamba utamaduni wa Kiafrika unathamani sana asasi ya ndoa ambayo inahakikisha kuendelea kwa binadamu kupitia uzazi; tukizingatia ukweli kwamba Ibara ya 45(2) ya Katiba inaeleza kuwa kila mtu mzima ana haki ya kufunga ndoa na mtu wa jinsia tofauti, kwa msingi wa hiari baina ya wahusika; tukitambua pia kwamba Kifungu cha 162 cha Kanuni ya Adhabu kinamtia hatiani yeyote ambaye anashiriki tendo la ngono lisilo la kawaida na mtu yeyote kinyume na utaratibu wa asili; tukizingatia kuwa mahusiano na ndoa za jinsia moja na ngono inayotokana na mahusiano haya ni kinyume na utaratibu wa asili; tukisikitika kwamba kumekuwa na ongezeko la mahusiano ya jinsia moja nchini Kenya kutokana na usambazaji wa

...../9\*(*Kuendelea*)

vitabu na machapisho yanazokuza upotovu huo; tukitambua kwamba uchapishaji na usambazaji wa nyenzo zinazohusu mahusiano ya jinsia moja katika machapisho na vyombo vya habari una athari kali kwa maadili ya jamii kuhusu mwelekeo wa kijinsia; tukimaizi kwamba kuna haja ya kutekeleza sheria ili kulinda na kuhifadhi maadili ya mahusiano ya jinsia tofauti katika taifa; tukifahamu kwamba hakuna uwezekano wa kuzaa kutokana na mahusiano na ndoa za jinsia moja; tukihofia kwamba kuongezeka kwa mahusiano na ndoa za jinsia moja kunaitia jamii ya wanadamu nchini katika hatari ya kutoweka; **Bunge hili hivyo basi linaazimia kwamba** Serikali ipige marufuku mara moja uzungumziaji, uchapishaji na usambazaji wa taarifa zinazokuza mahusiano ya jinsia moja nchini na kuweka mikakati ya kudhibiti maudhui hayo kwa mujibu wa Ibara ya 45(2) ya Katiba na Kifungu cha 162 cha Sheria ya Adhabu ili kuikinga jamii, hasa watoto na vijana, dhidi ya kufikiwa na mielekeo potovu ya mapenzi na ndoa ya jinsia moja.

*(Kurejelewa kwa majadala uliokatizwa Jumatano, tarehe 15 Machi, 2023 – Kikao cha  
Asubuhi)  
(Muda Uliosalia –Dakika 17)*

**10\*. MOTION – REDUCTION OF COST OF ELECTRICITY IN THE COUNTRY**

(The Hon. Jane Kagiri, M.P.)

**THAT**, aware that the cost of electricity has been at an all-time high affecting the cost of living and doing business; acknowledging that, the Kenya Power and Lighting Company PLC (Kenya Power) procures electricity from the Kenya Electricity Generating Company PLC (KenGen), a government-owned company, and from Independent Power Producers (IPPs); recognizing that, Kenya Power has entered into Power Purchase Agreements (PPAs) with both KenGen and the IPPs and procures power from them at unregulated rates; noting that, there is need to regulate all IPPs in the country and publicize their locations, stakeholders, directors, management and their addresses and agreements entered into with Kenya Power; cognizant that, recommendations from past taskforce reports relating to power purchase and rates have not been implemented; deeply concerned that, Kenya Power has in the past procured a larger quantity of power from the IPPs at a greater cost, rather than from KenGen, leading to higher cost of power; cognizant of the fact that, there is need to put in place policies, strategies and regulatory measures for better planning to moderate the cost of electricity and enable access to energy by all particularly in the manufacturing sector to ease the cost of production and doing business; this House therefore resolves that:

...../10\*(Cont'd)

- (i) the Departmental Committee on Energy undertakes an inquiry into the operations of Kenya Power in relation to agreements entered into with IPPs, factors affecting the cost of electricity, including over-reliance on IPPs against available renewable and other energy sources, and measures to reduce it and submits a report to the House within one hundred and twenty (120) days;
- (ii) in the meantime, the Ministry and Kenya Power **should not** enter into new contracts with any IPPs until the House makes a resolution on the matter;
- (iii) informed by the reports of previous task forces on the matter, the Ministry engages in negotiations with power producers with a view to reducing the cost of power; and
- (iv) the Ministry and Kenya Power develop suitable strategies for engagements with the IPPs, in order to provide relief for electricity consumers and ensure the long-term viability and sustainability of the energy sector.

11\*. MOTION – DEVELOPMENT OF A POLICY AND FUNDING FOR JUNIOR SECONDARY SCHOOLS

(The Hon. Geoffrey Ruku, M.P.)

**THAT**, aware that communities have continuously established learning institutions within their localities to address the inadequate physical facilities to support the attainment of universal access to education; noting that the Kenya Vision 2030 envisioned progressive establishment of more schools, expansion and rehabilitation of existing ones in order to improve access to education; further noting that huge sums of funds, particularly under the National Government Constituencies Development Fund (NG-CDF), have been invested in improving infrastructure in primary schools; acknowledging that in the recently introduced Competency Based Curriculum (CBC) education system, pupils will transition from primary school at class six and not class eight as was the case under the 8-4-4 system; concerned that basing Junior Secondary Schools (JSS) in selected primary schools will render classroom facilities that previously housed classes seven and eight redundant and that the arrangement would compel students to travel for longer distances to access institutions where Junior Secondary Schools are based; further concerned that the Guidelines recently issued by the Government directed that Junior Secondary Schools be domiciled in the existing primary schools, yet most primary schools lack the capacity to accommodate and effectively offer Junior Secondary School curriculum; deeply concerned that the Guidelines were hurriedly developed and operationalized; **this House urges** the Ministry of Education to –

...../11\*(Cont'd)

- (i) urgently develop a comprehensive Junior Secondary Schools Policy in order to regularize and anchor the Guidelines under the Basic Education Act, 2012 to ensure that Junior Secondary Schools are established and operated in every primary school; and
- (ii) develop a clear implementation framework for the Competency-Based Curriculum the at Junior Secondary School level and provide for a funding plan for successful implementation of the Curriculum.

**12\*. MOTION – ESTABLISHMENT OF A NATIONAL CANCER PREVENTION AND CONTROL FUND**

(The Hon. Timothy Toroitich, M.P.)

**THAT**, aware that Article 42(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health, which includes the right to health care services; further aware that cancer is among the leading causes of death in the country; noting that although the budgetary allocation for health care services is progressive, it is inadequate to cater for cancer prevention and care across the country; further noting that cancer control in the country is hampered by inadequate cancer care infrastructure and limited specialized human resource capacity; recognizing that a significant number of cancer patients do not complete the prescribed treatment due to the high cost of cancer management; further recognizing that the Cancer Prevention and Control Act, 2012 seeks to promote access to quality and affordable diagnostic and treatment services for persons with cancer; and to ensure sustainable capacity for the prevention and control of cancer; this House **resolves** that the Government through the National Treasury, establishes a national cancer prevention and control fund to promote prevention, control, and treatment of cancer in the country.

**13\*. MOTION – DEVELOPMENT AND IMPLEMENTATION OF A CHILDCARE PROGRAMME FOR CHILDREN WHOSE MOTHERS ARE IN LAWFUL CUSTODY**

(The Hon. Brighton Yegon, M.P.)

**THAT**, aware that Article 53 of the Constitution provides for the rights of children, including the right to free and compulsory basic education; further aware that section 22 of the Persons Deprived of Liberty Act and the Childcare Policy provides for the care of a child whose mother is deprived of liberty, until the child attains the age of four years; recognizing that children above the age of four years still require parental support; further recognizing that majority of these children often suffer from emotional distress, social stigma and economic

...../13\*(Cont'd)

hardships; cognizant of the fact that all children should be accorded a means of maintaining their relationship with their incarcerated parents; noting that children have restricted economic resources available for their support which in turn negatively impacts their lives; this House therefore **urges** the Government, through the State Department for Social Protection and Senior Citizen Affairs, to develop and implement a programme for the care of children above the age of four years whose mothers are under lawful custody.

**14\*. MOTION – NATIONAL POLICY ON DEWORMING OF SCHOOL-GOING CHILDREN**

(The Hon. Machua Waithaka, M.P.)

**THAT**, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that the relationship between health and education plays a significant role in school attendance rates; concerned that the negative effects of poor sanitation, such as parasite infestations, particularly among school children lead to anaemia, stunted-growth and other salient problems which in turn lead to low school attendance and impact education standards; recognizing that, according to research, school-based deworming is one of the most cost-effective interventions that provides a huge range of holistic and social benefits, such as increased school attendance and healthier kids who do better in school, while utilizing already-existing school structures in administering deworming treatment to school pupils; recalling that, previous programmes conducted by the Ministry of Health in partnership with a non-governmental organization called *Evidence Action* have only been piloted in a few selected counties and that the deworming efforts have been uncoordinated and dependent on external support with no clear policy or budgetary framework; now therefore, this House **urges** that the National Government, through the Ministry of Health, develops a national policy on deworming school-going children as a crucial part of mainstreaming of healthcare access in the Country.

**15\*. MOTION – REGULATION OF THE BETTING INDUSTRY**

(The Hon. Duncan Mathenge, M.P.)

**THAT**, aware that, the Betting, Lotteries and Gaming Act, Cap 131 Laws of Kenya provides for the regulation of the gambling industry including the control of betting, lotteries and gaming in the country; further aware that, there is an emerging trend of media houses offering their audiences platforms to participate in betting through lottery-style games, trivia shows, polls, contests and other SMS-based gaming; concerned that the trend was initially perceived as a harmless form of entertainment and audience engagement but has since developed into a problem within our communities leading to many Kenyans

...../15\*(Cont'd)

getting addicted to this form of gambling and that has led to lots of loss; further concerned that, there are numerous negative effects of this trend including financial ruin, family breakups, high truancy in schools resulting in high school dropout rates and in some cases, suicide; noting that, these games target individuals who can least afford to lose money, mainly the elderly, the youth and low- income earners; cognizant that the Government has the responsibility of protecting citizens from negative social trends including gambling and that the proliferation of these games is a violation of the Betting, Lotteries and Gaming Act; now therefore, **this House urges** the National Government through the relevant Ministries and agencies to –

- (i) regulate the running of lotteries and any other forms of betting disguised as polls, contests and other SMS-based gaming by media houses; and
- (ii) ensure strict operationalization of the Betting, Lotteries and Gaming Act and increase control and oversight of the betting industry.

**16\*. MOTION – PUBLIC HEALTH CONCERNS AT LANG’ATA CEMETERY**

(The Hon. Phelix Odiwuor, M.P.)

**THAT**, aware that, Article 42 of the Constitution provides for the right of every person to a clean and healthy environment; further aware that, Article 69 of the Constitution obligates the State to ensure sustainable utilization of the environment and natural resources including land; recognizing that the Fourth Schedule to the Constitution assigns to the national government the function of land planning including the general principles of land planning and the coordination of the planning by counties, as well as matters of health policy; further recognizing that there is ongoing public outcry regarding the neglect of Lang’ata public cemetery which was declared full close to two decades ago; concerned that this matter has been left unaddressed and poses a significant health risks to the public; deeply concerned that this situation has led to overcrowding and double-allocation of burial sites with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby national park; further concerned that this has caused untold anguish, pain and suffering to bereaved families, and psychological torment to the neighbouring community; now therefore, this House **urges** the National Government through the Ministry of Health to urgently conduct an assessment of the public health risks posed by the continued use of the Lang’ata Cemetery, and to institute mitigatory measures and collaborate with other stakeholders, including the Nairobi City County Government, to identify suitable alternative land for use as a cemetery.

17\*. MOTION – DEVELOPMENT AND IMPLEMENTATION OF A PROGRAMME FOR VOLUNTARY REGULARIZATION OF LAND OCCUPIED BY SQUATTERS FOR A PRESCRIBED PERIOD

(The Hon. Mark Mwenje, M.P.)

**THAT**, aware that lack of access to ownership of productive assets, in particular to land is one of the very serious sources of economic and social insecurity for Kenyans; further aware that many communities particularly, in rural areas and informal settlements in the urban areas depend on land for their production and livelihood and therefore landlessness affects the ability to secure basic needs such as food, clothing and shelter; concerned that for the urban low income dwellers, the only way of accessing land to put up their dwellings has been to take up residence on land that is unfit for human habitation; aware that the Bill of Rights in Chapter Four of the Constitution guarantees every citizen the right to adequate housing and reasonable standards of sanitation; noting that there are very many squatters who have settled on land that belongs to either absentee landlords, un-adjudicated land, public land or community land for long periods of times, with some disputed while others are undisputed; concerned that the issue of land settlement in many urban areas particularly in the informal settlements has remained unresolved, with numerous persons remaining squatters; further aware that section 7 of the Limitation of Actions Act, 2010 provides for the right to claim for settlement on certain land after the prescribed period; recognizing the need for the Ministry of Lands to hasten the process of identifying parcels of land occupied by squatters where there are no disputes from any party(s); this House **resolves** that the Government develops and implements a policy for voluntary regularization of land occupied by squatters for a prescribed period, including negotiations for financial settlements across the country to address the challenges facing the said squatters.

18\*. MOTION – BANNING THE GROWING OF EUCALYPTUS TREES IN THE COUNTRY

(The Hon. Moses Kirima, M.P.)

**THAT**, aware that, the eucalyptus tree species are popular among large scale and commercial tree farmers in Kenya; noting that, these tree species are grown in most ecological zones in the country and in particular in the *Western, Central Rift Valley, Central Kenya, parts of Eastern and the Coastal Regions* of the country; acknowledging that, farming of the eucalyptus trees has been on the rise due to their fast growth, good economic returns and diverse commercial uses such as transmission poles, fuelwood, timber, plywood, pulp, fencing posts

...../18\*(Cont'd)

and building materials among others; concerned that, eucalyptus trees species are majorly cited as high water depleting agents through high consumption, transpiration and evaporation thus causing the drying up of streams, rivers and depletion of groundwater water sources; deeply concerned that, the high depletion of water by the said trees has caused adverse negative effects on soil fertility, land degradation and are a serious threat to the biodiversity; recognizing that, due to the serious threats paused by the Eucalyptus trees to the biodiversity, there is need therefore for their removal and replacement with other types of trees to improve conservation of water sources and the ecosystem; this House **resolves that** the National Government through the Ministry of Environment, Climate Change and Forestry –

- (i) orders absolute banning of planting eucalyptus trees and encourages planting of indigenous species across the country;
- (ii) orders the uprooting of all eucalyptus trees and replacement with other varieties of trees particularly, indigenous species to ensure conservation of water sources and preserve the ecosystem; and
- (iii) initiates the process of putting in place punitive measures against persons who defy the above orders.

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

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**NOTICES**

**LIMITATION OF DEBATE**

The House resolved on Wednesday, February 15, 2023 as follows—

Limitation of Debate on Motions

**THAT**, each speech in a debate on any **Motion, including a Special motion** 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 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**

## **Tentative business for**

### **Wednesday (Afternoon), March 22, 2023**

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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 Wednesday (Afternoon), March 22, 2023—

A. **MOTION – REPORT OF SESSIONS OF THE ORGANIZATION OF AFRICA, CARIBBEAN AND PACIFIC STATES AND THE EUROPEAN UNION JOINT PARLIAMENTARY ASSEMBLY**

(Leader of the Kenya Delegation to the OACPS-EU JPA)

*(Question to be put)*

B. **MOTION – REPORT OF THE PROCEEDINGS OF THE FIRST ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)**

(Member of the Pan-African Parliament)

C. **MOTION – REPORTS OF THE 144<sup>TH</sup> & 145<sup>TH</sup> ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU)**

(Member of the Kenya Delegations to the 144<sup>th</sup> & 145<sup>th</sup> Assemblies of the IPU)

D. **MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS**

(The Leader of the Majority Party)

*(Resumption of debate interrupted on Wednesday, March 8, 2023 – Afternoon Sitting)*

E. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**

(The Leader of the Majority Party)

Second Reading

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...../Appendix\*

# **APPENDIX**

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

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### **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**

057/2023

**The Member for Maragwa (Hon. Mary Wamaua, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -**

Could the Cabinet Secretary –

- (i) explain why Murang'a South Water and Sanitation Company (MUSWASCO), is the sole authorized distributor of water in Maragwa, Kigumo, Kandara and Gatanga Constituencies yet the company has no capacity to meet the demand for water by all households in the four constituencies?
- (ii) provide the basis upon which the Water Services Regulatory Board (WASREB) prohibited Murang'a Water and Sanitation Company (MUWASCO) from distributing water to residents of *Kambiti-Maragwa* Ridge area of Maragwa Constituency yet MUSWASCO is unable to handle the water demand in Maragwa?
- (iii) state the timelines within which WASREB shall permit other water supply firms, including MUWASCO, to supply water to Maragwa Constituency to avert the acute water shortage?
- (iv) explain why MUSWASCO imposes water bills on residents of Maragwa even when it has not supplied any water?

*(To be replied before the Departmental Committee on Blue Economy, Water and Irrigation)*

058/2023

**The Member for Kaloleni (Hon. Paul Katana, MP) to ask the Cabinet Secretary for Public Service, Gender and Affirmative Action: -**

Could the Cabinet Secretary –

- (i) explain the criteria used by the Ministry to categorize and gazette areas as hardship zones in the country and the reasons why *Kaloleni* has not been gazetted as a hardship zone despite the adverse conditions in most parts of the constituency?
- (ii) when does the Ministry intend to classify *Kaloleni* Constituency as a hardship area in order to compensate public servants who serve in the region under adverse conditions?

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

059/2023

**The Member for Kanduyi (Hon. John Makali, MP) to ask the Cabinet Secretary for the National Treasury and National Planning: -**

Could the Cabinet Secretary:-

- (i) confirm whether the Government ever released the sum of Ksh. 21,782,366,530 and a further Ksh. 908,878,470 towards restructuring of Nzoia Sugar Company Limited as per the recommendations of Sessional Paper No. 12 of 2012 adopted by the National Assembly on 9<sup>th</sup> January 2013?
- (ii) provide evidence indicating when the funds were released and whether any debts were written-off?
- (iii) provide details of the current annual status of the Balance Sheet for Nzoia Sugar Company Limited?

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

060/2023

**The Member for Turkana Central (Hon. Joseph Emathe, MP) to ask the Cabinet Secretary for Defence: -**

Could the Cabinet Secretary -

- (i) explain the circumstances under which the Government deployed the Kenya Defence Forces to Turkana, West Pokot, Elgeyo Marakwet, Baringo, Laikipia and Samburu Counties pursuant to Article 241(3)(b) and not Article 241(3)(c) of the Constitution?
- (ii) provide a report on the effectiveness, if any, of the operation so far, given the scope and nature of deployment contemplated under Article 241(3)(b) of the Constitution and whether any perpetrators of insecurity have been apprehended?
- (iii) urgently consider deployment of the Kenya Defence Forces to Turkana, West Pokot, Elgeyo Marakwet, Baringo, Laikipia and Samburu Counties in the manner provided for in Article 241(3)(c) of the Constitution in order to give the Forces appropriate authority, mandate and command to restore security in the affected Counties?

*(To be replied before the Departmental Committee on Defence,  
Intelligence and Foreign Relations)*

061/2023

**The Member for Kuresoi South (Hon. Joseph Tonui, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -**

Could the Cabinet Secretary –

- (i) explain the terms under which construction of the *Olenguruone* Stadium, which was being undertaken by the National Government through the Ministry of Public Works, Housing and Urban Development was transferred from the National Government to the County Government of Nakuru?
- (ii) provide details of the contract sum for the named project, the amount that was paid out at the time of transfer, the outstanding balance and clarify whether the corresponding contract sum was transferred to the County?
- (iii) explain the reasons why the contractor for the *Olenguruone* Stadium project deserted the site despite having been paid funds to start the works?

- (iv) state the plans that the Ministry put in place to ensure that the abandoned *Olenguruone* Stadium is completed, ensure that no funds are lost and specify when construction works will resume?

*(To be replied before the Departmental Committee on Housing, Urban Planning and Public Works)*

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