



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 15, 2023

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **QUORUM AT COMMENCEMENT OF THE HOUSE**

There being no quorum present at the commencement of the House, the Hon. Speaker ordered the bell to be rung for ten minutes;

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

5. **MESSAGES**

The Speaker conveyed the following Messages from the President –

(i) **Nomination of a Person for Appointment as a Member of the National Gender and Equality Commission**

“Honourable Members,

Pursuant to the provisions of Standing Order No. 42, I wish to convey the following Message from His Excellency the President regarding the nomination of a person for appointment as a member of the National Gender and Equality Commission.

In the Message, Honourable Members, His Excellency the President conveys that, in exercise of powers conferred on him by Article 250(2)(b) of the Constitution and section 11(6) of the National Gender & Equality Commission Act, 2012 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011), he has nominated **Dr. Margaret Karungaru** for appointment as a member of the National Gender and Equality Commission. The President now seeks the approval of the nominee by this House.

Honourable Members, Standing Order 45 provides that, upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from H.E. the President, together with the *Curriculum Vitae*, the report of the Public Service Commission, and other testimonials of the nominees to the Departmental Committee on Labour for consideration.

Honourable Members, it is important to note that section 8 of the Public Appointments (Parliamentary Approval) Act, 2012 provides that the Committee to which such nomination is referred shall consider the matter and table a report in the House within twenty-eight (28) days. Notably, section 11(6) of the National

Gender and Equality Commission Act, 2012 provides for a lesser period, being twenty-one (21) days.

In this regard, the Committee should undertake approval hearings and submit its report within the **twenty-one (21) days** as provided for in the National Gender and Equality Commission Act. Certainly, the law allows for an extension of this period should need arise.

Honourable Members, in view of the foregoing, the Committee is expected to immediately commence the approval process, notify the nominee and the general public of the time and place for holding the approval hearings. Thereafter, upon conclusion of the hearing, table its report, on or before **Wednesday, 5th April 2023**, to enable the House to consider the matter within statutory timelines. I thank you!"

(ii) **Corrigendum: Nomination of a Person for Appointment as a Member of the National Gender and Equality Commission**

"Honourable Members,

In my earlier Message to the House, I referred the Message to the Departmental Committee on Labour. I have noted that the subject matter on gender affairs falls under the mandate of the Departmental Committee on Social Protection.

In this regard, Honourable Members, I therefore refer the Message to the Departmental Committee on Social Protection for consideration. I thank you!"

(iii) **Nomination of a Person for Appointment as the Chairperson of the Ethics and Anti-Corruption Commission**

"Honourable Members,

Pursuant to the provisions of Standing Order No. 42, I wish to convey the following Message from His Excellency the President regarding the nomination of a person for appointment as Chairperson of the Ethics and Anti-Corruption Commission.

In the Message, Honourable Members, His Excellency the President conveys that, in exercise of powers conferred on him by Article 250(2)(b) of the Constitution and section 10(2) of the Ethics and Anti-Corruption Commission Act, 2011 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, (Act No. 33 of 2011), he has nominated **Dr. David Adang Oginde** for appointment as the Chairperson of the Ethics and Anti-Corruption Commission. The President now seeks the approval of the appointment by this House.

Honourable Members, Standing Order 45 provides that, upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from H.E. the President, together with the *Curriculum Vitae*, the report of the Public Service Commission, and other testimonials of the nominees to the Departmental Committee on Justice and Legal Affairs for consideration.

Honourable Members, section 8 of the Public Appointments (Parliamentary Approval) Act, 2012 provides that the Committee to which such nomination is referred shall consider the matter and table a report in the House within twenty-eight (28) days. In this regard, the Committee should undertake approval hearings and submit its report within twenty-eight (28) days as provided for in the said law.

Honourable Members, in view of the foregoing, the Committee is expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings. Thereafter, upon conclusion of the hearing, table its report, on or before **Tuesday, 11th April 2023**, to enable the House to consider the matter within statutory timelines. I thank you!"

6. PAPERS LAID

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

- (i) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2018 and the certificates therein:-
 - a) Institute of Human Resource Management; and
 - b) Maasai Mara Technical and Vocational College.
- (ii) 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) Runyenjes Technical and Vocational College; and
 - b) Institute of Human Resource Management.
- (iii) 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 –
 - a) Tana Water Works Development Agency;
 - b) Laikipia University;
 - c) Kenya Industrial and Development Institute;
 - d) Bandari Maritime Academy;
 - e) South Eastern Kenya University;
 - f) Machakos University;
 - g) IDB Capital Limited;
 - h) Kenya Nuclear Regulatory Authority;
 - i) Samburu Water and Sanitation Company Limited; and
 - j) University of Nairobi Enterprises and Services Limited.
- (iv) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022 and the certificates therein –
 - a) Kisii Water Supply and Sanitation Project – ORIO11/KE/21;
 - b) Trilateral Development Cooperation in Kenya, Water & Sanitation Sector Project (Credit No. BMZ 201365352) – Lake Victoria South Water Works Development Agency;
 - c) Kenya Livestock Commercialization Project Loan Number 2000003565 and 2000003566 – State Department for Livestock;
 - d) Micro Finance Sector Support Credit Project (Credit No. CKE 3004 01E and CKE 6010 01E) – The National Treasury;
 - e) Nairobi Sanitation Output Based Aid (OBA) Project (IDA Grant No. TF014251 and No. TFOA5607) – Nairobi City Water and Sewerage Company Limited;
 - f) Financing Locally-Led Climate Action Program Credit No. IDA 6980; TF B6810-KE (P173065);
 - g) Financial Sector Support Project (IDA Credit No.5627 – KE) – The National Treasury;
 - h) Support to Water and Sanitation Services in Peri-Urban Area (Loan No. BMZ 2013.6543.6) – Athi Water Works Development Agency;
 - i) Nairobi Rivers Basin Rehabilitation and Restoration Program: Sewerage Improvement Project Phase II (AFDB Loan No 2000200003407 and ADF Loan No. 2100150040550) – Athi Water Works Development Agency;
 - j) Nairobi Water Distribution Network Project (Credit BMZ No. 2020.82.527/KV 26833) – Athi Water Works Development Agency; and
 - k) Northern Collector Phase 1 – Additional Rehabilitation and Development of the Network Project – Athi Water Works Development Agency.

(Leader of the Majority Party)

- (v) Report of the Select Committee on National Government Constituencies Development Fund on List of Nominees to the National Government Constituency Development Fund Committees for three Constituencies.

(The Leader of the Majority Party, on behalf of the Chairperson, Committee on National Government Constituencies Development Fund)

7. **NOTICES OF MOTION**

The following Notices of Motion were given –

(i) **Report of the Select Committee on the National Government Constituencies Development Fund**

THAT, this House **adopts** the Report of the National Government Constituency Development Fund on three (3) Constituency Committees laid on the Table of the House on *Wednesday, March 15, 2023*, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, **approves** the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund-

- 1) Garissa Township Constituency;
- 2) Mbeere North Constituency; and
- 3) Narok East Constituency

(The Leader of the Majority Party, on behalf of the Chairperson, Committee on National Government Constituencies Development Fund)

(ii) **Development and Implementation of a Programme for Voluntary Regularization of Land occupied by Squatters for a Prescribed Period**

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.

(Hon. Mark Mwenje,MP)

8. **QUESTIONS**

The following Questions were asked –

- (i) **Question No. 023/2023** by the Member for Mwea (Hon. Mary Maingi, MP) regarding the status of implementation and the timelines within which the Ministry intends to revive Mwea Cotton Ginnery following legalization of commercial cultivation of genetically modified pest resistant *BT Cotton* variety in 2019.

(To be replied by the Cabinet Secretary for Agriculture and Livestock Development before the Departmental Committee on Agriculture and Livestock)

- (ii) **Question No. 040/2023** by the Member for Kibwezi East (Hon. Jessica Mbalu, MP) regarding details of the number of public utilities, including primary and secondary schools in Kibwezi East Constituency that are not connected to electricity and the steps being undertaken to connect them to the national grid.

(To be replied by the Cabinet Secretary for Energy and Petroleum before the Departmental Committee on Energy)

- (iii) **Question No. 044/2023** by the Member for Teso North (Hon. Oku Kaunya, MP) regarding incorporation the Competency Based Curriculum (CBC) into the 8-4-4 curriculum as a way of addressing the challenges that have affected smooth transitioning from 8-4-4 to the CBC system.

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

- (iv) **Question No. 045/2023** by the Member for Yatta (Hon. Robert Basil, MP) regarding the criteria applicable to deployment of Principals in Junior Secondary Schools and when the Principals or Deputy Principals in acting capacities beyond the statutory six months will be substantively appointed in those positions.

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

- (v) **Question No. 046/2023** by the Member for Bahati (Hon. Irene Njoki, MP) regarding the steps that the Government has taken to fight against the proliferation of illicit brews in Bahati Constituency, including steps being taken to eradicate their production and sale.

(To be replied to by the Cabinet Secretary for Interior and National Administration before the Departmental Committee on Administration and Internal Security)

9. **STATEMENT PURSUANT TO STANDING ORDER 43**

The Member for Kitui Central (Hon. Makali Mulu, MP) made a general statement on commemoration of the Commonwealth Day 2023.

10. **MOTION - REPORT ON THE CONSIDERATION OF THE 2023 MEDIUM-TERM DEBT MANAGEMENT STRATEGY**

Motion made and Question proposed -

THAT, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the 2023 Medium Term Debt Management Strategy, *laid on the Table of the House on Thursday, 9th March, 2023*, and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232A(7) and (8) –

- (a) **approves** the 2023 Medium-Term Debt Management Strategy; and
- (b) makes the **Policy and Financial Resolutions** contained in the *First Schedule* to the Order Paper.

(The Chairperson, Public Debt & Privatization Committee – 14.03.2023)

Debate on the Motion having been concluded on Tuesday, 14th March, 2023;

Question put and agreed to.

11. **MOTION - REPORT ON THE BUDGET POLICY STATEMENT FOR FY 2023/24 AND THE MEDIUM-TERM**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS) for the financial year 2023/2024 and a compendium of Departmental Committee reports on the 2023 BPS, *laid on the Table of the House on Wednesday, 15th March, 2023* and pursuant to the provisions of section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10) –

- (a) **approves** the Budget Policy Statement (BPS) for the financial year 2023/2024;
- (b) makes the following **Financial Resolutions** with respect to the BPS-
 - (i) **approves** the National Government’s Budget ceiling for the year 2023/2024 at Ksh. 2,252,577,400,000-
of which:

1) Executive	Ksh. 2,189,181,400,000
<i>Of which: Office of the Auditor General:</i>	Ksh. 7,698,700,000
2) Parliament	Ksh. 40,402,000,000
3) Judiciary	Ksh. 22,994,000,000

- (ii) **resolves** that, the allocation to the County Government Equitable Share be approved at Ksh. 385,424,616,047;
- (iii) **approves** the Equalization Fund at Ksh. 7,867,000,000;
- (iv) **approves** the Conditional Grants at Ksh. 44,316,798,386 as per the Fourth Schedule of the Report. Of which an allocation of Ksh. 4.5 billion to the Managed Equipment Services (MES) will be subject to the submission of the Evaluation Report as per the resolution of the House on non-financial matters as contained in the Report (Recommendation No.32);
- (v) **orders that**, the *Second Schedule* to the Order Paper forms the basis for the ceilings for the FY 2023/24 Budget Estimates; and
- (vi) **resolves that**, the financial resolutions forms the basis for the 2023/2024 budget estimates.

- (c) makes the **Policy Resolutions** contained in the *Third Schedule* to the Order Paper (*Non-financial recommendations relating to the Budget Policy Statement for the financial year 2023/24*).

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Mover replied;

Question put and agreed to.

12. **SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL**

Motion made and Question proposed –

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources in its report on the Vetting of Nominees for Appointment as Members of the National Climate Change Council, *laid on the Table of the House on Tuesday, 14th March, 2023*, and pursuant to Article 132 (2)(f) of the Constitution, section 7(4) of the Climate Change Act, sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 216 (5) (f) of the National Assembly and the Senate Standing Order 228 (4)(f)-

- (a) **approves** the appointment of the following persons as **Members** of the National Climate Change Council –

- (i) Ms. Emily Mwendu Waita;
- (ii) Mr. John Kioli Kalua; and
- (iii) Prof. George Odera Outa.

- (b) **rejects** the appointment of Ms. Umra Omar as a Member of the National Climate Change Council.

(The Chairperson, Departmental Committee on Environment, Forestry and Mining)

Debate arising;

(Change of Chair from the Hon. Speaker to the 3rd Chairperson of Committees)

(Change of Chair from the 3rd Chairperson of Committees to the 5th Chairperson of Committees)

Debate concluded;

Mover replied;

Question deferred.

And the time being seven O'clock, the 5th Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at seven O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, March 16, 2023 at 2.30 p.m.