



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, MARCH 23, 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. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communications –

i) **On Recognition of Members of the East Africa Women's League**

**“Honourable Members,** I wish to introduce to you a delegation from the East Africa Women's League, who are seated in the Speaker's Gallery.

**Honourable Members,** the East Africa Women's League was established in 1917, initially to press for voting rights for women and women's participation in legislation affecting women and girls, which was granted in 1919. The League now has a membership of over 1,000 women of all races, cultures and religions grouped in branches across Kenya.

**Honourable Members,** in 1964, members of the East Africa Women's League presented to the Government of Kenya, beautiful tapestries that they created. These tapestries were thereafter passed on to the Legislature to be permanently displayed.

**Honourable Members,** these beautiful works of framed tapestries are displayed along the walls of the walkways of the National Assembly outside Committee Rooms 7, 8 and 9, where they have remained for years. They not only remind us of our past but also of our role as the country's supreme law-making body in fostering welfare and unity among the people of the Republic of Kenya.

**Honourable Members,** the women present here today are the descendants of those women of valour who fought relentlessly for the democratic rights of women to participate in political processes in this country.

**Honourable Members,** on my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their visit. **I thank you!”**

ii) **On the Manner of Processing Questions for Response by Cabinet Secretaries before the House**

**“Honourable Members,**

As you are aware, on Thursday, 9<sup>th</sup> March 2023, the House adopted the Report of the Procedure and House Rules Committee and passed amendments to the Standing Orders on the manner of processing Questions.

**Honourable Members,** the passage of the amendments to the Standing Orders clears the way for Cabinet Secretaries to appear in the House to respond to Questions and to provide Reports to the House pursuant to the general investigatory mandate of the House and the requirements of Article 153(2) and 153(4)(b) of the Constitution. The House also resolved that the amendments shall take effect from today, Thursday, 23<sup>rd</sup> March 2023. In this regard, I wish to guide the House on the new procedure in which Questions shall be dispensed with.

**Honourable Members,** as is the practice, a Member will be required to deliver a signed copy of the proposed Question to the Clerk, who shall process it in line with the provisions of the Standing Orders before the final version is submitted to my office for approval. Thereafter, the Clerk shall transmit the approved Questions to the relevant Ministries for response by the respective Cabinet Secretaries.

**Honourable Members,** with regard to the manner in which Cabinet Secretaries shall respond to Questions, the Leader of the Majority Party shall inform the House of the date, time and order in which Cabinet Secretaries shall appear to reply to Questions and provide Reports to the House. In so doing, the Leader of the Majority party shall take into consideration the urgency of each Question.

To this end, **Honourable Members,** on a regular basis, the Clerk shall prepare and publish on the parliamentary website a tentative list of Cabinet Secretaries scheduled to reply to Questions and provide Reports to the House on the advice of the Leader of the Majority Party. A Cabinet Secretary shall provide both physical and electronic copies of the reply to a Question at least one (1) day before the said appearance.

**Honourable Members,** once Questions are scheduled to be responded to, a Member shall ask his or her Question on the day it is scheduled on the Order Paper. Questions shall be dispensed with in the sequence they appear in the Schedule of Questions to be appended to the Order Paper.

Notably, **Honourable Members,** I shall allow a Cabinet Secretary to reply to a Question on the day it is scheduled for reply, notwithstanding the absence of the Member who raised the Question. Additionally, the Speaker may vary the order in which Questions shall be disposed of, or defer a Question scheduled to be responded to. Further, a Member may request the Speaker to defer a question to a later date or withdraw the Question altogether. For greater flexibility, a Member whose Question is listed in the Order Paper may, with prior written notice to the Speaker, depute another Member to ask the Question in his or her absence.

**Honourable Members,** In keeping with the existing practice, Questions directed to a Constitutional Commission or an Independent Office shall be replied to before the relevant Committees of the House.

**Honourable Members,** where a Member prefers a written reply to his or her Question, I shall direct that a written reply be provided in respect of the Question and the Clerk shall forward the Question to the relevant Cabinet Secretary, Commission or Independent office and the reply, once received, shall be provided to the Member.

**Honourable Members,** you may have noticed that the amendment to Standing Order 40(3A) gives priority to Questions and Reports by Cabinet Secretaries every **Wednesday afternoon** for a period not exceeding three hours. In this regard and in order to allow adequate time for Members to dispense with Questions and to compensate for the time set aside for Questions during the Sitting, the amended Standing Order 30(2) has varied the hours of the Wednesday afternoon Sitting from 7.00 p.m. to 9.00 p.m.

**Honourable Members,** for clarity, notwithstanding the provisions of Standing Order 30(2)(c), the House may adjourn at 7.00 pm during the afternoon sitting on Wednesday, in the event the House concludes the business scheduled for the sitting in addition to any Questions scheduled for reply.

**Honourable Members,** Pursuant to the amended Standing Order 25A(b), I have designated the place adjacent to the public servants bench on the right of the Speaker as the appropriate place in the chamber where a Cabinet Secretary shall expound on government policy, reply to Questions and provide Reports concerning matters under his or her control. This is the usual place where the Cabinet Secretary for National Treasury presents budget highlights annually.

**Honourable Members,** After a Cabinet Secretary has responded to a Question, the Standing Orders allow the Speaker the latitude to –

- (a) permit the Member who raised a Question to ask a maximum of two **(2) supplementary Questions** that relate to the original Question;
- (b) permit a Member other than the Member who asked a Question to ask a further supplementary Question that relates to the original Question;
- (c) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary Questions to the relevant Committee of the House; or
- (d) defer a Question to a different time or day from its scheduled time and day.

**Honourable Members,** it has also been brought to my attention that the amendments considered and passed by the House on Thursday, 9<sup>th</sup> March 2023 in relation to the processing of Questions contain **minor** formal errors. In this regard, I do invoke the provisions of Standing Orders 152 (3) and direct the Clerk to correct the errors. The Clerk is further directed to publish and circulate to the Members an Addendum to the Standing Orders as a reference guide in the consideration and processing of Questions by the House.

**Honourable Members,** it is my hope that this new procedure will enhance executive accountability to the National Assembly. I urge Members to take time to familiarise themselves with the new procedure well in advance of the resumption of the House after the Short Recess. The House is accordingly guided. **I thank you!"**

## 5. **PAPERS LAID**

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

- i) Report of the Auditor-General and financial statement on Forensic Audit on procurement and use of heavy fuel oils for the period covered 1 July, 2018 to 30 June, 2021- The Kenya Power and Lighting Company PLC.
- ii) Report on performance of the Special Groups (Youth Women and Persons with Disability from Public Procurement Regulatory Authority.
- iii) Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 –
  - a) Kenya Electricity Expansion Project (OFID CR. NO. 1487P) – Rural Electrification and Renewable Energy Corporation;
  - b) Power Transmission System Improvement Project (ADF Loan No. 2100150023752) – Kenya Electricity Transmission Company Limited;
  - c) Petroleum Development Levy Fund – Ministry of Petroleum and Mining;
  - d) Arusha – Holili/Taveta – Voi Road Corridor Development Project Phase I – Loan No. 2100150028894 – Kenya National Highways Authority;
  - e) Merille Marsabit Road Rehabilitation Project (KE/001/09) Loan Agreement No.KE/FED/2009/021-655 – Kenya National Highways Authority;
  - f) Study and Capacity Building Fund Project (Grant Numbers CKE 6015 01K, CKE 1043 01F and CKE 1047 01K) – The National Treasury;
  - g) Upgrading of “Gilgil Machinery” Road Project – Kenya Rural Roads Authority;
  - h) Multi-National Kenya Section of Interconnection Project of Electricity Grids of Nile Equatorial Lakes Countries (ADF Loan No. 2100150022643) – Kenya Electricity Transmission Company Limited;
  - i) Eastern Electricity Highway Project (IDA Credit No. 5148 – KE; AFD Loan No. CKE 1030 01B and ADF Loan No. 2100150027845) – Kenya Electricity Transmission Company Limited.
  - j) Bogoria Silali Geothermal Project – Geothermal Development Company;
  - k) Kenya Off-Grid Solar Access Project for under-served counties (IDA CR. No. 6135 – KE) – Ministry of Energy;
  - l) National Treasury Capacity Strengthening Project (Grant No. 5500155013902 ID No. P-KE-K00-011) – The National Treasury;
  - m) National Agricultural and Rural Inclusive Growth Project (IDA Credit No. 5900 – KE) – State Department for Crop Development and Agricultural Research;
  - n) Small-Scale Irrigation and Value Addition Project – (ADF Loan No. 2000130014530 and Grant No. 557015000751) – State Department for Crop Development and Agricultural Research;
  - o) Kenya Marine Fisheries and Socio-Economic Development Project (IDA Credit No. 65400 – KE) – State Department for Fisheries, Aquaculture and the Blue Economy;
  - p) Kenya Youth Employment Opportunities Project – Credit No. 58120 – KE – State Department for Labour;
  - q) Kenya Youth Employment Opportunities Project – IDA Credit No. 5812 – KE – National Industrial Training Authority;
  - r) 220KV and 132KV Transmission Lines and Substations (Exim Bank of India Funded) Projects - Kenya Electricity Transmission Company Limited;
  - s) Capacity Development Project for Enhancement of Rice Production in Irrigation Schemes in Kenya (Project Grant/Credit Number 1161001009) - State Department of Crop Development and Agricultural Research;
  - t) Kenya Vision 2030 Delivery Secretariat;
  - u) Judicial Performance Improvement Project (IDA Credit No. 5181-KE) – The Judiciary;

- v) Youth Empowerment Programme Grant/Credit No.B4210 – State Department for Youth Affairs;
- w) Strengthening Fertilizer Quality and Regulatory Standards in Kenya Project (AGRA Grant No. 2013 SHP 001) – State Department of Crop Development and Agricultural Research;
- x) Kenya Citizens and Foreign Nationals Management Service;
- y) Kenya Development Solar Power Plant in Garissa Project (GCL No. 2015(10)) – Rural Electrification & Renewable Energy Corporation; and
- z) Regional Pastoral Livelihood Resilience Project (IDA Credit No. 53880 – KE) – State Department for Livestock.

*(The Leader of the Majority Party)*

- iv) Report of the Departmental Committee on Transport and Infrastructure on its Consideration of the National Transport and Safety Authority (Amendment) Bill (National Assembly Bill No. 43 of 2022).

*(Chairperson, Departmental Committee on Transport & Infrastructure)*

- v) Report of the Departmental Committee on Labour on the Inquiry regarding Sexual Harassment of Female Workers in tea estates in Kericho County.

*(Chairperson, Departmental Committee on Labour)*

## **6. NOTICES OF MOTION**

The following Notice of Motion was given by the Chairperson of the Departmental Committee on Labour –

- **THAT**, this House **adopts** the Report of the Departmental Committee on Labour on the Inquiry Regarding Sexual Harassment of Female Workers in Tea Estates in Kericho County, *laid on the Table of the House on Thursday, 23<sup>rd</sup> March 2023.*

*(Chairperson, Departmental Committee on Labour)*

## **7. QUESTIONS**

- a) The following Questions were asked –

(i) **Question No. 18/2023** by the Member for Machakos County (Hon. Joyce Kamene) regarding measures construction of footbridges along Mombasa Road.

*(To be responded to by the Cabinet Secretary for Road and Transport before the Departmental Committee on Transport and Infrastructure)*

(ii) **Question No. 69/2023** by the Member for Elgeyo Marakwet (Hon. Caroline Ng'elechei) regarding the rationale behind the government ban on maize cultivation in Plantation Establishment and Livelihood Improvement Scheme (PELIS) areas.

*(To be responded to by the Cabinet Secretary for Environment, Climate Change & Forestry before the Departmental Committee on Environment, Forestry & Mining)*

(iii) **Question No. 70/2023** by the Member for Lunga Lunga (Hon. Chiforomodo Mangale) regarding the status payment of hardship allowances to public servants in Lunga Lunga Sub-County.

*(To be responded to by the Cabinet Secretary for Public Service, Gender and Affirmative Action before the Departmental Committee on Labour)*

- (iv) **Question No. 71/2023** by the Member for Kaiti (Hon. Joshua Kimilu) regarding the non-payment of residues by *Safaricom PLC* to its dealers according to the contractual terms for the period from January 2023 to date.

*(To be responded to by the Cabinet Secretary for Information, Communications and Digital Economy before the Departmental Committee on Communication, Information & Innovation)*

- (v) **Question No. 74/2023** by the Member for Gilgil (Hon. Martha Wangari) regarding the shortage of birth registration materials in health facilities across the country.

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

- (vi) **Question No. 75/2023** by the Member for Kabuchai (Hon. Majimbo Kalasinga) regarding the delayed payment of presiding officers, deputy presiding officers and clerks who were engaged in the Bungoma Senatorial by-election in December 2022 by the Independent and Electoral Boundaries Commission (IEBC).

*(To be responded to by the IEBC before the Departmental Committee on Justice & Legal Affairs)*

- b) The following Question was deferred –

- **Question No. 72/2023** by the Member for Rongo (Hon. Paul Abuor) regarding stalling of the construction of the *Riosiri-Rongo University-Cham Gi Wadu Road*.

- c) The following Question was dropped –

- **Question No. 73/2023** by the Member for Teso South (Hon. Mary Emaase) regarding the action that the Ministry of Education is taking to address the contradiction in the *Guidelines for Implementation of Junior Secondary School (JSS) Education*.

## **8. STATEMENTS**

Pursuant to Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the business for the House for the week commencing Tuesday, April 11, 2023.

## **9. PROCEDURAL MOTION – EXTENSION OF PERIOD OF CONSIDERATION OF A LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION**

Motion made and question proposed –

**THAT**, in furtherance to the resolution of the House of 24<sup>th</sup> November, 2022 on the *Establishment of a Joint Parliamentary Ad Hoc Committee on a Proposal to amend the Constitution to Entrench certain Specialized Funds (NG-CDF, Senate Oversight Fund and NGAAF)*, this House **further resolves** to extend the timeline for the consideration of the Proposals by a period of **ninety (90) days** from **Tuesday, 11<sup>th</sup> April, 2023**.

*(Hon. Samwel Chepkonga – Co-Chairperson, Joint Parliamentary Ad Hoc Committee on a Proposal to amend the Constitution to entrench certain specialized funds)*

*(Change of Chair from the Hon. Speaker to Sixth Chairperson of Committees)*

Debate arising;

Question put and agreed to.

**10. PROCEDURAL MOTION – EXTENSION OF PERIOD OF CONSIDERATION OF A NOMINEE FOR APPOINTMENT TO A PUBLIC OFFICE**

Motion made and question proposed –

**THAT**, pursuant to the provisions of section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to *extension of period of consideration of nominees for appointment to a public office*, this House **resolves** to extend the period for consideration of the nominee submitted by His Excellency the President for appointment as a member of the National Gender and Equality Commission by a period of **ten (10) days** from **Wednesday, 5<sup>th</sup> April 2023**.

*(Chairperson, Departmental Committee on Social Protection)*

No Debate arising;

Question put and agreed to.

**11. MOTION – APPROVAL OF NOMINEES TO TWO NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES**

Order deferred.

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

Motion made and question proposed –

**THAT**, this House **notes** the Reports of the Kenya Delegations to the 144<sup>th</sup> and 145<sup>th</sup> Assemblies of the Inter-Parliamentary Union and related meetings held in Nusa Dua, Indonesia from 20<sup>th</sup> to 24<sup>th</sup> March 2022 and in Kigali, Rwanda from 11<sup>th</sup> to 15<sup>th</sup> October 2022, *laid on the Table of the House on Tuesday, 7<sup>th</sup> March 2023 and Thursday, 2<sup>nd</sup> March 2023*, respectively.

*(Hon. Rebecca Tonkei – Member of the Kenya Delegations to the  
145<sup>th</sup> Assemblies of the IPU)*

Debate arising;

**QUORUM OF THE HOUSE**

The Member for Kericho County (Hon. Beatrice Kemei) rose on a Point of Order pursuant to Standing Order 35(1) and objected that there was no quorum present in the House; And the Chair having ascertained the claim, ordered that the division bell be rung for ten (10) minutes;

Having no quorum present at the expiration of ten minutes, the Sixth Chairperson of

Committee adjourned the House without Question pursuant to Standing Order 35(2)(a).

13. HOUSE ROSE - at seven minutes past five o'clock

MEMORANDUM

The Speaker will take the Chair on  
Tuesday, April 11, 2023 at 2.30pm

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