



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MARCH 22, 2023 (MORNING SITTING)**

1. The House assembled at Thirty Minutes past Nine O'clock in the morning
2. The Proceedings were opened with Prayer
3. **Presiding** – Hon. Martha Wangari (First Chairperson)

4. **LACK OF QUORUM**

There being no Quorum present to commence business, the First Chairperson of Committees ordered that the Quorum Bell be rung for Ten minutes;

And Quorum having not been attained within the Ten minutes, the First Chairperson of Committees ordered that the Quorum Bell be rung for an additional Five minutes;

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

5. **PAPERS**

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

1. Reports of the Auditor-General and Financial Statements in respect of the Improvement of Drinking Water and Sanitation Systems in Mombasa: Mwache Project (AFD Credit Facility No. CKE 1103 01 C) - Coast Water Works Development Agency for the year ended 30 June, 2020, 2021 and 2022 and the certificates therein.
2. Report of the Auditor-General and Financial Statements on NG-CDF for Alego Usonga Constituency for the year ended 30th June, 2021 and the certificate therein.
3. 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) Tana & Athi rivers Development Authority(TARDA);
  - b) Tana Water Works Development Agency;
  - c) Civil Servants Housing Scheme Fund – State Department for Housing and Urban Development;
  - d) Kenya Slum Upgrading , Low Cost Housing and Infrastructure Trust Fund – State Department for Housing and Urban Development;
  - e) Kenya Institute for Public Policy Research and Analysis (KIPPRA);
  - f) Lake Victoria Water Supply and Sanitation Programme Phase II Project No.P-Z1-EAO -004(ADF Grant No. 2100155019967) – Lake Victoria South Water Works Development Authority ;

- g) EPC/Turn Key Construction of Five Footbridges and T-Mall Flyover on Mombasa and Langata Road (Project Loan Credit No. 001001-19 and Ken-02001-19) – Kenya National Highways Authority;
- h) Nairobi – Thika Highway Improvement Project Lot 3 Government Concessional Loan Agreement No. (2009) 39 Total No. (290) – Kenya National Highways Authority;
- i) Water Sector Development Programme – Lake Victoria South (Kericho, Kisii, Nyamira and Litein) Loan No. BMZ 2010 65 861 and Grant No. BMZ 2010 70 457 – Lake Victoria South Water Works Development Agency;
- j) Kenya Towns Sustainable Water Supply and Sanitation Programme –CR. No. P-KE – E00-011(AFDB Loan No. 2000200000501) – Central Rift Valley Water Works Development Agency;
- k) Transforming Health Systems for Universal Care (THS-CS) Project Grant IDA Credit No. 5836 – KE TFOA2561, TFOA2792 and CR. P152394 – Ministry of Health;
- l) African Environmental Health and Pollution Management Project (AEHPMP) National Environment Management Authority(NEMA);
- m) Safe Roads/Usalama Barabarani Programme (EU Grant No. KE/FED/037-778) – National Transport and Safety Authority; and
- n) Eastern Africa Regional Transport, Trade and Development Facilitation Project CR No. 5638 – KE IDA – State Department for Infrastructure.

*(Hon. Owen Baya, MP- Deputy Leader of the Majority Party)*

4. Report of the Departmental Committee on Health on its consideration of the Ratification of the African Union Treaty for the Establishment of The African Medicines Agency (AMA).

*(Vice-Chairperson, Departmental Committee on Health)*

## 6. NOTICE OF MOTION

The following Notices of Motion were given-

**THAT**, this House adopts the Report of the Departmental Committee on Health on its consideration of the Ratification of the African Union Treaty for the Establishment of the African Medicines Agency (AMA), *laid on the table of the House on Wednesday, 22<sup>nd</sup> March 2023*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the African Union Treaty for the Establishment of The African Medicines Agency*.

*(Vice-Chairperson, Departmental Committee on Health)*

**THAT aware that** according to the *National Protocol for Treatment of Substance Use Disorders in Kenya* by the Ministry of Health, drug abuse has been increasing in Kenya especially among the youth with statistics indicating that more than half of drug users are aged between 10 and 19 years; **further aware** that research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December 2022 placed western region as the leading region in alcohol and substance abuse at 23.8%, followed by the coast region at 13.9% and the central region at 11.9%; **recognizing** that the high level of drug abuse in western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments especially in Bungoma and Busia counties with statistics indicating two out of every five establishments in Bungoma operate illegally; **further recognizing** that a majority of the consumers of illegal substances are school-going children who end up dropping out of school; **cognizant** of the fact that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to, among other things, facilitate the

dissemination of information on alcoholic drinks, and promote rehabilitation programmes in the country; **this House urges** the Government to institute intensive programmes for the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and to increase the number of rehabilitation centres across the counties.

*(Hon. John Makali, Member for Kanduyi Constituency)*

7. **QUESTIONS**

The following Questions were asked –

- (a) Question No.058/2023 by the Member for Kaloleni (Hon. Paul Katana, MP) regarding gazettment of *Kaloleni* constituency as a hardship area.

*(To be replied by the Cabinet Secretary for Public Service, Gender and Affirmative Action)*

- (b) Question No.059/2023 by the Member for Kanduyi (Hon. John Makali, MP) regarding release of funds for restructuring of Trans Nzoia Sugar Company Limited as per the recommendations of Sessional Paper No. 12 of 2012.

*(To be replied by the Cabinet Secretary for National Treasury and Economic Planning)*

- (c) Question No.060/2023 by the Member for Turkana Central (Hon. Joseph Emathe, MP) regarding deployment of 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).

*(To be replied by the Cabinet Secretary for Defence)*

- (d) Question No.061/2023 by the Member for Kuresoi South (Hon. Joseph Tonui, MP) on the status report regarding completion of construction works of the *Olunguruone* Stadium.

*(To be replied by the Cabinet Secretary for Lands, Public Works, Housing and Urban Development)*

The following Question was deferred –

- (a) Question No.057/2023 by the Member for Maragwa (Hon. Mary Wamaua, MP) on the inadequacies of Murang'a Water and Sanitation Company (MUWASCO) in the provision of water to residents of Maragwa.

8. **THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2023)**

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

Order for First Reading Read;

Bill read a First Time and referred to the relevant Committee.

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

Hoja ilitolewa na kupendekezwa-

**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 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.

*(Mhe. Mohamed Ali, MP – 8.03.2023)*

*[Mabadiliko ya Mwenyekiti kutoka Mwenyekiti wa Kwanza wa Kamati, hadi Mwenyekiti wa Pili]*

*Mjadala uliyokatiwa mnamo tarehe 15, Mach, 2023 kwenye Kiako cha asubuhi ukaendelea*

Mjadala ukaendelea;

Mtoa Hoja alihitimisha Hoja;

Hoja ilitolewa kuamuliwa na **ikapitishwa**

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

Motion made and question proposed-

**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, Kenyan 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:

- (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.

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

*Debate arising;*

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

11. **HOUSE ROSE** - at One O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, March 22, 2023 at 2.30pm

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