



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 03, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications -

(i) Recognition of a delegation from the County Assembly of Kitui

1. “**Honourable Members**, I wish to introduce to you a delegation from the County Assembly of Kitui, who are seated in the Speaker’s Gallery. The delegation comprises of the following:
 - (a) Hon. Kevin Kinengo Katisya, MCA - Speaker/Leader of Delegation;
 - (b) Hon. Christopher Nzioka Nzilu, MCA - Deputy Speaker;
 - (c) Hon. Paul Maluki, MCA - Speaker’s Panel;
 - (d) Hon. Fastina Mwendu Solomon Salu, MCA - Speaker’s Panel; and
 - (e) Hon. Muthama Musyoki Kieti, MCA - Speaker’s Panel.
2. Honourable Members, the delegation is accompanied by Six (6) members of staff of the County Assembly. They are on a visit to Parliament to benchmark on parliamentary processes and operations as part of a training programme organised by the CPST.
3. Honourable Members, on my own behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful deliberations. I thank you!”

(ii) Induction Workshop for Members’ Personal Assistants

“**Honourable Members**,

1. Over the past few years, the Parliamentary Service Commission has endeavoured to provide a favourable working environment for Members of Parliament, including availing to them professional teams of staff. Coupled with this, Members are able to engage other support staff including Personal Assistants (PAs).
2. In this regard, Honourable Members, in light of the fact that the support staff engaged by Members ought to be conversant with the procedures and operations of the National Assembly, the Office of the Clerk has organized a two-day induction Workshop for Personal Assistants of all Members of the National Assembly.
3. The Workshop, under the theme '*Becoming an Effective Parliamentary Assistant*' is scheduled to take place in two-day formats composed of three groups from 8th to 11th, 11th to 14th and 14th to 17th May 2023 at a Venue to be communicated in due course.
4. Honourable Members, the key objective of the workshop is to offer an opportunity for the Personal Assistants to be apprised of the workings of the National Assembly, including their day-to-day interactions with various Directorates and Departments.
5. Honourable Members are therefore called upon to nominate their Personal Assistants to attend the Induction Workshop by submitting the name of one Personal Assistant by filling a Nomination Register at the Main Reception of the Main Parliament Buildings by Friday, 5th May 2023.
6. Honourable Members, additional information regarding the Workshop will be communicated through the Bunge Bulk SMS System. I thank you!"

(iii) Recognition of a Delegation from Kenyatta University School of Law

"Honourable Members, I wish to introduce to the House a delegation from Kenyatta University School of Law, seated at the Speaker's Gallery.

The Delegation is composed of: -

- 1) Mr. Kimani Njenga
- 2) Ms. Laurene Atieno
- 3) Ms. Martha Jepkemei
- 4) Ms. Florence Atieno
- 5) Mr. Joseph Barasa
- 6) Ms. Maureen Kamuhia
- 7) Ms. Pauline Ndirangu, and
- 8) Ms. Emily Ogunyo

The Delegation has visited Parliament as part of its participation in the ongoing 4th International Parliamentary Conference on the Freedom of Religion and Belief, which is taking place at the Nairobi Serena Hotel, where the National

Assembly is being represented by the Deputy Speaker, Hon. Gladys Shollei, MGH, MP and Hon. Beatrice Elachi, MP.

On my own behalf and on behalf of this House, I wish the Delegation fruitful undertaking. I thank you.”

5. MESSAGE

The Speaker conveyed the following Message from H.E. the President -

Nomination of Persons for appointment as Members of the Judicial Service Commission

“Honourable Members,

1. Pursuant to the provisions of Standing Order 42, I wish to convey the following Message from His Excellency the President regarding the nomination of persons for appointment as members of the Judicial Service Commission.
2. In the Message, Honourable Members, His Excellency the President conveys that, in exercise of powers conferred on him by Article 171(2)(h) of the Constitution and sections 3 and 5 of the Public Appointments (Parliamentary Approvals) Act, 2011, he has nominated Ms. Caroline Nzilani King’oku-Ajuoga and Hon. Isaac Kiprono Rutto as members of the Judicial Service Commission (JSC).
3. Honourable Members, Article 171(2) of the Constitution requires that the Judicial Service Commission comprise of, among others –

“(h) One woman and one man to represent the public, not being lawyers, appointed by the President with the approval of the National Assembly.”
4. Honourable Members, His Excellency the President now seeks the approval of the nominees by this House.
5. 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, the certificate of Presidential nomination, together with the Curriculum Vitae and other testimonials of the nominees to the Departmental Committee on Justice and Legal Affairs for consideration.
6. Honourable Members, whereas section 15 of the Judicial Service Act, 2011 requires the National Assembly to consider the nominees and either approve or reject them within seven (7) days, section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 requires the National Assembly to undertake the exercise within twenty-eight (28) days.
7. In this regard, Honourable Members, the Committee is expected to immediately commence the approval process, notify the nominees and the general public of the time and place for holding the approval hearings, and thereafter, table its report to enable the House to consider the matter within the statutory timelines. I thank you!”

6. PAPERS

The following Papers were laid on the Table –

- (i) Report of the Auditor-General on National Government Funds for the year 2021/2022;
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2022: -
 - (a) Jomo Kenyatta University of Agriculture and Technology;
 - (b) Jomo Kenyatta University of Agriculture and Technology Enterprises Limited;
 - (c) Jomo Kenyatta University of Agriculture and Technology Industrial Park Limited; and
 - (d) Council of Governors.
 - (e) Lake Victoria Water and Sanitation Project – Lake Victoria South Water Works Development Agency;
 - (f) Kenya Towns Sustainable Water Supply and Sanitation Program – Athi Water Works Development Agency (AWWDA); and
 - (g) Nairobi Inclusive Sanitation Improvement Project - Athi Water Works Development Agency.

(The Leader of the Majority Party)

7. NOTICES OF MOTIONS

The following Notices of Motion were given –

(i) Policy Integrating a Curriculum for Environmental Conservation in Primary and Secondary Schools

THAT, aware that Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) of the Constitution also mandates the State to encourage public participation in the management, protection and conservation of the environment; concerned that, the prevailing climate change and global warming has adversely affected our ecosystems and biodiversity causing unprecedented droughts, food insecurity and famine thus affecting livelihoods and our economy, further concerned that, there is a general lack of awareness or insensitivity among our citizens regarding the place of environmental conservation in preserving our biodiversity; noting that, there is need to inculcate a culture of environmental conservation practices to restore and maintain balanced natural ecosystems, and ensure protection of biodiversity, including reducing the effects of pollution and conserving natural resources for our future generations; this House resolves that the Government through the Ministry of Environment, Climate Change and Forestry develops and implements a policy on integrating a curriculum for environmental conservation in primary and secondary schools in the Country.

(Hon. Umul Ker Kassim, MP)

(ii) Establishment of Strategic Grain Storage Reserves and Silos in close proximity to Smallholder Farmers

THAT aware that, agriculture is the backbone of the Kenya's economy contributing approximately 33% of the GDP and employing more than 40 percent of the total population and 70 percent of the rural population; noting that the sector's performance has been declining as a result of adverse effects of climate change, resulting in droughts, famine and food insecurity; further noting that Smallholder farming is predominantly rain-fed cereal grain farming and farmers experience boom harvest every time there is adequate rains; concerned that such farmers majorly lack proper post-harvest grain handling and modern storage facilities and resort to selling their harvest almost immediately after harvesting at low prices when market is flooded to reduce the risk of suffering losses through spoilage; cognizant of the fact that the current state of affairs exacerbates poverty in rural areas and there is need for instituting measures that boost local production to augment our grain reserves as stipulated under the National Food and Nutrition Security Policy, which would also lead to a reduction of grains imports in the country; this House now resolves that the Government through Ministry of Agriculture and Livestock Development establishes strategic grain storage reserves and silos in close proximity to smallholder farmers so as to address post-harvest inefficiencies.

(Hon. Jessica Mbalu, MP)

(iii) Regulation of the Sugar Industry to discourage branding of sugar by Non-Millers

THAT, aware that, the importation and exportation of sugar is regulated by various laws including the Crops Act and the Agriculture and Food Authority Act, 2013; further aware that, the Agriculture and Food Authority is charged with the responsibility of regulating the importation and exportation of sugar in the country in accordance with the law; noting that, the importation of sugar is also negotiated within the regional trade blocs' frameworks and agreements to enable the country to meet the demand for sugar; further noting that, individuals or entities are allowed to import sugar provided they obtain the necessary permits and meet the required standards; concerned that, despite these regulations, there have been instances of illegal importation of low quality sugar or adulterated sugar; further concerned that, unscrupulous traders have been found to rebrand the sugar which does not meet the standards of the Kenya Bureau of Standards specifications; deeply concerned that, this poses significant health risk to consumers as well as undermining the efforts to regulate and strengthen the sugar industry to protect local millers; acknowledging that, the country has the potential to produce enough sugar to meet its domestic demand as the sector has been a key driver of economic growth; further acknowledging that there is need for concerted efforts by stakeholders to discourage the branding of sugar by non-millers and promote the development of the local sugar industry; now therefore, this House resolves that the Government through the Ministry of Trade, Investments and Industry ensures strict operationalization of the regulatory frameworks governing sugar importation into the country.

(Hon. Peter Salasya, MP)

8. QUESTIONS

- a) The following Questions were asked and responded to by the Cabinet Secretary for Education in Plenary –
- (i) **Question No. 006 of 2023** by the Member for Embakasi West (Hon. Mark Mwenje, MP) regarding action taken by the Ministry against those responsible for invading Umoja 1 Primary School on 5th April 2023, status of investigations and whether there is any suspect(s) arrested in connection with the incident and other attendant issues.
 - (ii) **Question No. 102 of 2023** by the Member for Teso North (Hon. Oku Kaunya, MP) regarding the current domiciling of Junior Secondary Schools in primary schools and arrangements if any, on when they will be relocated to secondary schools.
 - (iii) **Question No. 103 of 2023** by the Member for Mandera South (Hon. Abdul Haro, MP) regarding measures taken by the Ministry to introduce the school feeding programme, access to clean water by schools and retention plan to ensure school going children in Mandera South Constituency whose parents practice the nomadic lifestyle have uninterrupted access to education.
 - (iv) **Question No. 112 of 2023** by the Member for Kiambu (Hon. Machua Waithaka, MP) regarding reasons why government-sponsored students undertaking studies in Cuba, particularly those studying family medicine are not given sufficient/adequate monthly stipend commensurate to the high cost of living in Cuba.
- b) The following Questions were asked and responded to by the Cabinet Secretary for Energy and Petroleum in Plenary –
- (i) **Question No. 095 of 2023** by the Member for Mandera South (Hon. Abdul Haro, MP) regarding status report regarding electricity connectivity to homes and public institutions in Mandera South Constituency.
 - (ii) **Question No. 097 of 2023** by the Member for Kibwezi East (Hon. Jessica Mbalu, MP) regarding details of the number of public primary and secondary schools and other public institutions in Kibwezi East Constituency that are not connected to electricity and the steps being undertaken to ensure the said institutions are connected with electricity.
 - (iii) **Question No. 098 of 2023** by the Member for Laisamis (Hon. Joseph Lekuton, MP) regarding timelines when *Loiyangalani*, *Kargi Mt. Kulal*, and *South Horr* towns will benefit from electricity connectivity considering that they are not yet connected to the national power grid and plans to ensure towns in Laisamis Constituency are connected to sufficient and uninterrupted power.

Various Members also raised Supplementary Questions which were responded to by the Cabinet Secretaries within the allotted times.

The following Questions were deferred –

- (i) **Question No. 103A of 2023** by the Member for Teso North (Hon. Oku Kaunya, MP) regarding plans, if any, by the Ministry to incorporate the Competency Based Curriculum (CBC) into the 8-4-4 curriculum as a way of addressing the challenges that have affected the smooth transition from 8-4-4 to the CBC system, costs of implementing the CBC and plans to ensure all the 1.2 million Grade 7 learners transition to Junior Secondary School.
- (ii) **Question No. 096 of 2023** by the **Member for Lamu East (Hon. (Capt.) Ruweida Obo, MP)** regarding measures put in place to ensure supply of reliable electricity to residents of *Faza* Ward in Lamu East Constituency and plans that the Ministry has to compensate fishermen and traders in *Faza* Ward following massive losses incurred due to incessant power outages.
- (iii) **Question No. 135 of 2023** by the Member for Kathiani (Hon. Robert Mbui, MP) regarding causes of persistent power outages in the country and long-term solutions to address the issue, including the timeline for implementation of the planned solutions.

The following Question was dropped –

- (i) **Question No. 094 of 2023** by the Member for Malindi (Hon. Amina Mnyazi, MP) regarding measures taken to cushion water utility companies from high electricity prices per kilowatt given that transfer of the high costs for pumping and reticulation of water to consumers is hampering access to clean water, especially in drought-stricken counties like Kilifi County.

9. PERSONAL STATEMENT PURSUANT TO THE PROVISIONS OF STANDING ORDER 43

The Member for Nyamira County (Hon. Jerusha Momanyi) made a Personal Statement regarding the loss of her beloved mother.

10. SPECIAL MOTION - CONSIDERATION OF NOMINEE FOR APPOINTMENT AS A MEMBER OF THE SALARIES AND REMUNERATION COMMISSION

Motion made and Question proposed-

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the vetting of a nominee for the appointment as a member of the Salaries and Remuneration Commission, *laid on the Table of the House on Wednesday, 3rd May 2023*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 7 (11) of the Salaries and Remuneration Commission Act, 2011 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Mr. Isaac Kipkemboi Melly** as a Member of the Salaries and Remuneration Commission.

(Chairperson, Departmental Committee on Labour)

[Change of Chair from Hon. Peter Kaluma, MP to Hon. Farah Maalm, MP]

Debate arising;

There being no Quorum in the House, the Chair directed that the Quorum Bell be rang for ten minutes;

Quorum attained within ten minutes;

Debate resumed;

Standing in his place pursuant to Standing Order 95, the Member for Endebess Constituency (Hon. Robert Pukose, MP) claimed to move that the Mover be called upon to reply;

The Chair acceded to the claim;

Question that the Mover be called upon to reply put and agreed to;

Mover replied;

Question on the Motion put and agreed to.

11. MOTION – CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWENTY-SIX CONSTITUENCIES

Motion made and Question proposed-

THAT, this House **adopts** the Report of the Decentralized Funds Accounts Committee on the consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for Twenty-Six Constituencies in the Counties of Mombasa, Kilifi, Kwale, Taita Taveta, Lamu and Tana River for financial years 2013/2014, 2014/2015, and 2015/2016, *laid on the Table of the House on Tuesday, 25th April 2023.*

(Chairperson, Decentralized Funds Accounts Committee -02.05.2023)

Before debate, which had been interrupted on Tuesday, May 2, 2023 resumed, the Member for Baringo South (Hon. Charles Kamuren, MP) claimed that there was no Quorum present in the House;

The Chair, having ascertained the claim, directed that the Quorum Bell be rang for ten minutes;

There being no Quorum attained at the conclusion of the ten minutes, the Chair adjourned the Sitting at ten minutes to Eight O'clock without question put pursuant to Standing Order 35.

12. HOUSE ROSE – at ten minutes to Eight O'clock,

MEMORANDUM

The Speaker will take the Chair on Thursday, May 4, 2023, at 2.30 p.m.

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