



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, OCTOBER 17, 2023 AT 10.00 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 FACILITIES IMPROVEMENT FINANCING BILL (SENATE BILL NO. 43 OF 2023)**

(The Leader of the Majority Party)

Second Reading  
(*Question to be put*)

**9\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Facilities Improvement Financing Bill (Senate Bill No. 43 of 2023)  
(The Leader of the Majority Party)  
(*With leave of the House*)
- (ii) The Primary Health Care Bill (Senate Bill No. 44 of 2023)  
(The Leader of the Majority Party)

**10\*. MOTION – PETITION ON PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM**

(The Chairperson, Public Petitions Committee)

**THAT**, this House **adopts** the Report of the Public Petitions Committee on its consideration of a Public Petition No. 07 of 2022 regarding

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

Probable Loss of Investments in Cytonn High Yields Solutions Platform, *laid on the Table of the House on Thursday, 4<sup>th</sup> May, 2023.*

*(Resumption of debate interrupted on Tuesday, October 3, 2023)  
(Balance of time – 2 hours 18 minutes)*

**11\*. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 2 OF 2023)**

(The Chairperson, Select Committee on Delegated Legislation)

Second Reading

**12\*. MOTION – THE EAST AFRICAN COMMUNITY (EAC)  
MULTILATERAL AGREEMENT ON AIRCRAFT  
ACCIDENT AND INCIDENT INVESTIGATIONS**

(The Chairperson, Departmental Committee on Transport and Infrastructure)

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the East African Community (EAC) Multilateral Agreement on Aircrafts Accidents and Incident Investigations, *laid on the Table of the House on Thursday, 17<sup>th</sup> August, 2023* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *ratification of the East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations.*

**13\*. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE  
FINANCIAL STATEMENTS FOR THE NATIONAL  
GOVERNMENT CONSTITUENCIES DEVELOPMENT  
FUND FOR TWELVE CONSTITUENCIES IN  
KAKAMEGA COUNTY**

(The Chairperson, Decentralized Funds Accounts Committee)

**THAT**, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for twelve constituencies in Kakamega County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Thursday, 27<sup>th</sup> July 2023.*

14\*. MOTION - THE 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA

(The Chairperson, EAPA-FSN Caucus)

**THAT**, this House **notes** the Report of the Kenya Delegation to the 4<sup>th</sup> General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7<sup>th</sup> to 9<sup>th</sup> December 2022, *laid on the Table of the House on Tuesday, 11<sup>th</sup> April 2023.*

15\*. MOTION - INSPECTION OF VARIOUS ONE STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAST AFRICAN COMMUNITY REGION

(The Chairperson, Select Committee on Regional Integration)

**THAT**, this House **adopts** the Report of the Select Committee on Regional Integration on its Inspection of Various One-Stop Border Posts in the Northern Corridor in the East African Community Region, *laid on the Table of the House on Wednesday, 5<sup>th</sup> July 2023.*

16\*. MOTION - EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

**THAT**, this House **adopts** the First Report of the Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, *laid on the Table of the House on Thursday, 6<sup>th</sup> July, 2023.*

17\*. MOTION - LOANS CONTRACTED BY THE NATIONAL GOVERNMENT BETWEEN MAY 2022 AND APRIL 2023

(The Chairperson, Public Debt and Privatization Committee)

**THAT**, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the loans contracted by the National Government between May 2022 and April 2023, *laid on the Table of the House on Thursday, 28<sup>th</sup> September 2023.*

**18\*. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE (23) NON-COMPLIANT STATE CORPORATIONS**

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

**THAT**, this House **adopts** the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on twenty-three (23) Non-Compliant State Corporations, *laid on the Table of the House on Wednesday, 23<sup>rd</sup> August 2023.*

**19\*. MOTION – PROCEEDINGS OF THE SECOND ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)**

(Member of the Pan-African Parliament)

**THAT**, this House **notes** the Report of the Record of Proceedings of the Second Ordinary Session of the Sixth Parliament (PAP) held in Midrand, South Africa, from 15<sup>th</sup> May to 2<sup>nd</sup> June 2023, *laid on the table of the House on Thursday, 24<sup>th</sup> August 2023.*

**20\*. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT**

(Vice Chairperson, Parliamentary Caucus on Sustainable Development (SDGs) Goals and Business)

**THAT**, this House **notes** the Report of a delegation of the Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business on the Proceedings of the 2023 United Nations High Level Political Forum on Sustainable Development (HLPF 2023) held in New York, United States of America (USA) from 10<sup>th</sup> to 21<sup>st</sup> July 2023, *laid on the Table of the House on Thursday, 24<sup>th</sup> August 2023.*

**21\*. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2023)**

(The Leader of the Majority Party)

Second Reading

**22\*. THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2023)**

(The Leader of the Majority Party)

Second Reading

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

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# **NOTICES**

## **I. THE FACILITIES IMPROVEMENT FINANCING BILL (SENATE BILL NO. 43 OF 2023)**

1. Notice is given that the Member for Funyula (Hon. (Dr.) Wilberforce Oundo) intends to move the following amendments to the Facilities Improvement Financing Bill, 2023 at the Committee Stage—

### **CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended by—

- (a) deleting sub-clause (2) and substituting therefor the following new sub-clause (2)—

“(2) The county health management team shall comprise of—

- (a) a chairperson appointed by the governor;
- (b) the county executive committee member;
- (c) the chief officer;
- (d) the medical superintendents of county hospitals and health facility in-charges; and
- (e) one person from each sub-county.”

- (b) inserting the following new sub-clause (3) —

“(3) The governor shall, in the appointment of members under sub-section 2(a) and (e), ensure that—

- (a) not more than two thirds of the members are of the same gender; and
- (b) the appointment reflects the all the communities in the county.”

### **CLAUSE 11**

**THAT**, Clause 11 of the Bill be amended in paragraph (m) by deleting the words, “before submission to the chief officer of health”.

### **CLAUSE 14**

**THAT**, the Bill be amended by deleting clause 14 and substituting therefor the following clause 14—

“14. Every hospital in the county shall have a Hospital Management Committee which shall consist of—

- (a) a chairperson appointed by the governor;
- (b) the medical superintendent; and
- (c) five other members appointed by the governor.

2. Notice is given that the Member for Mathare (Hon. Anthony Oluoch) intends to move the following amendments to the Facilities Improvement Financing Bill, 2023 at the Committee Stage—

CLAUSE 11

**THAT**, Clause 11 of the Bill be amended by inserting the following paragraph immediately after paragraph “n”—

“(o) submit quarterly reports to the county assemblies on management on facility improvement financing.”

CLAUSE 20

**THAT**, Clause 20 of the Bill be amended in sub-clause (3) by deleting the words “sub county accountant” and substituting therefor the words “Chairperson of the Health Facility Management Committee”.

**II.THE PRIMARY HEALTH CARE BILL (SENATE BILL NO. 44 OF 2023)**

1. Notice is given that the Member for Funyula (Hon. (Dr.) Wilberforce Oundo) intends to move the following amendments to the Primary Health Care Bill, 2023 at the Committee Stage—

CLAUSE 14

**THAT**, Clause 14 of the Bill be amended by deleting sub-clause (2).

CLAUSE 19

**THAT**, Clause 19 of the Bill be amended in sub-clause (1) by—

- (a) deleting the word “may” and substituting therefor the word “shall”; and

(b) deleting the words “the sub-county commissioner” appearing in paragraph (f) and substituting therefor the words “a national government administrative officer responsible for the sub-county or the deputy county commissioner”.

**2. Notice is given that the Member for Mathare (Hon. Anthony Oluoch) intends to move the following amendments to the Primary Health Care Bill, 2023 at the Committee Stage—**

**CLAUSE 4**

**THAT**, Clause 4 of the Bill be amended by inserting the following sub-clause (3)—

“(3) Primary health care services offered under this Act and any other written law shall ensure patient safety at all levels of health care provision.”

**CLAUSE 9**

**THAT**, Clause 9 of the Bill be amended in sub-clause (2) by inserting the following paragraph immediately after paragraph (b)—

“(bb) holds a certificate in community health from a recognized medical training institution;”.

**CLAUSE 23**

**THAT**, Clause 23 of the Bill in sub-clause (1) by deleting paragraph (i).





### **III. MOTION ON PETITION ON PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM**

Notice is given that the Member for Alego Usonga (Hon. Samuel Atandi, MP) intends to move the following amendment to the Report of the Public Petitions Committee on the petition regarding probable loss of investments in Cytonn High Yield Solutions Platform—

**THAT**, the Motion be amended by inserting the following words—

- a) “subject to insertion of the following new recommendation (iv) after the expression “2023”
  - (iv) “The Directorate of Criminal Investigations undertakes thorough investigations on the matters listed hereunder within 90 days from the date of the adoption of the Report –
    - a. affairs of Cytonn particularly on the matters raised in the Petition and proffer criminal prosecution against any person found culpable;
    - b. the relationship between officials of Cytonn and the Capital Markets Authority between the period of 2015 and 2021;
    - c. the business dealings of the 49 SPVs including their assets and liabilities if any; and
    - d. the business dealings of Mr. Edwin Harold Dayan Dande including his assets and liabilities.”
- b) Re-numbering paragraph (iv) appearing on page 32 of the Report as paragraph (v).

## **LIMITATION OF DEBATE**

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

### **Limitation of Debate on Other Committee Reports**

- IV. THAT,** each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

### **Limitation of Debate on Bills sponsored by Parties or Committees**

- V. THAT,** each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is **not** sponsored by the relevant Committee), and a maximum of ten (10) minutes for any 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 minutes (15) each (if the Bill is not sponsored by either of them); 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.

### **Limitation of Debate on Reports of Audit Committees**

- VI. THAT,** each speech in debate on **Reports of Audit Committees** shall be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) **minutes** in replying, and a maximum of ten (10) minutes for any 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 priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

# **NOTICE PAPER**

## **Tentative business for** **Tuesday (Afternoon), October 17, 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 Tuesday (Afternoon), October 17, 2023–

A. **MOTION** – **EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS**

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

B. **MOTION** – **THE EAST AFRICAN COMMUNITY (EAC) MULTILATERAL AGREEMENT ON AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATIONS**

(The Chairperson, Departmental Committee on Transport and Infrastructure)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

C. **MOTION** – **REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWELVE CONSTITUENCIES IN KAKAMEGA COUNTY**

(The Chairperson, Decentralized Funds Accounts Committee)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

D. **MOTION** – **THE 4<sup>TH</sup> GENERAL ASSEMBLY OF THE EASTERN AFRICA PARLIAMENTARY ALLIANCE ON FOOD SECURITY AND NUTRITION (EAPA-FSN) HELD IN KIGALI, RWANDA**

(The Chairperson, EAPA-FSN Caucus)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

E. **MOTION** – **INSPECTION OF VARIOUS ONE-STOP BORDER POSTS IN THE NORTHERN CORRIDOR IN THE EAST AFRICAN COMMUNITY REGION**

(The Chairperson, Select Committee on Regional Integration)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

F. MOTION – LOANS CONTRACTED BY THE NATIONAL GOVERNMENT BETWEEN MAY 2022 AND APRIL 2023  
(The Chairperson, Public Debt and Privatization Committee)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

G. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE (23) NON-COMPLIANT STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

H. MOTION – PROCEEDINGS OF THE SECOND ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

I. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

(Vice Chairperson, Parliamentary Caucus on Sustainable Development (SDGs) Goals and Business)

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

J. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2023)

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

K. THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2023)

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, October 17, 2023 – Morning Sitting)*

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