



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

WEDNESDAY, SEPTEMBER 27, 2023 AT 2.30 P.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*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Digital Health Bill (National Assembly Bill No. 57 of 2023)
(The Leader of the Majority Party)
- (ii) The Social Health Insurance Bill (National Assembly Bill No. 58 of 2023)
(The Leader of the Majority Party)

9*. MOTION – CONSIDERATION OF THE REPORT ON THE PROPOSED REDUCTION OF PROJECTED CEILINGS FOR KENYA RURAL ROADS AUTHORITY FOR THE FINANCIAL YEARS 2024/2025 AND 2025/2026

(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 Proposed Reduction of Projected Ceilings for Kenya Rural Roads Authority for the Financial Years 2024/2025 and 2025/2026, *laid on the Table of the House on Tuesday, 26th September 2023.*

(Resumption of debate interrupted on Wednesday, September 27, 2023 – Morning Sitting)
(Balance of time – 46 minutes)

10*. THE CANCER PREVENTION AND CONTROL (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2022)

(The Hon. Abdul Dawood, M.P.)

Second Reading

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11*. THE KENYA DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2022)

(The Hon. Robert Pukose, M.P.)

Second Reading

12*. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2022)

(The Hon. David Gikaria, M.P.)

Second Reading

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

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

Second Reading

14*. MOTION – REPORT OF THE KENYA DELEGATION TO THE 146TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN

(Member of the Delegation)

THAT, this House **notes** the Report of the Kenya Delegation to the 146th Assembly of the Inter-Parliamentary Union (IPU) and related Meetings, held in Manama, Kingdom of Bahrain from 11th to 15th March 2023, laid *on the Table of the House on Wednesday, 14th June 2023*.

(Resumption of debate interrupted on Tuesday, August 22, 2023)

(Balance of time – 2 hours 10 minutes)

15*. MOTION – REPORT OF THE 4TH 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 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7th to 9th December 2022, laid *on the Table of the House on Tuesday, 11th April 2023*.

16*. MOTION – REPORT ON THE 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, 5th July 2023*.

17*. MOTION – REPORT ON 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, 6th July, 2023.*

18*. MOTION – 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

(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, 27th July 2023.*

19*. MOTION – 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 Probable Loss of Investments in Cytonn High Yields Solutions Platform, *laid on the Table of the House on Thursday, 4th May, 2023.*

20*. MOTION – CONSIDERATION OF 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, 17th 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.*

21*. MOTION – CONSIDERATION OF THE PROTOCOLS RELATING TO AMENDMENTS OF ARTICLES 50(a) AND 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944 (CHICAGO CONVENTION)

(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 protocols relating to amendments to Article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention), *laid on the Table of the House on Thursday, 17th August, 2023* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *ratification of the protocols relating to amendments to Article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention)*.

22*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

(The Leader of the Majority Party)

Second Reading

Denotes Orders of the Day

NOTICES

I. THE DIGITAL HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2023)

- 1) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Digital Health Bill (National Assembly Bill No. 57 of 2023) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by—

- (a) deleting the definition of the term “health care provider” and substituting therefor the following new definition—

“healthcare provider” has the meaning assigned to it under the Health Act, 2017;

- (b) deleting the definition of the term “health care services” and substituting therefor the following new definition—

“health care services” has the meaning assigned to it under the Health Act, 2017;

- (c) deleting the definition of the term “health facility” and substituting therefor the following new definition—

“health facility” has the meaning assigned to it under the Health Act, 2017;

- (d) deleting the word ‘voluntarily’ appearing in the definition of term “health tourism”;

- (e) deleting the definition of “pseudonymisation” and substituting therefor the definition of “pseudo-anonymization”;

- (f) inserting the following new definitions in the proper alphabetical sequence—

“de-identification” means removing or hiding personal information from records in such a way that the remaining information cannot be used to identify an individual;

“medical equipment data” means data relating to a medical equipment and contains manufacturer-provided information and client-created inventory information about such equipment and may include exhaust

digital data and individual data that may be classified as sensitive data under the Data Protection Act, 2019;

“health data custodian” a person or organization that possesses legal custody over health data;

“telehealth” means the use of electronic information and telecommunications technologies including videoconferencing, the internet, store-and-forward imaging, streaming media, and terrestrial and wireless communications, to support long-distance clinical health care, patient and professional health-related education, public health and health administration;

CLAUSE 3

THAT, Clause 3 of the Bill be amended in paragraph (h) by inserting the words “within and” immediately after the words “health facilities”.

CLAUSE 7

THAT, Clause 7 of the Bill be amended in sub-clause 2 by —

- (a) deleting the term “Authority” appearing in paragraph (a) and substituting therefor the term “Agency”.
- (b) by deleting the term “Cabinet Secretary” appearing in the proviso to substituting therefor the term “National Assembly”; and

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the words “competitively recruited and” appearing in paragraph (a);
 - (ii) deleting paragraph (f);
 - (iii) deleting paragraph (h) and substituting therefor the following new paragraph (h)—

“(h) three persons, not being Governors, nominated by the Council of County Governors with knowledge and experience in matters of digital health”;

CLAUSE 11

THAT, Clause 11 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Board shall, through an open, transparent and competitive recruitment process, appoint a suitably qualified person to be the Chief Executive Officer of the Agency”.

- (b) inserting the words “in consultation with the Salaries and Remuneration Commission” immediately after the words “from time to time” in sub-clause (2);

CLAUSE 12

THAT, Clause 12 of the Bill be amended—

- (a) in sub-clause (1) by—

(i) deleting the term “Authority” appearing in sub-clause (1) and substituting therefor the term “Agency”.

(ii) deleting the term “bachelor’s” in paragraph (a) and substituting therefor the term “master’s”;

(iii) inserting the following new paragraph immediately after paragraph (b);

(ba) has served in a management level for a period of at least five years;

- (b) inserting the following new sub-clause immediately after sub-clause (2)—

(2A) The Chief Executive Officer shall be the accounting officer of the Agency.

CLAUSE 13

THAT, Clause 13 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (1)—

(2) A person qualifies for appointment as the Corporation Secretary of the Agency if the person—

(a) holds a bachelor’s degree in law from a university recognized in Kenya;

(b) is an Advocate of the High Court of Kenya;

(c) has at least five years’ experience as a corporation secretary or a similar governance role;

(d) is a member in good standing of the Institute of Certified Secretaries of Kenya; and

(e) meets the requirements of Chapter Six of the Constitution.

(3) The Corporation Secretary shall be the Secretary to the Board and shall—

- (a) in consultation with the Chairperson of the Board, issue notices for meetings of the Board;
- (b) keep in custody, the records of the deliberations, decisions, and resolutions of the Board;
- (c) transmit decisions and resolutions of the Board to the Chief Executive Officer for execution, implementation and other relevant action;
- (d) provide guidance to the Board on their duties and responsibilities on matters relating to governance; and
- (e) perform such other duties as the Board may direct.

PART III

THAT, **PART III** of the Bill be renumbered as **PART IX** of the Bill and be rearranged in accordance with the proper chronological sequence.

CLAUSE 15

THAT, Clause 15 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (b)—

“(ba) such levy fees for services rendered by the Agency”;

CLAUSE 20

THAT, Clause 20 of the Bill be amended—

- (a) by inserting the words “with the approval of the Board and the National Treasury” immediately after the words, “on behalf of the Agency”;

NEW CLAUSE 20A

THAT, the Bill be amended by inserting the following new clause immediately after clause 20—

Investment of Funds **20A.** (1) All monies in the Agency which are not immediately required to be applied for the purposes of this Act shall be invested—

- (a) in such investment in a reputable bank on the advice of the Central Bank of Kenya, being an investment in which trust funds, or part thereof, are authorized by law to be invested; and

- (b) in government securities as may be approved by the National Treasury.

(2) All investments made under this section shall be held in the name of the Agency.

CLAUSE 23

THAT, Clause 23 of the Bill be amended by inserting the following new paragraph immediately after paragraph (g)—

“(h) facilitate the tracking and tracing of health products and technologies in the country”.

CLAUSE 25

THAT, Clause 25 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) de-identified, pseudo-anonymized or anonymized individual-level health data”;

CLAUSE 31

THAT, Clause 31 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after sub-clause (b)—

“(bb) it is reasonably necessary for a lawful purpose”;

CLAUSE 39

THAT, Clause 39 of the Bill be amended in sub-clause (1) by deleting the word “date” appearing immediately after the words “integrity of the” and substituting therefor the word “data”.

CLAUSE 40

THAT, Clause 40 of the Bill be amended by deleting the expression (1).

CLAUSE 41

THAT, Clause 41 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “aggregate data, medical equipment data or data related to health research,” and substituting therefor the words “health data”;
- (b) by deleting the words “sensitive personal” appearing in the marginal note and substituting therefor the word “health”;
- (c) in sub-clause (1)(g) by deleting the word “unintentionally”;
- (d) in sub-clause (2) by deleting the words “five hundred thousand” and substituting therefor the words “one million”.

CLAUSE 48

THAT, Clause 48 of the Bill be amended by deleting the term “the” appearing in sub-clause (1) and substituting therefor the term “The”.

CLAUSE 49

THAT, Clause 49 of the Bill be amended in sub-clause (1)—

- (a) by deleting the word “guardian” appearing in paragraph (g) and substituting therefor the words “parent or an appointed guardian”;
- (b) by deleting the word “guardian” appearing in paragraph (h) and substituting therefor the words “of an appointed guardian or next friend of the patient”;

CLAUSE 52

THAT, Clause 52 of the Bill be amended—

- (a) by deleting sub-clause (2) and inserting therefor the following new sub-clauses—

“(2) A data controller, who being a custodian of, and who transfers outside Kenya, biological specimens, health images, human tissues and organs of a Kenyan citizen shall ensure confidentiality of personal health information:

Provided that where such transfer is for purposes of health research or post-mortem, the Data controller shall—

- (a) provide a report to the Director-General for Health stating the findings;
 - (b) not share the health information without notifying the Cabinet Secretary; and
 - (c) seek guidance from the Cabinet Secretary in the manner the health information shall be stored, processed and destroyed.”
- (3) The Cabinet Secretary shall in consultation with the County Governments, and relevant lead agencies, develop guidelines on health tourism.

CLAUSE 55

THAT, the Bill be amended by deleting Clause 55.

CLAUSE 57

THAT, Clause 57 of the Bill be amended in sub-clause (1) by deleting the word “otherwise” appearing immediately after the words, “to any person” appearing and substituting therefor the word, “other”.

CLAUSE 59

THAT, Clause 59 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “two hundred thousand shillings or to imprisonment for a term of not less than one year” appearing in the proviso and substituting therefor the words “one million shillings or to imprisonment for a term of not less than two years”.
- (b) in sub-clause (2) by deleting the words “two hundred and fifty thousand shillings or to imprisonment for a term of not exceeding six months” and substituting therefor the words, “one million shillings or to imprisonment for a term not exceeding two years.”

NEW CLAUSE 61A

THAT, the Bill be amended by inserting the following new clause immediately after clause 61—

Transitional provision.

61A. A person, who being a data controller or data processor of health data or who has been handling health information before the commencement of this Act, shall, within six months of the commencement of this Act, comply with the requirements of this Act.

- 2) **Notice is given that the Member for Mathare (Hon. Anthony Oluoch) intends to move the following amendments to the Digital Health Bill (National Assembly Bill No. 57 of 2023) at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended by—

- (a) deleting the definition of the term “e-waste”; and
- (b) inserting the following new definition in the proper alphabetical sequence—

“personal health data” means any information relating to the state of physical or mental health of an identified or identifiable person and includes records on the past, present or future state of that person’s health;

CLAUSE 6

THAT, Clause 6 of the Bill be amended by—

- (a) renumbering the existing clause as sub-clause (1);
- (b) inserting the following new subclause (2) immediately after the renumbered sub-clause (1)—

“The Agency may, in the performance of its functions collaborate with the Office of the Data Protection Commissioner.”

CLAUSE 14

THAT, Clause 14 of the Bill be amended by deleting the words “in consultation with” appearing immediately after the word “determine” and substituting therefor the words “upon the advice of”.

CLAUSE 31

THAT, Clause 31 of the Bill be amended by deleting paragraph (c) of sub-clause 2 and inserting the following new paragraph—

“(c) it is required for historical, statistical and research purposes where the data is anonymised.”

CLAUSE 51

THAT, the Bill be amended by deleting clause 51.

II. THE SOCIAL HEALTH INSURANCE BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2023)

- 1) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the word “National” appearing in the definition of the term “Board”;
- (b) in the definition of the expression “primary health care” by deleting the words “at every stage of their development, through their full participation and at an affordable cost to the community and country, in the spirit of self-reliance and self-determination” and substituting therefor the words “at levels 1, 2 and 3 of health services, to meet their health needs at every stage of the life cycle, with their full participation and at an affordable cost to the community and the country”;
- (c) by deleting the definition of the phrase “risk spreading”;
- (d) in the definition of the word “spouse” by deleting the words “who for the time being is named as such by the contributor for that financial year”;

- (e) in the definition of the word “tariff” by deleting the words “to deliver the most efficient and cost-effective care to patients”; and
- (f) by inserting the following new definition in the proper alphabetical sequence—
“medical insurance provider” has the meaning assigned to it under the Insurance Act, Cap. 487.

CLAUSE 4

THAT, Clause 4 of the Bill be amended in sub-clause (2)(c) by deleting the word “investing” appearing immediately after the word “receiving”;

CLAUSE 5

THAT, Clause 5 of the Bill be amended by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) empanel and contract health care providers and healthcare facilities upon inspection, licensing and certification of the health care providers and healthcare facilities by the relevant body;

CLAUSE 6

THAT, Clause 6 of the Bill be amended in sub-clause (2) by—

- (a) deleting the term “Cabinet Secretary” appearing in paragraph (a) and substituting therefor the term “National Assembly”;
and
- (b) deleting paragraph (e).

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

- (a) in sub-clause (1) by-
 - (i) deleting paragraph (e) and substituting therefor the following new paragraph—
“(e) a representative of the County Executive Committee Health Caucus;”
 - (ii) deleting sub-paragraph (iii) of paragraph (h) and substituting therefor the following new sub-paragraph—
“(iii) a representative of the consortium of health care providers;”

CLAUSE 8

THAT, Clause 8 of the Bill be amended in sub-clause (2) by—

- (a) deleting the words “private health facility” appearing in paragraph (d); and
- (b) inserting the words “or parliamentary reports” immediately after the word “law” appearing in paragraph (e).

CLAUSE 9

THAT, Clause 9 of the Bill be amended by deleting the words “permission from the appointing authority” appearing in paragraph (b) and substituting therefor the words “lawful cause”.

CLAUSE 14

THAT, Clause 14 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the term “bachelor’s” appearing in paragraph (a) and substituting therefor the term “master’s”;
- (ii) deleting paragraph (b);

(b) in sub-clause (4) by deleting the words “outsource services and enter into and sign commercial contracts” appearing in paragraph (f) and substituting therefor the words “enter into and sign contracts”;

(c) by inserting the following new sub-clause immediately after sub-clause (5)—

“(6) The administrator of the Funds under sub-section (3), shall ensure that the monies held in the Primary Healthcare Fund, the Social Health Insurance Fund and the Emergency, Chronic and Critical Illness Fund, including any earnings or accruals, are spent only for the purposes for which these Funds are established.”

CLAUSE 16

THAT, Clause 16 of the Bill be amended—

(a) in sub-clause (2) by—

- (i) inserting the following new paragraph immediately after paragraph (a)—

“(aa) is an Advocate of the High Court of Kenya;”

(b) by renumbering the existing sub-clause (6) as sub-clause (3).

CLAUSE 17

THAT, Clause 17 of the Bill be amended by inserting the words “upon the advice of the Salaries and Remuneration Commission” immediately after the word “determine”.

CLAUSE 22

THAT, Clause 22 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause (3)—

“(3) Any revision of the approved budget estimates by the Board shall be approved by the National Assembly in the supplementary budget estimates”.

CLAUSE 24

THAT, Clause 24 of the Bill be amended by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the words “shall in consultation with the Board”.

CLAUSE 26

THAT, Clause 26 of the Bill be amended by—

- (a) deleting the word “be” appearing immediately after the words “register as” in sub-clause (1);
- (b) deleting the words “registration with the Social Health Insurance Fund” appearing in sub-clause (5) and substituting therefor the words “compliance with the provisions of this Act on registration and contribution”.
- (c) by inserting the following new sub-clauses immediately after sub-clause (5)—

“(6) A person who is a non-Kenyan that intends to enter and remain in the territory of Kenya for a period of less than twelve months shall be required to be in possession of a travel health insurance cover as may be designated by the Cabinet Secretary.

(7) The Cabinet Secretary shall establish the policy, regulatory or administrative measures to give effect to sub-section (6)”.

CLAUSE 27

THAT, Clause 27 of the Bill be amended in sub-clause (6) by deleting the word “ten” appearing immediately after the words “equal to” and substituting therefor the word “two”.

CLAUSE 30

THAT, Clause 30 of the Bill be amended by deleting the word “may” and substituting therefor the words “shall in consultation with the Board”.

CLAUSE 31

THAT, Clause 31 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) The Authority may, with the approval of the Board and in consultation with the Cabinet Secretary, provide enhanced benefits schemes and packages”.

CLAUSE 34

THAT, Clause 34 of the Bill be amended in sub-clause (7) by inserting the words “and is liable upon conviction to a fine not exceeding one million, or to imprisonment for a term not exceeding two years or to both” immediately after the words “commits an offence”.

CLAUSE 35

THAT, Clause 35 of the Bill be amended—

- (a) by deleting sub-clause (3) and substituting therefor the following new sub-clause (3) —

“(3) The Claims Management Office may delegate the performance of its functions under subsection (2)(a) and (b) to a suitable entity”;

- (b) by deleting the words “or a broker” appearing in sub-clause (4) ;
(c) by deleting the words “not more than five” appearing in the proviso to sub-clause (4) and substituting therefor the words “a suitable number of”; and
(d) by renumbering the existing sub-clause (4) as (5).

CLAUSE 38

THAT, the Bill be amended by deleting clause 38.

CLAUSE 40

THAT, Clause 40 of the Bill be amended in sub-clause (4) by deleting the words “or in pursuance of an authorization of the Board”.

CLAUSE 41

THAT, Clause 41 of the Bill be amended by deleting the proviso to sub-clause (2).

HEADING TO PART VIII OF THE BILL

THAT, the heading to PART VIII of the Bill be amended by deleting the word “Committee” and substituting therefor the word “Tribunal”.

CLAUSE 44

THAT, Clause 44 of the Bill be amended by—

- (a) deleting the word “Committee” wherever it appears and substituting therefor the word “Tribunal”;
(b) inserting the following new sub-clause immediately after sub-clause (2)—

“(3) A person who is not satisfied with an order made by the Tribunal under subsection (2) may appeal to the High Court within twenty-one days from the date the order is made.”

CLAUSE 45

THAT, Clause 45 of the Bill be amended by—

- (a) deleting the word “Committee” wherever it appears and substituting therefor the word “Tribunal”;
- (b) in sub-clause 2 by—
 - (i) deleting the words “Cabinet Secretary” appearing in paragraph (a) and substituting therefor the word “President”;
 - (ii) deleting the words “Cabinet Secretary” appearing immediately after the word “appointed by the” in paragraph (b) and substituting therefor the word “Judicial Service Commission”.

CLAUSE 46

THAT, Clause 46 of the Bill be amended by deleting the word “Committee” wherever it appears and substituting therefor the word “Tribunal”.

CLAUSE 48

THAT, Clause 48 of the Bill be amended in sub-clause (1) by—

- (a) inserting the words “continue to” immediately after the words “under this Act shall”; and
- (b) deleting the words “developed pursuant to the relevant written law”.

CLAUSE 49

THAT, Clause 49 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “one million” appearing in the proviso and substituting therefor the words “two million”;
- (b) in sub-clause (5) by deleting the words “five hundred thousand” appearing in paragraph (a) and substituting therefor the words “two million”;

NEW CLAUSE 49A

THAT, the Bill be amended by inserting the following new clause immediately after Clause 49—

Recovery of sums due under this Act.

49A. (1) The court before which any person is convicted of an offence under this Act may, without prejudice to any civil remedy, order such person to pay to the Authority, as the case may be, the amount of any contribution or any other sum that was not obtained in a lawful manner, together with any penalty found to be due from such person to the Authority and any sum so ordered shall be recoverable as a fine and paid into the Funds.

(2) All sums due to the Authority shall be recoverable as debts due to the Authority, and without prejudice to any other remedy, may be recovered by the Authority summarily as a civil debt.

(3) All criminal and civil proceedings under this Act may, without prejudice to any other power in that behalf, be instituted by any authorized officer of the Authority.

(4) All sums recovered by legal proceedings in respect of monies which should have been paid into the Funds shall, when recovered, be paid into the Funds.

(5) Despite any other written law, the assets of the Funds shall not be liable to attachment under any process of law.

CLAUSE 50

THAT, Clause 50 of the Bill be amended in sub-clause 2(e) by deleting the words “which shall be within a period of one month from the date of submission of the claim”;

CLAUSE 52

THAT, Clause 52 of the Bill be amended by deleting the words “risk spreading and”.

FIRST SCHEDULE

THAT, the First Schedule of the Bill be amended—

(a) by deleting paragraph 2(2).

(b) in paragraph 5 by—

- (i) deleting sub-paragraph (1);
- (ii) renumbering sub-paragraph (2) as paragraph 5;
- (iii) deleting the words “Notwithstanding the provisions of subparagraph (1)” in the renumbered sub-paragraph (2)

(c) in paragraph 6 —

- (i) by inserting the following new sub-paragraph immediately after sub-paragraph (3)

“(4) Despite the provisions of sub-paragraph (2) and (3), the Authority shall review the qualifications of all the staff of the Fund and shall, in the appointment of its staff, give priority to the staff of the Fund who are found to be suitably qualified for the positions in the approved staff establishment.”

- (ii) by renumbering the existing sub-clause (4) as sub-clause (5).

SECOND SCHEDULE

THAT, the Second Schedule of the Bill be amended by deleting sub-paragraph (8) of paragraph (1) and substituting therefor the following new sub-paragraph—

“(8) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by the concurrence of a majority of all the members present and voting at the meeting.”

- 2) **Notice is given that the Member for Mathare (Hon. Anthony Oluoch) intends to move the following amendments to the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023) at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended by deleting the words “that” appearing immediately after the word “means” in the definition of Universal Health Coverage” and substituting therefor the words “a state where”.

CLAUSE 5

THAT, Clause 5 of the Bill be amended by deleting paragraph (i).

CLAUSE 26

THAT, Clause 26 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (5)—

“(6) A person who is a non-Kenyan citizen that intends to enter and remain in the territory of Kenya for a period of less than twelve months shall be required to be in possession of a travel health insurance cover as may be designated by the Cabinet Secretary.

CLAUSE 33

THAT, Clause 33 of the Bill be amended by—

- (a) inserting the words “and in the Kenya Gazette” immediately after the words “website” appearing in sub-clause (3)
- (b) deleting the word “Committee” appearing immediately after the words “Dispute Resolution” appearing in sub-clause (5) and substituting therefore the word “Tribunal”.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by—

- (a) deleting sub-clause (3) and (4)
- (b) renumbering the existing sub-clause (4) as (3) “

FIRST SCHEDULE

THAT the First Schedule of the Bill be amended in paragraph 6 by deleting subparagraphs (2), (3) and (4) and substituting therefor the following new subparagraphs—

(2) Subject to subparagraph (3), the officers and inspectors appointed for the administration of the Fund on the appointed day shall be deemed to be officers and inspectors appointed by the Authority under section 17 of the Act.

(3) Notwithstanding the provisions of subparagraph (2), within twelve months after the appointed day, the Authority shall review the qualifications of all persons deemed to be employees of the Authority under subparagraph (2) and may retain those found suitably qualified for employment by the Authority subject to—

- (a) such persons opting to remain in the service of the Authority; and
- (b) such terms and conditions of service (not being to the disadvantage of such persons) as may be agreed with the Authority.

- 3) **Notice is given that the Member for Gatundu South (Hon. Gabriel Kagombe) M.P. intends to move the following amendments to the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023) at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be amended by inserting the following new definition in proper alphabetical sequence—

“independent medical adjudicator” means a medical practitioner or body licensed under the Medical Practitioners and Dentists Act or the Pharmacy and Poisons Act;

CLAUSE 35

THAT, Clause 35 of the Bill be amended—

(a) in subclause (3) by deleting the words “subsection (1) (a), (b) and (c)” appearing immediately after the word “under” and substituting therefor the words “subsection (2) (a), (b) and (c) to an independent medical adjudicator”;

(b) by deleting subclause (4) and substituting therefor the following new subclause—

(4) In contracting an independent medical adjudicator, the Claims Management Office shall ensure that—

(a) not more than five adjudicators are contracted to manage the claims from the zones identified in the manner prescribed in regulations; and

(b) an adjudicator is not employed or otherwise engaged by an entity to which the claim under review relates.

4) **Notice is given that the Member for Kitui Central (Hon. Makali Mulu) intends to move the following amendments to the Social Health Insurance Bill (National Assembly Bill No. 58 of 2023) at the Committee Stage—**

CLAUSE 35

THAT, Clause 35 of the Bill be amended by—

(a) deleting sub-clause (3) and (4);

(b) renumbering the existing sub-clause (4) as (3).

CLAUSE 36

THAT, the Bill be amended by deleting clause 36.

FIRST SCHEDULE

THAT, the First Schedule of the Bill be amended in paragraph 6 by deleting subparagraph (2), (3) and (4) and substituting therefor the following new subparagraph—

“(2) The officers and inspectors appointed for the administration of the Fund on the appointed day shall be deemed to be officers and inspectors appointed by the Authority under section 17 of the Act.”

NOT LATER THAN 3.00 P.M.**III. QUESTION TIME IN PLENARY**

PURSUANT to the provisions of Standing Order 42A(6B), the Speaker will today, not later than 3.00 p.m., invite the **Cabinet Secretary for National Treasury and Economic Planning** to respond to Questions as appearing in the Appendix.

LIMITATION OF DEBATE

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

Limitation of Debate on Individual Members' Bills

- IV. THAT**, each speech in a debate on **Bills NOT** 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; and that priority in speaking shall 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 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 shall 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 Other Committee Reports

- VI. 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 Reports of Audit Committees

VII. **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 **Thursday, September 28, 2023**

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday, September 28, 2023—

A. MOTION - APPROVAL OF NOMINEES TO THREE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEES

(The Chairperson, Select Committee on the National Government Constituencies Development Fund)

B. COMMITTEE OF THE WHOLE HOUSE

(i) The Digital Health Bill (National Assembly Bill No. 57 of 2023)
(The Leader of the Majority Party)

(ii) The Social Health Insurance Bill (National Assembly Bill No. 58 of 2023)
(The Leader of the Majority Party)

(If not concluded on Wednesday, September 27, 2023 - Afternoon sitting)

C. MOTION - CONSIDERATION OF 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 Wednesday, September 27, 2023 - Afternoon Sitting)

D. MOTION - CONSIDERATION OF THE PROTOCOLS RELATING TO AMENDMENTS OF ARTICLES 50(a) AND 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944 (CHICAGO CONVENTION)

(The Chairperson, Departmental Committee on Transport and Infrastructure)

(If not concluded on Wednesday, September 27, 2023 - Afternoon Sitting)

E. MOTION - REPORT OF THE KENYA DELEGATION TO THE 146TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN

(Member of the Delegation)

(If not concluded on Wednesday, September 27, 2023 - Afternoon Sitting)

F. MOTION – REPORT OF THE 4TH 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 Wednesday, September 27, 2023 - Afternoon Sitting)

G. MOTION – REPORT ON THE 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 Wednesday, September 27, 2023 - Afternoon Sitting)

H. MOTION – REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

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

(If not concluded on Wednesday, September 27, 2023 - Afternoon Sitting)

I. MOTION – 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

(The Chairperson, Decentralized Funds Accounts Committee)

(If not concluded on Wednesday, September 27, 2023 - Afternoon Sitting)

J. MOTION – PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELDS SOLUTIONS PLATFORM

(The Chairperson, Public Petitions Committee)

(If not concluded on Wednesday, September 27, 2023 - Afternoon Sitting)

K. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, September 27, 2023 - Afternoon Sitting)

A P P E N D I X

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (6B), the **Cabinet Secretary for National Treasury and Economic Planning** will respond to questions in plenary on Wednesday (Afternoon), September 27, 2023 —

QUE. NO

QUESTION BY PRIVATE NOTICE

QPN
010/2023

The Member for Turkana South (Hon. Ariko Namoit, MP) to ask the Cabinet Secretary for National Treasury and Economic Planning:-

Could the Cabinet Secretary-

- (i) explain the circumstances under which two Revenue Service Assistants recently recruited by Kenya Revenue Authority were unfairly dismissed, that is *Mr. Moran Kenson Ekarani* of ID No. 34333532 dismissed on 22nd July 2023 after three days of training; and *Mr. Jacob Nakali Etiir* of ID No. 40343341 dismissed on 15th August 2023 after eight weeks of training?
- (ii) clarify whether the necessary procedures of dismissal were followed, including adherence to Article 27 of the Constitution?
- (iii) state when the two Revenue Service Assistants will be recalled to resume training or be deployed?

QUE. NO

ORDINARY QUESTIONS

215/2023

The Member for Ugunja (Hon. Opiyo Wandayi, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) explain the strategic measures that the National Treasury has put in place to address the ever-recurring challenge of delayed disbursement of funds to counties as well as delayed payment of salaries for civil servants taking into account the Country's high debt financing and borrowing constraints?
- (ii) confirm and explain the existence of an emerging 'shadow banking system' that is tantamount to economic sabotage consisting of well-connected lenders, brokers and other credit intermediaries operating outside the realm of Central Bank of Kenya, and what actions is the Government taking to curb an

allegedly emerging parallel exchange rate that is hurting importers and businesses at large?

150/2023

The Member for Kanduyi (Hon. John Makali, MP) to ask the Cabinet Secretary for National Treasury and Economic Planning:-

Could the Cabinet Secretary-

- (i) clarify whether the Government has ever released the sum of Ksh. 21,782,366,530 and a further Ksh. 908,878,470 towards restructuring of Nzoia Sugar Company Limited as per the recommendations of Sessional Paper No. 12 of 2012 adopted by the National Assembly on 9th January 2013?
- (ii) if in the affirmative, provide any evidence indicating when the funds were released and any annual write-offs?
- (iii) provide details of the current annual status of the Balance Sheet of Nzoia Sugar Company Limited?

151/2023

The Member for Mathare (Hon. Anthony Oluoch, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) state the reasons as to why funds to political parties have not been paid out in accordance with the provisions of the Political Parties Act since its enactment, and in particular, the circumstances under which the Political Parties Fund meant to ensure Parties operate and function as institutions of governance are yet to be fully disbursed four months to the end of the 2022/2023 financial year?
- (ii) outline the steps that the Ministry has taken to implement High Court decision (Judicial Review No. 483 of 2016) that directed the Cabinet Secretary to among other things, ensure that the National Treasury makes budgetary proposals and estimates that reflect allocation of not less than 0.3% of national revenue to political parties, including the steps the Ministry is taking to comply with provisions of the Political Parties Act?
- (iii) indicate the arrears due and owing to each of the Political Parties for the Financial Years 2016/17 and 2022/23, the steps being taken to ensure that the arrears are cleared, and further, explain the measures the Ministry is taking to ensure that Political parties are able to pay their staff in time and carry out their calendar of activities uninterrupted as required by the Constitution and the Political Parties Act?

153/2023

The Member for Kiambu (Hon. Machua Waithaka, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) state the volume of United States Dollar (USD) reserve held by the Central Bank of Kenya and each of the commercial banks in

the country and confirm whether the high volume of USD believably being hoarded by commercial banks accounts for the spiralling exchange rate that has hit an all-time high?

- (ii) explain why the rate of exchange for purchasing the USD from forex bureaus and commercial banks is as high as Ksh. 141 and Ksh 146 per unit respectively, yet the indicative exchange rate set by the Central Bank of Kenya is Ksh. 129.52 per unit, translating to a difference of almost Kshs. 15 per unit against the CBK rate?
- (iii) explain what measures has the Ministry put in place to resolve the shortage in dollar supply, lower the exchange rate, cushion importers from the loss of money due to the high dollar exchange rate and to avoid the proliferation of black money exchange markets?

216/2023

The Member for Tiaty (Hon. William Kamket, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) explain the impact that de-dollarization by countries such as China, Brazil, Russia, India, Malaysia and Saudi Arabia may have on Kenya's Economy, in light of the fact that these countries are key markets and trade partners in Kenya's international trade?
- (ii) clarify whether Kenya will follow the same trend of de-dollarization that has been adopted recently by various developing market economies?

217/2023

The Member for Wajir East (Hon. Aden Daudi, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) explain why card schemes, in particular Visa, are charging merchant fees and penalties that are not publicly published in the course of their business operations?
- (ii) provide evidence of regulatory approvals on the undisclosed Visa and other card merchants calculations of their charges and penalties on card holders that earn millions of US Dollars to card issuance companies and whether the same is declared to the Kenya Revenue Authority as a revenue earner to the economy?
- (iii) clarify whether these charges are regulated by the CBK in line with prudential guidelines for institutions licensed under the Banking Act and whether these cards are in breach of any relevant provisions of the guidelines?

294/2023

The Member for Awendo (Hon. Walter Owino, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) provide the status of South Nyanza Sugar Company (SONY)'s request for financial assistance in the form of a bailout from the Government?
- (ii) expound on the details of the proposed Commercialization/Lease Plan including the management of SONY's nucleus land, explain how the issue of ownership will be addressed, state the measures in place to protect the current employees from losing their livelihoods, and clarify on the guidelines in place to ensure a transparent and beneficial privatization process for the company, particularly for the farmers who should benefit in both the short and long term?
- (iii) provide the status of implementation of recommendations of Task Force Report into the Crisis in the Kenyan Sugar Industry appointed by the Minister for Agriculture on 27th March 2003 as well as the Report on a Petition on inquiry into Crisis Facing the Sugar Industry in the Country by the Committee of the National Assembly that as adopted on 20th June 2019, with regard privatization of sugar companies?

295/2023

The Member for Balambala (Hon. Abdi Shurie, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) clarify whether it is appropriate for businesses to refuse cash payments, which is still recognized as a legal tender?
- (ii) state the measures in place to accommodate citizens who do not have access to digital payment systems such as M-pesa, online payment platforms or credit/debit cards such as Visa or MasterCard?

296/2023

The Member for Gatundu South (Hon. Gabriel Kagombe, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) explain why the National Youth Service (NYS) is yet to receive the allocated Ksh 2 billion in the just-concluded financial year 2022/2023?
- (ii) state the timeframe for the release of the said amount to NYS to enable the Service to clear its pending bills?
- (iii) indicate when the remaining balance will be allocated to NYS to fully settle their pending bills?

297/2023

The Member for Mathioya (Hon. Edwin Mugo, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) clarify whether Kenya Revenue Authority (KRA) officers recruited in their Domestic Taxes Department in June 2023 will undergo paramilitary training in Eldoret before their deployment?

- (ii) while explaining the criteria used by KRA to arrive at the final list, provide a list showing the distribution of individuals recruited in terms of age and gender per constituency?

- (iii) clarify whether some individuals were turned away from the training in Eldoret based on drug abuse history, HIV/AIDS status, having given birth within six months preceding the date of reporting for training and having physical scars on their bodies?

356/2023

The Nominated Member (Hon. Dorothy Ikiara, MP) to ask the Cabinet Secretary for the National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) explain the reasons for delayed payment of pension due to retired teachers who languish in abject poverty years later after spending all they had following up on their pensions?

 - (ii) outline measures the Government is putting in place to ensure timely, efficient and effective payment of pension to retired teachers?
-