



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 26, 2023 AT 9.30 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*. **MOTION – REGULATION OF THE BETTING INDUSTRY**

(The Hon. Duncan Mathenge, M.P.)

THAT, aware that, the Betting, Lotteries and Gaming Act, Cap 131 Laws of Kenya provides for the regulation of the gambling industry including the control of betting, lotteries and gaming in the country; further aware that, there is an emerging trend of media houses offering their audiences platforms to participate in betting through lottery-style games, trivia shows, polls, contests and other SMS based gaming; concerned that the trend was initially perceived as a harmless form of entertainment and audience engagement but has since developed into a problem within our communities leading to many Kenyans getting addicted to this form of gambling and that has led to lots of loss; further concerned that, there are numerous negative effects of this trend including financial ruin, family breakups, high truancy in schools resulting in high school dropout rates and in some cases, suicide; noting that, these games target individuals who can least afford to lose money, mainly the elderly, the youth and low- income earners; cognizant that the Government has the responsibility of protecting citizens from negative social trends including gambling and that the proliferation of these games is a violation of the Betting, Lotteries and Gaming

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Act; now therefore, **this House resolves that** the National Government through the relevant Ministries and agencies to –

- (i) regulate the running of lotteries and any other forms of betting disguised as polls, contests and other SMS-based gaming by media houses; and
- (ii) ensure strict operationalization of the Betting, Lotteries and Gaming Act and increase control and oversight of the betting industry.

(Motion as amended)

(Question to be put)

9*. THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2022)

(The Hon. Simon King'ara, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, April 19, 2023 – Morning Sitting)

(Balance of time – 1 hour 28 minutes)

10*. THE HEALTH (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2022)

(The Hon. Didmus Barasa, M.P.)

Second Reading

11*. MOTION – DEVELOPMENT OF A POLICY AND FUNDING FOR JUNIOR SECONDARY SCHOOLS

(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that communities have continuously established learning institutions within their localities to address the inadequate physical facilities to support the attainment of universal access to education; noting that the Kenya Vision 2030 envisioned progressive establishment of more schools, expansion and rehabilitation of existing ones in order to improve access to education; further noting that huge sums of funds, particularly under the National Government Constituencies Development Fund (NG-CDF), have been invested in improving infrastructure in primary schools; acknowledging that in the recently introduced Competency Based Curriculum (CBC) education system, pupils will transition from primary school at class six and not class eight as was the case under the 8-4-4 system; concerned that basing Junior Secondary Schools (JSS) in selected primary schools will render classroom facilities that previously housed classes seven and eight redundant and that the arrangement would compel

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students to travel for longer distances to access institutions where Junior Secondary Schools are based; further concerned that the Guidelines recently issued by the Government directed that Junior Secondary Schools be domiciled in the existing primary schools, yet most primary schools lack the capacity to accommodate and effectively offer Junior Secondary School curriculum; deeply concerned that the Guidelines were hurriedly developed and operationalized; **this House urges** the Ministry of Education to –

- (i) urgently develop a comprehensive Junior Secondary Schools Policy in order to regularize and anchor the Guidelines under the Basic Education Act, 2012 to ensure that Junior Secondary Schools are established and operated in every primary school; and
- (ii) develop a clear implementation framework for the Competency-Based Curriculum at Junior Secondary School level and provide for a funding plan for successful implementation of the Curriculum.

12*. MOTION – ESTABLISHMENT OF A NATIONAL CANCER PREVENTION AND CONTROL FUND

(The Hon. Timothy Toroitich, M.P.)

THAT, aware that Article 42(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health, which includes the right to health care services; further aware that cancer is among the leading causes of death in the country; noting that although the budgetary allocation for health care services is progressive, it is inadequate to cater for cancer prevention and care across the country; further noting that cancer control in the country is hampered by inadequate cancer care infrastructure and limited specialized human resource capacity; recognizing that a significant number of cancer patients do not complete the prescribed treatment due to the high cost of cancer management; further recognizing that the Cancer Prevention and Control Act, 2012 seeks to promote access to quality and affordable diagnostic and treatment services for persons with cancer; and to ensure sustainable capacity for the prevention and control of cancer; this House **resolves** that the Government through the National Treasury, establishes a national cancer prevention and control fund to promote prevention, control, and treatment of cancer in the country.

13*. MOTION – DEVELOPMENT AND IMPLEMENTATION OF A CHILDCARE PROGRAMME FOR CHILDREN WHOSE PARENTS ARE IN LAWFUL CUSTODY

(The Hon. Brighton Yegon, M.P.)

THAT, aware that Article 53 of the Constitution provides for the rights of children, including the right to free and compulsory basic education; further aware that section 22 of the Persons Deprived of Liberty Act and the Childcare

Policy provides for the care of a child whose parent is deprived of liberty, until the child attains the age of four years; recognizing that children above the age of four years still require parental support; further recognizing that majority of these children often suffer from emotional distress, social stigma and economic hardships; cognizant of the fact that all children should be accorded a means of maintaining their relationship with their incarcerated parents; noting that children have restricted economic resources available for their support which in turn negatively impacts their lives; this House therefore **urges** the Government, through the State Department for Social Protection and Senior Citizen Affairs, to develop and implement a programme for the care of children above the age of four years whose parents are under lawful custody.

14*. MOTION – NATIONAL POLICY ON DEWORMING OF SCHOOL-GOING CHILDREN

(The Hon. Machua Waithaka, M.P.)

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that the relationship between health and education plays a significant role in school attendance rates; concerned that the negative effects of poor sanitation, such as parasite infestations, particularly among school children lead to anaemia, stunted-growth and other salient problems which in turn lead to low school attendance and impact education standards; recognizing that, according to research, school-based deworming is one of the most cost-effective interventions that provides a huge range of holistic and social benefits, such as increased school attendance and healthier kids who do better in school, while utilizing already-existing school structures in administering deworming treatment to school pupils; recalling that, previous programmes conducted by the Ministry of Health in partnership with a non-governmental organization called *Evidence Action* have only been piloted in a few selected counties and that the deworming efforts have been uncoordinated and dependent on external support with no clear policy or budgetary framework; now therefore, this House **urges** that the National Government, through the Ministry of Health, develops a national policy on deworming school-going children as a crucial part of mainstreaming of healthcare access in the Country.

15*. MOTION – PUBLIC HEALTH CONCERNS AT LANG'ATA CEMETERY

(The Hon. Phelix Odiwuor, M.P.)

THAT, aware that, Article 42 of the Constitution provides for the right of every person to a clean and healthy environment; further aware that, Article 69 of the Constitution obligates the State to ensure sustainable utilization of the environment and natural resources including land; recognizing that the Fourth

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Schedule to the Constitution assigns to the national government the function of land planning including the general principles of land planning and the coordination of the planning by counties, as well as matters of health policy; further recognizing that there is ongoing public outcry regarding the neglect of Lang'ata public cemetery which was declared full close to two decades ago; concerned that this matter has been left unaddressed and poses a significant health risks to the public; deeply concerned that this situation has led to overcrowding and double-allocation of burial sites with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby national park; further concerned that this has caused untold anguish, pain and suffering to bereaved families, and psychological torment to the neighbouring community; now therefore, this House **urges** the National Government through the Ministry of Health to urgently conduct an assessment of the public health risks posed by the continued use of the Lang'ata Cemetery, and to institute mitigatory measures and collaborate with other stakeholders, including the Nairobi City County Government, to identify suitable alternative land for use as a cemetery.

16*. MOTION – DEVELOPMENT AND IMPLEMENTATION OF A PROGRAMME FOR VOLUNTARY REGULARIZATION OF LAND OCCUPIED BY SQUATTERS FOR A PRESCRIBED PERIOD

(The Hon. Mark Mwenje, M.P.)

THAT, aware that lack of access to ownership of productive assets, in particular to land is one of the very serious sources of economic and social insecurity for Kenyans; further aware that many communities particularly, in rural areas and informal settlements in the urban areas depend on land for their production and livelihood and therefore landlessness affects the ability to secure basic needs such as food, clothing and shelter; concerned that for the urban low income dwellers, the only way of accessing land to put up their dwellings has been to take up residence on land that is unfit for human habitation; aware that the Bill of Rights in Chapter Four of the Constitution guarantees every citizen the right to adequate housing and reasonable standards of sanitation; noting that there are very many squatters who have settled on land that belongs to either absentee landlords, un-adjudicated land, public land or community land for long periods of times, with some disputed while others are undisputed; concerned that the issue of land settlement in many urban areas particularly in the informal settlements has remained unresolved, with numerous persons remaining squatters; further aware that section 7 of the Limitation of Actions Act, 2010 provides for the right to claim for settlement on certain land after the prescribed period; recognizing the need for the Ministry of Lands to hasten the process of identifying parcels of land occupied by squatters where there are no disputes

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from any party(s); this House **resolves** that the Government develops and implements a policy for voluntary regularization of land occupied by squatters for a prescribed period, including negotiations for financial settlements across the country to address the challenges facing the said squatters.

17*. MOTION – BANNING THE GROWING OF EUCALYPTUS TREES IN THE COUNTRY

(The Hon. Moses Kirima, M.P.)

THAT, aware that, the eucalyptus tree species are popular among large scale and commercial tree farmers in Kenya; noting that, these tree species are grown in most ecological zones in the country and in particular in the *Western, Central Rift Valley, Central Kenya, parts of Eastern and the Coastal Regions* of the country; acknowledging that, farming of the eucalyptus trees has been on the rise due to their fast growth, good economic returns and diverse commercial uses such as transmission poles, fuelwood, timber, plywood, pulp, fencing posts and building materials among others; concerned that, eucalyptus trees species are majorly cited as high water depleting agents through high consumption, transpiration and evaporation thus causing the drying up of streams, rivers and depletion of groundwater water sources; deeply concerned that, the high depletion of water by the said trees has caused adverse negative effects on soil fertility, land degradation and are a serious threat to the biodiversity; recognizing that, due to the serious threats paused by the Eucalyptus trees to the biodiversity, there is need therefore for their removal and replacement with other types of trees to improve conservation of water sources and the ecosystem; this House **resolves that** the National Government through the Ministry of Environment, Climate Change and Forestry –

- (i) orders absolute banning of planting eucalyptus trees and encourages planting of indigenous species across the country;
- (ii) orders the uprooting of all eucalyptus trees and replacement with other varieties of trees particularly, indigenous species to ensure conservation of water sources and preserve the ecosystem; and
- (iii) initiates the process of putting in place punitive measures against persons who defy the above orders.

Denotes Orders of the Day

NOTICES

LIMITATION OF DEBATE

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

Limitation of Debate on Motions

- I. **THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner: A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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 Individual Members' Bills

- II. **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.



NOTICE PAPER

Tentative business for

Wednesday (Afternoon), April 26, 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 Wednesday (Afternoon), April 26, 2023—

A. **MOTION** – **RATIFICATION OF THREE HAGUE CONVENTIONS RELATING TO MATTERS OF CHILDREN**
(The Chairperson, Departmental Committee on Social Protection)

B. **MOTION** – **GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS**
(The Leader of the Majority Party)

(Resumption of debate interrupted on Wednesday, March 8, 2023 – Afternoon Sitting)

C. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**
(The Leader of the Majority Party)

Second Reading

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APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 – QUESTIONS

(Questions to Constitutional Commissions and Independent Offices pursuant to Standing Order 42G)

It is notified that, pursuant to the provisions of Standing Order 42G, the following Members will ask **questions** to Constitutional Commissions for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

163/2023

The Member for Suba South (Hon. Caroli Omondi, MP) to ask the Teachers Service Commission: -

Could the Commission –

- (i) provide details on the current deficit of teachers in both primary and secondary schools in Homa Bay, Migori, Kisumu, Siaya and Kakamega Counties?
- (ii) state the immediate plans instituted by the Commission to address the deficit in the named Counties and the timelines for implementation of the said measures?

(To be replied before the Departmental Committee on Education)

164/2023

The Member for Nakuru Town East (Hon. David Gikaria, MP) to ask the Teachers Service Commission: -

Could the Commission -

- (i) explain why some Teachers in Lion Hill Primary, Hill Crest Secondary, Nakuru Teachers Primary and Natewa High School among others schools within Nakuru Town East Sub-County, are yet to be paid enhanced house allowances?
- (ii) state when the said teachers will start receiving their enhanced house allowance and whether the payment will be backdated to the month when the affected teachers became eligible for enhanced house allowances?

(To be replied before the Departmental Committee on Education)

165/2023

The Member for Tharaka (Hon. George Murugara, MP) to ask the National Land Commission: -

Could the Commission explain -

- (i) why it has taken inordinately long to publish a Report and its findings and recommendations on the *Tunyai* 'B' Adjudication Scheme (*Gakurungu* Land Petition) to the public, having visited the site on 8th September 2021 and undertaken a public hearing?
- (ii) when will the Report be released to the public?

(To be replied before the Departmental Committee on Lands)
