



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, AUGUST 10, 2023 AT 2.30 P.M.**

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Honourable Deputy Speaker.

4. **QUORUM AT COMMENCEMENT OF THE HOUSE**

There being no quorum present at the commencement of the House, the Hon. Deputy Speaker ordered that the Quorum Bell be rung for ten minutes;

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

5. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker issued the following Communication to the House –

**The Youth Bunge Dialogue, 2023**

**“Honourable Members,** as you may have noticed, on Monday 7<sup>th</sup> August 2023, the Kenya Young Parliamentarians Association (KYAP), in partnership with *Mzalendo* Trust and other partners held a *“Youth Bunge Dialogue”* for fifty (50) youths drawn from across the forty-seven (47) counties at the County Hall Mini Chamber to launch the weeklong activity.

The event was aimed at strengthening dialogue mechanisms between youth leaders and the youth in general. It is worth noting that empowering young people as responsive actors of change in governance and developing practical recommendations for legislative interventions are pivotal aspects that align with the broader goal of building a sustainable world.

Consequently, Honourable Members, I wish to commend KYPA for organizing such an important gathering. Indeed, such forums provide an invaluable platform for young people to not only engage in critical conversations about inclusive political participation but also to foster discussions on how to equip the youth with skills to take part in nation-building with a touch of parliamentary experience.

I also wish to commend Parliamentary Staff for facilitating the event.

Honourable Members, I am aware that the youth who participated in the *Youth Bunge Dialogue* developed various practical recommendations for legislative interventions worth the attention of this House. In this regard, I will be allowing the Chairperson of the KYPA to make a Statement on the matter.

The Kenya Young Parliamentarians Association (KYPA) was formed in the year 2004 in the 9<sup>th</sup> Parliament with the goal of building capacity and enhancing the participation of young

leaders in the National Assembly. With the introduction of the Senate in 2013 due to the passing of the new constitution, the Association expanded its scope and incorporated young Senators into its membership.

Over the years, the KYPA has immensely contributed to building capacity and enhancing the participation of young leaders in Parliament. Further, the Association has provided platforms and fora that have continued to avail the opportunity for budding young leaders to launch themselves into elective politics.

Indeed, several Parliamentarians in the 13<sup>th</sup> Parliament, including some who served in previous Parliaments since the inception of the KYPA owe their election or nomination to Parliament to the Association.

Honourable Members, the affairs of the KYPA are managed by an Executive Committee that is elected at an Annual General Meeting of Members of the Association.

To this end, I wish to bring to the attention of the House that at its Annual General Meeting held on Wednesday, 2<sup>nd</sup> of August 2023 in the Small Dining Room, Parliament Buildings, Members elected the following Members to the Executive Committee –

1. The Hon. Gitonga Mukunji, MP - Chairperson;
2. The Hon. Robert Basil, MP - Vice Chairperson;
3. The Hon. Amina Udgoon, MP - Secretary-General;
4. The Hon. Gideon Kimaiyo, MP - Treasurer;
5. The Hon. Charles Nguna, MP - Vice Treasurer;
6. Sen. Esther Okenyuri, MP - Senate Representative; and
7. The Hon. Maina Karobia, MP - Youth Representative of the East African Legislative Assembly (EALA).

The Members also appointed the Member for Molo Constituency, the Hon. CPA Kuria Kimani, MP, as the Association's Patron.

Honourable Members, I congratulate the newly elected Executive Committee Members and wish them the very best in their endeavour to steer the Association to greater heights.

It is worth noting that the new Executive Committee comes at a time when the world is observing the International Youth Week that will culminate in the commemoration of the International Youth Day on Saturday, 12<sup>th</sup> August 2023 under the theme "*Green Skills for Youth: Working towards a Sustainable Global Community.*"

Finally, Honourable Members, I wish to laud all the young Members of the House who already enrolled in the KYPA and encourage those who have not done so to consider joining the Association and be part of the milestones that would be made in the 13<sup>th</sup> Parliament. I thank you!"

## **6. PETITIONS**

The following Petitions were presented to the House –

- (a) The Deputy Speaker reported the following Petition to the House Pursuant to the provisions of Standing Order 225(2)(a)–

### **Delimitation of Electoral Units**

“Honourable Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.

Honourable Members, in this regard, I wish to report to the House that my office has received a petition from Centre for Accountability, Reform and Democracy calling for delimitation of electoral units.

The Petitioners states that on 9<sup>th</sup> January 2012, the Independent Electoral and Boundaries Commission (IEBC) published the revised preliminary report relating to the delimitation of boundaries of Constituencies and Wards, which was presented to the Departmental Committee on Justice and Legal Affairs on the same date.

The Petitioners further state that after considering the recommendations by Parliament on its revised preliminary Report, the IEBC published the National Assembly Constituencies and County Assembly Wards Order, 2012 dated 6<sup>th</sup> March, 2012 published in the Kenya Gazette as Legal Notice No. 14 of 2012. The gazette informs the present constituencies and wards in place.

The Petitioners appreciate that following the publication of the final report and the National Assembly Constituencies and County Assembly Wards Order, 2012, complaints were raised regarding the manner in which 80 extra Constituencies and 1450 County Assembly Wards were created, their distribution, their names, boundaries and areas of allocation.

The Petitioners note that in accordance with the provisions of Article 89 (2) of the Constitution, the next review of boundaries of Constituencies and Wards must be undertaken and concluded not later than March 2024.

Honourable Members, the Petitioners are worried that Parliament has not developed a legal framework for the creation and determination of sub-locations that takes into account the obligation of the IEBC to progressively achieve population parity.

Honourable Members, the Petitioners aver that the Independent Electoral and Boundaries Commission (IEBC) has been dysfunctional since August 2022 General Election. The Commission is presently in limbo pending the recruitment of new commissioners thus no substantive constitutional functions can therefore be discharged by the Commission.

Honourable Members, the Petitioners therefore pray that the National Assembly engages the relevant authorities and stakeholders to take a more proactive role to ensure the review of the electoral units is carried out in a constitutionally compliant manner including meeting the deadline established under Article 89(2) of the Constitution.

Honourable Members, having determined that the matters raised by the petitioner are well within the authority of this House; and further that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.

The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2). I thank you.”

(b) Pursuant to the provisions of Standing Order 225(2)(b), the following petitions were presented to the House by Members–

- (i) Public Petition No. 43 of 2023) by the Member for Keiyo North Constituency (Hon. Adams Kipsanai) on behalf of the residents Keiyo North regarding Human-wildlife conflict in Keiyo North Constituency; and
- (ii) Public Petition No. 44 of 2023) by the Member for Member for Kilifi North Constituency (Hon. Owen Baya, MP) on behalf of teachers in Kilifi Municipality regarding Enhancement of house allowances for teachers working and residing within Kilifi Municipality.

The Petitions were referred to the Public Petitions Committee pursuant to the Standing Orders.

**7. PAPERS LAID**

The following Papers were laid on the Table:

(a) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June 2022 and the certificates therein: -

- (i) Kongoni Technical and Vocational College;
- (ii) Mungatsi Technical and Vocational College;
- (iii) Bungoma North Technical and Vocational College;
- (iv) Mumias West Technical and Vocational College;
- (v) St. Augustine Teachers' Training College – Eregi;
- (vi) Wang'a Technical and Vocational College; and
- (vii) Musakasa Technical Training Institute.

(b) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June 2022 and the certificates therein: -

- (i) Butula;
- (ii) Malava;
- (iii) Kathiani;
- (iv) Mathioya;
- (v) Mumias West;
- (vi) Teso South; and
- (vii) Machakos Town.

*(The Deputy Leader of the Majority Party)*

(c) Report of the Departmental Committee on Social Protection on its Consideration of the National Youth Council (Amendment) Bill (National Assembly Bill No. 1 of 2023)

*(Chairperson, Departmental Committee on Social Protection)*

(d) Report of the Public Petitions Committee on its Consideration of Public Petition No. 010 of 2022 by Mr. Victor Okul regarding Amendment of the Constitution to Establish Offices of the Prime Minister, Deputy Prime Minister and Official Leader of Opposition.

*(Chairperson, Public Petitions Committee)*

*(Change of Chair from the Deputy Speaker to the Sixth Chairperson of Committees)*

**8. NOTICES OF MOTION**

The following Notice of Motion was given –

**Regulatory Framework for the Moneylender Industry in the Country**

**THAT**, aware that the Consumer Protection Act, 2012 provides for the protection of the consumer and prevention of unfair trade practices in consumer transactions in line with Article 46 of the Constitution; further aware that there exists unregulated moneylenders, commonly referred to as 'shylocks', that provide loans outside the scope of formal financial institutions; noting that with the repeal of the Moneylenders Act in 1984, unscrupulous business people have exploited the loopholes to the detriment of the general public; concerned that these lenders operate outside of the formal financial sector and as such, engage in predatory practices such as high interest rates, hidden fees, unclear terms and conditions and aggressive loan recovery methods; further concerned that the absence of clear and enforceable regulations is untenable and requires immediate remedy; recognizing that the effects of these unregulated operations extend beyond financial implications but are also social and emotional with reports of depression, family breakups and even instances of suicide by borrowers due to excessive penalties and harsh recovery methods; now therefore, this House resolves that the government, through the National Treasury and Economic Planning develops a framework to regulate unlicensed money lenders to promote a fair and sustainable financial system.

*(Hon. Beatrice Kemei, MP – Member for Kericho County)*

**9. STATEMENTS**

The following Statement were made –

- (a) Statement by the Member for Manyatta Constituency (Hon. Gitonga Mukunji, MP/Chairperson of the Kenya Young Parliamentarians Association) regarding International Youth Week, 2023. In the Statement, the Member informed the House that the International Youth Day has been celebrated annually on the 12<sup>th</sup> of August every year and the year 2023 since it was first designated by the United Nations General Assembly in 1999 to raise awareness of issues affecting young people around the world, such as such as education, health care, work prospects, and equal rights.

He informed the House that the International Youth Week, 2023 was being held under the theme "*Green Skills for Youth: Working towards a Sustainable Global Community*". The Member stated that in commemorating the event in Kenya, the Kenya Young Parliamentarians Association (KYPA) in conjunction with *Mzalendo* Trust, hosted '*Youth Bunge Dialogue*' at the County Hall Mini Chamber within the Parliament Buildings on Monday, 7<sup>th</sup> August 2023. During the Dialogue, youths drawn from the forty-seven (47) Counties mimicked parliamentary debates in plenary on various thematic areas. They also held deliberations in four Committees Gender and Youth Political Inclusion Committee; Agriculture and Food Security Committee; Health care Committee; Cost of living Employment Committee; and Climate Change Committee. He informed the House that the Youth Dialogue culminated in recommendations to the House by the Committees which include: enactment of laws to address underrepresentation of youth in government and leadership structures, establishment of women's inclusion and participation fund to support young women, creation of youth friendly NHIF insurance packages, proposed establishment of a Health Service Commission, reduction of application/renewal of the cost of licenses and permits and establishment of a collaborative capacity building and climate literacy programs.

- (b) General Statement pursuant to the provision of Standing Order 43(1), by the Nominated Member of Parliament (Hon. Irene Mayaka, MP) regarding untimely passing on of the Hon Elijah Osiemo, the Member of County Assembly for Nyamaiya Ward and Leader of the Majority Party in County Assembly of Nyamira. She stated that the Member passed on following a tragic road accident that occurred on Monday, 7<sup>th</sup> August 2023 along the *Mai Mahiu – Naiwasha* Road. In the Statement, she eulogized the late Hon. Elijah as having demonstrated a lot of commitment towards service delivery to the people of Nyamaiya Ward, the entire County and the Country at large, adding that his dutifulness made him stand out among his peers, thereby earning him admiration that elevated him to the position of the Leader of Majority Party in the County Assembly of Nyamira; and,
- (c) Statement pursuant to the provision of Standing Order 44(2)(a) by the Deputy Leader of the Majority Party regarding the Business of the House for the week commencing Tuesday, August 15, 2023.

**10. MOTION – INQUIRY INTO THE MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FINANCIAL YEAR 2022/2023**

Motion having been made and Question proposed;

**THAT**, this House **adopts** the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into the Maize flour subsidy Programme for the Financial Year 2022/23, *laid on the Table of the House on Wednesday, 7<sup>th</sup> June, 2023.*

*(The Chairperson, Departmental Committee on Agriculture and Livestock)*

Debate having been concluded on Thursday, August 3, 2023;

Mover replied;

Putting of the Question deferred pursuant to Standing Order 53(3).

11. MOTION – CONSIDERATION OF THE EXCISE DUTY (AMENDMENT) REGULATIONS, 2023

Motion made and Question proposed;

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Excise Duty (Amendment) Regulations, 2023, *laid on the Table of the House on Tuesday, 1<sup>st</sup> August 2023*, and pursuant to section 15(4) of the Statutory Instruments Act, 2013, **approves** the Excise Duty (Amendment) Regulations, 2023 *published as Legal Notice No. 40 of 2023*.

*(The Chairperson, Committee on Delegated Legislation)*

Debate arising;

Mover replied;

Putting of the Question deferred pursuant to Standing Order 53(3).

12. MOTION – CONSIDERATION OF REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR VARIOUS FUNDS

Motion made and Question proposed;

**THAT**, this House **adopts** the Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Women Enterprise Fund, Coffee Cherry Advance Revolving Fund, Strategic Food Reserve Trust Fund, Equalization Fund, Mechanical and Transport Fund, National Research Fund, Youth Enterprise Development Fund, Uwezo Fund and Civil Servants Housing Scheme Fund, *laid on the Table of the House on Thursday, 15<sup>th</sup> June 2023*.

*(The Chairperson, Special Funds Accounts Committee)*

Debate arising;

*Change of Chair from the Sixth Chairperson of the Committee to the Fifth Chairperson of the Committees*

Mover replied;

Putting of the Question deferred pursuant to Standing Order 53(3)

And the time being Seven O'clock, the Fifth Chairperson interrupted proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. HOUSE ROSE - at Seven O'clock.

MEMORANDUM

The Speaker will take the Chair on  
Tuesday, August 15, 2023 at 2.30 pm