

(No. 83)

(2241)

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, OCTOBER 2, 2024 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*. THE ETHICS AND ANTI-CORRUPTION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2024)

(The Leader of the Majority Party and the Leader of the Minority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, October 2, 2024)

9*. THE KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2023)

(The Chairperson, Departmental Committee on Sports and Culture)

Second Reading

10*. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)

(The Leader of the Majority Party)

THAT, the **Senate amendments** to the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023) be now considered.

(Schedule of Senate Amendments to the Bill is published in the Notices)

11*. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)

(The Chairperson, Committee on Delegated Legislation)

THAT, the **Senate amendments** to the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) be now considered.

(Schedule of Senate Amendments to the Bill is published in the Notices)

12*. COMMITTEE OF THE WHOLE HOUSE

(i) Consideration of **Senate amendments** to the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023)
(The Leader of the Majority Party)

(Subject to Order No. 10)

(ii) Consideration of Senate amendments to the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023)
(The Chairperson, Committee on Delegated Legislation)

(Subject to Order No. 11)

13*. MOTION – FIRST REPORT ON THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS ON COMMITTEE REPORTS AND PUBLIC PETITIONS

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the First Report of the Select Committee on Implementation on the Implementation Status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Thursday, 26th October 2023.*

(Resumption of debate interrupted on Thursday, September 19, 2024) (Balance of time - 2 hours 12 minutes)

14*. MOTION – ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

THAT, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Cooperatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, *laid on the Table of the House on Thursday, 7th March 2024.*

15*. MOTION - SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

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

THAT, this House **adopts** the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, *laid on the Table of the House on Thursday, 21st March 2024*.

16*. MOTION - REPORT OF THE EXTRAORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

THAT, this House **notes** the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament, held in Midrand, South Africa, from 20th to 27th March 2024, *laid on the Table of the House on Thursday, 2nd May 2024*.

17*. THE EQUALISATION FUND (ADMINISTRATION) BILL (SENATE BILL NO. 14 OF 2023)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

18*. MOTION - CONSIDERATION OF REPORTS ON FINANCIAL STATEMENTS OF STATE CORPORATIONS (NYANZA REGION)

(The Chairperson, Public Investments Committee on Governance and Education)

THAT, this House **adopts** the Report of the Public Investments Committee on Governance and Education on its Examination of the Reports of the Auditor-General on the Financial Statements of State Corporations (Nyanza Region) for the financial year 2018/2019, 2019/2020 and 2020/2021, *laid on the Table of the House on Thursday, 25th July 2024*.

19*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

Second Reading

20*. MOTION - THIRD REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

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

THAT, this House **adopts** the Third Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the Financial Statements of the following State Corporations, *laid on the Table of the House on Tuesday, 30th July 2024—*

- (i) Kenyatta National Hospital, FY 2018/2019 and 2019/2020;
- (ii) Kenya Medical Supplies Authority, FY 2017/2018 and 2018/2019;
- (iii) Kenya Veterinary Board, FY 2018/2019, 2019/2022 and 2020/2021;
- (iv) National Authority for the Campaign against Alcohol and Drug Abuse, FY 2017/2018, 2018/2019, 2019/2020 and 2020/2021; and
- (v) Kenya Broadcasting Corporation, FY 2000/2001, 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

*	Denotes Orders of the Day*	

...../Notices*

NOTICES

NOT LATER THAN 3.00 P.M.

I. 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 Environment, Climate Change** and **Forestry** to respond to Questions as appearing in the Appendix.

II. <u>SENATE AMENDMENTS TO THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)</u>

It is notified that the Senate made the following amendments to the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023)

CLAUSE 22

Senate Amendment

THAT, Clause 22 of the Bill be amended in sub-clause (2) by deleteting the words "conduct risk management" appearing immediately after the words "the Controller may" and substituting therefor the words "advise on the appropriate risk management measures".

(The Committee recommends approval of the Senate amendment)

CLAUSE 25

Senate Amendment

THAT, Clause 25 of the Bill be amended in sub-clause (3) by inserting the following new sub- clause—

3A. On receipt of the report under subsection (3)(b), the governor shall submit the report to the respective County Assembly.

FIRST SCHEDULE

Senate Amendment

THAT, the First Schedule be amended by inserting the following new items immediately after item no. 3 —

- 3A. Each county government department dealing with matters relating to agriculture;
- 3B. Each county government department dealing with matters relating to health;

(The Committee recommends rejection of the Senate amendment)

III. <u>SENATE AMENDMENTS TO THE STATUTORY</u> <u>INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)</u>

It is notified that the Senate made the following amendments to the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) —

CLAUSE 2

Senate Amendment

THAT, Clause 2 of the Bill be amended by deleting the proposed new subsection (5) and substituting therefor the following new subsection —

- (5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution, require the Cabinet Secretary to
 - (a) publish a notice in the Gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity; and
 - (b) submit the published notice to Parliament.

(The Committee recommends approval of the Senate amendment)

CLAUSE 3

Senate Amendment

THAT, Clause 3 of the Bill be deleted.

CLAUSE 4

Senate Amendment

THAT, Clause 4 of the Bill be deleted.

(The Committee recommends approval of the Senate amendment)

CLAUSE 5

Senate Amendment

THAT, Clause 5 of the Bill be amended by deleting the clause and substituting therefor the following clause —

Amendment of section 19 of Cap 2A.

5. The principal Act is amended by deleting section 19 substituting therefor the following new section 19 —

Requirements for publishing an annulment.

- **19.** (1) Where Parliament has adopted a report or a resolution that a statutory instrument be annulled—
 - (a) the instrument shall stand annulled; and
 - (b) the Clerk of the relevant House shall publish the annulment in the Parliamentary website and shall convey the resolution of the House to the regulation making authority.
- (2) Upon receipt of the communication from the Clerk in accordance with this section, the regulation making authority shall publish the annulment in the Gazette within fourteen days.

(The Committee recommends approval of the Senate amendment)

CLAUSE 6

Senate Amendment

THAT, Clause 6 of the Bill be deleted.

CLAUSE 7

Senate Amendment

THAT, Clause 7 of the Bill be amended by deleting the clause and substituting therefor the following clause —

Amendment of section 11 of Cap 2A.

7. Section 24 of the principal Act is amended in subsection (5) by deleting the words "twenty thousand shillings" appearing immediately after the words "penalty not exceeding" and substituting therefor the words "one million shillings".

LIMITATION OF DEBATE

The House resolved on Wednesday, February 14, 2024 as follows—

Limitation of Debate on Other Committee Reports

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 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.

<u>Limitation of Debate on the Senate amendments to Bills originating in the National Assembly</u>

VI. THAT, each speech in the general debate contemplated under Standing Order 146 (Consideration of Senate amendments to Bills originating in the National Assembly) shall be limited as follows:- a maximum of one hour and thirty minutes, with not more than fifteen minutes (15) for the Mover in moving, fifteen minutes (15) for the Chairperson of the relevant Departmental Committee, and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party (if the Bill is not party-sponsored), and that five (5) 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, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

<u>Limitation of Debate on Audit Committee Reports</u>

THAT, each speech in debate on Reports of Audit Committees 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 I

Tentative business for

Thursday, October 3, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is <u>tentatively</u> scheduled to appear in the Order Paper for Thursday, October 03, 2024, subject to Resolution of the House on Wednesday (Morning), October 2, 2024—

A. <u>THE KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2023)</u>

(The Chairperson, Departmental Committee on Sports and Culture)

Second Reading

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

B. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)

(The Leader of the Majority Party)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

C. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

D. COMMITTEE OF THE WHOLE HOUSE

(i) <u>Consideration of **Senate amendments** to the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023)</u>
(The Leader of the Majority Party)

(Subject to Order No. B)

(ii) <u>Consideration of Senate amendments to the Statutory Instruments</u>
(Amendment) <u>Bill (National Assembly Bill No. 2 of 2023)</u>
(The Chairperson, Committee on Delegated Legislation)

(Subject to Order No. C)

E. <u>MOTION</u> – <u>FIRST REPORT ON THE IMPLEMENTATION STATUS</u> <u>OF HOUSE RESOLUTIONS ON COMMITTEE REPORTS</u> AND PUBLIC PETITIONS

(The Chairperson, Committee on Implementation)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

F. MOTION – ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

G. <u>MOTION</u> – <u>SECOND REPORT ON EMPLOYMENT DIVERSITY</u> <u>AUDIT IN PUBLIC INSTITUTIONS</u>

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

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

H. <u>MOTION</u> – <u>REPORT OF THE EXTRAORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)</u>

(Member of the Pan-African Parliament)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

I. THE EQUALISATION FUND (ADMINISTRATION) BILL (SENATE BILL NO. 14 OF 2023)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

J. <u>MOTION</u> – <u>CONSIDERATION OF REPORTS ON FINANCIAL STATEMENTS OF STATE CORPORATIONS (NYANZA REGION)</u>

(The Chairperson, Public Investments Committee on Governance and Education)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

A. <u>MOTION</u>- <u>CONSIDERATION OF SESSIONAL PAPER NO. 5 OF 2023</u> <u>ON THE NATIONAL POLICY ON LABOUR MIGRATION</u>

(The Chairperson, Departmental Committee on Labour)

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

B. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

Second Reading

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

C. <u>MOTION</u> – <u>THIRD REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS</u>

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

(If not concluded on Wednesday, October 2, 2024 - Afternoon Sitting)

NOTICE PAPER II

Tentative business for

Tuesday (Morning), October 8, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is <u>tentatively</u> scheduled to appear in the Order Paper for Tuesday (Morning), October 08, 2024, subject to Resolution of the House on Wednesday (Morning), October 2, 2024—

A. SPECIAL MOTION – PROPOSED REMOVAL BY IMPEACHMENT
OF HON. RIGATHI GACHAGUA, DEPUTY
PRESIDENT OF THE REPUBLIC OF KENYA
(The Hon. Mwengi Mutuse, M.P.)

NOTICE PAPER III

Tentative business for

Tuesday (Afternoon), October 8, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is <u>tentatively</u> scheduled to appear in the Order Paper for Tuesday (Afternoon), October 08, 2024—

A. SPECIAL MOTION -

PROPOSED REMOVAL BY IMPEACHMENT OF HON. RIGATHI GACHAGUA, DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

(The Hon. Mwengi Mutuse, M.P.)

(If not concluded on Tuesday, October 8, 2024 - Morning Sitting)

...../Appendix*

APPENDIX

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 Environment, Climate Change and Forestry** will respond to questions in plenary on Wednesday (Afternoon), October 02, 2024 —

QUE. NO

ORDINARY QUESTIONS

304/2023

The Member for Alego Usonga (Hon. Samuel Atandi, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary-

- (i) explain why the National Environment Management Authority (NEMA) issued a license for the construction of residential properties along Othaya Road, *Kileleshwa* on LR. No. 33734/338, despite the potential environmental impact caused by the developer?
- (ii) state why NEMA permitted the construction of the said building to proceed without public participation?
- (iii) explain why the developer has been able to continue constructing the said illegal structures, even after repeated requests and petitions from concerned residents?

105/2024

The Member for Chepalungu (Hon. Victor Koech, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary-

- (i) confirm the presence of *Lalela* Company Limited and *Naraitoi* Company Limited that are engaging in large-scale irrigation-based farming along *Amalo* River in Chepalungu Constituency?
- (ii) confirm the allegations made by the residents of surrounding villages including *Chemengwa, Kinyanga, Kobolwo, Kosia, Kamosiro, Nogirwet* and *Kamongil* area that the said companies are engaging in cloud-seeding activities, resulting in alterations to the local rainfall patterns, with some villages experiencing a complete lack of rain throughout the year despite other parts of the constituency receiving rainfall?

(iii) state the steps the Ministry intends to take to address the concerns raised by the affected residents?

106/2024 The Member for Westlands (Hon. Timothy Wanyonyi, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary-

- (i) explain the reasons behind the depletion of rivers, including the number of permanent rivers that have dried up in each county over the past four years and the plans by the Ministry to address and mitigate the situation?
- (ii) enumerate the entities and groups that discharge their effluent in rivers, along with the number of private dams constructed in the last two years and the policy statement outlining the penalties imposed on such entities for negative environmental actions?
- (iii) disclose the policy statement allowing for cultivation and re-entry of communities into forested areas, specifying the regions and roadmap for such action and the acreage likely to be affected per forest?
- (iv) outline the measures put in place to reclaim, safeguard, and sustain all riparian areas and vulnerable ecosystems within the country?

107/2024 The Member for Nakuru County (Hon. Liza Chelule, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary-

- (i) elaborate on the initiatives undertaken by the Ministry to preserve wetlands and catchment areas within the country and further state the effectiveness of such institutions?
- (ii) explain the measures the Ministry has put in place to safeguard indigenous trees planted in Kenyan forests considering the significant threat posed by charcoal burning activities?
- (iii) provide the status of the Community Forests Associations nationwide and further state the steps taken by the Ministry to ensure these associations are adequately equipped and trained to actively engage in seed propagation, particularly in light of the Government's plan to plant fifteen (15) billion trees within the next decade?

129/2024 The Member for Ruaraka (Hon. T.J. Kajwang', MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary-

A. Nairobi River pollution

- (i) State the root cause(s) of the Nairobi River pollution and why the river continues to be contaminated despite the many interventions made over the years by various institutions?
- (ii) Outline the number of facilities along the Nairobi River that are discharging effluent into the river and the steps the Ministry has taken to address the situation?
- (iii) What measures are there to address the discharge of effluent into rivers and water sources in the Country?
- (iv) Clarify whether illegal dumping and dumpsites, including the infamous Dandora dumpsite located along the Nairobi River, are contributing to the Nairobi river pollution and what measures are in place to remove illegal dumpsites and dumping along rivers, including management of waste in urban areas?

B. Noise pollution

(i) State the steps taken by the Ministry to address increasing cases of noise pollution in the country, especially in residential areas within urban centres?

130/2024 The Member for Tigania West (Hon. John Mutunga, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary-

- (i) Explain the structure of Climate Financing in Kenya outlining who the key actors are and benefits gained through climate financing to fight issues arising from climate change?
- (ii) Elaborate on how carbon credits are quantified and remunerated accordingly in the country and mechanisms in place to ensure that farmers who plant trees qualify for carbon credits?

/Appendix*(0	Cont'd)
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ORDER NO. 7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c), the following Statements will be requested—

No.	Subject	Member	Relevant Committee
1.	Rise of insecurity in Taita Taveta County	Hon. Peter Mhogho, MP (Mwatate)	Administration and Internal Security
2.	Fight against drug trafficking in the country	Hon. Tindi Mwale, MP (Butere)	Administration and Internal Security
3.	Safety of a Kenyan in Saudi Arabia	Hon. Gonzi Rai, MP (Kinango)	Defence, Intelligence and Foreign Relations