



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 12, 2023 (MORNING SITTING)

1. The House assembled at Thirty Minutes past Nine O'clock in the morning
2. The Proceedings were opened with Prayer
3. **Presiding** – Hon. Gladys B. Shollei, MP (Deputy Speaker)
4. **PAPERS**

The following papers were laid on the Table of the House:-

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022: -

- a) Management and Supervision Fund – State Department for Co-operatives;
- b) Kenya Transport Sector Project (Credit No.4926 KE and No.5410 KE) – Kenya National Highways Authority;
- c) State Department for Fisheries, Aquaculture and the Blue Economy;
- d) Revenue Statements for the Ministry of Lands and Physical Planning;
- e) Integrated Health and Environment Observatories and Legal and Institutional Strengthening for the sound management of chemicals in Africa (No.AFR/CHEMOBS Project/C/)&-2017) – Ministry of Environment and Forestry;
- f) Ministry of Water, Sanitation and Irrigation;
- g) Africa Center of Excellence in Sustainable use of insects as Food and Feeds Project (IDA Credit No.5798-KE) – Jaramogi Oginga Odinga University of Science and Technology;
- h) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA Credit No.5668-KE) – Kenya Revenue Authority;
- i) Improvement of rural roads and market infrastructure in Western Kenya Project Credit No. BMZ 2007-65 123 (KFW) – Kenya Rural Roads Authority;
- j) Kimira Oluch Smallholder Farm Improvement Project (ADF Loan No.2100150012296) – State Department for Regional and Northern Corridor Development;
- k) Multi-National Rural Livelihoods' adaptation to climate change in the Horn of Africa (ADB/ADF Grant No.5550155001201) State Department for Crop Development and Agricultural Research;
- l) Instruments for Devolution Advice and Support (IDEAS) Credit No.KE/FED/025-230 – Ministry of Devolution;
- m) Kenya Cooperation and Partnership Facility (KCPF) Project No. KE/FED 2019/041-712, Credit No.FED/2021/423-175 – Ministry of Devolution;

- n) Support to enhancement of quality and relevance in Higher Education, Science and Technology Project (ID No. P-KE-IAD-001-loan agreement – State Department for University Education;
- o) State Department for Vocational and Technical Training;
- p) Global Fund – to accelerate the reduction of TB, Leprosy and lung disease burden through provision of people-centered, universally accessible, acceptable and affordable quality services in Kenya Program – Ken-T-TNT, GA 1548 – the National Treasury;
- q) Global Fund – to reduce malaria incidence and deaths by at least 75 percent of the 2016 levels by 2023, working towards a malaria-free Kenya Program – Ken-M-TNT, GA 2064 – the National Treasury;
- r) Global Fund – to reduce morbidity and mortality caused by malaria in the various epidemiological zones by two-thirds of the 2015 level by 2020 program – KEN-M-TNT, GA 1546 – the National Treasury;
- s) Global Fund – to contribute to achieving vision 2030 through universal access to comprehensive HIV prevention, treatment and care program – KEN-H-TNT, GA 2065 – the National Treasury;
- t) Global Fund – to ensure provision of quality care and prevention of quality care and prevention services for all people in Kenya with TB, Leprosy and Lung diseases program – KEN-T-TNT, GA 2067 – the National Treasury;
- u) Petroleum Development Levy Fund (Holding Account) – The National Treasury;
- v) NEMA- GCF readiness and preparatory support: “NEMA capacity strengthening programme towards accessing climate finance from Green Climate Fund” – (Credit No: KEN-RS-003) – National Environment Management Authority; and
- w) NEMA- GCF project preparation facility: “devolved climate change Governance to strengthen resilience of communities in target counties” (Project No: KEN-PPF-) 010) - National Environment Management Authority.

(The Deputy Leader of the Majority Party)

5. **HOJA – KUPIGA MARUFUKU UZUNGUMZIAJI, UCHAPISHAJI NA USAMBAZAJI WA TAARIFA ZINAZOKUZA MAHUSIANO YA JINSIA MOJA**

Motion made and Quetion proposed:-

KWAMBA, tukifahamu kuwa, familia ndio kiungo cha msingi cha jamii, na kutambua kwamba utamaduni wa Kiafrika unathamani sana asasi ya ndoa ambayo inahakikisha kuendelea kwa binadamu kupitia uzazi; tukizingatia ukweli kwamba Ibara ya 45(2) ya Katiba inaeleza kuwa kila mtu mzima ana haki ya kufunga ndoa na mtu wa jinsia tofauti, kwa msingi wa hiari baina ya wahusika; tukitambua pia kwamba Kifungu cha 162 cha Kanuni ya Adhabu kinamtia hatiani yeyote ambaye anashiriki tendo la ngono lisilo la kawaida na mtu yeyote kinyume na utaratibu wa asili; tukizingatia kuwa mahusiano na ndoa za jinsia moja na ngono inayotokana na mahusiano haya ni kinyume na utaratibu wa asili; tukisikitika kwamba kumekuwa na ongezeko la mahusiano ya jinsia moja nchini Kenya kutokana na usambazaji wa vitabu na machapisho yanazokuza upotovu huo; tukitambua kwamba uchapishaji na usambazaji wa nyenzo zinazohusu mahusiano ya jinsia moja katika machapisho na vyombo vya habari una athari kali kwa maadili ya jamii kuhusu mwelekeo wa kijinsia; tukimaizi kwamba kuna haja ya kutekeleza sheria ili kulinda na kuhifadhi maadili ya mahusiano ya jinsia tofauti katika taifa; tukifahamu kwamba hakunauwezekano wa kuzaa kutokana na mahusiano na ndoa za jinsia moja; tukihofia kwamba kuongezeka kwa mahusiano na ndoa za jinsia moja kunaitia jamii ya wanadamu nchini katika hatari ya kutoweka;

Bunge hili hivyo basi linaazimia kwamba Serikali ipige marufuku mara moja uzungumzaji, uchapishaji na usambazaji wa taarifa zinazokuza mahusiano ya jinsia

moja nchini na kuweka mikakati ya kudhibiti maudhui hayo kwa mujibu wa Ibara ya 45(2) ya Katiba na Kifungu cha 162 cha Sheria ya Adhabu ili kuikinga jamii, hasa watoto na vijana, dhidi ya kufikiwa na mielekeo potovu ya mapenzi na ndoa ya jinsia moja.

(Hon. Mohamed Ali, MP -15.03.2023)

Debate on the Motion having been concluded on 22.03.2023;

Question put and agreed to.

6. **MOTION – REDUCTION OF COST OF ELECTRICITY IN THE COUNTRY**

Motion made and Question proposed:-

THAT, aware that the cost of electricity has been at an all-time high affecting the cost of living and doing business; acknowledging that, the Kenya Power and Lighting Company PLC (Kenya Power) procures electricity from the Kenya Electricity Generating Company PLC (KenGen), a government-owned company, and from Independent Power Producers (IPPs); recognizing that, Kenyan Power has entered into Power Purchase Agreements (PPAs) with both KenGen and the IPPs and procures power from them at unregulated rates; noting that, there is need to regulate all IPPs in the country and publicize their locations, stakeholders, directors, management and their addresses and agreements entered into with Kenya Power; cognizant that, recommendations from past taskforce reports relating to power purchase and rates have not been implemented; deeply concerned that, Kenya Power has in the past procured a larger quantity of power from the IPPs at a greater cost, rather than from KenGen, leading to higher cost of power; cognizant of the fact that, there is need to put in place policies, strategies and regulatory measures for better planning to moderate the cost of electricity and enable access to energy by all particularly in the manufacturing sector to ease the cost of production and doing business; this House therefore resolves that:

- (i) the Departmental Committee on Energy undertakes an inquiry into the operations of Kenya Power in relation to agreements entered into with IPPs, factors affecting the cost of electricity, including over-reliance on IPPs against available renewable and other energy sources, and measures to reduce it and submits a report to the House within one hundred and twenty (120) days;
- (ii) in the meantime, the Ministry and Kenya Power **should not** enter into new contracts with any IPPs until the House makes a resolution on the matter;
- (iii) informed by the reports of previous task forces on the matter, the Ministry engages in negotiations with power producers with a view to reducing the cost of power; and
- (iv) the Ministry and Kenya Power develop suitable strategies for engagements with the IPPs, in order to provide relief for electricity consumers and ensure the long-term viability and sustainability of the energy sector.

(The Hon. Jane Kagiri, M.P. -22.03.2023)

Debate resumed;

Debate concluded;

Mover replied;

Pursuant to Standing Order 53(3), the Deputy Speaker deferred the putting of the Question on the Motion following a request by the Mover.

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

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

Order deferred on the request of the Mover.

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

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

Order deferred on the request of the Mover.

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

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

Order deferred on the request of the Mover.

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

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

Order deferred on the request of the Mover.

11. **MOTION – REGULATION OF THE BETTING INDUSTRY**

Motion made and Question proposed:-

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 Act; now therefore, **this House urges** 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.

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

Debate arising;

[Change of the Chair from the Deputy Speaker to Hon. Peter Kaluma, MP]

12. HOUSE ROSE - at One O'clock

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

M E M O R A N D U M

The Speaker will take the Chair-
Today, Wednesday, April 12, 2023 at 2.30pm

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