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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON-
THE CONSIDERATION OF THE PENSIONS (AMENDMENT) BILL (*NATIONAL ASSEMBLY BILL NO. 44 OF 2022*)

THE NATIONAL ASSEMBLY	
P. / O.	
DATE: 04 JUL 2023	DAY: Tuesday
TABLED BY:	Hon. Kunia Kimani (Chairperson, Committee on Finance and National Planning)
CLERK-AT THE-TABLE:	Inzofu Mwale

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2023

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ANNEXURES

- Annexure 1: Signed list of Members who attended the sitting which considered and adopted the report
- Annexure 2: Minutes of sittings of the Committee on the consideration of the Bill
- Annexure 3: Public participation advertisement
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CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Pensions (Amendment) Bill (*National Assembly Bill No. 44 of 2022*). The Bill was published on 28th October 2022, read a First Time on 15th February 2023 and committed to the Departmental Committee on Finance and National Planning for review and reporting to the House pursuant to Standing Order 127.

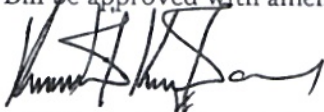
The Bill seeks to amend the Pensions Act Cap. 189 to provide a timeline within which pension shall be payable upon retirement from service. It seeks to remedy the delays in payment of pension after it is due.

Following the placement of adverts in the print media on 23rd February 2023 requesting comments on the Bill from members of the public and relevant stakeholders pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee received memoranda from Ministry of Finance and Economic Planning.

The National Treasury submitted memoranda supporting the proposed amendment as it provides a timeline for pension payment by the government. The Committee agreed with the concerns raised by the National Treasury and as such, proposed that the Pensions Act be amended further to provide for a period within which the employing government entity should submit a retiree's documents to the Pensions Department for payment of pension.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Pension (Amendment) Bill (*N.A. Bill No. 44 of 2022*). The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the National Treasury and Economic Planning for submitting their comments on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Pension (Amendment) Bill (*N.A. Bill No. 44 of 2022*) and has the honour to report to the National Assembly with the recommendation that the Bill be approved with amendments.



Hon. CPA Kuria Kimani, M.P.

Chairperson, Departmental Committee on Finance and National Planning

PART ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

1. The Departmental Committee on Finance and National Planning is one of the twenty (20) Departmental Committees of the House established under **Standing Order 216** which mandates Departmental Committees-

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- iii. on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
- iv. To study and review all legislation referred to it;*
- v. To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
- vi. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
- vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
- viii. To examine treaties, agreements and conventions;*
- ix. To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
- x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- xi. To examine any questions raised by Members on a matter within its mandate.*

1.2. Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider, public finance, public audit policies, monetary policies, financial institutions (excluding those in securities exchange), economy, investment policies, competition, banking, insurance, national statistics, population, revenue policies including taxation, national planning and development, digital finance, including digital currency.
3. The Committee oversees the Ministry of National Treasury and Planning, Commission on Revenue Allocation and Office of the Controller of Budget.

1.3. Committee Membership

4. The Committee was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson

Hon. CPA. Kuria Kimani, MP
Molo Constituency
UDA Party

Vice-Chairperson

Hon. (Amb.) CPA. Langat Benjamin Kipkirui, MP
Ainamoi Constituency
UDA Party

Members

Hon. Dr. Keynan Wehliye Adan, MP
Eldas Constituency
Jubilee Party

Hon. Biego Paul Kibichiy, MP
Chesumei Constituency
UDA Party

Hon. CPA Oyula Joseph H. Maero, MP
Butula Constituency
ODM Party

Hon. Sunkuyia George Risa, MP
Kajiado West Constituency
UDA Party

Hon. Mboni David Mwalika, MP
Kitui Rural Constituency
WDM Party

Hon. Joseph Kamau Munyoro, MP
Kigumo Constituency
UDA Party

Hon. Okuome Adipo Andrew, MP
Karachuonyo Constituency
ODM Party

Hon. Sheikh Umul Ker Kassim, MP
Mandera County
UDM Party

Hon. Kipkoros Joseph Makilap, MP
Baringo North Constituency
UDA Party

Hon. Ithinji Shadrack Mwiti, MP
South Imenti Constituency
Jubilee Party

Hon. CPA Rutto Julius Kipleting, MP
Kesses Constituency
UDA Party

Hon. Dr. CPA Ariko N. John, MP
Turkana South Constituency
ODM Party

Hon. Machele Mohamed Soud, MP
Mvita Constituency
ODM Party

1.4. Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Benjamin Magut
Senior Clerk Assistant /Head of Secretariat

Mr. Nebert Ikai
Clerk Assistant I

Mr. Joshua Ondari
Clerk Assistant II

Mr. Salem Lorot
Legal Counsel I

Mr. Benson Kamande
Clerk Assistant III

Mr. George Ndenjeshe
Fiscal Analyst III

Ms. Terry Ondiko
Fiscal Analyst III

Mr. Andrew Jumanne Shangarai
Principal Serjeant-At-Arms

Mr. Simon Odhiambo Ouko
Assistant Serjeant-At-Arms

Ms. Shamsa A. Abdi
Research Officer III

Ms. Nelly W. N Ondieki
Research Officer III

PART TWO

2 OVERVIEW OF THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2022)

2.1 ANALYSIS OF THE BILL

6. The Pensions (Amendment) Bill, 2020 seeks to amend the Pensions Act Cap.189 to provide a timeline within which pension shall be payable to an officer.
5. The Bill further seeks to remedy the delays in payment of pension upon retirement from public service

2.2 REVIEW OF THE PENSIONS (AMENDMENT) BILL, 2020

6. The Pensions (Amendment) Bill, 2022 contains two (2) clauses where clause (1) provides for the short title whereas clause 2 seeks to amend section 6 of the Pensions Act Cap. 189 by inserting a new sub-section 1A immediately after sub-section (1).
7. The new sub-section (1A) provides that the pension shall be paid within ninety days from the date such pension becomes payable.

PART THREE

3 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

8. Following the call for memoranda from members of the public through the placement of adverts in the print media on 23rd February 2023 requesting comments on the Bill and invitation of stakeholders vide letter REF: NA/DDC/F&NP/2023/025 dated 20th March 2023 only the National Treasury and Economic Planning submitted their views on the Bill. The stakeholders submitted as follows:

3.1 THE NATIONAL TREASURY AND ECONOMIC PLANNING

The National Treasury and Economic Planning through a letter Ref: TNT/PENS/15/3/(189) dated 29th March 2023 submitted as follows:

9. An amendment to the Pensions Act Cap 189 in the year 2003 (popularly known as the Musila Bill) attempted to address delay in pension payment by introducing section 16(A) which stated that:- *'A person to whom a pension or other allowance is payable under this Act shall be entitled to be retained in the service until the payment in full in gratuity payable to him consequent upon the exercise by him of his option to receive such gratuity under the provisions of this Act.'*
10. The pension payment process was dependent on various actors in the chain each with segregated mandates/responsibilities that impact the timeframe for pension payment.
11. The retirees or beneficiaries of a deceased officer had the responsibility of applying for their pension dues completing and submitting specific documents besides exercising the option for pension commutation and giving instructions on the bank account to which their pension benefits should be remitted.
12. Any delays on the part of a pensioner may occasion delays, especially in instances where family disputes and protracted succession litigation arise.
13. The second stakeholder is the employer. The employer is required to issue retirement notice to an employee one year in advance to enable them to complete the required claim forms and submit them for processing and submission to the Pensions Department at least nine months prior to his/her retirement.
14. The Pension Department being the administrator of the pension claims is the final player in the pension processing chain. It was expected that once a fully supported pension claim was submitted to the Pensions Department in the National Treasury, the claim would be finalized within the stipulated 90 days proposed in the Amendment Bill. It may be noted that the department is already processing and finalizing pension files within 90 days upon receipt of a fully supported pension claim.
15. However, the release/transmission of the pension gratuity payment to the respective pensioners/beneficiaries' bank accounts is dependent on the availability of exchequer funding which in return depends on the National Revenue inflows. It may be noted that delays in exchequer funding could pose to time-bound disbursements.
16. Whereas the intended amendment is progressive, an absolute strict timeframe may expose the Government to possible litigation in instances where the threshold is not met. Such cases could lead to class action suits that loop in many claimants within the possibility of court awards amounting to huge decretal amounts.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon reviewing the Bill, the Committee made the following observations:

17. A similar Bill, sponsored by the same Member, was considered in the 12th Parliament. The Pensions (Amendment) Bill, 2020 (National Assembly Bills No. 26 of 2020) was published on 26th August, 2020 and it was read for a first time on 10th September, 2020. The Committee tabled its report on 5th August, 2021. The Bill was read for a second time but the Committee Stage was pending hence it lapsed in the 12th Parliament.
18. In the Committee's report in the 12th Parliament, its observations were as follows—
 - i) If enacted, the Bill will make it possible for pensioners who have retired from public service to receive their pensions soon after retirement;
 - ii) An automated pension system that will link up the National Treasury Pensions Department with pension departments of all government entities should be put in place to increase efficiency in pension processing;
 - iii) The National Treasury should review the number of documentation needed for the processing of pensions to make the process easier; and
 - iv) The National Treasury should build the capacity of pensions departments in public entities to enhance their efficiency in processing pensions for their employees

PART FIVE

5.0 COMMITTEE RECOMMENDATION

19. The Committee having considered the Pensions (Amendment) Bill (N.A. Bill No. 44 of 2022) recommends that the House approves the Bill with amendments as proposed in the schedule.

PART SIX

6.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee stage:

NEW CLAUSE

20. THAT, the Bill be amended by inserting the following new clause immediately after clause 1-

1A. The Pensions Act is amended in section 3 by inserting the following new sub-section immediately after sub-section (5)-

(6) The Minister may make regulations to give effect to the provisions of section 6.

Justification

The amendment is to give the Minister (Cabinet Secretary) power to make regulations to give effect to the provisions of section 6, with regard to prompt payment of pension

CLAUSE 2

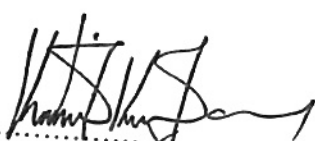
21. THAT, clause 2 of the Bill be amended by inserting the following new sub-sections-

(1B) Without prejudice to the generality of sub-section (1A), the Ministry or Department where an officer was serving prior to retirement, shall send the relevant documents to the Pensions Department within thirty days from the date of retirement of the officer.

(1C) Subject to Sub-section (1B), the Pensions Department shall process the officer's pension within sixty days of receipt of the documents.

Justification

The amendment is to set a timeline of thirty days for transmission of a retiree's documents/file by the Ministry or Department where a retiree was working to the Pensions Department. Thereafter, to require the Pension Department to process the pension within sixty days.

SIGNED.......... DATE 4th July, 2023.....

HON. CPA. KURIA KIMANI, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING



THE NATIONAL ASSEMBLY
13TH PARLIAMENT - SECOND SESSION (2023)
COMMITTEE ON FINANCE & NATIONAL PLANNING
ADOPTION LIST

Agenda: Adoption of the following Reports-

- a) Report on the vetting of CPA Mary Andeyo Wanyonyi Chebukati nominee for appointment as the Chairperson, Commission on Revenue Allocation
- b) Report on the Kenya National Population Policy for Sustainable Development
- c) Report on the Pension Bill (Amendment) (NA Bill No. 44 of 2022) by Hon. Didmus Barasa, MP

Date: 27th June 2023

Time: 10.00 am

Venue: 5th Floor Continental House

No.	NAME	SIGNATURE
1.	Hon. CPA. Kuria Kimani, MP - Chairperson	
2.	Hon. Amb. Benjamin Kipkirui Langat, MP - Vice Chairperson	
3.	Hon. Dr. Adan Keynan Wehliye, MP	
4.	Hon. George Sunkuyia Risa, MP	
5.	Hon. CPA. Joseph Maero Oyula, MP	
6.	Hon. Andrew Adipo Okuome, MP	
7.	Hon. David Mwalika Mboni, MP	
8.	Hon. Joseph Makilap Kipkoros, MP	
9.	Hon. Joseph Kamau Munyoro, MP	
10.	Hon. CPA. Julius Kipletting Rutto, MP	
11.	Hon. Paul Kibichiy Biego, MP	
12.	Hon. Umul Ker Sheikh Kassim, MP	
13.	Hon. Dr. Shadrack Mwiti Ithinji, MP	
14.	Hon. Dr. John Ariko Namoit, MP	
15.	Hon. Mohamed Soud Machele, MP	

**MINUTES OF THE 57TH SITTING OF THE DEPARTMENTAL COMMITTEE
ON FINANCE AND NATIONAL PLANNING HELD ON TUESDAY, 27TH JUNE
2023 AT 10.00 AM IN COMMITTEE ROOM ON 5TH FLOOR CONTINENTAL
HOUSE, PARLIAMENT BUILDINGS.**

PRESENT

1. Hon. CPA. Kuria Kimani, MP
2. Hon. Dr. Adan Keynan Wehliye, CBS, MP
3. Hon. David Mwalika Mboni, MP
4. Hon. George Sunkuyia Risa, MP
5. Hon. Joseph Munyoro, MP
6. Hon. Joseph Makilap Kipkoros, MP
7. Hon. CPA Julius Kipletting Rutto, MP
8. Hon. Dr. John Ariko Namoit, MP
9. Hon. Paul Kibichiy Biego, MP
10. Hon. Dr. Shadrack Mwiti Ithinji, MP

-Chairperson

ABSENT WITH APOLOGIES

1. Hon. Amb. Benjamin Kipkirui Langat, CBS, MP
2. Hon. CPA. Joseph Maero Oyula, MP
3. Hon. Andrew Adipo Okuome, MP
4. Hon. Umul Ker Sheikh Kassim, MP
5. Hon. Mohamed Soud Machele, MP

- Vice-Chairperson

IN ATTENDANCE

1. Mr. Benjamin Magut
2. Mr. Joshua Ondari
3. Mr. Benson Kamande
4. Mr. Salem Lorot
5. Mr. James Macharia
6. Mr. George Ndenjeshe
7. Ms. Nelly Ondieki
8. Ms. Joyce Wachera
9. Mr. Simon Ouko
10. Mr. Muchiri Mwangi

COMMITTEE SECRETARIAT

- Senior Clerk Assistant/Head of Secretariat
- Clerk Assistant
- Clerk Assistant III
- Legal Counsel I
- Media Relation Officer
- Fiscal Analyst
- Research officer III
- Hansard Officer
- Assistant Serjeant at arms
- Audio Recording Officer

MIN. NO. 181/2023: -

In the absence of the Chairperson and Vice-chairperson at the time of starting the meeting, Members present elected Hon. David Mwalika Mboni, MP to chair the meeting, pursuant to the provisions of Standing Order No. 188. Hon. David Mwalika Mboni, MP then called the meeting to order at 10.27 am with a word of prayer.

PRELIMINARIES

MIN. NO. 182/2023:-

ADOPTION OF THE REPORT ON
THE VETTING OF NOMINEE FOR
APPOINTMENT AS CHAIRPERSON,
COMMISSION ON REVENUE
ALLOCATION

The Committee adopted the report after being proposed and seconded by Hon. Dr. John Ariko Namoit, MP and Hon. Dr. Shadrack Mwiti Ithinji, MP respectively.

MIN. NO. 183/2023:-

ADOPTION OF THE REPORT ON
THE PENSIONS (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL
44 OF 2022)

The Committee adopted the report after being proposed and seconded by Hon. George Sunkuyia Risa, MP and Hon. Dr. John Ariko Namoit, MP respectively.

MIN. NO. 184/2023:-

ADOPTION OF THE REPORT ON
KENYA NATIONAL POPULATION
POLICY FOR SUSTAINABLE
DEVELOPMENT

The agenda was deferred.

MIN. NO. 185/2023:-

ADJOURNMENT

The chairperson adjourned the meeting at fifty-three minutes past one o'clock.

Signed.....

Chairperson

Date.....*27/06/2023*.....



SUPPLIER PREQUALIFICATION NOTICE 2023-2025

Kenya Women Microfinance Bank invites applications from interested, competent and eligible firms for pre-qualification for the under listed categories of goods, services and works for the period 2023 - 2025.

NO	CATEGORY/DESCRIPTION	NO	CATEGORY/DESCRIPTION
1	Supply of printed stationery	48	Provision of hotel accommodation services
2	Supply of rubber stamps and seals	49	Provision of general investigative services, security training and due diligence
3	Supply of non-printed stationery	50	Provision of real estate agents' services
4	Supply of branded promotional materials (mall bags, branded t-shirts etc.)	51	Provision of insurance brokerage services
5	Supply of staff uniform	52	Provision of insurance services (underwriters only)
6	Supply, installation and maintenance of signage and branding	53	Provision of payroll services
7	Supply of furniture, fittings and furnishings	54	Provision of outsourced labour services
8	Supply and maintenance of potted plants and flowers	55	Provision of towing services
	Supply and delivery of office consumables	56	Provision of security printing services (e.g. ATM card, cheque books)
	Supply of newspapers, periodicals and magazines	57	Provision of financial audit/tax services
11	Supply of drinking water and water dispensers	58	Provision of car hire services including taxis, buses and minibuses
		59	Provision of OSHA audit services
12	Supply of hardware tools and equipment	60	Provision of energy audit services
13	Supply and maintenance of firefighting equipment and fire suppression systems	61	Provision of customer service survey services
14	Supply and maintenance of generators	62	Provision of translation services
15	Supply, installation and maintenance of ATM machines	63	Provision for lease of motor vehicles
16	Supply and maintenance of safes, fire resistant cabinets and strong room doors		
17	Supply of note and coin counters, false note detectors/UV lights and shredders	64	Supply of toners and computer consumables
18	Supply of tyres and tubes	65	Supply and maintenance of ICT equipment (computers, laptops, routers etc.)
19	Supply of LPG, fuel cards and diesel	66	Supply and installation of software licenses e.g. antivirus
20	Supply, installation and maintenance of air conditioning, refrigeration services and data centre cooling services	67	Supply and installation of access control systems, intruder alarm, CCTV system and electric fencing
21	Provision of office cleaning and sanitary services	68	Provision for lease and maintenance of access control systems, intruder alarm and CCTV system and electric fencing
22	Provision of fumigation and pest control services	69	Supply and maintenance of power back-up systems UPS, and power stabilizers
23	Provision of vehicle storage	70	Supply and maintenance of telecommunication equipment (routers, PABX etc.)
24	Provision of garbage disposal services	71	Provision of structured cabling works and networks maintenance services
25	Provision of asset tagging services	72	Provision of leased printers and copiers
26	Provision of garage for repair and maintenance of bank vehicles	73	Provision of software development services
		74	Provision of IT consultancy services
		75	Provision of website development and maintenance services
27	Provision of major building construction works	76	Provision for lease of office equipment e.g. laptops, computers
28	Provision of major drainages and plumbing works	77	Provision of ICT audit and cybersecurity assessment services
29	Provision of major electrical installation, repair and maintenance works		
30	Provision of minor construction works, repairs and partitioning	78	Provision of digital marketing services
31	Provision and maintenance of mechanical ventilation system	79	Provision of outdoor advertising services
	Provision of architectural services	80	Provision of print/media advertising services
33	Provision of interior design services	81	Provision of PR & creatives services
34	Provision of mechanical engineering consultancy services	82	Provision of experiential marketing, communication and promotion services
35	Provision of electrical engineering consultancy services	83	Provision of research services
36	Provision of civil structural engineers - consortium		
37	Provision of quantity surveyor (QS) services	84	Provision of pre-employment screening and background check services
38	Provision of air travel agency services (IATA registered)	85	Provision of recruitment services
39	Provision of vehicle valuation services	86	Provision of HR consultancy services
40	Provision of property and land valuation services	87	Provision of staff training services
41	Provision of international and local courier services	88	Provision of team building services
42	Provision of security guard services		
43	Provision of cash-in-transit and offsite ATM management services	89	Provision of auctioneering and repossession services
44	Provision of event management services	90	Provision of debt collection services
45	Provision of catering services		
46	Provision of car tracking services	91	Provision of legal services (Kisii, Migori, Kisumu, Kakamega, Kitale, Eldoret, Vihara, Kericho, Machakos, Embu, Kiisi, Malindi, Hombasa, Diani, Nyeri, Embu, Mera, Thika, Nairobi)
47	Provision of photography and videography services		

The supplier prequalification exercise will be conducted online via:



Tendersure™ platform is secure, transparent and provides an efficient prequalification process. Interested suppliers may access and register on www.tendersure.co.ke under the "Available Jobs" tab. Access to the prequalification will be granted upon payment of a non-refundable fee of KES 3,000.00 per category. All payments will be made via an online payment platform during the application process. Available payment methods include M-PESA, Visa Card and MasterCard amongst others. The online prequalification exercise closes on 17th March 2023 at 10pm EAT. In case of any inquiry kindly contact us at help@tendersure.co.ke or +254 709 557 000. All existing suppliers are required to participate alongside prospective suppliers in order to be evaluated and considered. All participants who duly complete the prequalification process online will be notified of the outcome. Prequalification is not a guarantee for business opportunity, bidders will be invited to submit their quotations on need basis based on the opportunities available. Kenya Women Microfinance Bank reserves the right to accept or reject any bid in whole or in part at its discretion. Kenya Women Microfinance Bank is licensed and regulated by the Central Bank of Kenya (CBK).



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT - SECOND SESSION - 2023

In the matter of consideration by the National Assembly of:-

1. The Land (Amendment) (No.2) (National Assembly Bill No. 40 of 2022)
2. The National Transport & Safety Authority (Amendment) (National Assembly Bill No. 43 of 2022)
3. The Pensions (Amendment) (National Assembly Bill No. 44 of 2022)
4. The Cancer Prevention & Control (Amendment) (National Assembly Bill No. 45 of 2022)
5. The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)
6. The Geriatric Bill, (National Assembly Bill No. 50) of 2022.

PUBLIC PARTICIPATION (SUBMISSION OF MEMORANDA)

Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Clerk of the National Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the following Bills:

The Land (Amendment) Bill (National Assembly Bill No. 40 of 2022) sponsored by Hon. Simon King'ara, MP. The principal objective of the Bill is to amend the Land Act, No. 6 of 2012 to provide for registration of public land and land set aside for public purpose.

The National Transport & Safety Authority (Amendment) (National Assembly Bill No. 43 of 2022) sponsored by Hon. Simon King'ara, MP. The principal objective of the Bill is to amend the National Transport & Safety Act, No. 33 of 2012 to assign additional functions to the Authority to include the establishment of systems and procedures for the registration and licensing of two and three wheeled public motorcycle taxis.

The Pensions (Amendment) (National Assembly Bill No. 44 of 2022) sponsored by Hon. Abdul Dawood, MP. The principal objective of the Bill is to amend the Pensions Act, Cap. 189 to provide for a timeline within which pension shall be payable to an officer.

The Cancer Prevention & Control (Amendment) (No. 2) (National Assembly Bill No. 45 of 2022) sponsored by Hon. Dhdms Barasa, MP. The principal objective of the Bill is to amend the Cancer Prevention & Control Act, 2012 to provide for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and incorporate the use of e-health and telemedicine.

The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022) sponsored by Hon. Abdul Dawood, M.P. The principal objective of the Bill is to amend the Public Service (Values and Principles) Act, 2015 to require all state organs in the national and county governments and state corporations to submit annual reports on details of human resource in constitutional commissions, independent offices and County Public Service Boards and County Assembly Service Boards.

The Geriatric Bill (National Assembly Bill No. 50 of 2022) sponsored by Hon. Gathoni Wamuchomba, M.P. The principal objective of the Bill is to give effect to Article 57 of the Constitution by establishing a legal framework for the treatment of elderly persons.

The Bills were Read a First Time on Tuesday, 15th and Wednesday, 16th February, 2023 and pursuant to Standing Order 127(1) of the National Assembly Standing Orders, committed to Departmental Committees of the National Assembly as set out in the schedule hereunder:

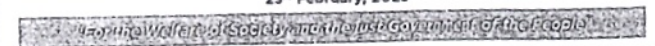
NO.	BILL	GOVERNMENT DEPARTMENT
1.	The Land (Amendment) (No.2) (National Assembly Bill No.40 of 2022)	Lands
2.	The National Transport & Safety Authority (Amendment) (National Assembly Bill No.43 of 2022)	Transport & Infrastructure
3.	The Pensions (Amendment) (National Assembly Bill No. 44 of 2022)	Finance & National Planning
4.	The Cancer Prevention & Control (Amendment) (No.2) (National Assembly Bill No. 45 of 2022)	Health
5.	The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 46 of 2022)	Labour
6.	The Geriatric Bill (National Assembly Bill No.50 of 2022)	Social Protection

Copies of the Bills are available at the National Assembly Table Office, or on www.parliament.go.ke/the-national-assembly/house-business/bills

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke; to be received on or before Wednesday, 8th March, 2023 at 5.00 p.m.

SAMUEL NJORGE
CLERK OF THE NATIONAL ASSEMBLY

23rd February, 2023



DDC
Please deal
S.S.
06/04/23



REPUBLIC OF KENYA

THE NATIONAL TREASURY AND ECONOMIC PLANNING

Telegraphic Address: 22921
FINANCE - NAIROBI
Fax No. 315779
Telephone: 2252299

THE NATIONAL TREASURY
P.O. Box 30007 - 00100
NAIROBI
KENYA

When replying please quote

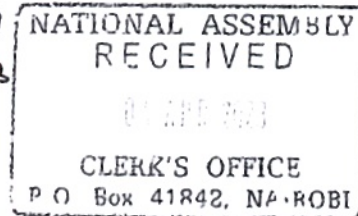
REF: TNT/PENS/15/3/(189)

Date: 29TH March, 2023

Mr. Samuel Njoroge
Clerk of the National Assembly
Parliament Buildings
NAIROBI

Benjamin Magut
pls facilitate

up to
11/4/23



Dear Mr Njoroge

CONSIDERATION OF BILLS BY THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

Reference is made to your letter No. NA/DDC/F&NP/2023/025 dated 20th March, 2023 on the captioned subject.

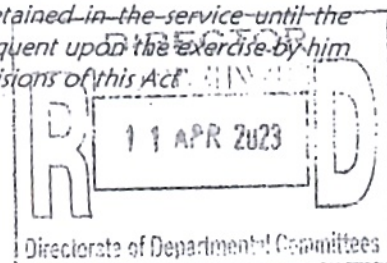
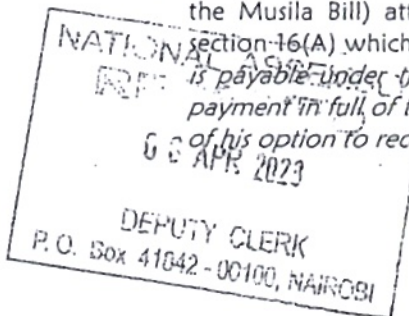
The Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022) sponsored by Hon. Didmus Baraza, MP seeks to provide for a timeline within which pension shall be paid to an officer.

The Bill seeks to amend section 6 of the Pensions Act Cap 189 by inserting the following new subsection immediately after subsection (1)-

(1A) The pension under subsection (1) shall be paid within ninety days from the date such pension becomes payable.

Our comments on the Bill are that:


- 1) An amendment to the Pensions Act Cap 189 in the year 2003 (popularly known as the Musila Bill) attempted to address delay in pension payment by introducing section 16(A) which stated that:- "A person to whom a pension or other allowance is payable under this Act shall be entitled to be retained in the service until the payment in full of the gratuity payable to him consequent upon the exercise by him of his option to receive such gratuity under the provisions of this Act."



- 2) The pension payment process is dependent on various actors in the chain each with segregated mandates/responsibilities that impact on the timeframe for pension payment.
- 3) The retiree, or beneficiary of a deceased officer has a responsibility of applying for their pension dues by completing and submitting specific documents besides exercising the option for pension commutation and giving instructions on the bank account to which their pension benefits should be remitted.
- 4) Any delays on the part of a pensioner may occasion delays and especially in instances where family disputes and protracted succession litigation arise.
- 5) The second stakeholder is the employer. The employer is required to issue retirement notice to an employee one year in advance to enable them complete the requisite claim forms and submit them for processing and submission to the Pensions Department at least nine months prior to his/her retirement.
- 6) The Pensions Department being the administrator of the pension claims is the final player in the pension processing chain. It is expected that once a fully supported pension claim is submitted to the Pensions Department in the National Treasury, the claim would be finalized within the stipulated 90 days proposed in the Amendment Bill. It may be noted that the department is already processing and finalizing pension files within 90 days upon receipt of a fully supported pension claim.
- 7) However, release/transmission of the pension gratuity payment to the respective pensioners/beneficiaries bank accounts is dependent on availability of exchequer funding which in turn depends on the National Revenue inflows. It may be noted that delays in exchequer funding could pose to time bound disbursements.

Whereas the intended amendment is progressive, an absolute strict timeframe may expose the Government to possible litigation in instances where the threshold is not met. Such cases could lead to class action suits that loop in many claimants with the possibility of court awards amounting to huge decretal amounts.

Yours

Sincerely


DR. CHRIS KIPTOO, CBS
PRINCIPAL SECRETARY

Copy to:

Prof. Njuguna Ndung'u, CBS
Cabinet Secretary
The National Treasury & Economic Planning
NAIROBI

LIST OF ANNEXURES

- Annexure 1 : Minutes of Committee sittings
- Annexure 2 : Report adoption schedule
- Annexure 3 : Analysis of submissions by stakeholders on the Bill
- Annexure 4 : Copy of the newspaper advertisement on public participation on the Bill
- Annexure 5 : Letter inviting stakeholders to submit views on the Bill
- Annexure 6 : Letter inviting stakeholders for a meeting with the Committee on the Bill
- Annexure 7 : Submissions by stakeholders

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Health on its consideration of the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022, National Assembly Bill No. 45 of 2022 by Hon. Abdul Rahim Dawood, MP which was published on 28th October, 2022. The Bill was read the First Time in the House on Wednesday, 15th February, 2023 and was thereafter committed to the Departmental Committee on Health for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The principal objective of the Bill is to amend the Cancer Prevention and Control Act, No. 15 of 2012 to make provision for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and to incorporate the use of e-health and telemedicine.

Following the placement of an advertisement in the print media on Thursday, 23rd February 2023 seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee received submissions from six (6) stakeholders.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank the sponsor of the Bill, Hon. Abdul Rahim Dawood, MP who attended the meeting at the Committee's invitation during consideration of the Bill and all stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee and the Committee Secretariat who made useful contributions towards the consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Health and pursuant to Standing Order 127 (4), it is my pleasant privilege and honour to present to this House, the Report of the Committee on its consideration of the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022, National Assembly Bill No. 45 of 2022.

HON. (DR.) ROBERT PUKOSE, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH

PART ONE

1.0 PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. The Departmental Committee on Health is established pursuant to the provisions of Standing Order 216 of the National Assembly Standing Orders and in line with Article 124 of the Constitution which provides for the establishment of the Committees by Parliament. The mandate and functions of the Committee include:
 - a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - ba) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - c) *To study and review all legislation referred to it;*
 - d) *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f) *Vet and report on all appointments where the constitution or any other law requires the national Assembly to approve, except those understanding Order 204 (Committee on appointments);*
 - g) *To examine treaties, agreements and conventions;*
 - h) *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - i) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - j) *To examine any questions raised by Members on a matter within its mandate.*
2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters related to health, medical care and health insurance including universal health coverage.
3. In executing its mandate, the Committee oversees the Ministry of Health with its two State Departments namely the State Department for Medical Services and the State Department for Public Health and Professional Standards.

1.2 COMMITTEE MEMBERSHIP

1. The Departmental Committee on Health was constituted by the House on 27th October 2022 and comprises of the following Members:

Chairperson

Hon. (Dr.) Robert Pukose, MP
Endebes Constituency
UDA Party

Vice-Chairperson

Hon. Ntwiga, Patrick Munene MP
Chuka/Igambang'ombe Constituency
UDA Party

Hon. Owino Martin Peters, MP
Ndhiwa Constituency
ODM Party

Hon. Maingi Mary, MP
Mwea Constituency
UDA Party

Hon. Muge Cynthia Jepkosgei, MP
Nandi (CWR)
UDA Party

Hon. Mathenge Duncan Maina, MP
Nyeri Town Constituency
UDA Party

Hon. Wanyonyi Martin Pepela, MP
Webuye East Constituency
Ford Kenya Party

Hon. Lenguris Pauline, MP
Samburu (CWR)
UDA Party

Hon. Kipngok Reuben Kiborek, MP
Mogotio Constituency
UDA Party

Hon. Oron Joshua Odongo, MP
Kisumu Central Constituency
ODM Party

Hon. (Dr.) Nyikal James Wambura, MP
Seme Constituency
ODM Party

Hon. (Prof.) Jaldesa GuyoWaqo
Moyale Constituency
UPIA Party

Hon. Kibagendi Antoney, MP
Kitutu Chache South Constituency
ODM Party

Hon. Mukhwana Titus Khamala, MP
Lurambi Constituency
ANC Party

Hon. Julius Ole Sunkuli Lekakeny, MP
Kilgoris Constituency
KANU

1.3 COMMITTEE SECRETARIAT

5. The Committee is supported by the following secretariat:

Mr. Hassan Abdullahi Arale
Clerk Assistant I/Head of Secretariat

Ms. Gladys Jepkoech Kiprotich
Clerk Assistant III

Ms. Marlene Ayiro
Principal Legal Counsel II

Ms. Faith Chepkemoi
Legal Counsel II

Mr. Yakub Ahmed
Media Relations Officer II

Ms. Rahab Chepkilim
Audio Recording Officer II

Ms. Abigael Muinde
Research Officer III

Mr. Hiram Kimuhu
Fiscal Analyst III

Mr. Benson Kimanzi
Serjeant-At-Arms III

Mr. Salat Abdi Ali
Senior Serjeant-At-Arms

PART TWO

2.0 OVERVIEW OF THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2) BILL, 2022, NATIONAL ASSEMBLY BILL NO. 45 OF 2022

6. The principal objective of the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022, National Assembly Bill No. 45 of 2022 (hereinafter referred to as "the Bill") is to amend the Cancer Prevention and Control Act, No. 15 of 2012 (the principal Act) to provide for training of health cadres in the specialized medical field of oncology, to include cancer treatment as part of the provision of primary healthcare and incorporate the use of e-health and telemedicine.
7. The Bill contains four (4) clauses. Clause 1 of the Bill provides the short title of the Bill.
8. Clause 2 of the Bill introduces new definitions namely "e-health" and "telemedicine" in section 2 of the Cancer Prevention and Control Act.
9. Clause 3 of the Bill expands the functions of the National Cancer Institute of Kenya to include promoting the use of e-health and telemedicine in the prevention and management of persons with cancer and promoting treatment of persons with cancer as a component of primary healthcare.
10. Clause 4 of the Bill amends section 31 of the Cancer Prevention and Control Act, No. 15 of 2012 by introducing a new sub-section that requires the National Cancer Institute of Kenya to collaborate with the national government department responsible for health to promote the training of human resource for oncology services.

PART THREE

3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

3.1 LEGAL PROVISION ON PUBLIC PARTICIPATION

11. Article 118 (1) (b) of the Constitution of Kenya provides as follows—

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

12. Standing Order 127(3) provides that—

“The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

13. Standing Order 127(3A) further provides that—

“The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”

3.2 PUBLIC PARTICIPATION IN THE REVIEW OF THE BILL

14. The Cancer Prevention and Control (Amendment) (No. 2) Bill, 2022, sponsored by Hon. Abdul Rahim Dawood was published on 28th October 2022. Pursuant to Standing Order 127(1), the Bill was committed to the Departmental Committee on Health having been read the First Time in the House on 15th February 2023.
15. Pursuant to the aforementioned provisions of the Constitution and Standing Orders, on public participation, the Committee through local daily newspapers of Thursday, 23rd February 2023 published an advertisement inviting the public to submit memoranda on the Bill. The advertisement is annexed to this report as Annexure 4.
16. The Committee also sought comments on the Bill from relevant stakeholders namely the Ministry of Health, the National Cancer Institute of Kenya, the Office of the Attorney General and the Kenya Law Reform Commission vide letter dated 11th July 2023 annexed to this report as Annexure 5.
17. Further, vide a letter dated 11th July 2023 annexed to this report as Annexure 6, the Committee invited various stakeholders including the Office of the Attorney General and the Ministry of Health to make submissions on the Bill. The meeting was held on Tuesday, 18th July, 2023 at the 2nd Floor Boardroom, Continental House, Parliament Buildings.

3.2.1 SUBMISSIONS ON THE BILL

18. The Committee received submissions through oral presentations and written memoranda from the following institutions:
- (a) The Ministry of Health, State Department for Medical Services;
 - (b) The National Cancer Institute of Kenya (NCI-Kenya);
 - (c) The Office of the Attorney General and Department of Justice;
 - (d) The Kenya Law Reform Commission (KLRC);
 - (e) The Law Society of Kenya (LSK); and
 - (f) The Kenya Society of Hematology and Oncology (KESIHO) - An organization of cancer stakeholders in Kenya from health care professionals, experts in cancer advocacy and education, pharmaceutical companies supplying cancer medicines and equipment, cancer patients, survivors and their relatives.
19. The **Ministry of Health, State Department for Medical Services**, whilst expressing its agreement with the position taken by the National Cancer Institute of Kenya, submitted as follows:
- (a) The Ministry supported the introduction of the proposed definitions in clause 2 as well as the introduction of the additional function of NCI-Kenya of promoting the use of e-health and telemedicine for the prevention and management of persons with cancer as proposed in the new paragraph (ba) in clause 3. The Ministry noted that these additions were well aligned with the health sector's focus on the use of technology to enhance access to services;
 - (b) The Ministry supported clause 4 which proposes the inclusion of sub-section (3) to section 31 of the Cancer Prevention and Control Act. The Ministry cited that this was going to ensure provision of quality oncology services by trained oncology specialists; and
 - (c) The Ministry proposed an amendment to clause 3 by replacing the word "treatment" with "management" in the proposed paragraph (bb) as cancer treatment is a specialized service that cannot be provided at the primary health care setting. The Ministry submitted that using the word "management" is appropriate as it encompasses prevention, screening, early detection and palliative care which can be provided at the primary health care level.
20. The **National Cancer Institute of Kenya** submitted as follows:
- (a) The Institute supported the introduction of the proposed definitions in clause 2 as well as the introduction of the additional function of NCI-Kenya of promoting the use of e-health and telemedicine for the prevention and management of persons with cancer as proposed in the new paragraph (ba) in clause 3. The Institute noted that these additions were in line with the current technological advancements in the health sector as they sought to enhance service provision and information sharing;

- (b) The Institute proposed an amendment to clause 3 by replacing the word “treatment” with “management in the proposed paragraph (bb) as cancer treatment is a specialized service that cannot be provided at the primary health care setting. The Institute submitted that using the word “management” was appropriate as it encompasses prevention, screening, early detection and palliative care which can be provided at the primary health care level;
- (c) The Institute supported clause 4 however it proposed that the clause be redrafted as follows—
“The Institute shall collaborate with the national government, universities, middle level colleges and the private sector to promote the training of oncology professionals”. This would promote a multi-disciplinary approach in the provision of oncology care by focusing on training of health care workers from all cadres in oncology; and
- (d) The Institute proposed the addition of the following new paragraphs in clause 3—
*“to provide for e-health and telemedicine infrastructure in all cancer treatment centres”; and
 “to provide regulate and secure e health, provision of cancer diagnosis, treatment and rehabilitation services”.* The Institute indicated that these additions would enhance service provision and information sharing within the health sector.

21. The **Office of the Attorney-General and Department of Justice** whilst supporting the Bill, went ahead to propose an amendment of the proposed new paragraph (ba) by deleting the words “persons with” e-health and telemedicine should prevent and manage cancer and not persons with cancer.

22. The **Kenya Law Reform Commission** whilst supporting the Bill, submitted as follows:

- (a) The Commission supported the expansion of the functions of the National Cancer Institute of Kenya to include promotion of use of e-health and telemedicine in the prevention and management of persons with cancer and the promotion of the treatment of persons with cancer as a component of primary healthcare;
- (b) The Commission noted that Bill was aligned to, and supported the implementation of the Kenya Cancer Policy 2019-2030 and the National Cancer Control Strategy 2023-2027 which encourages the use of digital innovations to improve cancer treatment; and
- (c) The Commission noted that the Bill promoted the use of e-health and telemedicine for the treatment of persons with cancer in statutory harmony with the Health Act, No. 21 of 2017.

23. The **Law Society of Kenya (LSK)** whilst supporting the Bill, submitted as follows:

- (a) The LSK noted that Bill is progressive as it would revolutionize cancer treatment as utilization of e-health and telemedicine would increase access to specialized care, enhance early detection and diagnosis and facilitate remote monitoring of patients undergoing treatment hence reducing the cost of cancer treatment; and
- (b) The LSK indicated that the Bill sought to entrench the provision of cancer treatment as an integral part of primary healthcare thereby ensuring accessible and comprehensive care for all cancer patients in Kenya especially at the community level. This integration would promote early detection, prevention and timely intervention

that would improve outcomes and reduce cancer burden on individuals and the society at large;

- (c) The LSK further noted that the Bill should be enacted as it offered a collaborative, cost-effective and comprehensive patient-centered approach to cancer care which was a significant step towards the improvement of cancer prevention, control and treatment outcomes in the country.

24. The **Kenya Society of Hematology and Oncology (KESHO)** whilst supporting the Bill, submitted as follows:

- (a) KESHO proposed the deletion of the expression "Cabinet Secretary" and its substitution with the words "people of Kenya" in section 5(a) of the Cancer Prevention and Control Act, 2012. It explained that current section 5 (a) restricts the NCI-Kenya's function to reporting to the Cabinet Secretary and yet the NCI-Kenya has been engaging directly with Kenyans from all walks of life;
- (b) KESHO proposed the deletion of the word "co-ordinate" and substitution with the word "promote" in section 5 (d) of the Cancer Prevention and Control Act, 2012. It indicated that the function of coordination of services provided in Kenya for the welfare and treatment of persons with cancer could not be successfully implemented by a single institute. It requires nationwide infrastructure comprising of personnel and offices in all counties as happens in other developed countries. The Ministry of Health already has such infrastructure;
- (c) KESHO proposed the deletion of paragraph (i) of section 5 of the Cancer Prevention and Control Act, 2012 citing that the provision was vague. The provision suggests that the NCI-Kenya has funds to subscribe to journals and buy textbooks etc. and then distribute the same to all institutions which was untenable even in developed countries;
- (d) KESHO proposed the deletion of the words "national government department responsible for public health" and substitution with the words "Ministry of Health and Education" in section 33(2) of the Cancer Prevention and Control Act, 2012. It noted that education and information on cancer was cross-cutting and the NCI-Kenya was already working with all the relevant stakeholders including Universities and Kenya Medical Research Institute (KEMRI) beyond the Ministry of Health;
- (e) KESHO proposed the deletion of the words "in collaboration with the Institute, shall conduct" appearing in section 32 and 33 of the Cancer Prevention and Control Act, 2012 and substitution therefor with the words "the institute will work with county governments" and "the Institute will work with cities or urban areas" respectively. It indicated that cancer institutes worldwide did not have capacity to enforce such collaboration. County governments and cities may also decide to conduct cancer campaigns on their own without collaboration with the NCI-Kenya; and
- (f) KESHO proposed the deletion of subsection (1) of section 36 of the Cancer Prevention and Control Act, 2012 and noted that the NCI-Kenya should make its own internal rules. Cancer care in Kenya should not be a reserve of a singular person.

25. The Report contains an analysis of the above stakeholder submissions on the Bill noting the general comments in support of or against the amendments. The analysis is presented in a table annexed to this report as Annexure 3 which highlights the stakeholder comments and the Committee resolution on the various clauses of the Bill.

PART FOUR

COMMITTEE OBSERVATIONS

26. The Committee having considered the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022, National Assembly Bill No. 45 of 2022 and submissions from stakeholders makes the following observations:

- (a) E-health and telemedicine are recognized as key facilitators of effective health service delivery under the Health Act, No. 21 of 2017;
- (b) The amendment expands the functions of the National Cancer Institute of Kenya to include the promotion of the use of e-health and telemedicine in the management of cancer. This is in line with the government's plan of leveraging on technology to enhance service delivery in the health sector generally and improvement in the management of cancer care in particular, as espoused in the Health Act, No. 21 of 2017, the National Cancer Control Strategy 2023-2027 and the Kenya Cancer Policy 2019-2030;
- (c) The amendment also provides for the training of all health cadres in oncology. This will guarantee the provision of quality oncology services facilitating the realization of the right to the highest attainable standard of health guaranteed under Article 43(1)(a) of the Constitution of Kenya, 2010;
- (d) The amendment further entrenches and integrates cancer care as a component of primary health care which presents numerous benefits in the fight against cancer in the country. The amendment will therefore ensure that preventive and promotive health services at the community, dispensary and health centres support the management of cancer through addressing risk factors, awareness creation, education, behaviour change screening, treatment of pre-cancerous lesions, streamlined referral pathway, psychological support, nutritional support, palliative and supportive care among others; and
- (e) Cancer treatment, being a highly specialized service cannot be provided at the primary healthcare setting as it requires specialized health workers and equipment. The Bill should therefore provide for cancer management as opposed to cancer treatment as the former encompasses prevention, screening, early detection, diagnosis, supportive care, treatment and palliative care which can be provided at the primary healthcare setting.

PART FIVE

5.0 COMMITTEE RECOMMENDATIONS

Upon considering the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022, National Assembly Bill No. 15 of 2022 and submissions from stakeholders, the Committee recommends the following amendments:

CLAUSE 3

THAT Clause 3 of the Bill be amended—

(i) in the proposed new paragraph (ba), by deleting the words "persons with".

Justification: E-health and telemedicine should prevent and manage cancer and not persons with cancer.

(ii) in the proposed new paragraph (bb), by deleting the word "treatment" and substituting therefor the words "the management".

Justification: Use of the word "treatment" is limiting. Management is more appropriate as it is construed broadly in the medical field as encompassing diagnosis, treatment and supportive care.

(iii) by inserting the following new paragraphs immediately after the proposed new paragraph (b)---

"(bc) to secure and regulate the use of e-health in cancer management and the provision of cancer diagnosis, treatment and rehabilitation services and other medical care related to cancer;"

Justification: To expand the functions of the National Cancer Institute of Kenya for enhanced service provision and information sharing on cancer management.

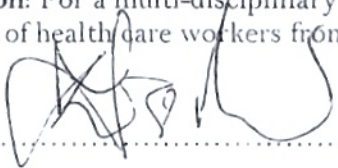
CLAUSE 4

THAT Clause 4 of the Bill be amended by deleting the proposed new subsection (3) and substituting therefor the following new subsection—

"(3) The Institute shall collaborate with the national government, universities, colleges and the private sector to promote the training of oncology professionals".

Justification: For a multi-disciplinary approach in the provision of oncology care through focus on training of health care workers from all cadres in oncology.

SIGNED.....



DATE.....

1/8/2023

HON. DR. ROBERT PUKOSE, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH



THE NATIONAL ASSEMBLY

13TH PARLIAMENT – SECOND SESSION (2023)

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ADOPTION LIST OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON THE
CONSIDERATION OF THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2) BILL, 2022,
2023

We, the undersigned Members of the Departmental Committee on Health do hereby append our
signatures to adopt this Report Date: 27/7/2023

NO	NAME	SIGNATURE
1.	The Hon. Dr. Pukose Robert, M.P -Chairperson	
2.	The Hon. Ntwiga Patrick Munene, M.P -Vice-Chairperson.	
3.	The Hon. Dr. Nyikal James Wambura, M.P.	
4.	The Hon. Titus Khamala, M.P	
5.	The Hon. Sunkuli Julius Lekakeny Ole, EGH, EBS, M.P.	
6.	The Hon. Prof. Jaldesa Guyo Waqo, M.P.	
7.	The Hon. Owino Martin Peters, M.P.	
8.	The Hon. Wanyonyi Martin Pepela, M.P	
9.	The Hon. Lenguris Pauline, M.P	
10.	The Hon. Mary Maingi, MP	
11.	The Hon. Muge Cynthia Jepkosgei, M.P	
12.	The Hon. Oron Joshua Odongo, M.P.	
13.	The Hon. Kibagendi Antony, M.P.	
14.	The Hon. Mathenge Duncan Maina, M.P	
15.	The Hon. Kipngor Reuben Kiborek, M.P	

Health committee

Annexure 1 : Minutes of Committee sittings

MINUTES OF EIGHTY THIRD SITTING OF THE DEPARTMENTAL
COMMITTEE ON HEALTH HELD IN PANARI HOTEL ON TUESDAY, 27TH
JULY, 2023 AT 9.00 A.M

PRESENT

1. The Hon. Dr. Pukose Robert, M.P – **Chairperson**
2. The Hon. Dr. Nyikal James Wambura, M.P.
3. The Hon. Sunkuli Julius Lekakeny Ole, EGH, EBS, M.P
4. The Hon. Titus Khamala, M.P
5. The Hon. Oron Joshua Odongo, M.P
6. The Hon. Kibagendi Antony, M.P
7. The Hon. Prof. Jaldesa Guyo Waqo, M.P
8. The Hon. Mary Maingi, MP
9. The Hon. Mathenge Duncan Maina, M.P
10. The Hon. Lenguris Pauline, M.P
11. The Hon. Muge Cynthia Jepkosgei, M.P
12. The Hon. Wanyonyi Martin Pepela, M.P

ABSENT WITH APOLOGY

1. The Hon. Ntwiga Patrick Munene, M.P -**Vice-Chairperson.**
2. The Hon. Owino Martin Peters, M.P
3. The Hon. Kipngor Reuben Kiborek, M.P

COMMITTEE SECRETARIAT

1. Mr. Hassan A. Arale - Clerk Assistant II
2. Ms. Gladys Kiprotich - Clerk Assistant III
3. Ms. Faith Chepkemoi - Legal Counsel II
4. Ms. Abigel Muinde - Research Officer III
5. Mr. Benson Kimanzi - Serjeant At Arms
6. Mr. Hiram Kimuhu -Fiscal Analyst III
7. Ms. Rahab Chepkilim - Audio Officer
8. Mr. Mageka -Media Relations

INATTENDANCE – MINISTRY OF HEALTH AND KMTC

1. Ms. Mary Muthoni
Professional Standards -PS-State Department for Public Health
2. Dr. Kelly Oluoch -CEO KMTC
3. Ambassador.Rubure Muita -KMTC Chair
4. Dr. Mwangi-DDA -KMTC
5. Ms. Lucy Kuria - DEP.REGISTRA QA-KMTC
6. Mr. Adan Harakhe -DA-SDPH\$PS
7. Mr. Collins William -PCO-MOH
8. Mr. Fredick Omiah -PLO-PRN MOH-SDPH\$PS
9. Mr. Simon Karanja -MOH-PH\$PS
10. Ms. Jacinta Kinuthia -MOH- PH\$PS
11. Ms. Elizabeth Ochanda - SDPH\$PS
12. Ms. Gladys Tum -MOH-PLO

MIN. NO. NA/DC-H/2023/315: PRELIMINARIES/INTRODUCTION

The meeting was called to order at 10.00 a.m with a word of prayer by The Hon. Dr. Pukose Robert, M.P -Chairperson.

The Chairperson welcomed everyone into the meeting. He then requested everyone to introduce themselves before inviting the principal secretary to make submissions.

**MIN. NO. NA/DC-H/2023/316: SUBMISSION BY THE PRINCIPAL SECRETARY
STATE DEPARTMENT FOR PUBLIC HEALTH PROFESSIONAL STANDARDS**

The principal secretary submitted that, KMTC Board resolved to partner with KUCCPS to have KMTC students 2023/2024 admitted through KUCCPS system. Subsequently, senior management staff of KMTC and KUCCPS held consultative meetings which culminated into a draft Memorandum of Understanding (MOU) to provide a framework for a working relationship between KUCCPS and KMTC.

Based on the above the September 2023 student intake admission was advertised through the KUCCPS portal on 24th July 2023 with closing date of 4th August 2023.

The Memorandum of Understanding (MOU) to provide collaboration on admission of students between KUCCPS and KMTC was submitted to the Ministry for concurrence.

MEMBERS CLARIFICATIONS

- a) The Committee seeks to understand the Difference between placement and admission by the KUCCPS.
- b) The KMTC to explain on how it will ensure fairness in distribution of student's admissions to ensure regional balance.
- c) Whether the advice on memorandum of understanding (MOU) between KMTC and KUCCPS in regards to placement of KMTC students 2023/2024 through KUCCPS system was sought from the office of the Attorney General.
- d) Where there any fake certificates detected by KMTC during the previous admission.
- e) The Committee sort to understand if there were any principles between government agencies to ensure uniformity in policy which checks compliance with the laws and statute.
- f) Does KMTC have a legal department and what was the best advice and did it give the power to KUCCPS.

RESPONSE

KUPPS will do replacement of qualified students to the various courses, (it will receive and sort applications) KMTC will receive a list of the qualified applicants from KUPPS for admission. KMTC was aiming to leverage on the existing technology at KUPPS that provides for automated verification of the KCSE certificates with Kenya National Examination Council. Previously KMTC would subject the certificates uploaded by the applicants for verification by the Kenya National Examination Council.

During the previous year's admission KMTC, had detected one hundred and seventy-five fake certificated uploaded by applicants.

On the issue of whether KMTC will lose/forgo any monies (Ain Aid) collected from the applicants, the committee was informed that KMTC charges Ksh 2,000 from each applicant. Half (Ksh 1,000) of the amount will be paid to KUCCPs for the services offered while KMTC will retain the balance.

RECOMMENDATION

The committee recommend extension of admission days by KUCCPS by additional 10 days to closed on date 15th August, 2023.

WAYFORWARD

The committee resolved to have a meeting on Thursday 10th August, 2023 with Principal Secretary State Department for Higher Education and Research, Chief Executive Officer for Kenya Universities and Colleges Central Placement Service (KUCCPS) Ministry of Education together with the KMTC Chief Executive Officer and the KMTC Board.

MIN. NO. NA/DC-H/2023/317: ADOPTION OF THE REPORT ON THE CANCER PREVENTION AND CONTROL (AMENDMENTS) (NO.2) BILL, 2022, NATIONAL ASSEMBLY BILL NO. 45 OF 2022 BY THE HON. ABDUL RAHIM DAUD MP

The report on the Cancer Prevention and Control (Amendments) (No.2) Bill, 2022, National Assembly Bill No. 45 of 2022 by the Hon. Abdul Rahim Daud, was confirmed as the true record of the Committee deliberations after it was proposed by the Hon. Sunkuli Julius Lekakeny Ole, EGH, EBS, M.P and seconded the Hon. Prof. Jaldesa Guyo Waqo, MP. as follows; that,

- (a) E-health and telemedicine are recognized as key facilitators of effective health service delivery under the Health Act, No. 21 of 2017;
- (b) The amendment expands the functions of the National Cancer Institute of Kenya to include the promotion of the use of e-health and telemedicine in the management of cancer. This is in line with the government's plan of leveraging on technology to enhance service delivery in the health sector generally and improvement in the management of cancer care in particular, as espoused in the Health Act, No. 21 of 2017, the National Cancer Control Strategy 2023-2027 and the Kenya Cancer Policy 2019-2030;
- (c) The amendment also provides for the training of all health cadres in oncology. This will guarantee the provision of quality oncology services facilitating the realization of the right to the highest attainable standard of health guaranteed under Article 43(1)(a) of the Constitution of Kenya, 2010;
- (d) The amendment further entrenches and integrates cancer care as a component of primary health care which presents numerous benefits in the fight against cancer in the country. The amendment will therefore ensure that preventive and promotive health services at the community, dispensary and health centres support the management of cancer through addressing risk factors, awareness creation, education, behaviour change screening, treatment of pre-cancerous lesions, streamlined referral pathway, psychological support, nutritional support, palliative and supportive care among others; and
- (e) Cancer treatment, being a highly specialized service cannot be provided at the primary healthcare setting as it requires specialized health workers and equipment. The Bill should therefore provide for cancer management as

opposed to cancer treatment as the former encompasses prevention, screening, early detection, diagnosis, supportive care, treatment and palliative care which can be provided at the primary healthcare setting.

COMMITTEE RECOMMENDATIONS

Upon considering the Cancer Prevention and Control (Amendment) (No.2) Bill, 2022, National Assembly Bill No. 45 of 2022 and submissions from stakeholders, the Committee recommends the following amendments:

1. CLAUSE 3

THAT Clause 3 of the Bill be amended—

(i) in the proposed new paragraph (ba), by deleting the words “persons with”.

Justification: E-health and telemedicine should prevent and manage cancer and not persons with cancer.

(ii) in the proposed new paragraph (bb), by deleting the word “treatment” and substituting therefor the words “the management”.

Justification: Use of the word “treatment” is limiting. Management is more appropriate as it is construed broadly in the medical field as encompassing diagnosis, treatment and supportive care.

(iii) by inserting the following new paragraphs immediately after the proposed new paragraph (bb)—

“(bc) to secure and regulate the use of e-health in cancer management and the provision of cancer diagnosis, treatment and rehabilitation services and other medical care related to cancer;”

Justification: To expand the functions of the National Cancer Institute of Kenya for enhanced service provision and information sharing on cancer management.

2. CLAUSE 4

THAT Clause 4 of the Bill be amended by deleting the proposed new subsection (3) and substituting therefor the following new subsection—

“(3) The Institute shall collaborate with the national government, universities, colleges and the private sector to promote the training of oncology professionals”.

Justification: For a multi-disciplinary approach in the provision of oncology care through focus on training of health care workers from all cadres in oncology.

MIN. NO. NADC-H/2023/318: ADJOURNMENT

There being no any other business, the Chairperson, adjourned the meeting at exactly 1.30 p.m.

Sign.......... Date..... 1/8/2023

HON. DR. ROBERT PUKOSE, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH