



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 13, 2018**

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

The Speaker conveyed the following Message –

“Honourable Members, pursuant to the provisions of Standing Order No. 42(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from His Excellency the President seeking the National Assembly’s approval of Justice (Rtd.) Paul Kihara Kariuki for appointment as the Attorney-General, in exercise of powers vested in him under Article 156(2) of the Constitution.

Section 8 of the Public Appointments (Parliamentary Approval) Act provides that the relevant Committee of the House will consider the suitability or otherwise of the nominee and table its report for consideration by the House within fourteen (14) days from the date the notification of nomination is conveyed to the House. Further, the Act requires that the public be given seven (7) days notification to submit their views regarding the suitability or otherwise of the nominee proposed for appointment to an office requiring Parliamentary approval.

In this regard, and in accordance with the provisions of Article 259(5)(a) of the Constitution as read together with section 5 of the said Act, the seven (7) days’ notification to the public shall start running on the day following the day when the notice is published in the dailies.

Honourable Members, it is advisable that the relevant Committee expeditiously proceeds to notify the nominee and the public, commence the approval hearing after the seven day notification period, and table a Report on or before Tuesday, 27th March, 2018 to enable the House to consider the matter within the statutory timelines. This Message, together with the Curriculum Vitae of the nominee therefore, stands committed to the Committee on Appointments for consideration. Thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

a) Annual Reports and Financial Statements in respect of the following institutions for the Financial Year 2015/2016: -

- (i) Kenya Ports Authority; and
- (ii) The Teachers Service Commission (TSC).

b) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2017 and the certificates therein:-

- i) Witness Protection Agency;
- ii) Kenya Film Classification Board;
- iii) Political Parties Fund;
- iv) The Office of the Registrar of Political Parties;
- v) Kenya School of Law;
- vi) Nairobi Centre for International Arbitration;
- vii) Kenya Bureau of Statistics;
- viii) State Department for Broadcasting and Telecommunications; and
- ix) Anti-Doping Agency of Kenya.

(d) Report of the Public Accounts Committee on the Accounts of National Cohesion and Integration Commission, Commission on Revenue Allocation, Ethics and Anti- Corruption Commission, National Lands Commission, the National Assembly and the Parliamentary Service Commission for the year 2015/2016

*(Chairperson, Public Accounts Committee)*

(e) Report of the Departmental Committee on Justice and Legal Affairs on the vetting of a Nominee for appointment as Solicitor General

*(Chairperson, Departmental Committee on Justice and Legal Affairs)*

(f) Report of the Committee on Delegated Legislation on the National Construction Authority (Amendment) Regulations, 2017

*(Vice Chair, Departmental Committee on Delegated Legislation)*

(g) Report of the Departmental Committee on Finance and Planning on the Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No.44 of 2017)

*(Chairperson, Departmental Committee on Finance and Planning)*

6. **NOTICES OF MOTION**

The following Notices were given –

- (i) KWAMBA, tukifahamu Kifungu cha 43 cha Katiba ya Kenya kimeweka wazi kwamba kila Mkenya ana haki ya kuwa na kiwango bora cha afya kinachojumuisha afya bora ya uzazi; aidha, katika utaratibu wa Ajenda ya Maendeleo ya baada ya Mwaka wa 2015, dunia imewajibikia Afya kwa Wote na kutimiza Lengo Endelevu la Maendeleo la tatu (SDG-3) kuhakikisha na kuendeleza maisha na afya bora kwa wote; tukiafiki, uwekezaji katika sekta bora ya afya ni muhimu kuhakikisha kila mtu anapata huduma za kimsingi za afya bila kuzingatia eneo analotoka au hali yake ya kiuchumi; tukitambua, asilimia 80 hutegemea huduma ya afya ya umma ilihali kuna hospitali mbili pekee za rufaa nchini ambazo ni Hospitali ya Kitaifa ya Kenyatta -Nairobi na Hospitali ya Rufaa na Mafunzo ya Moi- Eldoret; tukizingatia, Kifungu cha ishirini na tano (25) kikiambatanishwa na Mpangilio wa Kwanza wa Sheria ya Afya, 2017 kinasema kutakuwa na hospitali ya kitaifa ya rufaa katika kila gatuzi (Level 6); Bunge hili linahimiza Serikali kuharakisha kuwepo Hospitali ya Rufaa ya Kitaifa katika Kaunti ya Mombasa ili kufanikisha huduma zote za afya zinazohitajika eneo hilo zitumiazo teknolojia pevu na wataalamu wa hali ya juu pamoja na kutoa mafunzo kwa wahudumu wa afya kabla na baada ya kuhitimu.

*(Mbunge wa Nyali)*

- (ii) THAT, this house adopts the Report of the Public Accounts Committee on accounts of the National Cohesion and Integration Commission (NCIC), Commission on Revenue Allocation (CRA), Ethics and Anti – Corruption Commission (EACC), National Lands Commission (NLC), the National Assembly (NA) and the Parliamentary Service Commission (PSC) for the year 2015/2016

*(Chairperson, Public Accounts Committee)*

- (iii) THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of the nominee for appointment as the Solicitor General, laid on the Table of the House on *Tuesday, March 13, 2018*, and pursuant to the provisions of Section 9(1) of the Office of the Attorney-General Act, 2012 approves the appointment of Mr. Kennedy Nyabuti Ogeto the Office of the Solicitor General

*(Chairperson, Departmental Committee on Justice and Legal Affairs)*

- (iv) THAT, this House adopts the Report of the Committee on Delegated Legislation on the National Construction Authority (Amendment) Regulations, 2017, laid on the Table of the House on *Tuesday, March 13, 2018*, and pursuant to the provisions of Standing Order 210 (4)(b) **annuls in entirety the said regulations.**

*(Vice Chairperson, Departmental Committee on Delegated Legislation)*

**7. STATEMENT PURSUANT TO STANDING ORDER 52(h)**

Pursuant to Standing Order 52(h), the Member for Murang'a County (Hon. Sabina Chege) made Statement regarding privilege relating to privacy and security of Members of Parliament;

Thereupon, the Member informed the House that several Members have over the past few weeks fallen victims to a fraud of scam through con individuals who have been registering mobile numbers in the Members' names and thereafter using those numbers to solicit for funds from unsuspecting Members. The Hon. Member called on the Inspector General of police to ensure investigations on the matter are expedited.

The Speaker referred the matter to the Departmental Committee of Administration and National Security and directed that the Committee invites the Inspector General of Police, Director of Criminal Investigations, the Director-General of the Communications Authority of Kenya and local telecommunications service providers.

The Committee was directed to report to the House within seven (7) days.

**8. SUSPENSION OF A MEMBER PURSUANT TO STANDING ORDER 107(1)**

Raising in his place on a Point of Order under Standing Order 259 as read together with Standing Order 20 and Article 108 of the Constitution, the Leader of the Majority Party brought to the attention of the Speaker the fact that the Member for Mavoko (Hon. Patrick Makau) was occupying the seat designated for the Leader of the Minority Party whereas the Leader of the Minority Party was desirous of taking the seat;

Thereupon the Speaker directed the Member for Mavoko to vacate the seat forthwith;

And the Member having refused to vacate the seat as directed on three occasions, the Speaker, pursuant to Standing Order 107, ordered that the Member withdraws from the precincts of the Assembly for the remainder of the Sitting for disorderly conduct.

Thereupon, the Member withdrew from the Chamber.

**9. MOTION – REPORTS OF MEETINGS OF THE INTER-PARLIAMENTARY UNION (IPU)**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Article 7 of the Statutes of the Inter-Parliamentary Union, this House **adopts** the Reports of the 129<sup>th</sup>, 130<sup>th</sup>, 131<sup>st</sup>, 133<sup>rd</sup> and 134<sup>th</sup> Assemblies of the Inter-Parliamentary Union (IPU) and related Meetings held in Geneva, Switzerland on October 7-9, 2013; March 16-20, 2014; October 12-16, 2014; October 15-21, 2015; and in Lusaka, Zambia from March 17-23, 2016 respectively, laid on the Table of the House on Tuesday, February 20, 2018.

*(Leader of Delegation to the 129<sup>th</sup> and 130<sup>th</sup> IPU Sessions – 01.03.2018)*

Debate on the Motion having been concluded on Thursday, March 01, 2018;

Question put and agreed to.

**10. MOTION – REPORT OF MEETINGS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

Motion made and Question proposed –

**THAT**, this House **notes** the Reports of the Kenya delegation to the Sessions of the African, Caribbean and Pacific (ACP) Parliamentary Assembly and the African, Caribbean and Pacific-European Union (ACP-EU) Joint Parliamentary Assembly laid on the Table of the House on Wednesday, February 21, 2018 as follows:

- (i) Report of the 47<sup>th</sup> Session of the ACP Parliamentary Assembly and Inter-sessional meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from October 09-12, 2017; and,
- (ii) Report of the 48<sup>th</sup> Session of the ACP Parliamentary Assembly and the 34<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Port-au-Prince, Haiti from December 13-20, 2017.

*(Leader of Delegation to the 47<sup>th</sup> and 48<sup>th</sup> Sessions of the ACP Parliamentary Assembly – 01.03.2018)*

Debate on the Motion having been concluded on Thursday, March 01, 2018;

Question put and agreed to.

**11. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO.06 OF 2018)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

**12. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2018)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

**13. THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.41 OF 2017)**

Order for Second Reading read;

Order deferred to another day

**14. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO.36 OF 2017)**

Order for Second Reading read;

Order deferred to another day

**15. THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO.46 OF 2017)**

Order for Second Reading read;

Order deferred to another day

16. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO.44 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

The Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No.44 of 2017) be now read a Second Time

*(Majority Party Whip)*

Debate arising;

*(Change of Chair from the Speaker to the Third Chairperson)*

Mover replied;

Question deferred

And the time being Three Minutes to Six O'clock, the Third Chairperson adjourned the House without Question put pursuant to Standing Order 30(6).

17. **HOUSE ROSE** - at Three Minutes to Six O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, March 14, 2018 at 9.30 a.m.

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