



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 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. **MESSAGES**

The Speaker conveyed the following Messages from the President –

- (i) **Nomination of Cabinet Secretaries, Principal Secretaries and Ambassadors/ High Commissioners**

“Honourable Members,

It is my pleasure to welcome you back from a long recess hoping that you are rejuvenated and ready for a busy Second Session. As you may be aware, pursuant to Standing Order 42(2), I conveyed to you a Message from His Excellency the President on 30th January 2018, regarding his nominations for appointment to the offices of Cabinet Secretaries, Principal Secretaries and Ambassadors/High Commissioners. The Message was submitted by way of a letter received in my office on 29th January, 2018 during the period of the long recess. In addition, H.E. the President also submitted another Message on two nominations to the offices of Principal Secretary and Ambassador, respectively, by way of a letter received in my office on 8th February, 2018. The two Messages were submitted for presentation to the House in accordance with Article 152(2), 155(3) and 132 (2)(e) of the Constitution.

In the Messages, His Excellency the President nominated the following to serve as Cabinet Secretaries, Principal Secretaries and Ambassadors/High Commissioners and now seeks the approval of the National Assembly:-

a) Cabinet Secretaries

<u>S/No.</u>	<u>Name</u>	<u>Ministry</u>
(1)	Prof. Margaret Kobia	Public Service, Youth and Gender Affairs
(2)	Hon. John Munyes	Petroleum and Mining
(3)	Amb. (Dr.) Monica Juma	Foreign Affairs and International Trade
(4)	Mr. Simon Chelugui	Water and Sanitation
(5)	Mr. Keriako Tobiko	Environment and Forestry
(6)	Mr. Rashid Achesa Muhamed	Sports and Heritage
(7)	Ms. Farida Karoney	Lands, Housing and Urban Development
(8)	Hon. Ukur Yatani	Labour and Social Protection
(9)	Hon. Peter Munya	East African Community and Northern Corridor Development

b) Principal Secretaries

<u>S/No.</u>	<u>Name</u>	<u>State Department</u>
(1)	Ms. Safina Kwekwe	Gender
(2)	Mr. Nelson Marwa	Devolution
(3)	Amb. Macharia Kamau	Foreign Affairs
(4)	Dr. Julius Muia	Planning
(5)	Maj. Gen. (Rtd.) Gordon Kihalangwa	Immigration, Border Control, and Registration of Persons
(6)	Mr. Hamadi Boga	Agricultural Research
(7)	Mr. Peter Tum	Health
(8)	Mr. Joseph Wairagu Irungu	Water and Sanitation

c) Ambassadors/ High Commissioners

<u>S/No.</u>	<u>Name of Nominee</u>	<u>Country</u>
(1)	Prof. Judy Wakhungu	France

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| (2) | Dr. Cleopa Mailu | Permanent Mission, UN
Geneva |
| (3) | Hon. Dan Kazungu | United Republic of Tanzania |
| (4) | Mrs. Phyllis Kandie | Kingdom of Belgium, the
Grand Duchy of Luxemburg;
and the European Union |
| (5) | Mr. Willy Bett | India |
| (6) | Prof. Jacob Kaimenyi | Permanent Mission, UNESCO
Paris |
| (7) | Mr. Hassan Wario Arero | Austria |
| (8) | Mr. Lawrence Ntoye
Lenayapa, CBS | Kingdom of Netherlands |

Honourable Members, further to this, guided by the provisions of Standing Orders 45(2) and 204(4) and the Resolution of this House made on the sitting of 14th December, 2017, I referred the names and curriculum vitae of the nine (9) Cabinet Secretaries to the Committee on Appointments and which has since finalized the vetting process.

Honourable Members, at the same time, Standing Order 45(1) requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Departmental Committees for consideration. Accordingly, the nominations for appointment to the positions of Principal Secretaries and Ambassadors/High Commissioners are hereby referred to the respective Departmental Committees as follows:-

	Departmental Committee	Nominee
(1)	Finance, Planning & Trade	(i) Mr. Nelson Marwa (ii) Dr. Julius Muia
(2)	Administration & National Security	Maj. Gen. (Rtd.) Gordon Kihalangwa
(3)	Defence & Foreign Relations	(i) Amb. Macharia Kamau (ii) Prof. Judy Wakhungu (iii) Dr. Cleopa Mailu (iv) Hon. Dan Kazungu (v) Mrs. Phyllis Kandie (vi) Mr. Willy Bett (vii) Prof. Jacob Kaimenyi (viii) Mr. Hassan Wario Arero (ix) Mr. Lawrence Ntoye Lenayapa, CBS
(4)	Labour and Social Welfare	Ms. Safina Kwekwe

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(5)	Agriculture and Livestock	Mr. Hamadi Boga	
(6)	Health	Mr. Peter Tum	
(7)	Environment and Natural Resources	Mr. Joseph Wairagu Irungu	

I have also directed the office of the Clerk to publish and circulate the list of the nominees, showing clearly the respective Committees in which they will be vetted.

Honourable Members, section 8 of the Public Appointments (Parliamentary Approval) Act requires that a Committee shall consider a nomination and table a report for debate and decision in the House **within fourteen (14) days** from the date of notification. It is therefore imperative that each of the aforementioned Committees immediately seizes itself of the matter to enable speedy conclusion within the set timelines. The Committees are expected to have concluded their reports to the House on or before February 27, 2018 to enable the House to consider and finalize on the nominees within the stipulated timelines.

Honourable Members, for avoidance of doubt, let me also take this opportunity to correct the impression being made by the print and electronic media with regard to the re - vetting of the nominees for the position of Cabinet Secretaries and Principal Secretaries. Articles 152(5)(a) and 155(4) of the Constitution allows the President to re-assign a Cabinet Secretary or a Principal Secretary respectively. The interpretation of these provisions is that a person vetted and approved for appointment to the position of Cabinet Secretary or Principal Secretary may be reassigned within the same position by the President. Indeed, any appointment approved by the National Assembly would not require subsequent approval if the reassignment is of the same nature and responsibility. Therefore, serving Cabinet and Principal Secretaries who have been moved to other Ministries or State Departments will be **NOT** require further approval of the House.

Thank you”.

(ii) **Nominees for appointment as Members of the Judicial Service Commission**

“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 three (3) nominees for appointment as Members of the Judicial Service Commission (JSC). In the Message, His Excellency the President conveys that in exercise of powers vested in him under Article 171(2), as read together with Article 250(2)(b) of the Constitution and pursuant to the provisions of sections (3) and (5) of the Public Appointments (Parliamentary Approval) Act, has nominated the following to the Judicial Service Commission:-

- 1) under *Article 171(2) (g) of the Constitution*:
Mr. Patrick Gichohi, CBS (Public Service Commission nominee to the JSC)
- 2) under *Article 171(2) (h) of the Constitution*:
 - (i) Prof. Olive Mugenda (female nominee); and
 - (ii) Felix Koskei (male nominee).

Honourable Members, section 8 of the aforementioned Act provides that the relevant Committee of the House will consider the suitability or otherwise of the nominees 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, given the critical role played by the Judicial Service Commission (JSC), it is advisable that the relevant Committee expeditiously proceeds to notify the nominees and the public, commence the approval hearings after the seven day notification period, and table a Report **on or before Tuesday, February 27, 2018**, to enable the House to consider the matter within the statutory timelines. This Message, together with the Curriculum Vitae of the nominees therefore, stands committed to the Departmental Committee on Justice and Legal Affairs for consideration.

Thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Capital Markets (Securities Lending, Borrowing and Short-Selling) Regulations, 2017 and the Explanatory Memorandum (*pursuant to section 12 of the Capital Markets Act*) – (*to be referred to the Committee on Delegated Legislation*);
- (ii) The National Construction Authority (Amendment) Regulations, 2017 and the Explanatory Memorandum (*pursuant to section 42 of the National Construction Authority Act, 2011*) - (*to be referred to the Committee on Delegated Legislation*);
- (iii) Report of the Board of the National Government Constituencies Development Fund on Project Proposals Approvals, Disbursement Status and Restrictions imposed on Constituency Account for the Second Quarter of 2017/2018 Financial Year for the period 1st October to 31st December, 2017;
- (iv) Annual Report and Financial Statements in respect of the following institutions for the Financial Year 2016/2017: -
 - a) Laikipia University;
 - b) South Eastern Kenya University;
 - c) Privatization Commission;
 - d) National Communications Secretariat;
 - e) Ethics and Anti-Corruption Commission;
 - f) Kenya Civil Aviation Authority; and
 - g) East African Portland Cement Company Limited.
- (v) The Reports of the Auditor-General on the Financial Statements in respect of the following Constituencies for the year ended 30th June, 2016 and the certificates therein-

- a) Kipkelion East Constituency;
- b) Emurua Dikirr Constituency;
- c) Lagdera Constituency;
- d) Dadaab Constituency;
- e) Balambala Constituency;
- f) Gilgil Constituency;
- g) Tiaty Constituency;
- h) Embakasi West Constituency;
- i) Nakuru Town West Constituency; and
- j) Garissa Township Constituency.

(vi) Report of the Committee on Appointments on Approval of Nominees to the Cabinet

(The Leader of the Majority)

(vii) The Report of the Departmental Committee on Health on the First WHO Global Ministerial Conference on ending Tuberculosis in the Sustainable Development Era: A Multi-Sectoral Response, held in Moscow Russian Federation from 16th to 17th November, 2017

(The Leader of Delegation [Hon. Stephen Mule, MP])

6. **NOTICE OF MOTION** – (The Leader of the Majority Party)

The following Notice of Motion was given -

THAT, this House adopts the First Report of the Committee on Appointments on the Vetting of Nine Cabinet Secretary nominees (Volume I and II) for appointment to position of Cabinet Secretary, laid on the Table of the House today Tuesday, February 13, 2018, and pursuant to Article 152(2) of the Constitution and the provisions of Standing Order 204(4), **approves** the appointment of the following persons as Cabinet Secretaries in the respective Ministries:-

Prof. Margaret Kobia	Public Service, Youth & Gender Affairs
Hon. John Munyes	Petroleum & Mining
Amb. (Dr.) Monica Juma	Foreign Affairs & International Trade
Ms. Farida Karoney	Lands, Housing & Urban Development
Hon. Peter Munya	East African Community & Northern Corridor Development
Mr. Keriako Tobiko	Environment & Forestry
Mr. Simon Chelugui	Water & Sanitation
Hon. Ukur Yatani	Labour & Social Protection
Mr. Rashid Achesa Muhamed	Sports & Heritage

7. **MOTION - EXTENSION OF THE PERIOD FOR CONSIDERATION OF NOMINEES TO THE OFFICE OF CABINET SECRETARIES**

Motion made and Question proposed –

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act relating to extension of period for consideration of nominees for appointment to State and Public Offices, this House resolves to extend the period for consideration of the nominees submitted by His Excellency the President for appointment to the Office of Cabinet Secretaries by a **further period of two (2) days** from 13th February, 2018.

(The Leader of the Majority Party)

Question put and Agreed to;

8. **MOTION – APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 17(1), this House approves the appointment of the following Members to the House Business Committee in addition to those specified under paragraphs (a), (b), (c), (d) and (e);-

- (i) The Hon. Amos Kimunya, EGH, MP
- (ii) The Hon. Joyce Akai Emanikor, MP
- (iii) The Hon. Shadrack John Mose, MP
- (iv) The Hon. Omboko Milemba, MP
- (v) The Hon. Mishi Khamis Mboko, MP
- (vi) The Hon. (Dr.) Makali Mulu, MP

(The Leader of the Majority Party)

Question put and agreed to;

And the time being Ten minutes to Four O'clock, the Speaker, upon ascertaining that the Day's orders had been duly exhausted, adjourned the House without Question put pursuant to the Standing Orders.

9. **HOUSE ROSE** - at Ten minutes to Four O'clock

M E M O R A N D U M

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