



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 21, 2018 (MORNING)

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker (Hon. Moses Cheboi, MP)
4. **PETITION**

The Member for Samburu North (Hon. Alois Lentoimaga) presented a Petition on behalf of residents of Samburu North constituency regarding challenges in implementation of the Social Assistance Programme;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1).

5. **PAPERS LAID**

The following Papers were laid on the Table of the House –

- (a) Annual Reports and Financial Statements in respect of the following institutions for the financial year 2016/2017: -
 - (i) Capital Markets Authority;
 - (ii) Council of Governors;
 - (iii) Ministry of Defence; and
 - (iv) Teachers Service Commission.
- (b) The Report of the Auditor-General on the Financial Statements of the Nursing Council of Kenya the year ended 30th June, 2017 and the certificate therein;
- (c) 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: -
 - (i) Kipkelion West Constituency;

- (ii) Bomet Central Constituency;
- (iii) Fafi Constituency;
- (iv) Mogotio Constituency;
- (v) Narok South Constituency;
- (vi) Kajiado North Constituency;
- (vii) Uriri Constituency;
- (viii) KitutuMasaba Constituency;
- (ix) Bondo Constituency;
- (x) Ruaraka Constituency;
- (xi) Kajiado West Constituency;
- (xii) Makadara Constituency; and
- (xiii) Kasarani Constituency.

(The Leader of the Majority Party)

- (d) The Report of the 48th Session of the ACP Parliamentary Assembly and the 34th Session of the ACP-EU Joint Parliamentary Assembly held in Port-au-Prince, Haiti from December 13th to 20th, 2017.

(Hon. Patrick Mariru, Leader of the Delegation)

6. **NOTICES OF MOTION**

The following Notices of Motion were given –

(i) Appointment of Members to the Parliamentary Service Commission

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the National Assembly appoints the following Members of the National Assembly and Senators to the Parliamentary Service Commission-

(a) under sub-section (c)(i)-

- (i) The Hon. Naomi Shabaan, EGH, M.P.;
- (ii) The Hon. Adan Keynan, CBS, M.P.;
- (iii) Senator Beth Mugo, EGH, M.P.; and
- (iv) Senator Aaron Cheruiyot, M.P.

[The House awaits three names under Article 127(2)(c)(ii) of the Constitution]

(Leader of the Majority Party)

(ii) Adoption of the Report of the 48th Session of the ACP Parliamentary Assembly

THAT, this House notes the Reports of the Kenya delegation to the 48th Session of the ACP Parliamentary Assembly and the 34th Session of the ACP-EU Joint Parliamentary Assembly held in Port-au Prince, Haiti from December 13th to 20th, 2017, laid on the Table of the House on Wednesday, February 21, 2018;

(Hon. Patrick Mariru, Leader of the Delegation)

(iii) **Provision salary incentives and adequate decent housing for Police officers who are deployed to serve in Northern Kenya and other hardship areas**

THAT, acknowledging that the Kenya Police play a very important role in providing assistance to the public when in need, maintenance of law and order, preservation of peace, protection of life and property, investigation of crimes, collection of criminal intelligence, prevention and deduction of crime, apprehension of offenders, enforcement of laws and regulations with which it is charged among other roles as provided for under Section 24 of the National Police Service Act; concerned that many police officers across the Country especially those working in Northern Kenya and other high risk and hardship areas continue to work under very difficult environment characterized by among others, inadequate and inhabitable, deplorable and congested living quarters, insufficient tools for work and poor salaries and allowances; further concerned that the difficult working environment for the police offices has been often led to frustrations, demotivation and occupational stress among officers with many of them exiting the force in search of other jobs; this House urges the National Police Service Commission and the Salaries and Remuneration Commission to provide salary incentives and adequate decent housing for Police Officers who are deployed to serve in Northern Kenya and other hardship areas.

(Hon. Omar Mohamed Maalim)

(iv) **Designation of, and gazettement of areas and streets for demonstrations and picketing**

THAT, aware that Article 37 of the Constitution guarantees every person the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities; noting that there is need to guarantee that the enjoyment of rights and fundamental freedoms by any individual should not prejudice the rights and fundamental freedoms of others; noting that demonstrations and picketing in cities and major towns in the Country, particularly in Nairobi, Mombasa and Kisumu have on many occasions resulted in destructions, loss of lives and property, public disorder, and creation of an unfavourable business environment; noting that the rights and freedoms are *not* unconditional because the government has a duty and responsibility to ensure maintenance of peace and public order, and protection of the rights, life and property of all its citizens; this House resolves that the Government should designate and *gazette* specific areas and streets for demonstrations and picketing with a view to ensuring that individuals enjoy their rights and freedoms as enshrined in the Constitution without infringing on the freedoms and rights of others.

(Hon. Simon King'ara)

(v) **Declaration of cancer as a National Disaster and establishment of a Cancer Fund**

THAT, aware that cancer causes more deaths than HIV, TB and Malaria combined; further aware that 30% of cancers are curable if detected early; 30% of cancers are treatable with prolonged survival if detected early; 30% of cancer patients can be provided with adequate symptom management and care; deeply concerned that cancer is the third highest cause of morbidity in Kenya after

infectious diseases and cardiovascular diseases in the country; noting that effective treatments require availability of specialists, chemotherapy services, essential drugs for pain management and adequate infrastructure in treatment and avoidance of distant referral and delays in treatment administration; further, there is need for clear policies concerning terminal pain management, financial and human resources support and palliative care for cancer patients; this House urges that Government to declare cancer as national disaster and establishment of cancer fund to cater for cancer treatments and care.

(Hon. Catherine Waruguru)

(vi) Establishment of a national health referral hospital in Mombasa County

THAT, aware that Article 43 of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; further aware that in the post-2015 development agenda, the world has committed to universal health coverage (UHC) and achievement of Sustainable Development Goal 3 – to ensure healthy lives and promote well-being for all at all ages; acknowledging that investment in a strong healthcare system is necessary to ensuring that everyone everywhere has access to basic health services irrespective of their geographical location or economic status; recognizing that over 80 per cent of Kenyans depend on the public sector for health care services yet there are only two national referral hospitals in the country namely, Kenyatta National Hospital in Nairobi, and Moi Referral and Teaching Hospital in Eldoret; cognizant of that Section 25 as read with First Schedule of the Health Act, 2017 provides that there shall be established in each county a National Health Referral Hospital (Level 6); this House urges the government to fast-track the establishment a National Health Referral Hospital in Mombasa County with a view to having a facility to cater for sophisticated diagnostic, therapeutic, and rehabilitative health care needs in the region requiring more complex technology and highly skilled personnel, as well as support training of health workers at both pre-service and in-service levels.

(Hon. Mohamed Ali Mohamed)

(vii) Adjournment of the House on Definite Matter of urgent national importance Pursuant to Standing Order 33(1)

Pursuant to Standing Order 33(1), the Member for Wajir East (Hon. Rashid Kassim) rose in his place and sought leave to move the adjournment of the House for the purpose of discussing a matter of definite national importance regarding the state of insecurity in Wajir County, Northern Kenya and other parts of the country;

And there being the requisite number of Members rising in support of the claim, the Deputy Speaker appointed 12.00 noon as the time for adjournment of the House to debate the Motion.

(viii) Appointment of a Member to the Parliamentary Service Commission

THAT, pursuant to Article 127(2) of the Constitution, the National Assembly approves the appointment of **the Hon. Ben Momanyi, M.P.**, a Member of the National Assembly to the Parliamentary Service Commission, under sub-section (c)(ii) of the said Article.

[The House awaits nomination of two additional Members under Article 127(2)(c)(ii) of the Constitution]

(Leader of the Majority Party)

7. **PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

Motion made and Question proposed –

THAT, this House orders that the business appearing in the Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(Leader of the Majority Party)

No debate arose;

Question put and **agreed to.**

8. **MOTION – APPROVAL OF NOMINEES TO A CONSTITUENCY COMMITTEE OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**

Motion made and Question proposed –

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5 (9 & 10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the Kitutu Chache South Constituency Committee of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, February 20, 2018:-

KITUTU CHACHE SOUTH CONSTITUENCY

- | | | |
|-------|---------------------------|--|
| (i) | Matundura Geoffrey Mose | Male Youth Representative |
| (ii) | James Maobe Mokaya | Male Adult Representative |
| (iii) | Winfridah Kemunto Maisiba | Female Youth Representative |
| (iv) | Mellen Nyomenda Kebati | Female Adult representative |
| | John Ongeri Ondieki | Representative of Persons living with Disability |
| (v) | James Orito Omonywa | Nominee of the Constituency Office (Male) |
| (vi) | Pacifica Moraa Onyango | Nominee of the Constituency Office (Female) |

(Leader of the Majority Party)

Debate arising;

Question put and **agreed to.**

9. **MOTION – ADOPTION OF SESSIONAL PAPER NO. 3 OF 2016 ON THE NATIONAL HOUSING POLICY**

Motion made and Question proposed –

THAT, this House adopts Sessional Paper No. 3 of 2016 on the National Housing Policy, laid on the Table of the House on Thursday, February 15, 2018.

(Majority Party Whip)

*[Change of Chair from the Deputy Speaker to the
Second Chairperson of Committees (Hon. Patrick Mariru, MP)]*

Debate arising;

Debate interrupted to allow for debate on a Motion for Adjournment of the House pursuant to Standing Order 33.

10. **ADJOURNMENT OF THE HOUSE ON A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE ON THE STATE OF INSECURITY IN WAJIR COUNTY, NORTHERN KENYA AND OTHER PARTS OF THE COUNTRY**

Motion made –

THAT, the House do now adjourn to debate on the state of insecurity in Wajir County, Northern Kenya and other parts of the country.

(Hon. Rashid Kassim)

Debate arising;

And the time being One o'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

11. **HOUSE ROSE** - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, February 21, 2018 at 2.30 p.m.

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