



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 02, 2018 AT 2.30 P.M

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

The Speaker delivered the following communication –

Cancellation of Bunge Sports Club Retreat

“Honourable Members, I had intended to make this informal communication. This is just to inform the general membership that I have cancelled the intended retreat by Bunge Sports Club to Kisumu this weekend. The Club had purported that I will be making some opening remarks - I do not know about what - to discuss your work plan for sports yet we have a Departmental Committee on Sports, Tourism and Culture. My instructions are that for those who are interested in sports, a meeting should be called at which everybody participates from all manner of disciplines so that there is something that is formalised.

You cannot sit a few Senators and Members, say that you have a caucus and are going for a retreat to discuss a work plan and you expect the Speakers of both Houses to come and address you. How? It does not speak much about you who came up with the plan to retreat from tonight all the way to Sunday and it is not a Committee of the House. We have a Committee dedicated to matters sports and culture.

The Bunge Sports Club must also appreciate that they must refer to the Departmental Committee on Sports, Tourism and Culture, chaired by Hon. (Dr.) Victor Munyaka. I will not approve some of those things that you are coming up with. You cannot say that you are retreating to discuss a work plan. Is this a work plan of playing football or tug of war? When you say you want to engage in the tug of war, who do you want to do it with? If you want to discuss those kinds of things, do not involve the Speakers. You can pull tugs with anybody even on the streets. Let us also appreciate that we have a Committee in our Standing Orders dedicated to matters sports, culture and tourism.

That Committee should take precedence over the Bunge Sports Club. It will be the premier Committee of the House to give us any roadmap about sports - not just in Parliament but also in the country. Those of you who had been notified - because I saw a list of about 44 Members of both Houses wanting to retreat - I have directed that it be cancelled. Do not go harassing the organisers or the Clerks in both the Senate and in this House. They are under strict instructions that there will be no such retreat.

Any other such arrangement must also take into account the activities of this House's Committee, which is in our Standing Orders on matters sports, culture and tourism. For those of you who had wanted to go to the Lakeside city to discuss some work plan, please relax. Go and do your constituency work or other Committee work that you may be involved in and not a work plan. We will not deal with some of those things."

5. PETITIONS

(a) The Speaker conveyed the following Petition-

Massive disconnections and cutting down of electricity poles in Shirakalu village in Kakamega County by the Kenya Power and Lighting Company

"Honourable Members, Pursuant to the provisions of Standing Order 225 (2) (b), I wish to convey to the House that my office is in receipt of a petition by one Mr. Vincent Mathukhu Okoti of ID No. 29272203 and of P.O. Box 2466-50100 from Kakamega County.

Honourable Members, the Petitioner contends that on Thursday, 22nd February, 2018, the Kenya Power and Lighting Company (KPLC) officials accompanied by armed Administration Police officers raided Shirakalu village causing massive disconnections and cutting down electricity poles on claims that the connections were illegal and non-systemized.

Honourable Members, the Petitioner further contends that the team did not give room for any negotiations as the raid was done without prior official notification or communication to the residents. This occasioned alleged unlawful arrest of innocent residents.

Honourable Members, therefore, the Petitioner prays that the National Assembly:

- a) establishes the reasons for the massive disconnections;
- b) causes KPLC to compensate all people whose meter boxes were confiscated;
- c) causes KPLC to undertake reconnections to the affected people; and
- d) makes other direction that it may deem fit in the circumstance of this petition.

Honourable Members, pursuant to the provisions of Standing Order 227, this Petition therefore, stands committed to the Departmental Committee on Energy for consideration. In considering the Petition, the Committee is encouraged to engage the Petitioners and report its findings in accordance with Standing Order 227(2).

Thank you!"

- (b) The Member for Kisumu Central Constituency (Hon. Fred Ouda, M.P.) presented a Petition on behalf of residents of Kisumu Central Constituency regarding amendment of the Constitution and the Elections Laws in respect of the Presidency and Governorship.

Rising in his place, the Member for Rarieda Constituency (Hon. Dr. Otiende Amollo, M.P.) claimed to move that the Petition be dismissed on grounds of unconstitutionality. He averred that the contents of and prayers sought in the Petition were a matter of interpretation of the Constitution, which falls within the jurisdiction of the High Court as provided for in Article 165(2)(d) of the Constitution and not and Parliament.

And the Speaker having invited comments from several Members on the claim of unconstitutionality of the Petition;

Thereupon, question put,

THAT, in terms of the claim made by the Member for Rarieda Constituency (Hon. Otiende Amollo, M.P.) the Petition be rejected and not be referred to the Departmental Committee on Justice and Legal Affairs;

Question put and agreed to;

Resolved accordingly, that the Petition be rejected.

6. PAPERS LAID

The following papers were laid on the table of the House;

- (a) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein: -
- (i) Taita Taveta University; and
 - (ii) Pwani University;
- (b) The Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2017 and the certificates therein: -
- (i) Lunga Lunga Constituency;
 - (ii) Kilifi South Constituency;
 - (iii) Nyali Constituency;
 - (iv) Voi Constituency;
 - (v) Lamu East Constituency;
 - (vi) Likoni Constituency;
 - (vii) Garsen Constituency;
 - (viii) Kisauni Constituency;
 - (ix) Jomvu Constituency;
 - (x) Malindi Constituency; and
 - (xi) Taveta Constituency.

(The Leader of the Majority Party)

(c) The Reports of the Committee on Delegated Legislation on its Consideration of the Following Regulations –

- (i) The Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2018; and
- (ii) The Energy (Solar Water Heating) Regulations, 2012.

(Chairperson, Committee on Delegated Legislation)

(d) The Reports of the Departmental Committee on Sports, Culture and Tourism on –

- (i) The Commonwealth Games in Gold Coast Queensland and State, Australia on 2nd- 15th April, 2018; and
- (ii) The International Tourism Borse in Berlin, Germany on 7th – 11th March, 2018.

(Chairperson, Departmental Committee on Sports, Culture and Tourism)

7. NOTICES OF MOTION

The following Notice of Motion was given –

THAT, this House adopts the Reports of the Committee on Delegated Legislation laid on the Table of the House on Wednesday, August 01, 2018, and pursuant to the provisions of section 15 (1) of the Statutory Instruments Act and Standing Order 210 (4) (b) ***annuls in entirety*** the following regulations-

- (i) The Traffic (Driving Schools, Driving Instructors and Driving Licences) Rules, 2018; and
- (ii) The Energy (Solar Water Heating) Regulations, 2012.

(Chairperson, Committee on Delegated Legislation)

8. STATEMENTS

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of Majority Party made a Statement regarding the business of the House for the week commencing Tuesday, 7th August 2018.

9. MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION

Motion having been made and question proposed;

THAT, taking into consideration the recommendations of the Departmental Committee on Administration and National Security in their Report on the *Vetting of the Nominee for approval as Chairperson of the Public Service Commission*, laid on the Table of the House on Wednesday, August 1, 2018, and pursuant to the provisions of Article 233(2) of the Constitution and paragraph 4 of the First Schedule to the Public Service Commission Act (No.10 of 2017), this

House **approves** the appointment of **Mr. Stephen K. Kirogo** as the Chairperson of the Public Service Commission.

(The Chairperson, Departmental Committee on Administration & National Security)

Debate arising;

Rising in his place on a Point of Order pursuant to standing order 95, the Member for Endebes (Hon. Robert Pukose, M.P.) claimed to move that the mover be now called upon to reply;

And the Speaker, having allowed two more Members to speak to the main Motion before putting the question on the claim;

Thereupon question put and agreed to;

Mover replied;

Question put and agreed to.

10. MOTION - REPORT ON THE INQUIRY INTO FOREST RESOURCES MANAGEMENT AND LOGGING ACTIVITIES IN KENYA

Motion having been made and question proposed;

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resources Management and Logging Activities in Kenya, laid on the Table of the House on Thursday, May 3, 2018.

(The Chairperson, Departmental Committee on Environment & Natural Resources)

Amendment having been proposed –

THAT, the Motion be amended by inserting the following words after the figure “2018”

“subject to deletion of recommendation No. 22 on page 49 of the Report.”

Debate on the proposed amendment interrupted on Wednesday, August 1, 2018 resumed;

Question put and negatived;

Debate on the Motion in its original form resumed;

Rising on point of order under Standing Order 35 the Member for Dagoreti North, the Hon. Simba Arati claimed lack of quorum in the House and having confirmed that there was no quorum the First Chairperson caused the division bell to be rung for ten minutes and there being quorum present after the expiry of ten minutes debate resumed;

(Change of Chair from the First Chairperson of Committees to the Fourth Chairperson of Committees)

And the time being five minutes past Seven O'clock the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

11. HOUSE ROSE - at five minutes past Seven O'clock.

M E M O R A N D U M

The Speaker will take the Chair today
Tuesday, 7th August 2018 at 2.30 p.m.

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