



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 27, 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. **PETITIONS**
The following petitions were conveyed -
(i) By the Speaker–

Conveyance of a Petition on proposed amendments of the Engineers Act, 2011 to the Engineers Ration in the country

“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 Dr. Ferdinand Chirure Nyongesa. The Petitioner is praying that the National Assembly repeals various sections of the Engineers Act, 2011 with a view to enhancing industrial take-off and realization of Vision 2030 through increasing the number of Engineers in the Manufacturing Sector.

The Petitioner avers that in a recent report by the World Bank titled “*Expanding Tertiary Education for Well-paid Jobs: Competitiveness and shared Prosperity in Kenya*”, Kenya has been warned that it may not have the requisite number of engineering professionals to catapult it to Vision 2030, since only 2000 out of the expected targeted number of Engineers are registered in the Country.

Honourable Members, the Petitioner therefore prays that the National Assembly amends the Engineers Act, 2011 to enable registration of adequate supply of Scientists and Engineers to the labour market who will drive the development agenda for the benefit of the citizens.

Honourable Members, pursuant to the provisions of Standing Order 227, this Petition therefore, stands committed to the Departmental Committee on Education and Research for consideration. The Committee is requested to consider drafting a legislation to address the Petitioner’s prayers.

Thank you”.

(ii) By Nominated Member (Hon. Gideon Keter) - regarding lifting of a caveat imposed on land in the formal settlement of the entire Mau Forest Complex;

Petition referred to the Departmental Committee on Lands pursuant to Standing Order 227

5. **PAPERS LAID**

The following Papers were laid on the Table –

(i) The Public Finance Management (Senate Monitoring and Evaluation) Regulations, 2018 and the Explanatory Memorandum (*pursuant to section 24 of the Public Finance Management Act, 2012*);

(ii) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein:-

- a) Kenya Medical Supplies Authority;
- b) Medical Practitioners and Dentists Board;
- c) Kenya Medical Laboratory Technicians and Technologists Board;
- d) NEPAD/APRM Kenya Secretariat; and
- e) Central Bank of Kenya Account.

(iii) The Report of the Auditor-General on the Financial Statements of the Pest Control Products Board for the year ended 30th June, 2016 and the certificate therein;

(iv) Business transacted by the 4th Assembly of the East African Legislative Assembly at its 3rd Meeting of the 1st Session in Arusha, Tanzania as follows:-

- a) Resolution of the Assembly granting Special Leave of the House to intervene and to use records of the House at the East African Court of Justice (Case Reference No. 02 of 2018);
- b) Resolution of the Assembly to Save, Retain and Continue in the Assembly Bills that were introduced in the 3rd Assembly;
- c) Motion to grant leave to introduce a Private Members Bill entitled, “*The East African Community Customs Management Act (Amendment) Bill, 2018*”; and
- d) Provisional Programme for Plenary and Standing Committees of the East African Legislative Assembly for the Fourth Meeting of the 1st Session of the Fourth Assembly from 8th to 28th April, 2018.

(The Leader of the Majority Party)

(v) The Second Report of the Committee on Appointments on the vetting of Nominee for appointment as Attorney- General

(The Leader of the Majority Party on behalf of the Chairperson, Committee on Appointments)

- (vi) Report of the Committee on Delegated Legislation on -
a) The National Land Commission (Investigation of Historical Injustices) Regulations, 2017 -
b) The Traffic (Amendment) (No.3) Rules, 2017; and
c) The Kenya Defence Forces (Pensions and Gratuities)(Officers and Service Members) Regulations, 2017.

(Chairperson, Committee on Delegated Legislation)

- (vii) Report of the Departmental Committee on Defence and Foreign Relations on the approval for appointment of Principal Secretary for State Department of East African Community & Northern Corridor Development

(Chairperson, Departmental Committee on Defence and Foreign Relations)

- (viii) Report of the Departmental Committee on Environment and Natural Resources on the approval for appointment of Principal Secretary for State Department for Mining

(Chairperson, Departmental Committee on Environment and Natural Resources)

- (ix) Report of Tre Departmental Committee on Communication, Information and Innovation on the vetting of the Principal Secretary nominee for the State Department of Information, Communication and Technology

(Chairperson, Committee on Communication, Information and Innovation)

- (x) Report of the Departmental Committee on Justice and Legal Affairs on the vetting of the nominee for appointment as the Director of Public Prosecutions

(Chairperson, Departmental Committee on Justice and Legal Affairs)

- (xi) Report of the Departmental Committee Agriculture and Livestock on the approval for appointment of Principal Secretary for State Department for Livestock

(Chairperson, Departmental Committee Agriculture and Livestock)

- (xii) Report of the Departmental Committee on Administration and National Security on approval for appointment of the Principal Secretary Nominee for State Department of the Correctional Services

(Chairperson, Departmental Committee on Administration And National Security)

6. **NOTICES OF MOTION**

The following Notices were given –

- (i) THAT, this House adopts the Second Report of the Committee on Appointments on the Vetting of a Nominee for Appointment as the Attorney General laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Article 156(2) of the Constitution, approves the appointment of Justice (Rtd.) Paul Kihara Kariuki as the Attorney General of the Republic of Kenya.

(The Leader of the Majority Party on behalf of Chairperson, Committee on Appointments)

(ii) THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, this House approves the appointment of the following Members of Parliament to the Pan-African Parliament-

- (a) The Hon. Jude Njomo, MP;
- (b) The Hon. Beatrice Kones, MP;
- (c) The Hon. Janet Ongera, MP;
- (d) Sen. (Dr.) Abdullahi Ibrahim Ali, MP; and
- (e) Sen. Stewart Madzayo, MP.

(The Leader of the Majority Party)

(iii) THAT, this House adopts the Reports of the Committee on Delegated Legislation laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Standing Order 210 (4)(b) *annuls in entirety the following regulations -*

- (a) The National Land Commission (Investigation of Historical Injustices) Regulations, 2017;
- (b) The Traffic (Amendment) (No. 3) Rules, 2017; and
- (c) The Kenya Defence Forces (Pensions and Gratuities) (Officers and Service Members) Regulations, 2017.

(Chairperson, Committee on Delegated Legislation)

(iv) 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 Director of Public Prosecutions, laid on the Table of the House on *Tuesday, March 27, 2018*, and pursuant to the provisions of Article 157(2) of the Constitution approves the appointment of Mr. Noordin Mohamed Haji to the Office of the Director of Public Prosecutions; and

(v) THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominee submitted by H.E. the President for appointment to the Judicial Service Commission by a further period of ten (10) days from 3rd April, 2018.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

(vi) THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Vetting of Nominee for Appointment as Principal Secretary, laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr. Susan Jemtai Komen as Principal Secretary, State Department of East African Community & Northern Corridor Development.

(Chairperson, Departmental Committee on Defence and Foreign Relations)

- (vii) THAT, this House adopts the Report of the Departmental Committee on Environment And Natural Resources on the Vetting of Nominee for Appointment as Principal Secretary, laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. John Morangi Omenga as Principal Secretary, State Department for Mining.

(Chairperson, Departmental Committee on Environment and Natural Resources)

- (viii) THAT, this House adopts the Report of the Departmental Committee on Communication, Information and Innovation on the Vetting of Principal Secretary Nominee for the State Department of Information, Communication, and Technology, laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. Jerome Okoth Ochieng as Principal Secretary, State Department for Information, Communication and Technology.

(Chairperson, Committee on Communication, Information and Innovation)

- (ix) THAT, this House adopts the Report of the Departmental Committee on Agriculture And Livestock on the Vetting of Nominee for Appointment as Principal Secretary, laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. Harry K. Kimtai as Principal Secretary, State Department for Livestock.

(Chairperson, Departmental Committee Agriculture and Livestock)

- (x) THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of the Principal Secretary Nominee for appointment as Principal Secretary to the State Department of Correctional Services, laid on the Table of the House on Tuesday, March 27, 2018, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Mr. Alfred Cheruiyot as Principal Secretary, State Department for Correctional Services.

(Chairperson, Departmental Committee on Administration and National Security)

7. **MOTION – REPORT ON GENERAL OPERATIONS AT THE KENYATTA NATIONAL HOSPITAL**

Motion having been made and Question having been proposed on 22.03.2018 –

THAT, this House adopts the Report of the Departmental Committee on Health on the Alleged Sexual Assault, Breakdown of Equipment, Surgical Mix-up and General Operations of Kenyatta National Hospital, laid on the Table of the House on Tuesday, March 20, 2018, pursuant to the provisions of Standing Order 216 (5)(e)-

subject to deletion of paragraph 255 appearing on page 61 of the report and substituting therefor the following new paragraph: -

255. *The Ministry of Health should:*

(a) *compensate Mr. Samuel Kimani Wachira for the risk he was exposed to, trauma and permanent deformity caused by the surgical mix-up, and Mr. John Nderitu Mbugua for the delayed surgery that exposed him to fatality likely to result from the blood clot; and*

(b) *institute remedial action on the two patients with a view to ensuring their full recovery.*

(Chairperson, Departmental Committee on Health)

Debate interrupted on Thursday, March 22, 2017 resumed;

(Change of Chair from the Speaker to the First Chairperson [Hon. Roselinda Soipan])

(Change of Chair from the First Chairperson to the Deputy Speaker [Hon. Moses Cheboi])

Rising in his place, the Hon. Rindikiri Murwithania (Buuri Constituency) sought to have the Motion on the Report on the General Operations at the Kenyatta National Hospital further amended as follows:-

THAT, the Motion be further amended on page 60 by inserting a new paragraph after paragraph 245 as follows:

“245A –The Cabinet Secretary responsible for health constitutes a taskforce on KNH to undertake, among other matters, the following:-

- i. Receives and considers the Report of the Directorate of Criminal Investigations on various allegations on the KNH;
- ii. The general management of patients both in and out-patient in order to address overcrowding;
- iii. General finance management and funding of the Hospital;
- iv. The status of equipment and other hospital facilities including their suitability; and
- v. Staffing matters in the Hospital.”

Motion on the Further Amendment Seconded by Hon. Tonui Kipkoech (Bomet Central);

Question on Further Amendment Proposed;

Debate on Further Amendment arising;

Putting of Question on Further Amendment Deferred.

8. **“ZERO HOUR” STATEMENT**

Pursuant to Standing Order 43, the following Statements were made:-

- a) Statement by the Member for Moiben (Hon. Silas Tiren) regarding provision of fund for purchase of maize and distribution of fertilizers to farmers.

- b) Statement by the Member for Kaiti (Hon. Joshua Kimilu) regarding the unfavourable deadline for schools to register pupils and students on the National Education Management Information System (NEMIS).

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

9. HOUSE ROSE - at four minutes past Seven O'clock
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M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, March 28, 2018 at 9.30 a.m.

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