



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 28, 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
4. **PAPER LAID**

The following Paper was laid on the Table –

Report of the Departmental Committee on Defence and Foreign Relations on the Vetting of three Nominees)Amb. Richard Titus Ekai, Hon. Wilfred Gisuka Machage and Hon. Mohamed Muktar Shidiye) to the positions of Ambassador/High Commissioner.

(Chairperson, Departmental Committee on Defence and Foreign Relations)

5. **NOTICE OF MOTION**

The following Notice was given –

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Vetting of three Nominees to the positions of Ambassador/High Commissioner, laid on the Table of the House on Wednesday March 28, 2018, and pursuant to the provisions of Article 132(2)(e) of the Constitution, approves the appointment of Amb. Richard Titus Ekai, Hon. Wilfred Gisuka Machage and Hon. Mohamed Muktar Shidiye as Ambassadors/High Commissioners.

(Chairperson, Departmental Committee on Defence and Foreign Relations)

6. **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 as **Order Nos. 10 to 17** 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.

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to.

7. **PROCEDURAL MOTION- LIMITATION OF TIME ON VARIOUS MOTIONS**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(4), and notwithstanding the House resolution of February 14, 2018 limiting speech in a debate on any Motion, this House further resolves that, each speech in a debate on any Motion, including a Special Motion, be limited in the following manner -

- (i) *In respect of Special Motions for approval for appointment of persons to various state and public offices*, appearing in the Order Papers for the period before the short recess, debate shall be limited as follows:- A maximum of forty five (45) minutes, with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying, and not more than five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order; and,
- (ii) *In respect of the ordinary individual Members' Motions*, debate shall be limited in the following manner:- A maximum of two (2) hours with not more than fifteen (15) minutes for the Mover and five (5) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to.

8. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS ATTORNEY-GENERAL**

Motion made and Question proposed –

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 the Chairperson, Committee on Appointments)

Debate arising;

Mover replied;

Question put and agreed to.

9. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS DIRECTOR OF PUBLIC PROSECUTIONS**

Motion made and Question proposed –

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.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate arising;

Mover replied;

Question put and agreed to.

10. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR CORRECTIONAL SERVICES**

Motion made and Question proposed –

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)

No debate arising;

Question put and agreed to.

11. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR LIVESTOCK**

Motion made and Question proposed –

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 on Agriculture and Livestock)

Debate arising;

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

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Juja (Hon. Munyua Waititu) claimed to move that “the Mover be called upon to reply;”

And the Deputy Speaker acceding to the claim;

Question on Mover's Response put and agreed to;

Thereupon the Mover replied;

Question on Motion put and agreed to.

12. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR INFORMATION, COMMUNICATION AND TECHNOLOGY**

Motion made and Question proposed –

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, Departmental Committee on Communication, Information and Innovation)

No debate arising;

Question put and agreed to.

13. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY**

Motion made and Question proposed –

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 for East African Community.

(Hon. Lilian Gogo Achieng')

No debate arising;

Question put and agreed to.

14. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY, STATE DEPARTMENT FOR MINING**

Motion made and Question proposed –

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 Omenge** as Principal Secretary, State Department for Mining.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Debate arising;

Mover replied;

Question put and agreed to.

15. **MOTION – APPOINTMENT OF MEMBERS TO THE PAN-AFRICAN PARLIAMENT**

Motion made and Question proposed –

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-

- (i) The Hon. Jude Njomo, MP;
- (ii) The Hon. Beatrice Kones, MP;
- (iii) The Hon. Janet Ongeru, MP;
- (iv) Sen. (Dr.) Abdullahi Ibrahim Ali, MP, and
- (v) Sen. Stewart Madzayo, MP.

(The Majority Party Whip)

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the nominated Member (Hon. Cecily Mbarire) claimed to move that “the Mover be called upon to reply;”

And the Deputy Speaker acceding to the claim;

Question on Mover’s Response put and agreed to;

Thereupon, the Mover replied;

Question on Motion put and agreed to.

16. **MOTION – DESIGNATION AND GAZETTMENT OF AREAS AND STREETS FOR DEMONSTRATIONS AND PICKETING**

Motion having been made and Question having been proposed –

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 – 21.03.2018)

Debate interrupted on Wednesday, March 21, 2018 (Morning Sitting) resumed;

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

17. HOUSE ROSE - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, March 28 2018 at 2.30 p.m.

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