



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, APRIL 04, 2019 (AFTERNOON)**

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

**Communication on Implementation the Paperless Solution for the National Assembly**

**“Honourable Members,** You will recall that on Tuesday, 12<sup>th</sup> February, 2019, I issued a Communication reminding Members to avail themselves for training on our new paperless solution for the Chamber. I am glad a number of Members are now quite at ease with the slight technological interruption.

**Honourable Members,** I wish to keep the House abreast of the progress made so far. A total of 350 Tablets have since been procured and installed with customized applications which enable Members to receive House Business documents including Order Papers, Votes and Proceedings, Bills, Statutes, Statutory Instruments, Fact Sheets among other resources; the Application has an embedded Committee folder that includes Committee Schedules and Committee Reports, Hansard Reports, and budget related documents among other key parliamentary journal.

**Honourable Members,** in my Communication I also indicated that Members will be allowed to use the Tablets once all of them are installed and a short user-training on the use of the equipment is done. To this end, I have since confirmed that the tablets

have been installed and the user training has been ongoing. **What remains now is to gradually roll-out the system for use.**

**Honourable Members,** In this regard, I have ordered that, **as from Tuesday, April 23, 2019, there will be no physical Order Paper that will from time to time be provided in the Chamber.** This takes effect as soon as the House resumes after the short recess. You will henceforth be able to access all your documents from the Application on the equipment. I urge Members who may not have acclimatized with the use of the Application to create time during the short recess to attend user-training session that will be mounted by the ICT Department.

I thank you!”

## 5. MESSAGES

### MESSAGE FROM THE SENATE ON APPROVAL OF THE NOMINATION OF MR. HILARY NZIOKI MUTYAMBAI FOR APPOINTMENT TO THE POSITION OF INSPECTOR GENERAL OF THE NATIONAL POLICE SERVICE

“**Honourable Members,** Given the decision of the House under Order No. 11, I wish to inform the House that I have, moments ago, received a Message from the Senate confirming that the Senate **also** approved the nomination of Mr. Hilary Nzioki Mutyambai for appointment to the position of Inspector General of the National Police Service.

**Honourable Members,** this therefore concludes the bicameral approval of the appointment process, and paves the way for the appointment of Mr. Hilary Nzioki Mutyambai as the Inspector General of the National Police Service by the H.E the President as required under Article 245(2)(a) of the Constitution after the formal submission of the written certification by the my colleague, the Speaker of the Senate and I .

I thank you.”

## 6. PETITIONS

The following petitions were presented –

- (i) by the Member for Wundanyi (Hon. Danson Mwashako) regarding designation of Taita Taveta County as a marginalized area; and
- (ii) by the Member for Langata (Hon. Nixon Korir) regarding the proposed demolition of Seefar Apartment in Langata Constituency;

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(2)

7. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Report on the Boda Boda Motorcycle Transport and Security Challenges in Kenya from the National Crime Research Centre.
- (ii) Annual Report and Financial Statements of the Coast Development Authority for the year ended 30<sup>th</sup> June, 2017.
- (iii) Reports of the Auditor General on the financial statements in respect of the following Constituencies for the year ending 30<sup>th</sup> June, 2017 and the certificates therein: -
  - a) Suna West;
  - b) Suna East;
  - c) Nyatike;
  - d) Uriri;
  - e) Kuria East;
  - f) Homa Bay;
  - g) Nyando;
  - h) Mbita;
  - i) Rongo;
  - j) Keiyo North; and
  - k) Alego Usonga.

*(The Majority Party Whip)*

- (iv) Report of the Departmental Committee on Sports, Culture and Tourism on its Consideration of Public Petition seeking leave of the House to introduce a private Bill entitled Mau Mau Liberation Struggle Movement Bill presented by Mau Mau War Veterans Association.

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

- (v) Report of the Departmental Committee on Communication, Information and Innovation on its consideration of Senate amendments to the Copyright (Amendment) Bill, 2017.

*(Chairperson, Departmental Committee on Communication,  
Information and Innovation)*

8. **QUESTIONS**

The following Questions were asked -

- (i) Question No. 016/2019 by the Member for Igembe South Constituency (Hon. John Paul Mwirigi) regarding arrest of one Richard Koome in Mumbai by Indian Authorities.

*(To be replied by the Cabinet Secretary for Foreign Affairs before the Departmental Committee on Defence and Foreign Relations)*

- (ii) Question No.098/2019 by the Member for Kiambu Town (Hon. Jude Njomo) regarding reduction of the age limit for imported second hand motor vehicles having engine capacity above 1500cc.

*(To be replied by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Finance and National Planning)*

- (iii) Question No.166/2019 by the Member for Sirisia (Hon. John Waluke) regarding tender for bulk cargo transport through the SGR.

*(To be replied by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)*

- (iv) Question No.168/2019 by the Member for Mwingi West (Hon. Charles Nguna) regarding promotional and welfare status of contracted employees of the Kenya Broadcasting Corporation.

*(To be replied by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)*

The following Questions were deferred:-

- (i) Question No.136/2019 by the Member for Baringo Central (Hon. Joshua Kandie) regarding non operation of Uwezo Fund in Baringo Central constituency;

*(Question Deferred)*

- (ii) Question No.167/2019 by the Member for North Imenti (Hon. Rahim Dawood) regarding the date for the elections for Members of Parliament.

*(Question Deferred)*

## 9. **STATEMENTS**

Pursuant to Standing Order 44, the following Statements were made:

- (i) By the Member for Kiharu (Hon. Ndindi Nyoro) on media reports that he intended to introduce a Bill to clip the investigative functions of the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC). The Member clarified that he only intended to amend the Anti-Corruption and Economic Crimes Act so as to instill stiffer penalties for persons guilty of engaging in corruption. The Speaker informed the House that the Member was in order in attempting to clarify the issue, and further reminded Members that any attempt to modify the roles of the two offices requires amendment to the Constitution.

- (ii) By the Member for Homa Bay Town (Hon. Peter Kaluma) on the duration taken by Departmental Committees to complete consideration of legislative proposals. The Speaker reminded Members that the House had in March 2019 passed a procedural Motion to have various legislative proposals that were pending before Committees published into Bills.

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2018)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Sports (Amendment) Bill (National Assembly Bill No.25 of 2018).

*(The Leader of the Majority Party)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Sports (Amendment) Bill (National Assembly Bill No.25 of 2018) be now read a Third Time.

*(The Leader of the Majority Party)*

Question put and agreed to;

Bill read a Third Time and **Passed.**

11. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

Motion made and Question proposed –

THAT, the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No.12 of 2018) be now read a Second Time.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House.

12. **THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

Motion made and Question proposed –

THAT, the County Statistics (Senate Bill No.9 of 2018) be now read a Second Time

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House.

13. **SPECIAL MOTION – APPROVAL OF THE NOMINEE FOR APPOINTMENT AS THE INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate in their Report on the *Vetting of the Nominee for Approval as the Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, April 2, 2019*, and pursuant to the provisions of Article 245(2)(a) of the Constitution, section 12(1) of the National Police Service Act, 2011 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Mr. Hilary Nzioki Mutyambai** as the Inspector-General of the National Police Service.

*(Chairperson, Departmental Committee on Administration and National Security)*

Debate on the Special Motion having been concluded on Wednesday, April 3, 2019 (Morning Sitting);

Question put and agreed to.

14. **MOTION – REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR FY 2017/2018 AND 2018/2019**

Motion made and Question proposed –

**THAT**, this House **notes** the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019 & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC Appropriation Bill, 2018, *laid on the Table of the House on Tuesday, November 27, 2018*.

*(Chairperson, Committee on Regional Integration)*

Debate on the Motion having been concluded on Tuesday, April 2, 2019;

Question put and agreed to.

15. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL**

Motion made and Question proposed –

**THAT**, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 21 of 2019) from **14 to 5 days**.

*(The Leader of the Majority Party)*

There being no debate arising;

Question put and agreed to;

16. **PROCEDURAL MOTION- EXTENSION OF PERIOD FOR CONSIDERATION OF A SPECIFIED PETITION**

Motion made and Question proposed –

**THAT**, notwithstanding the provisions of Standing Order 227(2)(*Committal of petitions*), this House **resolves** to extend the period for consideration of a public petition regarding *De-Gazettement of the Four Hundred (400) Yards Strip in Ngong Hills Forest* by the Departmental Committee on Environment and Natural Resources by a **further period of sixty (60) days** from 19<sup>th</sup> April, 2019.

*(Majority Party Whip)*

There being no debate arising;

Question put and agreed to.

17. **THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)**

(The Leader of the Majority Party)

Order for First Reading made;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

18. **MOTION - INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR**

**THAT**, this House **adopts** the Report of Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector, *laid on the Table of House on Tuesday, March 5, 2019*.

*(Chairperson, Departmental Committee on Communication, Information & Innovation)*

Debate interrupted on Tuesday, April 2, 2019 resumed;

Question on the proposed amendment having been deferred on Tuesday, April 2, 2019;

The Chairperson of the Departmental Committee on Communication, Information & Innovation informed the House that his Committee had no objection to the amendment proposed by Hon. T.J. Kajwang through Hon. Kimani Ichung'wah;

The amendment proposed by Hon. T.J. Kajwang through Hon. Kimani Ichung'wah was as follows:

**“THAT**, the Motion be amended by inserting the following after the figure “2019” –

**“subject to-**

a) deletion of Recommendation 5.2(i) under paragraph 102 (*Committee Recommendations*) appearing on page 49 of the Report and substituting therefor with the following-

**“(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”**

b) deletion of Recommendation 5 (i) under paragraph 12.4 (*Call and short message service (SMS) termination rates*) appearing on page 81 of the Report and substituting therefor with the following-

**“(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”**

c) deletion of the words appearing after the phrase **“one-year”** on Recommendation 11 under paragraph 12.9 (*National Roaming*) appearing on page 84 of the Report.”

Committee Question on the Proposed Amendment put and agreed to;

Rising in his place on a Point of Order under Standing Order 95, the Leader of the Majority Party (Hon. Aden Duale) claimed to move that the Mover be called upon to reply;

Thereupon question proposed;

Question that the Mover be called upon to Reply put and agreed to;

Mover Replied;

Question on the Motion as Amended put and agreed to.

19. **PROCEDURAL MOTION -ADJOURNMENT OF THE HOUSE**

Motion made and Question proposed:-

THAT, pursuant to Standing Order 31(1) this House do now adjourn to Thursday, April 4, 2019 at 1430hrs in order to provide sufficient time for preparations for the State of the Nation Address by H.E. the President scheduled for Thursday, April 4, 2019.



Question put and agreed to.

House adjourned until Thursday, April 4, 2019 at 1430hrs.

And the time being eighteen minutes past Four O'clock, the Speaker adjourned the House forthwith.

20. **HOUSE ROSE** - at eighteen minutes past Four o'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Thursday, April 04, 2019 at 2.30 p.m.

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