



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 7, 2019

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

The Speaker conveyed the following Message –

COMMUNICATION ON THE DISORDERLY CONDUCT OF THE MEMBER FOR KWALE COUNTY

Honourable Members, my attention has been drawn to an incident that happened during today's Morning Sitting where a Member walked into the Chamber with an infant. The report filed to me indicates that, the Member concealed the baby and entered the chamber through the emergency exit instead of the main entrance to the Chamber. The report further indicates that the Member only revealed the baby once she got into the chamber, confirming that the act was a premeditated.

Honourable Members, I am informed that the Member thereafter claimed that the reason for her action is that there are no breastfeeding stations for lactating mothers within the precincts of Parliament.

Hon. Members, whereas the Member was ordered to withdraw from the Chamber for the remainder of the day, the action of the Member amounted to **gross disorderly conduct** in terms of Standing Order 107A(1) (h). Further, the action of the Member of exposing the infant was indeed very insensitive, demeaning and undignified. Whereas such grossly disorderly conduct attracts an immediate punishment for withdrawal from the precincts of the Assembly for a minimum of five days and a maximum of twenty-eight days, I choose to caution and reprimand the Member for Kwale County. In this regard, the Hon. Hassan Zuleikha Juma is hereby severely reprimanded and warned to refrain from engaging in such conduct in future.

Honourable Members, May I now clarify that, contrary to the claims made by Members, I am informed by the office of the Clerk that the Parliamentary Service Commission has set aside a facility within the Parliament Square, specifically on the 4th Floor of the Red Cross

Building to cater for lactating mothers, both Members and staff of Parliament. Further, the lactating

mothers are allowed to bring along their nannies to watch over the babies at the facility while they undertake their official duties.

May I also remind members to always use the main entrance to the Chamber because there's a requirement to bow when entering or leaving the Chamber. The House is accordingly informed.

I thank you!

5. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Message –

Passage of the County Government Retirement Scheme Bill (National Assembly Bill No. 10 of 2018).

Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the passage of the County Government Retirement Scheme Bill (National Assembly Bill No. 10 of 2018).

Honourable Members, the Message reads in part, and I quote, ***“...the Senate on Wednesday, 17th July, 2019 considered and passed the said Bill with amendments”***. The Senate now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 110(4) of the Constitution.

Honourable Members, The County Government Retirement Scheme Bill (National Assembly Bill No. 10 of 2018) seeks to provide for establishment of County Government Retirement Scheme for employees in the service of county governments, to provide for retirement benefits of those employees and for connected purposes.

Honourable Members, I now direct the Clerk to circulate the Senate amendments to the Bill, to all Members in accordance with the requirement of Standing Order 145. In this regard, the Senate amendments to the said Bill stand committed to the Departmental Committee on Finance and Planning for consideration.

Honourable Members, in furtherance of provisions of Standing Orders 146 the Committee is expected to submit its report to the House to guide Members when considering the Senate amendments. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate to the Bill, and not any other part of the Bill.

I thank you.

6. **PAPERS LAID**

The following Papers were laid on the Table –

A. The Leader of the Majority Party: -

- i) Legal Notice No. 65 of 2019 relating to the Public Service Commission Regulations and the Explanatory Memorandum from the Ministry of Public Service, Youth and Gender. *referred to the Committee on Delegated Legislation*)
- ii) Bi-Annual Report for the Commission on Administrative Justice for the period July to December 2018.
- iii) Performance Audit Report on Monitoring of Mining Operations by the State Department of Mining for April 2019 from the Office of the Auditor - General.
- iv) 2018/19 Annual Report from the East African Community and Regional Development.
- v) Report Borderland – Related Crimes and Security Threats in Kenya from the National Crime Research Centre.
- vi) The Reports of the Auditor-General and the Financial Statements in respect of the Kabarnet Hotel Limited for the year ended 30th June, 2017 and 30th June, 2018 and the certificates therein.
- vii) The Reports of the Auditor-General and the Financial Statements in respect of the following Constituencies for the year ended 30th June, 2018 and the certificates therein: -
 - a) Khwisero;
 - b) Butula;
 - c) Nyatike;
 - d) Ugunja;
 - e) Nandi Hills;
 - f) Laikipia West;
 - g) Lamu East;
 - h) Mandera South;
 - i) Matayos;
 - j) Banisa;
 - k) Endebess;
 - l) Wajir East;
 - m) Wajir North;
 - n) Wundayi
 - o) Lunga Lunga;
 - p) Ganze;
 - q) Magarini;
 - r) Voi;
 - s) Muhoroni; and
 - t) Mandera West.*(The Majority Party Whip)*
- viii) Report of Study Visit to the Parliament of the Federal Republic of Germany by the Committee on Procedure and House Rules.
(Leader of the Majority Party)
- ix) Report on the Association of African Higher Education Financing Agencies (AAHEFA) Conference held in Lilongwe, Malawi, from 24th -26th September, 2018; and

- x) Report on the 9th Education International (EI) Africa Regional Conference held in Grand Bassam, Cote D'ivoire from 6th – 9th November, 2018.
(Chairperson, Departmental Committee on Education and Research)
- xi) Report of the Constitutional Implementation Oversight Committee on its consideration of the Independent Electoral and Boundaries Commission (Amendment) (No.2) Bill (National Assembly Bill No. 30 of 2019);
- xii) General Elections Observation in New Delhi, India from 8th to 15th May 2019; and
- (xiii) A benchmarking visit to Malawi on Implementation of a Paperless Census from 24th to 30th March, 2019.
(Chairperson, Constitutional Implementation Oversight Committee)

7. QUESTIONS

The following Questions were asked –

QUESTION BY PRIVATE NOTICE

1. Question No. 33/2019 by the Member the Member for Mwingi Central (Hon. Gideon Mulyungi, MP) regarding the supply of relief food and clean drinking water to identified counties during the national Census period; what criteria will be applied to identify the persons and the counties to benefit from the said supply, noting that most counties, including Kitui County are experiencing drought due to the failure of short rains; the cost and quantities of the relief food and water to be provided to the identified counties; When will the process of distribution commence and when will it end?

(To be answered the Cabinet Secretary for planning and National Treasury before the Departmental Committee on Finance and National Planning)

ORDINARY QUESTIONS

2. Question No. 370/2019 by the Member for Lamu County (Hon. Ruweida Obo, MP) regarding erection of several police road blocks along Malindi - Lamu road which inconvenience road users; why drug trafficking and insecurity are still rampant in Lamu County despite the presence of the said road blocks;

(To be answered the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

3. Question No. 372/2019 by the Member for Laikipia County (Hon. Catherine Waruguru, MP) regarding progress report on the ongoing land allocations at *Karandi Township, Marmanet Ward* of Laikipia County; whether the Ministry did involve all stakeholders, during the identification of beneficiaries and preparation of Part Development Plans (PDPs); measures the Ministry is putting in place to ensure that the process is transparent and to ensure the rightful beneficiaries are identified; measures put in place to cushion the process from possibility of multiple allocations and other irregularities?

(To be answered by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

The following Question was deferred –

4.Question No. 355/2019 by the Member for Matayos (Hon. Geoffrey Makokha Odanga, MP) regarding details regarding the adult education programme in the country including funding, administration and the number of persons enrolled in the programme per county; measures the Ministry put in place to popularize adult education in the counties in order to give a second chance to the Kenyans who have dropped out of school for various reasons and wish to improve their literacy levels.

(Question deferred)

5. Question No. 371/2019 by the Member for Murang'a County (Hon. Sabina Chege, MP) regarding stalemate of the construction of *Kangema-Kanyenyaini-Kiriri-Karurumo* road which serves thousands of farmers, traders and motorists in accessing *Kanyenyaini Tea Factory, Gakira and Kanyenyaini markets*; What measures has the Ministry put in place to ensure that the said road is constructed and completed on time.

(Question deferred)

8. **THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT)**
BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2019)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Drought Management Authority (Amendment) Bill (National Assembly Bill No. 26 of 2019) be now read a Second Time.

(The Leader of the Majority Party 6.8.2019)

Debate on the Motion having been concluded on Tuesday, August 6, 2019;

Question put and agreed to.

Bill read a Second Time.

The salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) deferred to another day during the Committee of the Whole House.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

The Statistics (Amendment) Bill (National Assembly Bill No.37 of 2019)

Clause 3 - agreed to

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended by deleting paragraph (b).

(Member for Funyula, Hon. (Dr.) Wilberforce Oundo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

THAT, clause 4 of the Bill be amended in paragraph (c) by inserting the following new paragraphs immediately after the proposed new paragraph (g)–

- (h) providing technical advice on statistics to other state entities;
- (i) promoting coordination among producers, users and suppliers of official statistics by forming appropriate sector committees; and
- (j) designating statistics produced by national statistical system as official statistics on being satisfied that the necessary criteria have been followed.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 and 6 - agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended–

- (a) in paragraph (a), by deleting the proposed new subsection (2) (b) and substituting therefor the following new paragraph –

“(b) has a masters degree in statistics, economics, demography or mathematics from a recognised university”.

- (b) by deleting paragraph (b).

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment by Chairperson, Departmental Committee on Finance & National Planning having been carried, proposed amendment by Hon. (Dr.) Wilberforce Oundo, falls;

THAT, clause 7 of the Bill be amended in paragraph (a) by inserting the word “postgraduate” immediately after the words “has a” appearing in the new sub-section (2)(b).

Clause 8 - amendment proposed -

THAT, clause 8 of the Bill be amended, in the proposed new section 8A—

(a) in subsection (2), by deleting —

(i) the word “postgraduate “appearing in paragraph (a);

(ii) paragraph (c) and substituting thereof the following new paragraph-

(c) is a registered Certified Public Secretary in good standing with the Institute of Certified Public Secretaries of Kenya;

(b) in subsection (3), by —

(i) deleting the words “ensuring the implementation of” appearing in paragraph (b) and substituting therefor the words “communicating the”

(ii) inserting the word “court” immediately before the word “proceedings” appearing in paragraph (f);

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clauses 9, 10 and 11 - agreed to

Clause 12 - amendment proposed -

THAT, the Bill be amended by deleting clause 12 and substituting therefor the following new clause-

Amendment of 12. The principal Act is amended by deleting section 20 and section 20 of No. 4 substituting therefor the following new section- of 2006

Power to access information. **20.** (1) This provision limits the right to privacy as provided for under Article 31.

(2) Any person or household having custody of, or being in charge of, any record or document from which information sought in furtherance of the purposes of this Act can, in the opinion of the Director-General, be obtained, or which would aid in the completion or correction of information already obtained, shall grant the Director- General access to such records or documents for the purposes of obtaining therefor the required information.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - amendment proposed -

THAT, clause 13 of the Bill be amended—

- (a) in the proposed new subsection (3), by deleting the words “The Director-General may with the approval of the Board” and substituting therefor the words “Upon request by the Board, the Cabinet Secretary may with the approval of the Cabinet”;
- (b) by inserting the following new sub-section immediately after sub-section (3) —
 - (4) The Cabinet Secretary shall within fourteen days of approval by the Cabinet, publish the official data that has been cancelled, revised or adjusted under sub-section (3), in the *Gazette*.

(Member for Kimilili, Hon. Didmus Barasa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed

THAT, clause 13 of the Bill be amended by inserting the following new subsection (4) immediately after subsection (3)—

(4) A person who may have used any official statistical data that has been cancelled, revised or adjusted in accordance with subsection (3), for research or advisory services, shall be indemnified by the Board in such manner as the Cabinet Secretary may prescribe in regulations.

(Member for Funyula, Hon. (Dr.) Wilberforce Oundo)

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Clauses 14, 15, 16 and 17 - agreed to

Fourth Schedule - amendment proposed -

THAT, the Fourth Schedule to the Bill be amended by inserting the following paragraph immediately after paragraph 8 -

M e m b e r	(Paragraph	
		9.	The Kenya National Bureau of Statistics shall ensure that when conducting the Population and Housing Census, a person whose data is captured in a place not being the place of origin and residence that such a person is factored in the compilation of the final Population and Housing Census within the place of origin and residence of the person.

for Lagdera, Hon. Mohammed Garane)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

New Clause 12A - amendment proposed -

THAT, the Bill amended by inserting the following new clause immediately after clause 12-

Power of entry **21.** (1) This provision limits the right to privacy as provided for under Article 31.

(2) An authorized officer may at all reasonable times without warrant, but upon production, if required, of the letter of authorization, for any purpose connected with—

(a) the collection of statistical information, enter and inspect any land, building, vehicle or vessel where persons are employed, other than a dwelling-house;

(b) the taking of a census, enter any land or building, vehicle or vessel where persons are employed,

and in either case may make such inquiries for the collection of information, or the taking of the census, as the case may be.

(Chairperson, Departmental Committee on Finance & National Planning)

Order for the second Read;

Amendment moved and Seconded by Meber for Rarieda, Hon. Otiende Amolo;

Debate arising;

Mover replied;

Question put for the second reading and agreed to.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended in the definition of the term “Agency” by deleting the word “Agency” and substituting therefore the word “agency”.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Title - agreed to

Clause 1 - amendment proposed -

THAT, clause 1 of the Bill be amended by inserting the expression “and shall come into force upon publication in the *Gazette*” immediately after “2019”.

Bill reported with amendments.

Motion made and Question proposed -

THAT, the House do agree with the Committee of the whole House in the said report;

(Leader of the Majority Party)

Question and Third Reading deferred to the following day pursuant to the Standing Orders.

12. **MOTION: VETTING OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE KENYA FISH MARKETING AUTHORITY**

Motion made and Question proposed -

THAT, taking into consideration the findings of the Departmental Committee on Agriculture & Livestock in its Report on the *Vetting of a Nominee for Appointment as the Chairperson of the Board of Directors of the Kenya Fish Marketing Authority, laid on the Table of the House on Wednesday, August 7, 2019*, and pursuant to section 201(1)(a) & (2) of the Fisheries Management and Development Act, 2016 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Hon. Ochieng’ G. Mbeo** as the Chairperson to the Board of Directors of the Kenya Fish Marketing Authority.

(Chairperson, Departmental Committee on Agriculture and Livestock)

Debate arising;

Question deferred.

And the time being Seven O’clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at Seven O’clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, August 08, 2019 at 2.30 p.m.