



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 24, 2019 AT 2:30 PM**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following communications from the Chair-

a) **On visiting pupils and teachers from Grasten Academy, Kiambu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Grasten Academy, Kiambu County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

b) **on the reporting date for Sessional Committee on Delegated Legislation and the Standing Committee on Finance and Budget on the Public Finance Management (National Government) (Amendment) Regulations, 2019**

“Hon. Senators,

You will recall that on Wednesday, 16<sup>th</sup> October, 2019, the Public Finance Management (National Government) (Amendment) Regulations, 2019 were tabled in the House for consideration. They were consequently referred to the Sessional Committee on Delegated Legislation and the Standing Committee on Finance and Budget due to their significance to our nation.

Hon. Senators,

You will also recall that the Speaker directed the two Committees to consider the Regulations and report within a maximum of fourteen days owing to the urgency in dispensing with the matter given the statutory timelines available to the House.

Hon. Senators,

As you are aware, the House is scheduled to proceed on a ten-day recess today in accordance with our calendar. Consequently, the maximum period given will end when the House will be on recess.

Therefore, for the avoidance of doubt and since the House is within the statutory timelines of dealing with the Regulations, I direct that the Committees table their report when the House resumes on Tuesday, 5<sup>th</sup> November, 2019. The Notice of Motion and debate on the Motion will ensue on the same day. I hope every Senator is guided accordingly.

I thank you.”

#### 4. **PAPERS**

The following Paper was laid on the Table of the Senate-

Statement on the business of the Senate for the week commencing Tuesday, 5<sup>th</sup> November, 2019;

*(Senate Majority Whip on behalf of the Senate Majority Leader)*

#### 5. **STATEMENTS**

##### (a) **Statement Pursuant to Standing Order 47(1)**

The Senator for Mombasa County (Sen. Mohamed Faki, MP) made a Statement on the appointment of the Mama Ngina Waterfront Management Board.

In his Statement, Sen. Faki informed the Senate that on Friday 27<sup>th</sup> September 2019, the Cabinet Secretary (CS) for Tourism and Wildlife Hon. Najib Balala had inaugurated the Mama Ngina Waterfront Management Board with the prime mandate of managing the Mama Ngina Waterfront, allegedly pursuant to the Tourism Act (No 28 of 2011).

The Senator further informed the Senate that, from the outset, this appointment was illegal, null and void since the CS had not followed the due process in appointing a competent Board. He pointed out that under Schedule 4 of the Constitution 2010, Tourism was both a National and a Devolved Function and that the Cabinet Secretary could not establish a project on Land managed by the County Government of Mombasa and then appoint a Management Board, allocating Mombasa County only one position on that Board.

He stated that the CS should have either handed over the Project to the County Government of Mombasa to fully manage it or appointed a joint Board with the Mombasa County to manage the Facility.

Sen. Faki concluded by calling upon the CS to immediately rescind and revoke the appointment of the Board and in any event within 7 days failing which we shall file a Petition in the High Court for Orders to revoke the Appointment.

(b) **Statements Pursuant to Standing Order 48(1)**

- (i) The Senator for Kitui County (Sen. Enoch Kiiio Wambua, MP) sought a Statement from the Standing Committee on Roads and Transportation on the state of Syongila-Tulia Road in Kitui County.
- (ii) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) sought a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the status of abattoirs in Wajir County.

(c) **Statement Pursuant to Standing Order 52(1)**

The Senate Majority Whip issued a Statement on behalf of the Majority Leader on the business of the Senate for the week commencing Tuesday, 5<sup>th</sup> November, 2019.

6. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY GOVERNMENTS FOR FINANCIAL YEAR 2014/2015**

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makueni, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot Counties for Financial year 2014/2015 (1<sup>st</sup> July, 2014 to 30<sup>th</sup> June, 2015), laid on the Table of the Senate on Wednesday, 9<sup>th</sup> October, 2019.

*(Chairperson, Sessional Committee on County Public Accounts and Investments –  
22.10.2019)*

Debate interrupted on Wednesday, 23<sup>rd</sup> October, 2019 resumed;

Debate arising;

Debate interrupted to allow the Speaker to issue a communication;

7. **COMMUNICATION FROM THE CHAIR ON THE PROCEDURE FOR CONSIDERATION OF THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR OF TAITA TAVETA COUNTY**

The Speaker issued the following communication from the Chair-

**“Honourable Senators,**

I have the following Communication to make relating to the procedure to be followed during consideration of the Report of the Special Committee on the Proposed Removal from Office of the Governor of Taita/Taveta County.

**Honourable Senators,** the Chairperson of the Special Committee will lay the Report of the Committee this afternoon. Once it is laid, Honourable Senators will have time to peruse it. It will, therefore, not be debated immediately, but the Senate will suspend for twenty minutes in order to allow Honourable Senators to go through it. This is because at the point at which it is laid, it will not be known to the House which of the two procedures provided by Section 33(6) of the County Governments Act and Standing Order No.75(4) will be applied; its contents will determine the procedure to be applied.

**Honourable Senators,** for your information, both Section 33(6) of the County Governments Act and Standing Order No. 75(4) provide as follows: -

*“If the special committee reports that the particulars of any allegation against the governor—*

- (a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or*
- (b) have been substantiated, the Senate shall, after according the governor an opportunity to be heard, vote on the charges.”*

Consequently, after you, Honourable Senators, have had the opportunity of perusing the Report and after establishing whether or not the particulars of the allegations against the Governor have been substantiated, the Motion to consider it will be listed for business in a Supplementary Order Paper which, once prepared, will be circulated when we reconvene after twenty minutes.

If the Special Committee reports that any particulars of the allegations have been substantiated, the Senate will proceed to vote on each of the impeachment charges, after according the Governor the opportunity to be heard.

**Honourable Senators,** in this regard, an invitation has been extended to the Governor of Taita/Taveta County to sit in the Gallery during debate on the Motion, in the event that the Special Committee finds any of the allegations against the Governor to have been substantiated. At the appropriate time before I put the Question on the Motion, he will appear, if present, before the Senate and be heard, either by himself or his legal representative. I wish to inform the Honourable Senators that if the Governor chooses to exercise his right to appear and be heard by the Senate, he shall be heard here, either by himself or his Advocate in total silence. His speech shall not be followed by any question or comment.

The Senate shall, thereafter, immediately proceed to vote on each allegation found to have been substantiated.

**Honourable Senators**, in the event that the Special Committee finds that the charges have not been substantiated, further proceedings on this matter shall not be taken, and I will give further guidance on how to proceed.

I thank you.”

## 8. PAPERS

The following Paper was laid on the Table of the Senate –

Report of the Special Committee on the proposed removal from office, by impeachment, of Honourable Governor Granton Graham Samboja, the Governor of Taita Taveta County.

*(The Chairperson of the Special Committee on the Proposed Removal from Office of the Governor of Taita Taveta County)*

## 9. SUSPENSION OF THE SENATE TO ENABLE SENATORS PERUSE THE REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR OF TAITA TAVETA COUNTY

The Speaker the Speaker suspended the proceedings of the Senate at fifty seven minutes past Three O'clock to enable Senators peruse the Report of the Special Committee on the Proposed Removal from Office of the Governor of Taita Taveta County and directed that the Senate resumes at twenty minutes past Four O'clock.

## 10. SENATE RESUMED - at twenty two minutes past Four O'clock.

## 11. COMMUNICATION FROM THE CHAIR ON THE PROCEDURE FOR CONSIDERATION OF THE REPORTS OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL FROM OFFICE OF THE GOVERNOR OF TAITA TAVETA COUNTY

The Speaker issued the following communication from the Chair-

**“Honourable Senators,**

I believe you have now had occasion to go through the Report of the Special Committee on the proposed removal from office of the Governor of Taita/Taveta County. As you may have noticed, the Committee has found **all** the allegations against the Governor to have **not** been substantiated.

Consequently, **Honourable Senators**, the procedure to be followed in this case is that set out at Section 33(6)(a) of the County Governments Act and Standing Order No.75(4)(a), both of which provide as follows: -

*“If the special committee reports that the particulars of any allegation against the governor have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation”*

That being the case, **Honourable Senators**, this matter stands concluded, and no further proceedings shall be taken thereon.

However, pursuant to Standing Order No. 1, I shall allow the Chairperson of the Special Committee to make brief remarks on the process undertaken by the Committee and, in particular, any recommendations the Committee would wish to make regarding the process. The Chairperson will have not more than ten minutes.

Thereafter, I shall allow Senators to make general comments and observations thereon, for not more than thirty minutes, after which we shall resume debate on Order No. 8 in today's Order Paper.

I thank you.”

Thereafter, the Speaker allowed Senators to make comments/observations on the report.

12. **THE REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)**

(Sen. (Dr.) Isaac Mwaura, MP)

*(Second Reading)*

Order deferred.

13. **MOTION – REPORT ON THE THIRD STATUTORY MEETING OF THE COMMITTEE ON ECONOMIC DEVELOPMENT, REGIONAL INTEGRATION AND NATURAL RESOURCES OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION (FP-CGLR)**

(Sen. Samuel Poghiso, MP)

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Bujumbura, Burundi, from 13<sup>th</sup> to 14<sup>th</sup> March, 2019, laid on the Table of the House on Tuesday, 21<sup>st</sup> May, 2019.

Order deferred.

14. **MOTION –REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, this House notes the Report of the Parliament of Kenya Delegation on the Global Open Governance Partnership Summit held in Ottawa, Canada, from 29<sup>th</sup> to 30<sup>th</sup> May, 2019, laid on the Table of the House on Thursday, 11<sup>th</sup> July, 2019.

Order deferred.

15. **MOTION - REPORTS OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-  
AFRICAN PARLIAMENT AND THE FIRST ORDINARY SESSION OF THE FIFTH  
PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan-African Parliament held in Midrand, South Africa, from 7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18<sup>th</sup> October to 3<sup>rd</sup> November, 2018, laid on the Table of the House on Tuesday, 12<sup>th</sup> March, 2019.

Order deferred.

16. **MOTION- REPORTS OF THE PARLIAMENT OF KENYA DELEGATION TO THE  
ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED  
MEETINGS.**

(Sen. Susan Kihika, MP)

THAT, the Senate notes the reports of the Parliament of Kenya Delegation to the 139<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14<sup>th</sup> to 18<sup>th</sup> October, 2018, laid on the Table of the Senate on Thursday, 6<sup>th</sup> December, 2018, and the 140<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Doha, State of Qatar from 6<sup>th</sup> to 10<sup>th</sup> April, 2019, laid on the Table of the Senate on Tuesday, 23<sup>rd</sup> July, 2019.

Order deferred.

17. **MOTION – REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE  
UNITED NATIONS CONFERENCE ON CLIMATE CHANGE (COP 24).**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3<sup>rd</sup> to 14<sup>th</sup> December, 2018, laid on the Table of the Senate on Thursday, 25<sup>th</sup> July, 2019.

Order deferred.

18. **MOTION – ADJOURNMENT OF THE SENATE UNTIL TUESDAY, 5<sup>TH</sup> NOVEMBER,  
2019**

Order Read;

Motion made and Question proposed-

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 5<sup>th</sup> November, 2019.

*(Sen. Petronilla Were on behalf of the Senate Majority Leader)*

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. (Dr.) Lelegwe Ltumbesi) adjourned the Senate without question put, pursuant to the Standing Orders.

19. **SENATE ROSE** – at Thirty Minutes past Six O'clock.

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

*The Speaker will take the Chair on  
Tuesday, November 05, 2019 at 2.30 p.m.*

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