



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 15, 2019**

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**

The Speaker conveyed the following Communication –

**Speaker's Roundtable with Kenya Private Sector Alliance**

**“Honourable Members,** as you may be aware, the National Assembly has since 2009 engaged the Private Sector (KEPSA) annually through the Speaker's Roundtable. Topics of interest aimed at bolstering the roles of the two institutions are deliberated upon for prosperity and development of the Nation's Economy. I therefore wish to notify you that the National Assembly, in conjunction with the Kenya Private Sector Alliance (KEPSA) has organized the 2019 Speaker's Round Table Meeting under the theme **“The Critical Role of the Legislature and Private Sector in Boosting Economic Competitiveness for Growth & Job Creation”**. The Meeting will take place from **17<sup>th</sup> to 19<sup>th</sup> October, 2019** in Mombasa County.

The participants, who include the Presidium of the House, Party Leaders and Whips, Chairpersons and Vice Chairpersons of Committees, will depart Nairobi for Mombasa on **Thursday, 17<sup>th</sup> October, 2019**, on closure of business and return on **Saturday, 19<sup>th</sup> October, 2019**.

**Honourable Members,** this year's Round Table meeting provides an opportunity in the endeavour to bring together the management of the private sector and the political leadership of the National Assembly to candidly engage and interact on issues of interest that are pivotal for propelling the country's economy to a higher level.

**Honourable Members,** there is no doubt that this year's Round Table retreat comes at the most opportune time, when the country is grappling with unemployment and job creation especially for the youth. In particular, this meeting will provide both the business community and the Members of Parliament an occasion to take stock of the legislative engagements over the past year. Further, it will provide an opportunity for both parties to further concretize the partnership with the aim of accelerating legislative interventions aimed at catalyzing socio-economic transformation and growth.

**Honourable Members**, this is therefore to inform the House about the event and indeed request all those invited including the Leadership of the House, Chairpersons, Vice Chairpersons of Committees and Members to dedicate time to attend this crucial meeting.

**I Thank You!"**

5. **PAPERS LAID**

The following Papers were laid on the Table –

- a) Legal Notice No.9504 of 2019 relating to the Report on Deployment of the Kenya Defence Forces at the Likoni Channel, Mombasa County in support of the Kenya Ferry Services Limited on 29<sup>th</sup> September, 2019
- b) Legal Notice No. 151 of 2019 relating to the Retirement Benefits (Treating Customers Fairly) Guidelines and the Explanatory Memorandum from the National Treasury and Planning
- c) The Reports of the Auditor - General on the Financial Statements in respect of the State Law Office and Department of Justice for the year Ended 30<sup>th</sup> June, 2018 and the certificates therein: -
  - i. Official Receiver – Report and Financial Statements;
  - ii. Business Registration service – Revenue Statement; and
  - iii. Business Registration Service – Expenditure
- d) Annual Report and Financial Statements of the Teachers Service Commission for the year ended 30<sup>th</sup> June, 2018.
- e) The Report of the Auditor- General on the Financial Statements of the Micro and Small Enterprises Authority for the year ended 30<sup>th</sup> June, 2018 and the certificate therein.
- f) The Report of the Auditor-General on the Financial Statements of the Karachuonyo Constituency for the year ended 30<sup>th</sup> June, 2018 and the certificate therein.

*(Leader of the Majority Party)*

6. **NOTICE OF MOTION**

The following Notice of Motion were given –

**Biometric Clocking-in in Public Institutions**

**THAT**, aware that public offices have been established to provide government services to the Kenyan people; further aware that, provision of quality services by public institutions has been a matter of great public outcry due to absenteeism and negligence by officers; concerned that this goes against the principle of value for money for services offered and goods supplied to Government; further concerned that public officers in a number of key offices in government departments have been reported to be unavailable at their work stations to attend to Kenyans yet they continue to earn salaries; deeply concerned that in many cases, this lack of provision of services has led to loss of money, goods and even life, especially in public hospitals; this House **urges** the Government to speedily roll out installation of a biometric clocking-in system in all public institutions,

prominently display their service charters, and make provision for regular and mandatory checks at all offices to curb the menace of lax working conditions and absenteeism in all public institutions.

*(Hon. Kimani Kuria, MP)*

## 7. QUESTIONS

The following Question were asked –

- (i) Question by Private Notice No. 38/2019 by the Member for Dagoretti South (Hon. John Kiarie, MP) regarding non-payment of the 2019 Population Census enumerators.

*(To be replied by the Cabinet Secretary for the National Treasury before the Departmental Committee on Finance and National Planning)*

- (ii) Question No. 450/2019 by the Member for Chuka Igambang'ombe (Hon. Patrick Munene Ntwiga, MP) regarding construction of the Chuka-Kaareni Road that stalled in 2014.

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

- (iii) Question No. 451/2019 by the Member for Meru County (Hon. Kawira Mwangaza, MP) regarding dilapidated infrastructure in Antuarimata, Kimirie, Kalimba, Kirukire and Mwithu Primary Schools.

*(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)*

- (iv) Question No. 452/2019 by the Member for Bomachoge Chache (Hon. Alfah Miruga Ondieki, MP) regarding job opportunities created by the Government since 2012.

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

## 8. STATEMENTS

- a) The Member for Endebess (Hon. (Dr.) Robert Pukose, MP) sought an update regarding guidance pertaining to appearance by Chief Administrative Secretaries to respond to Questions before Departmental Committees on behalf of Cabinet Secretaries. The Honourable Speaker undertook to issue a Communication on the matter in due course.
- b) The Member for Tongaren (Hon.(Dr.) David Eseli Simiyu) rose on a Point of Order seeking the indulgence of the Honourable Speaker in directing the Departmental Committee on Agriculture and Livestock to conduct an inquiry into the woes facing the Coffee Research Institute exemplified by prevalence of Coffee Berry Disease in the Institute's own coffee crop, delayed staff remuneration, insufficient research funding, among other challenges. The Honourable Speaker acceded to the request, and pursuant to Standing Order 218(2), directed the Departmental Committee on Agriculture and Livestock to undertake an inquiry into the aforementioned matters

and other related concerns thereto, and to report to the House its findings and recommendations as soon as practically possible.

- c) The Member for Soy (Hon. Caleb Kositany, MP) congratulated Kenyan athletes who had broken multiple world records in various fields.
- d) Pursuant to Standing Order 43(1), the Member for Nandi Hills (Hon. Alfred Keter), sought the indulgence of the Honourable Speaker to pay accolades to national heroes from various backgrounds under *Zero Hour Statements*. The Honourable Speaker, having ascertained that the Statement had diverse elements and high interest, directed that the Statement be converted into a Motion for Adjournment of the House under Standing Order 33 for its scheduled discussion at 1800hrs.

9. **MOTION – PETITION BY THE EXECUTIVE FOR THE VARIATION OF THE BOUNDARIES OF MOUNT ELGON FOREST RESERVE**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Departmental Committees on Environment and Natural Resources and Lands on their consideration of a Petition by the Executive regarding the Variation of the Boundaries of Mount Elgon Forest Reserve, laid on the Table of the House on Thursday, July 4, 2019, and pursuant to the provisions of section 34(5)(b) of the Forest Conservation and Management Act, 2016 and noting the finding of the Committees that the Petition discloses ground for variation of boundaries of the particular forest, this House-

- (i) **approves** the variation of the boundaries of Mount Elgon Forest Reserve to exclude Chepyuk Phases II and III comprising of a total area of 4,607 Hectares; and
- (ii) **resolves** that the Government secures the remaining forest area within Mount Elgon Forest Reserve particularly in Chepkitale area in line with the need to achieve the United Nation’s recommended ten percent forest cover in the country.

*(Chairperson, Committee on Environment & Natural Resources – 09.10.2019)*

Debate interrupted on Wednesday, October 09, 2019 (Afternoon Sitting) resumed;

The Member for Luanda (Hon. Christopher Omulele) drew the attention of the Honourable Speaker to the fact that the Environment Impact Assessment (EIA) License issued by the National Environment Management Authority (NEMA) for the said variation had expired in 2013, having been issued in 2011;

Consequently, the Honourable Speaker ruled that the Motion for adoption of the said Report be stood down in view of the fact that the expired license from NEMA offended Section 34(4)(a) of the Forest Conservation and Management Act 2016, and thus run the possibility of invalidating the consideration of the Petition by the National Assembly;

The Honourable Speaker therefore directed the two Committees to jointly engage the National Environment Management Authority with a view to obtaining, and subsequently tabling by 14<sup>th</sup> November 2019, a fresh EIA License, following which the two Committees will resolve on whether to amend the Report and its resultant Motion or retain them in their current form;

Business dropped pending update by the Joint Committee on the Environment Impact Assessment License.

10. **THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.52 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No.52 of 2019) be now read a Second Time

*(Chairperson, Constitutional Implementation Oversight Committee)*

Debate arising;

*(Change of Chair from the Honourable Speaker to the Fourth Chairperson)*

Debate interrupted at 1800hrs to allow discussion of Motion for Adjournment of the House to pay accolades to national heroes pursuant to Standing Order 33.

11. **MOTION OF ADJOURNMENT TO DISCUSS URGENT MATTER OF NATIONAL IMPORTANCE UNDER STANDING ORDER 33**

Motion made:-

**“Honourable Speaker,**

Pursuant to the provisions of Standing Order 43, I wish to raise a matter regarding several national heroes who have achieved much this week.

**Honourable Speaker,**

On Saturday, October 12, 2019, we celebrated with the world us as one of our own, Eliud Kipchoge, ran a 42km marathon in one hour, fifty-nine minutes and forty seconds, the first human being to ever do so. The same weekend, Brigid Kosgei broke a sixteen-year old record in the women’s marathon, running it in two hours, fourteen minutes and four seconds. We also had our Kenya Navy and other agencies which managed to retrieve the vehicle that had sunk to a depth of over fifty metres in the Likoni Channel about two weeks ago. Several General Service Unit (GSU) officers also lost their lives in the line of duty while conducting security patrols in the Garissa area, while our soldiers are still fighting in Somalia as part of the AMISOM forces. These Kenyans have and continue to undertake extraordinary national duties, bringing high acclaim to our nation, and as we prepare to celebrate *Mashujaa* Day, they deserve special recognition for their contribution to and sacrifice on behalf of Kenya.

**Honourable Speaker,**

It is therefore against this background that I seek your leave to raise this matter during today’s Statement Hour.

**Thank you, Hon. Speaker.”**

*(Hon. Alfred Keter, MP)*

Debate arising;

And the time being Seven o'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at Seven o'clock

---

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

The Speaker will take the Chair on  
Wednesday, October 16, 2019 at 9.30 a.m.

---X---