



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 29, 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 –

**The Inaugural Parliamentary Forum for Committees**

**“Honourable Members,** I wish to take this opportunity to welcome you all back from the short recess. It is my hope that the break granted you a much-needed rest and that you are now re-energized and ready to undertake the Business scheduled for the remainder of the Third Session.

**Honourable Members,** as some of you may be aware, the National Assembly is scheduled to hold the **Inaugural Parliamentary Forum for Committees**. The event will take place at the Parliament Gardens on **Thursday, 31<sup>st</sup> October, 2019** from 9.00am to 4.00pm.

**Honourable Members,** as we all know, the bulk of the business considered by the House in plenary is first processed by Committees before it is submitted to the House. Committees are therefore very critical organs in the operations of legislatures. It is for this reason that the Liaison Committee has organized this Forum which is meant to showcase the Committee system of the National Assembly and to demystify the role of Committees to the public.

**Honourable Members,** during this forum, which will henceforth be held annually, the Chairpersons of all Committees will make presentations about the mandates of their respective Committees, highlighting a few that have had a significant impact on the economy and the lives of Kenyans, as well as those that have influenced government policy towards the fulfilment of the “Big Four” government agenda.

In addition to the presentations, the following parliamentary documents shall be launched on that day: -

- (i) the Committee Chairpersons’ Manual;
- (ii) the Committees’ Performance Reports; and,
- (iii) the Kiswahili version of the Standing Orders.

This important Forum, which will be graced by the Speaker of National Assembly of the United Republic of Tanzania, **the Rt. Hon. Job Yustino Ndugai**, as the Chief Guest, also presents an opportunity for the launch of the **Live Broadcast of Committee Proceedings**.

**Honourable Members**, due to the significance of the event in the Calendar of the National Assembly, I will expect the Leader of the Majority Party to move a motion to alter the Calendar of the House, at an appropriate time, so as not to hold a sitting of the House on the afternoon of Thursday, 31<sup>st</sup> October, 2019. Further, other than the Departmental Committee on Health which I have allowed to hold a meeting to consider a Petition presented by the Hon. Gladys Boss Shollei, MP, any sittings of other Committees scheduled for that day are hereby suspended.

**Honourable Members**, this is therefore to inform the House of this important occasion and invite you all to participate in the event which will also be aired live on television.

**I thank you!"**

## 5. MESSAGES

The Speaker delivered the following Message from H.E. the President –

### Nomination of Persons to the National Cohesion and Integration Commission

**"Honourable Members,**

Pursuant to the provisions of Standing Order No. 42, I wish to convey a Message from His Excellency the President relating to the nomination of persons for appointment to the Offices of the Chairperson and Members of the National Cohesion and Integration Commission.

**Honourable Members**, the Message which was received in my office on 18<sup>th</sup> October, 2019, conveys that, in exercise of powers conferred by Section 17 of the National Cohesion and Integration Act, 2008 and Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, H.E. the President nominated the following persons for appointment to the respective offices in the National Cohesion and Integration Commission: -

1.	<b>Rev. (Dr.) Samuel Kobia</b>	<b>-Chairperson</b>
2.	<b>Mr. Samuel E. Kona</b>	<b>-Member</b>
3.	<b>Hon. (Eng.) Phillip O. Okundi</b>	<b>-Member</b>
4.	<b>Ms. Peris W. Nyutu</b>	<b>-Member</b>
5.	<b>Mr. Reginald Okumu</b>	<b>-Member</b>
6.	<b>Hon. Abdulaziz Ali Farah</b>	<b>-Member</b>
7.	<b>Dr. Davis O. Makori</b>	<b>-Member</b>
8.	<b>Ms. Fatuma S. Tabwara</b>	<b>-Member</b>
9.	<b>Hon. Dorcas L. Kedogo</b>	<b>-Member</b>

**Honourable Members**, in this regard, therefore, H.E. the President now seeks the approval, by the National Assembly of the said nominations. Standing Order 42(2) states, and I quote:

*"If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits."*

In accordance with the said Standing Order, I directed the Office of the Clerk to promptly convey this notification to all Members of the National Assembly on 22<sup>nd</sup> October, 2019.

**Honourable Members**, you may recall that on Thursday 17<sup>th</sup> October, 2019, the House passed a resolution to the effect that during the period of the short recess, upon receipt of names of persons nominated for appointment to state or public offices requiring approval of the House from His Excellency the President, the Speaker shall **forthwith** refer the Messages containing the name(s) to the relevant Committee for consideration without having to recall the House for a Special Sitting.

Now, therefore guided by the said resolution and pursuant to the provisions of Standing Order 45, I refer the Message together with the *Curriculum Vitae* of the nominees to the Select Committee on National Cohesion and Equal Opportunity for Consideration.

**Honourable Members**, paragraph 9 of the First Schedule of the National Cohesion and Integration Act, 2008 as amended in 2019, requires the National Assembly to either approve or reject any or all of the nominees to the respective positions within twenty-one days of the day it next sits.

In this regard, the Committee should expeditiously notify the nominees and the general public of the time and place for holding the approval hearings, in at least two (2) newspapers of national circulation, inviting any person with representation regarding the process of nomination of the candidates and their suitability for appointment to the offices so nominated, to make submissions before the Committee. Thereafter, the Committee should commence the necessary approval hearings and submit its Report to the House **by 12<sup>th</sup> November, 2019** to enable the House to consider the nominees within the statutory timelines.

**I thank you!"**

## 6. PAPERS LAID

The following Papers were laid on the Table –

- i) 2019 Budget Review and Outlook Paper for the Financial Year 2020/21 and Medium-Term Budget from the National Treasury and Planning (*Referred to the Budget and Appropriations Committee*);
- ii) The Statutory six (6) months Preferences and Reservation Report from the Public Procurement Regulatory Authority;
- iii) Report of the Board of the National Government Constituencies Development Fund on Project Proposals Approvals, Disbursement Status and Restrictions imposed on Constituency Account for the First Quarter of 2019/20 Financial Year for the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2019 (*Referred to Select Committee on National Government Constituencies Development Fund*);
- iv) Sessional Paper No. 2 of 2019 on National Policy on Gender and Development from the State Department for Gender (*Referred to Departmental Committee on Labour and Social Welfare*);
- v) Sessional Paper No. 3 of 2019 on National Policy for the Eradication of Female Genital Mutilation from the State Department for Gender (*to be referred to Departmental Committee on Labour and Social Welfare*);

- vi) The Report of the Auditor-General on the Financial Statements of Mandera North Constituency for the year ended 30<sup>th</sup> June, 2018 and the certificate therein; and
- vii) The Report of the Auditor-General on the Financial Statements of the Northern Water Services Board for the year ended 30<sup>th</sup> June, 2018 and the certificate therein.

*(Leader of the Majority Party)*

- viii) Report of Departmental Committee on Finance and National Planning on its consideration of the Presidential Memorandum on the Finance Bill, 2019.

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

- ix) The Third Report of the Procedure and House Rules Committee on the Translation of the National Assembly Standing Orders to Kiswahili.

*(Hon. Moses Cheboi, MP, Member, Select Committee on Procedure and House Rules)*

- x) The Reports of the Special Funds Accounts Committee on its Consideration of:
  - a) Audited Financial Statements for the Commodities Fund for the year ended 30<sup>th</sup> June 2016 and 30<sup>th</sup> June 2017; and
  - b) Audited Financial Statements for the Agricultural Settlement Trustee Fund for the year ended 30<sup>th</sup> June 2016; Universal Service Fund for the year ended 30<sup>th</sup> June 2017; and the Water Sector Trust Fund for the year ended 30<sup>th</sup> June 2017.

*(Chairperson, Special Funds Accounts Committee)*

- xi) Minutes of the Departmental Committee on Administration and National Security held on 24<sup>th</sup> September 2019.

*(Hon. Mutua Barasa, Member, Departmental Committee on Administration and National Security)*

## 7. NOTICE OF MOTION

The following Notices of Motion were given –

### i). Translation of the National Assembly Standing Orders to Kiswahili

**THAT**, this House adopts the Third Report of the Procedure and House Rules Committee on the Translation of the National Assembly Standing Orders to Kiswahili, *laid on the Table of the House on Tuesday, 29<sup>th</sup> October, 2019*, and approves the Kiswahili Version of the National Assembly Standing Orders, and further resolves that the Kiswahili Version of the Standing Orders take effect at the commencement of the Fourth Session of the Twelfth Parliament.

*(Hon. Moses Cheboi, MP, Member, Select Committee on Procedure and House Rules)*

### ii). Report of the Special Funds Accounts Committee on the Commodities Fund

**THAT**, this House adopts the Report of the Special Funds Accounts Committee on its consideration of Audited Financial Statements for the Commodities Fund for the years ended 30<sup>th</sup> June 2016 and 30<sup>th</sup> June 2017, *laid on the Table of the House on Tuesday, October 29, 2019*.

*(Chairperson, Special Funds Accounts Committee)*

iii). **Reports of the Special Funds Accounts Committee on Agricultural Settlement Trustee Fund, Universal Service Fund and the Water Sector Trust Fund**

**THAT**, this House adopts the Report of the Special Funds Accounts Committee on its consideration of Audited Financial Statements for the Agricultural Settlement Trustee Fund for the year ended 30<sup>th</sup> June 2016, the Universal Service Fund for the year ended 30<sup>th</sup> June 2017 and the Water Sector Trust Fund for the year ended 30<sup>th</sup> June 2017, *laid on the Table of the House on Tuesday, October 29, 2019.*

*(Chairperson, Special Funds Accounts Committee)*

8. **QUESTIONS**

The following Question were asked –

- (i) Question No. 453/2019 by the Member for Magarini (Hon. Michael Thoyah Kingi) regarding chemical waste pollution by M/s Krystalline Salt Factory in Kilifi County

*(To be replied by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Natural Resources)*

- (ii) Question No. 459/2019 by the Member for Malava (Hon. Malulu Injendi) regarding establishment of the Education Standards and Quality Assistance Council.

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

- (iii) Question No. 460/2019 by the Member for Igembe Central (Hon. Kubai Iringo) regarding arrest of one Kinyua M'mumbwika in the United Republic of Tanzania.

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

- (iv) Question No. 461/2019 by the Member for Bura (Hon. Ali Wario) regarding recruitment of Prison Warders in Tana North Sub-county.

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

9. **STATEMENTS**

- a) Pursuant to Standing Order 43(1), the Member for Bura (Hon. Ali Wario) sought the indulgence of the Honourable Speaker to have the House discuss destruction of property and displacement of people along the Kitui/Tana River border under *Zero Hour Statements*. The Honourable Speaker acceded to the requested and directed that business be interrupted at 6.30pm to facilitate discussion of the matter subject to moderation of language and tone on account of the sensitivity of the situation.

- b) The Member for Kimilili (Hon. Mutua Barasa) rose on a Point of Order seeking the indulgence of the Honourable Speaker in directing the Member for Homa Bay Town (Hon. Peter Kaluma) to account for his allegation that Hon. Mutua Barasa was a Vice Chairperson of one the Sub-Committees in the Departmental Committee on Administration and National Security. The Speaker directed the Departmental Committee to meet and report back on the operations of the Sub-Committees that had been formed in September 2019.

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

Motion made and Question proposed-

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

*(Chairperson, Constitutional Implementation Oversight Committee -15.10.2019)*  
Debate on the Motion having been concluded on 17.10.2019;

Question put and agreed to;

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

11. **THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2019)**

*(Chairperson, Select Committee on Parliamentary Broadcasting and Library)*

Order for First Reading read;

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

12. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**

Motion made and Question proposed-

THAT, The Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018) be read a Second Time.

*(Chairperson, Departmental Committee on Justice & Legal Affairs)*

Debate interrupted on Thursday, October 17, 2019 resumed;

Rising on a Point of Order under Standing Order 95, the Member for Suba North (Hon. Millie Odhiambo) sought the indulgence of the Speaker that the Mover be called upon to reply to the Motion;

And the Speaker, having acceded to the claim, put the Question forthwith;

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

Hon. Benjamin Washiali replied on behalf of the Mover;

Question deferred.

13. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

Order deferred.

14. **MOTION - ANNULLMENT OF THE RETIREMENT BENEFITS (OCCUPATIONAL RETIREMENT BENEFITS SCHEMES) (AMENDMENT) REGULATIONS, 2019 AND THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE) (AMENDMENT) RULES, 2019**

Order deferred.

15. **MOTION - RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA ON DEFENCE CO-OPERATION**

Order deferred.

16. **THE DATA PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Data Protection Bill (National Assembly Bill No. 44 of 2019) be read a Second Time.

*(The Leader of the Majority Party)*

[Change of Chair from the Honourable Speaker to the Fourth Chairperson (Hon. Christopher Omulele)]

Debate arising;

Mover replied;

Question deferred.

17. **STATEMENT (ZERO HOUR) PURSUANT TO STANDING ORDER 43**

Pursuant to Standing Order No. 43, the Fourth Chairperson interrupted the House to allow Members to discuss a Statement by Hon. Ali Wario, MP regarding Destruction of Property and Displacement of People on the Border of Kitui and Tana River Counties.

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.

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

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

The Speaker will take the Chair on  
Wednesday, October 30, 2019 at 9.30 a.m.