



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 04, 2019

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

The Speaker conveyed the following Communication –

Visitor from the Commonwealth Parliamentary Association (CPA) Headquarters

“Honourable Members, I wish to recognize the presence of Mr. Anthony Staddon, a consultant from the Commonwealth Parliamentary Association (CPA) - International (United Kingdom), who is seated at the Speaker’s Gallery.

He is in Parliament on the invitation of the CPA Kenya Branch to carry out a self-assessment exercise on the CPA Recommended Benchmarks for Democratic Legislatures. The CPA Recommended Benchmarks for Democratic Legislatures were first published in 2006, and comprise of 87 indicators for excellence in Commonwealth parliamentary and legislative practice.

Honourable Members, Mr. Staddon has held meetings with the Speakers of the Houses of Parliament and the House Leadership. He is scheduled to meet Chairpersons of selected Committees and Members of the CPA Kenya Branch Executive Committee. Upon conclusion of the self-assessment exercise, CPA International will prepare a report that will highlight the status of our Parliament in upholding the recommended benchmarks.

Honourable Members, on my own behalf and that of the House, I wish to once again welcome him to the National Assembly and wish him fruitful engagements during the remainder of his stay in the country. I thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- i) List of Nominees to the National Government Constituencies Development Fund Committee for North Imenti Constituency from the National Government Constituencies Development Fund Board; and
- ii) Report of the Auditor General on the Financial Statements of Nyando Constituency for the year ended 30th June, 2018 and the certificate therein.

(The Leader of the Majority Party)

- iii) Reports of the Departmental Committee on Transport, Public Works and Housing on its consideration of: -
 - (a) The County Roads, Walkways and Parking Bays, Bill (Senate Bill No. 18 of 2018;
 - (b) The Traffic (Amendment) Bill (National Assembly Bill No.28 of 2019); and
 - (c) The Petition regarding poor drainage design of the Nakuru – Nyahururu Interchange.

(Hon. David Pkosing- Chairperson, Departmental Committee on Transport, Public Works & Housing)

- iv) Report of a Delegation of Members of the Select Committee on Regional Integration to the Twelfth Pan- African Parliamentary Conference on Women's Rights held in South Africa on 14th -15th October, 2019

(Hon. (Capt.) Ruweida Obo- Vice Chairperson, Committee on Regional Integration)

- v) Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters for Ratification, laid on the Table of the House on Wednesday, December 4, 2019, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 approves the Ratification of the Convention on Mutual Administrative Assistance on Tax Matters

(Hon. Katoo Ole Metito - Chairperson, Departmental Committee on Defence and Foreign Relations)

6. **NOTICES OF MOTION**

The following Notices were given –

- i) **THAT**, pursuant to the provisions of section 43(4) and 10 of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the North Imenti Constituency Committee of the National Government Constituency Development Fund, laid on the Table of the House on Tuesday, December 3, 2019 as follows: –

- (i) Hadija Makena Mohamed - Female Youth Representative
- (ii) Jacob Kithinji Manyara - Nominee of the Constituency Office (Male)

(Hon. Maoka Maore- Chairperson, Select Committee on the National Government Constituencies Development Fund)

- ii) **THAT**, notwithstanding the provisions of Standing Order 44(2) (Statements Hour), this House resolves to extend the period for the Inquiry into the Challenges affecting Dairy Farmers, arising from a request for a statement from the Departmental Committee on Agriculture and Livestock on the Decline in prices for milk and milk products in the Country, by a further period of sixty days (60) days with effect from the date Committees are expected to commence sittings in 2020.

(Hon. Adan Haji Ali-Chairperson, Departmental Committee on Agriculture & Livestock)

- iii) **THAT**, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Convention on Mutual Administrative Assistance on Tax Matters for Ratification, laid on the Table of the House on Wednesday, December 4, 2019, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 approves the Ratification of the Convention on Mutual Administrative Assistance on Tax Matters.

(Hon. Kato Ole Metito - Chairperson, Departmental Committee on Defence and Foreign Relations)

7. **QUESTIONS**

The following Questions were asked –

- i) **Question No. 525/2019** by the Member for Magarini (Hon. Michael Kingi) regarding the status of the construction of the Baricho – Galana ADC Road in Magarini Constituency

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

- ii) **Question No. 526/2019** by the Member for Lamu County (Hon. Ruweida Obo) regarding the status of collecting, testing, and distributing blood and blood related products to all transfusing hospitals in the country

(To be replied to by the Cabinet Secretary for Health before the Departmental Committee on Health)

- iii) **Question No. 527/2019** by the Member for Kilifi South (Hon. Richard Chonga) regarding a progress report on why the construction of the 32 kilometer stretch of the Mombasa – Nairobi Highway has stalled at Mto wa Mawe in Athi River

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

The following Questions was deferred –

- i) **Question No. 528/2019** by the Member for Rongo (Hon. Paul Abuor) on why M/s. Total Kenya Ltd and M/s. Vivo Energy Kenya are charging Petroleum Products Dealers Kshs. 1.7 per litre for cost of services for the supply of petroleum products, over or above the set guidelines by the Energy and Petroleum Regulatory Authority.

8. **STATEMENTS**

The following Statements were issued –

- i) Response by the Chairperson, Departmental Committee on Defence and Foreign Relations (Hon. Katoo Ole Metito) to a request for Statement by the Member for Kiambu Town (Hon. Jude Njomo) on pending bills in respect to the Department of Defence; and
- ii) The Chairperson of the Budget and Appropriations Committee (Hon. Kimani Ichungwah) issued a response to a Message from the Acting Cabinet Secretary for the National Treasury and Planning regarding a request for approval of stoppage of transfers of equitable share of revenue for the financial year 2019/2020 to County Governments, together with Circular No. 20/2019 dated 19th November 2019 that had been referred to the Committee on Wednesday, 27th November 2019. Following points of Order by various Members of Parliament, the Speaker ruled that the issuance of a Statement in response to a matter referred to a Committee for consideration was unprocedural and directed that the Committee table a report tomorrow.

9. **REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO.27 OF 2019)**

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 Nuclear Regulatory Bill (National Assembly Bill No.27 of 2019) and seek leave to sit again, today.

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Nuclear Regulatory Bill (National Assembly Bill No.27 of 2019) be now read a Third Time

Question put and agreed to;

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

10. **MOTION - REPORT ON CONSIDERATION OF THE CENTRAL BANK OF KENYA (MORTGAGE REFINANCE COMPANIES) REGULATIONS, 2019**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Central Bank of Kenya (Mortgage Refinance Companies) Regulations, 2019 (Legal Notice No. 134 of 2019) laid on the Table of the House on Thursday, November 21, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4) (b) **annuls Regulation 26(2) and Regulation 42** of the said Regulations.

(Chairperson, Committee on Delegated Legislation -03.12.2019)

Debate interrupted on Tuesday, December 03, 2019 resumed;

Mover replied;

Question put and agreed to.

11. **THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.80 OF 2019)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2)

12. **SPECIAL MOTION - APPROVAL OF NOMINEE FOR APPOINTMENT AS A REPRESENTATIVE OF THE PARLIAMENTARY SERVICE COMMISSION TO THE SALARIES & REMUNERATION COMMISSION**

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the Vetting of the Nominee for Approval as a Representative of the Parliamentary Service Commission to the Salaries & Remuneration Commission, laid on the Table of the House on Tuesday, December 3, 2019, and pursuant to the provisions of Article 250(2)(b) of the Constitution and section 7(11) of the Salaries and Remuneration Commission Act, this House **approves** the appointment of **Hon. Amina Abdalla** as the representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission.

(Chairperson, Departmental Committee on Finance & National Planning)

Debate interrupted on Wednesday, December 04, 2019 (Morning Sitting) resumed;

Rising under Standing Order 95 (1), the Member for Endebess (Hon. Robert Pukose) claimed to move that the Mover be now called upon to reply;

And the Speaker having not acceded to the request;

Debate resumed;

Mover replied;

Question put and agreed to.

13. **MOTION – APPROVAL OF NOMINEES TO THE BARINGO SOUTH NG-CDF CONSTITUENCY COMMITTEE**

Order deferred to another day.

14. **THE KENYA ROADS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.77 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Kenya Roads Board (Amendment) Bill (National Assembly Bill No.77 of 2019) be now read a Second Time

(The Leader of the Majority Party)

[Change of Chair from the Speaker to Hon. Jessica Mbalu]

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for West Mugirango (Hon. Kemosi Mogaka) claimed to move that the Mover be Called upon to Reply;

The Chair acceded to the request;

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

Mover replied;

Question put and agreed to;

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

15. **COMMITTEE OF THE WHOLE HOUSE –THE KENYA ROADS BOARD (AMENDMENT) BILL**

Order deferred to another day.

16. **MOTION – REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017**

Motion made and Question proposed –

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the report of the Auditor General on the Financial Statements for the National Government for the Financial Year 2016/2017, laid on the Table of the House on Wednesday, November 27, 2019

(Chairperson, Public Accounts Committee – 03.12.2019)

Debate interrupted on Tuesday, December 03, 2019 resumed;

[Change of Chair from Hon. Jessica Mbalu to Hon. Patrick Mariru]

Rising in his place on a Point of Order pursuant to Standing Order 95, the Nominated Member (Hon. Ibrahim Abdisalan) claimed to move that the Mover be Called upon to Reply;

The Chair acceded to the request;

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

Mover replied;

Question deferred.

17. **MOTION – REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES**

Motion made and Question proposed –

THAT, this House adopts the Report of the Public Investments Committee on its Inquiry into the Safety of Ferries as observed in the Audited Accounts of the Kenya Ferry Services for the financial year 2016/2017, *laid on the Table of the House on Tuesday, December 3, 2019.*

(Chairperson, Public Investments Committee)

Debate arising.

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.

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

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, December 05, 2019 at 2.30 p.m.

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