



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, FEBRUARY 11, 2021 (AFTERNOON)**

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

The Speaker conveyed the following Communications –

**1). ON RECALL OF THE REPORT OF THE AUDITOR-GENERAL ON THE STATE DEPARTMENT FOR UNIVERSITY EDUCATION FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2019**

“**Honourable Members**, I wish to inform you that my Office is in receipt of a letter dated 7<sup>th</sup> December, 2020 from the Office of the Auditor-General seeking consent to recall the Audited Report of the State Department for University Education for the year ended 30<sup>th</sup> June 2019. In the letter, the Auditor-General requests that the Certified Audited Financial Statements in respect of the State Department for University Education in the Ministry of Education be withdrawn since the report as submitted contains an inadvertent error.

**Honourable Members**, Article 229 of the Constitution requires the Auditor-General to audit and report to Parliament the financial statements of all public entities within six (6) months after the end of each financial year. The submission allows for consideration of the reports for appropriate action by Parliament. The subject Report was submitted to the National Assembly and laid on the Table of the House on Thursday, 19<sup>th</sup> November 2020. It was subsequently committed to the Public Accounts Committee (PAC) for examination in accordance with the requirements of Standing Order 205.

**Honourable Members**, in order to ensure that only the accurate and certified Report of the Auditor General is examined by the Committee, I hereby accede to the request and

direct that the Audited Financial Statements for the State Department for University Education for the year ended 30<sup>th</sup> June, 2019 be hereby withdrawn from the records of the House. Further, any publicization undertaken by the Clerk in accordance with the requirements of section 32 of the Public Audit Act, 2015, is also withdrawn forthwith.

The Committee, and indeed the House, is accordingly guided.

I thank you.”

## **2). REGARDING SUSTAINANCE OF QUORUM OF THE HOUSE DURING EVENING SITTINGS**

“**Honourable Members**, as you will recall, yesterday Wednesday, 10<sup>th</sup> February 2021 during the Morning Sitting, the House adopted its Calendar for the Fifth Session regular sessions.

In the First Part of this Session (from February 9 to May 6, 2021), the House will be holding five Sittings each week as follows:

- (i) Tuesdays (Afternoon) from 2.30 p.m. to 6.30 p.m.;
- (ii) Tuesdays (Evening) from 7.00 p.m. to 9.00 p.m.;
- (iii) Thursdays (Morning) from 10.00 a.m. to 1.00 p.m.;
- (iv) Thursdays (Afternoon) from 2.30 p.m. to 6.30 p.m.; and
- (v) Thursdays (Evening) from 7.00 p.m. to 9.00 p.m.

You will notice that two additional Sittings have been introduced on Tuesdays and Thursdays, commencing 7.00pm until 9.00 pm. The recommendation by the House Business Committee that the House holds additional sittings in the evenings was informed by a proposal to create additional sitting time to allow for more business to be transacted, particularly individual Members’ business.

**Honourable Members**, this initiative by the House Business Committee can only be achieved if Members dutifully attend the sittings so as to ensure compliance with the provisions of Article 121 of the Constitution on *Quorum* as read together with Standing Order 34 providing for *Quorum at commencement of the House*. To this end, I wish to urge Party Whips and their Deputies to endeavour to rally their memberships to ensure that the House quorates at all times for purposes of achieving the agenda of the House for this Part of the Session.

I thank you.”

## **5. PAPERS LAID**

The following Papers were laid on the Table by the Leader of the Majority Party: -

1. Board Report of the National Government Constituencies Development Fund on Project Proposals Approvals, Disbursement Status and Restrictions imposed on the Constituency Account for the period 1<sup>st</sup> October, 2020 to 31<sup>st</sup> December, 2020).

2. Bi-Annual Report for the Commission on Administrative Justice for the period January - June, 2020.
3. Annual Reports and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2019: -
  - a) Independent Policing and Oversight Authority; and
  - b) Insurance Regulatory Authority.
4. The Third Quarterly Report covering the period from 1<sup>st</sup> July, 2020 to 30<sup>th</sup> September, 2020 from Ethics and Anti-Corruption Commission.
5. The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2020 and the certificates therein:
  - a) State Department for Irrigation;
  - b) The Kenya Revenue Authority; and
  - c) Kenya Electricity Generating Company PLC.
6. The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2019 and the certificates therein:
  - a) The Kenya National Examinations Council;
  - b) Government Clearing Agency; and
  - c) Nuclear Power and Energy Agency.

6. **NOTICES OF MOTION**

The following Notices of Motion were given:

a) **ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON PARLIAMENTARY BROADCASTING AND LIBRARY ON THE FORMULATION OF PARLIAMENTARY BROADCASTING CHANNELS**

**THAT**, this House **adopts** the Report of the Select Committee on Parliamentary Broadcasting and Library on the Formulation of Parliamentary Broadcasting Channels, *laid on the Table of the House on Thursday, December 03, 2020.*

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

b) **ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL**

**THAT**, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House **adopts** the Report of the Mediation Committee on the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) *laid on the Table of the House on Thursday, December 03, 2020*, and approves the Mediated Version of the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017).

*(Chairperson, Mediation Committee on the Public Private Partnerships (Amendment) Bill)*

**c) ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE CROPS (FIBRE CROPS) REGULATIONS, 2020**

**THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Crops (Fibre Crops) Regulations, 2020 *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b), *annuls in entirety* the Crops (Fibre Crops) Regulations, 2020 (*Legal Notice No. 120 of 2020*).

*(Chairperson, Committee on Delegated Legislation)*

**d) ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY CAR LOAN (MEMBERS) SCHEME FUND) (AMENDMENT) REGULATIONS, 2020**

**THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund) (Amendment) Regulations, 2020 *laid on the Table of the House on Tuesday, November 24, 2020*, and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012 approves the Public Finance Management (Parliamentary Car Loan) (Members) Scheme Fund (Amendment) Regulations, 2020 published as *Legal Notice No. 184 of 2020*

*(Chairperson, Committee on Delegated Legislation)*

**e) ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY MORTGAGE (MEMBERS) SCHEME FUND) (AMENDMENT) REGULATIONS, 2020**

**THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund) (Amendment) Regulations, 2020 *laid on the Table of the House on Tuesday, November 24, 2020*, and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012 approves the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund) (Amendment) Regulations, 2020 published as *Legal Notice No. 185 of 2020*.

*(Chairperson, Committee on Delegated Legislation)*

**f) ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY CAR LOAN (STAFF) SCHEME FUND) (AMENDMENT) REGULATIONS, 2020**

**THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund) (Amendment) Regulations, 2020 *laid on the Table of*

*the House on Tuesday, November 24, 2020, and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012 approves the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund) (Amendment) Regulations, 2020 published as *Legal Notice No. 186 of 2020*).*

*(Chairperson, Committee on Delegated Legislation)*

**g) ADOPTION OF THE REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (PARLIAMENTARY MORTGAGE (STAFF) SCHEME FUND) (AMENDMENT) REGULATIONS, 2020**

**THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund) (Amendment) Regulations, 2020 *laid on the Table of the House on Tuesday, November 24, 2020*, and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012 approves the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund) (Amendment) Regulations, 2020 published as *Legal Notice No. 187 of 2020*

*(Chairperson, Committee on Delegated Legislation)*

**7. QUESTIONS**

The following Questions were made to various Ministries/State Departments/Commissions: -

- (i) Question No.003/2021 by the Member for Lamu County (Hon. (Capt.) Ruweida Obo Mohamed) regarding LAPSSET compensation and scholarship.

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

- (ii) Question No.005/2021 by the Member for Laikipia County (Hon. Catherine Waruguru) regarding construction of the Nanyuki-Gwa Kungu-Rumuruti Road.

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

- (iii) Question No.009/2021 by the Nominated Member (Hon. Wilson Sossion) regarding facilitation of Labour Officers and trade union dues remittance.

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

- (iv) Question No.010/2021 by the Member for Kisumu West (Hon. Olago Aluoch) regarding abandonment of the Migosi – Mamboleo Junction of the Kisumu – Kakamega – Webuye Highway by the contractor.

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

- (v) Question No.019/2021 by the Nominated Member (Hon. David Sankok) regarding murder of Mr. Christopher Nderitu and Ms. Nimoo Gabale on diverse dates.

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

## 8. **STATEMENTS**

The following Statements were issued –

- (i) The Member for Wajir East (Hon. Rashid Amin) sought a Statement regarding detention of residents of Wajir East Constituency. A Member of the Departmental Committee on Administration and National Security (Hon. Peter Kaluma) undertook to have the Committee submit a Statement on the matter within two weeks.
- (ii) The Member for Igembe South (Hon. John Paul Mwirigi) sought a Statement regarding increasing cancer cases in Igembe South Constituency. A Member of the Departmental Committee on Health (Hon. Martin Peters Owino) undertook to have the Committee submit a Statement on the matter within four weeks.
- (iii) The Member for Moyale (Hon. Qalicha Gufu) sought a Statement regarding displacement of residents in Uran Ward of Moyale Constituency. A Member of the Departmental Committee on Administration and National Security (Hon. Peter Kaluma) undertook to have the Committee submit a Statement on the matter within two weeks.
- (iv) The Member for Mvita (Hon. Abdulswamad Shariff Nassir) sought a Statement regarding demolition of structures in the country. A Member of the Departmental Committee on Lands (Hon. Robert Pukose) undertook to forward the Request for Statement to the Departmental Committee of Lands after the Honourable Speaker re-directed it from the Departmental Committee on Administration and National Security.
- (v) The Member for Tiaty (Hon. William Kamket) sought a Statement regarding insecurity in Kapedo Area of Baringo County. A Member of the Departmental Committee on Administration and National Security (Hon. Peter Kaluma) undertook to have the Committee engage the Cabinet Secretary for Interior and Coordination of National Government and Hon. William Kamket within seven days with the objective of undertaking a fact-finding visit to the area.
- (vi) Pursuant to Standing Order 44(2)(c), the Leader of the Majority Party issued a Statement regarding business to be considered by the House in the week commencing Tuesday, 16<sup>th</sup> February 2021.

9. **MOTION- APPOINTMENT OF MEMBERS TO THE COMMITTEE ON MEMBERS' SERVICES AND FACILITIES**

Motion made and Question proposed:-

**THAT**, pursuant to the provisions of Standing Orders 175 and 212B (3), this House approves the appointment of the following Members to the Committee on Members' Services and Facilities:-

- (i) The Hon. Ezekiel Machogu Ombaki, M.P.
- (ii) The Hon. (Dr.) Swarup Ranjan Mishra, M.P.
- (iii) The Hon. Samwel Moroto Chumel, M.P.
- (iv) The Hon. Rehema Hassan, M.P.
- (v) The Hon. Rigathi Gachagua, M.P.
- (vi) The Hon. Charity Kathambi Chepkwony, M.P.
- (vii) The Hon. Generali Nixon Kiprotich Korir, M.P.
- (viii) The Hon. Kimani Ichung'wah, M.P.
- (ix) The Hon. Beatrice Nkatha Nyaga, M.P.
- (x) The Hon. Elisha Ochieng' Odhiambo, M.P.
- (xi) The Hon. Elsie Busihile Muhanda, M.P.
- (xii) The Hon. (Eng.) Thuddeus Kithua Nzambia, M.P.
- (xiii) The Hon. Christopher Wangaya Aseka, M.P.
- (xiv) The Hon. John Walter Owino, M.P.
- (xv) The Hon. Benard Otieno Okoth, M.P.

*(Chairperson, Committee on Selection)*

No debate arising;

Question put and agreed to.

10. **MOTION- APPOINTMENT OF MEMBERS TO THE COMMITTEE ON PARLIAMENTARY POWERS AND PRIVILEGES**

Motion made and Question proposed:-

**THAT**, pursuant to the provisions of section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175, this House approves the appointment of the following Members to the Committee of Parliamentary Powers and Privileges, in addition to the one specified under section 15(1)(a)(i) of the said Act:-

- (i) The Hon. Josphat Kabinga Wachira, M.P.
- (ii) The Hon. Qalicha Gufu Wario, M.P.
- (iii) The Hon. Francis Chachu Ganya, M.P.
- (iv) The Hon. Vincent Kipkurui Tuwei, M.P.
- (v) The Hon. Anthony Githiaka Kiai, M.P.
- (vi) The Hon. Gladwell Jesire Cheruiyot, M.P.
- (vii) The Hon. Capt. (Rtd) Didmus Wekesa Barasa Mutua, M.P.
- (viii) The Hon. Oscar Kipchumba Sudi, M.P.
- (ix) The Hon. Johana Ng'eno Kipyegon, M.P.
- (x) The Hon. Andrew Mwadime, M.P.
- (xi) The Hon. Omar Mwinyi Shimbwa, M.P.
- (xii) The Hon. James Onyango K'Oyoo, M.P.

(xiii) The Hon. Danson Mwashako Mwakuwona, M.P.

(xiv) The Hon. Vincent Kemosi Mogaka, M.P.

*(Chairperson, Committee on Selection)*

Debate arising;

Question put and agreed to.

11. **MOTION- APPOINTMENT OF MEMBERS TO THE BUDGET AND APPROPRIATIONS COMMITTEE**

Motion made and Question proposed:-

**THAT**, pursuant to the provisions of Standing Orders 175 and 207, this House approves the appointment of the following Members to the Budget and Appropriations Committee:-

(i) The Hon. James Kanini Kega Mathenge, M.P.

(ii) The Hon. Moses Lessonet, M.P.

(iii) The Hon. Benard Masaka Shinali, M.P.

(iv) The Hon. Ruth Wangari Mwaniki, M.P.

(v) The Hon. Sarah Paulata Korere, M.P.

(vi) The Hon. Samwel Moroto Chumel, M.P.

(vii) The Hon. Fatuma Gedi Ali, M.P.

(viii) The Hon. James Gichuki Mugambi, M.P.

(ix) The Hon. Marselino Malimo Arbelle, M.P.

(x) The Hon. Emmanuel Wangwe, CBS, M.P.

(xi) The Hon. Josephine Naisula Lesuuda, M.P.

(xii) The Hon. Jude Njomo, M.P.

(xiii) The Hon. Florence Chepng'etich Koskey, M.P.

(xiv) The Hon. Mercy Wanjiku Gakuya, M.P.

(xv) The Hon. Francis Kuria Kimani, M.P.

(xvi) The Hon. Alfred Kiptoo Keter, M.P.

(xvii) The Hon. (CPA) John Mbadi, M.P.

(xviii) The Hon. Millie Odhiambo Mabona, M.P.

(xix) The Hon. (Dr.) Benson Makali Mulu, M.P.

(xx) The Hon. Samuel Onunga Atandi, M.P.

(xxi) The Hon. Bady Twalib Bady, M.P.

(xxii) The Hon. (Eng.) Mark Nyamita, M.P.

(xxiii) The Hon. Paul Abuor, M.P.

(xxiv) The Hon. Danson Mwashako Mwakuwona, M.P.

(xxv) The Hon. John Sakwa Bunyasi, M.P.

(xxvi) The Hon. Richard Onyonka, M.P.

(xxvii) The Hon. Joseph Manje, M.P.- *(to move from the Committee on Implementation)*

*(Chairperson, Committee on Selection)*

Debate arising;

Question put and agreed to.



12. **MOTION- APPOINTMENT OF MEMBERS TO THE COMMITTEE ON APPOINTMENTS**

Motion made and Question proposed:-

**THAT**, pursuant to the provisions of Standing Orders 175 and 204, this House approves the appointment of the following Members to the Committee on Appointments, in addition to those specified under Standing Order 204(1):-

- (i) The Hon. Emmanuel Wangwe, CBS, M.P.
- (ii) The Hon. (Dr.) Rachael Kaki Nyamai, M.P.
- (iii) The Hon. David Gikaria, M.P.
- (iv) The Hon. Joyce Akai Emanikor, M.P.
- (v) The Hon. Khatib Abdallah Mwashetani, M.P.
- (vi) The Hon. Maitu Sabina Wanjiru Chege, M.P.
- (vii) The Hon. Sarah Paulata Korere, M.P.
- (viii) The Hon. Yusuf Hassan Abdi, M.P.
- (ix) The Hon. William Kamuren Chirchir Chepkut, M.P.
- (x) The Hon. David Ole Sankok, M.P.
- (xi) The Hon. Lydia Haika Mnene Mizighi, M.P.
- (xii) The Hon. Rehema Dida Jaldesa, M.P.
- (xiii) The Hon. Mercy Wanjiku Gakuya, M.P.
- (xiv) The Hon. James Kanini Kega Mathenge, M.P.
- (xv) The Hon. Alfred Kiptoo Keter, M.P.
- (xvi) The Hon. Junet Sheikh Nuh Mohamed, M.P.
- (xvii) The Hon. (Dr.) David Eseli Simiyu, CBS, M.P.
- (xviii) The Hon. George Peter Opondo Kaluma, M.P.
- (xix) The Hon. Francis Tom Joseph Kajwang, M.P.
- (xx) The Hon. Esther Muthoni Rosanna Passaris, M.P.
- (xxi) The Hon. Gertrude Mbeyu Mwanyanje, M.P.
- (xxii) The Hon. Joshua Kivinda Kimilu, M.P.

*(Chairperson, Committee on Selection)*

No debate arising;

Question put and agreed to.

13. **MOTION- FURTHER CHANGES TO THE MEMBERSHIP OF VARIOUS COMMITTEES**

Motion made and Question proposed:-

**THAT**, further to the resolutions of the House of Tuesday, 5<sup>th</sup> December, 2017 and Wednesday, 15<sup>th</sup> July, 2020 appointing Members into various Committees and pursuant to the provisions of Standing Order 173, this House further approves the appointment of the following Members to the respective Committees as specified hereunder-

- (i) The Hon. John Waluke Koyi, M.P. to be appointed to the Public Accounts Committee;
- (ii) The Hon. Feisal Abdallah Bader, M.P to be appointed to the Committee on Implementation.

- (iii) The Hon. Rehema Dida Jaldesa, M.P. to move from the Departmental Committee on Transport, Public Works and Housing to the Departmental Committee on Sports, Culture and Tourism;
- (iv) The Hon. Janet Nangabo Wanyama, M.P. to move from the Departmental Committee on Labour and Social Welfare to the Departmental Committee on Transport, Public Works and Housing;
- (v) The Hon. Nelson Koech, M.P. to move from the Departmental Committee on Sports, Culture and Tourism to the Departmental Committee on Labour and Social Welfare;
- (vi) The Hon. Gideon Kimutai Koske, M.P. to move from the Public Accounts Committee to the Special Funds Accounts Committee, and
- (vii) The Hon. Abdi Koropu Tepo, M.P. to move from the Special Funds Accounts Committee to the Committee on National Cohesion and Equal Opportunity

*(Chairperson, Committee on Selection)*

No debate arising;

Question put and agreed to.

14. **MOTION- APPROVAL OF SESSIONAL PAPER NO. 1 OF 2020 ON THE KENYA WILDLIFE SERVICE POLICY**

Motion made and Question proposed:-

**THAT**, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2020 on the Kenya Wildlife Service Policy *laid on the Table of the House on Thursday, December 03, 2020*, and further approves Sessional Paper No. 01 of 2020.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

[Change of Chair from the Honourable Speaker to the Third Chairperson]

Debate arising;

And the time being thirty Minutes past Six O'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at Thirty Minutes past Six O'clock.

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

The Speaker will take the Chair today  
Thursday, February 11, 2021 at 7.00pm