



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – FIRST SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 25, 2022

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 Communication –

Proposed amendment to the Constitution – Entrenchment of certain Funds in the Constitution

“Honourable Members, I wish to welcome you back to the House from the short recess with the hope that the recess was beneficial to you as you settle into the First Session of the 13th Parliament.

As the House embarks on the Second part of the Session, I wish to inform you that I have received a legislative proposal intending to amend the Constitution so as to entrench certain funds, among them, the National Government Constituencies Development Fund, in the Constitution. The proposal is co-sponsored by the Member for Matungulu Constituency, the Hon. Stephen Mule and The Member for Gichugu, the Hon. Githinji Gichumu.

Honourable Members, the manner of amending our Constitution through *parliamentary initiative* is provided for under Article 256 of the Constitution. Standing Order 114 (7A) actualizes this process in the National Assembly by providing as follows, and I quote -

“Introduction of Bills

114 (7A) In respect of a proposal to amend the Constitution—

(a) the proposal shall be accompanied by the signatures of at least fifty other Members in support, unless it is sponsored by the Majority Party or the Minority Party;

(b) where the Speaker approves the prepublication scrutiny of the proposal, the Speaker shall notify the House of the approval and may—

- (i) allow the sponsor to make a statement on the objectives of the proposal;
- (ii) allow comments on the statement made by the Member;
- (iii) facilitate collation of the views from the comments of Members at an appropriate forum; and
- (iv) invite Members with similar or related proposals to make submissions before the committee to which the proposal is referred;

Honourable Members, This new procedure is informed by the recent decision of High Court that a Bill proposing to amend the Constitution cannot be amended, once it is published. As such, the new procedure is aimed at collating as many views as possible; from as many stakeholders and experts as may be practicable, before a proposal to amend the Constitution is published into a Bill.

Indeed, I note that the proposal by the two Hon. Members has complied with the first part of this new provision, having obtained signatures of over two hundred Members of this House. Consequently, as your Speaker, my obligation is to facilitate the rest of the processes as provided for in the Standing Orders.

In this regard and in keeping with the requirements of the said Standing Order, I wish to notify the co-sponsors, that is, the Member for Matungulu and the Member for Gichugu, that, on Tuesday, 2nd November 2022, I will accord them an opportunity, of not more than twenty minutes each, to make statements on the proposal in the House. Their statements should outline the contents and objective of the proposal.

Honourable Members, During the same sitting, in order to facilitate the initial stage of collation of Members' views, I will also allow the House to make general comments on the proposals. Thereafter, I will refer the matter to the Select Committee on the National Government Constituencies Development Fund or issue other directions, in view of the comments that will be made by Members on the proposal.

Honourable Members, in the meantime, the Clerk of the National Assembly is hereby directed to circulate the *Legislative Proposal* to all Members.

The House is accordingly guided. I thank you!"

5. MESSAGES

The Speaker conveyed the following Messages –

(a) Message from the Senate on the Establishment of a Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA)

“Honourable Members, Pursuant to the provisions of Standing Order 41 of the National Assembly, I wish to convey to the House a Message from the Senate regarding the establishment of a Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA).

The Message conveys that the Senate on Tuesday, 18th October, 2022, appointed the following seven (7) Senators to the Joint Committee –

- (i) Sen. Daniel Kitonga Maanzo, M.P. - Co-Chairperson
- (ii) Sen. Raphael Chimera Mwinzangu, M.P.;
- (iii) Sen. Joyce Chepkoech Korir, M.P.;
- (iv) Sen. Miraj Abdullahi Abdulrahman, M.P.;
- (v) Sen. Chute Muhamed Said, M.P.;
- (vi) Sen. Joseph Githuku Kamau, M.P.; and
- (vii) Sen. Beatrice Akinyi Oyomo.

Honourable Members, You will recall that, by a resolution made on Thursday, 13th October, 2022, this House appointed seven of its Members to the Joint Committee. The Membership of the National Assembly is led by the Member for Kipipiri Constituency, the Hon. Wanjiku Muhia, MP.

This means that the Joint Committee on Election of Members to the East African Legislative Assembly (EALA) is now fully constituted as contemplated by *The East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*.

I, therefore, urge the Co-chairpersons of the Joint Committee to urgently proceed to facilitate the process of nomination of Kenya's representatives to East African Legislative Assembly as required by the said *Rules* and keep the House and the public informed on the progress of the matter. I thank you."

(b) Approval of a Nominee for Appointment as the Inspector General of the National Police Service

"Honourable Members, pursuant to the provisions of Standing Order No. 42(1), I wish to report to the House that I have received a Message from His Excellency the President regarding the nomination of a person for appointment as the Inspector-General of the National Police Service.

In the Message, His Excellency the President, conveys that, in exercise of powers conferred by Article 245(2)(a) of the Constitution and section 12(2) of the National Police Service Act, 2011 as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Engineer Japheth Koome Nchebere for appointment as the Inspector - General of the National Police Service.

Honourable Members, Article 245 (2) (a) of the Constitution states as follows:-

"The Inspector-General is appointed by the President with the approval of Parliament".

Further, section 12 of the National Police Service Act, 2011 reads, and I quote:-

"12(1) pursuant to Article 245(2) (a) of the Constitution, Inspector-General of the Service shall be appointed by the President with the approval of Parliament.

(2) *The President shall, within twenty-eight days after a vacancy occurs in the office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament"*

Honourable Members, It is notable that the approval of the nominee will be undertaken by the two Houses of Parliament. In this regard, the vetting of the candidate will be done by a Joint sitting of the relevant Committees of both Houses of Parliament, in accordance with the established practice.

Honourable Members, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, provides that, the Committee to which such nomination is referred shall consider the matter and table a report in the House within twenty-eight (28) days.

As you are aware, the Departmental Committee on Administration and Internal Affairs is yet to be constituted. In this regard, and in keeping with the resolution of the House of 12th October, 2022 regarding conveyance of Messages during recess, yesterday, 24th October, 2022, I notified all Members and directed the Clerk to cause the President's Message to be transmitted to all Members. I also instructed the Clerk to coordinate with the Clerk of the Senate so as to immediately facilitate the process of the statutory notifications to the general public ahead of the first sitting of the joint Committee. The Clerk has already complied. This implies that the counting of time with respect to the vetting process commenced today, Tuesday, 25th October, 2022, being the first day following the statutory notification to the public.

Honourable Members, In summary and in accordance with the requirements of the Public Appointments (Parliamentary Approval) Act, 2011, the Standing Orders of both Houses and the practices of Parliament, it is notified as follows –

- (i) THAT, the vetting of the nominee for appointment to the Office of the Inspector-General of the National Police Service, shall be conducted jointly by the Departmental Committee on Administration and Internal Affairs of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate;
- (ii) THAT, the Chairpersons of the two Committees will Co-Chair the joint sittings and the Secretariat will comprise officers of the two Houses;
- (iii) THAT, the quorum of the joint Committee will be the corresponding quorums of each of the two Committees as stipulated by the respective Standing Orders;
- (iv) THAT, as contemplated under rule 9(6) of the *Houses of Parliament Joint Rules*, unless a decision is reached by the consensus, any vote to be taken in the joint sitting of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees; and,

- (v) THAT, the Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by the Standing Orders of the respective House.

Honourable Members, This Message, together with the resume of the nominee, will now stand committed to the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security, Defence & Foreign Relations of the Senate for consideration. I thank you!"

6. **PAPERS LAID**

The following Paper was laid on the Table –

- The First Report of the Committee on Appointments on the vetting of Nominees for Approval as Cabinet Secretaries, The Secretary to the Cabinet and The Attorney General.

(Leader of the Majority Party – Member, Committee on Appointments)

7. **NOTICE OF MOTION**

The following Notices of Motion was given –

(a) **Approval for Appointment of Cabinet Secretaries, Attorney-General and Secretary to the Cabinet**

THAT, taking into consideration the findings of the Committee on Appointments in its First Report on the *Vetting of Nominees for Approval as Cabinet Secretaries, the Secretary to the Cabinet and the Attorney General, laid on the Table of the House today, Tuesday, October 24, 2022*, and pursuant to the provisions of Articles 152(2), 154(2)(a) and 156(2) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House –

- (i) **approves** the appointment of the following persons as Cabinet Secretaries –

No	NOMINEE	STATE DEPARTMENT/OFFICE
(1)	The Hon. Wycliffe Musalia Mudavadi, EGH	Office of the Prime Cabinet Minister
(2)	The Hon. (Prof.) Kithure Kindiki, EGH	Cabinet Secretary, Ministry of Interior and National Administration
(3)	Prof. Njuguna Ndungũ, CBS	Cabinet Secretary for National Treasury and Economic Planning
(4)	The Hon. Alice Muthoni Wahome	Cabinet Secretary, Ministry of Water, Sanitation and Irrigation
(5)	The Hon. Aden Bare Duale, EGH	Cabinet Secretary, Ministry of Defence
(6)	Ms. Rebecca Miano, MBS	Cabinet Secretary, Ministry of East African Community, the ASALs and Regional Development

No	NOMINEE	STATE DEPARTMENT/OFFICE
(7)	The Hon. Alfred Nganga Mutua, EGH	Cabinet Secretary, Ministry of Foreign and Diaspora Affairs
(8)	The Hon. Aisha Jumwa Karisa Katana	Cabinet Secretary, Ministry of Public Service, Gender and Affirmative Action
(9)	The Hon. Moses K. Kuria	Cabinet Secretary, Ministry of Trade, Investment and Industry
(10)	The Hon. Rosalinda Soipan Tuyu, CBS	Cabinet Secretary, Ministry of Environment and Forestry
(11)	The Hon. Onesimus Kipchumba Murkomen, EGH	Cabinet Secretary, Ministry of Roads, Transport and Public Works
(12)	Mr. Zacharia Mwangi Njeru	Cabinet Secretary, Ministry of Lands, Housing and Urban Development
(13)	Ms. Susan Nakhumicha Wafula	Cabinet Secretary, Ministry of Health
(14)	The Hon. Frankline Mithika Linturi	Cabinet Secretary, Ministry of Agriculture and Livestock Development
(15)	Mr. Eliud Okech Owalo	Cabinet Secretary, Ministry of Information, Communication and the Digital Economy
(16)	The Hon. Ezekiel Machogu Ombaki, CBS	Cabinet Secretary, Ministry of Education
(17)	Mr. Davis Kimutai Chirchir	Cabinet Secretary, Ministry of Energy & Petroleum
(18)	The Hon. Ababu Namwamba, EGH	Cabinet Secretary, Ministry of Youth Affairs, Sports and the Arts
(19)	Mr. Simon Kiprono Chelugui, EGH	Cabinet Secretary, Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSME) Development
(20)	The Hon. Salim Mvurya, EGH	Cabinet Secretary, Ministry of Mining, the Blue Economy and Maritime Affairs
(21)	The Hon. Florence Chepngetich Koske-Bore	Cabinet Secretary, Ministry of Labour and Social Protection

(ii) **approves** the appointment of the Hon. Justin Bedan Muturi Njoka, EGH as The Attorney General;

(iii) **approves** the appointment of Ms. Mercy Kiiru Wanjau, CBS as the Secretary to the Cabinet; and,

(iv) **rejects** the appointment of the Hon. Peninah Malonza, OGW as the Cabinet Secretary for Tourism, Wildlife and Heritage.

(Leader of the Majority Party – Member, Committee on Appointments)

(b) Kubuniwa kwa Baraza la Kiswahili la Kenya

KWAMBA, tukitambua Kifungu cha 7 cha Katiba ya Kenya kinabainisha Kiswahili kuwa lugha pekee ya kitaifa, na pia lugha rasmi pamoja na Kiingereza, na aidha kwamba Serikali ina wajibu wa kulinda, kuendeleza na kukuza matumizi ya lugha za kiasili za watu wa Kenya; KUWA Vifungu vya 119 na 137 vya Mkataba wa Uanzilishi wa Jumuiya ya Afrika Mashariki vinawajibisha dola za Afrika Mashariki kustawisha na kuendeleza Kiswahili kama lugha ya mshikamano wa nchi wanachama; KWAMBA Mkutano wa 21 wa Marais wa nchi za Afrika Mashariki uliridhia Kiswahili kuwa moja ya lugha rasmi za Jumuiya ya Afrika Mashariki na kuwajibisha Tume ya Kiswahili Afrika Mashariki (East African Kiswahili Commission) kuwezesha kukoleza matumizi ya Kiswahili katika kanda hii; na KWAMBA Kiswahili ni moja ya lugha rasmi za Umoja wa Afrika, na kwamba Umoja wa Mataifa kupitia UNESCO umetenga kila Julai 7 kuwa Siku ya Kiswahili duniani; TUKIFAHAMU nchi ya Tanzania iliunda Baraza la Kiswahili la Taifa (BAKITA) mwaka wa 1967 na Zanzibar ikaanzisha Bazara la Kiswahili la Zanzibar (BAKIZA) mwaka wa 2004 kwa madhumuni ya kukuza, kuimarisha na kuendeleza Kiswahili eneo la Tanzania bara pamoja visiwa vya Zanzibar; IKIFAHAMIKA Kiswahili ni lugha asili kwa jamii za Mkoa wa Pwani nchini Kenya na pia Wakenya wengi ni wazungumzaji kwa Kiswahili; TUKIJUA lugha ya Kiingereza ina nguvu sana katika mawasiliano rasmi na hivyo kuchangia kudhoofika kwa lugha yetu ya Kiswahili; TUKITAMBUA uamuzi wa mkutano wa tatu wa Baraza la Mawaziri wa Kenya uliofanyika tarehe 14 Agosti 2018 uliodhinisha kubuniwa kwa Baraza la Kiswahili la Kenya kulingana na Kifungu cha 137 cha Mkataba wa Uanzilishi wa Jumuiya ya Afrika Mashariki haujatekelezwa; BUNGE hili linahimiza Serikali Kuu—kupitia Wizara ya Michezo, Utamaduni na Mirathi, kwa ushirikiano na vyombo vya kitaifa na vya kibinafsi vinavyohusika na uboreshaji wa lugha ya Kiswahili—kuanzisha rasmi Baraza la Kiswahili la Kenya na kuzindua mikakati, mbinu na sera mahususi zinazohitajika kukuza na kuendeleza lugha ya Kiswahili.

(Mhe. Abdi Yusuf Hassan)

(c) Recognition and Remuneration of Village Elders

THAT, aware that there have been village elders in every village in the Republic of Kenya; cognizant that the village is not formally recognized as an administrative unit in accordance with Section 14 of the National Government Co-ordination Act No. 1 of 2013; noting that despite the said village elders offering services to the public and the Government, they are not remunerated contrary to Article 41 of the Constitution on fair labour practices; further noting that in accordance with Section 14 and 15 of the National Government Co-

ordination Act No. 1 of 2013, the Cabinet Secretary in charge of Interior and Coordination of National Administration in consultation with the President and the Public Service Commission have the power to establish national government administrative units and appoint administrative officers to serve under those units; recalling that Article 10(2) (b) of the Constitution binds state organs and state officers to uphold human dignity which includes remuneration for work done; noting that village elders have existed for many years and interact with *wananchi* at the lowest level hence ,their recognition is in public interest and their remuneration has been long overdue; this House therefore urges the national Government, through the Ministry of Interior and Coordination of National Administration, to –

- (i) establish all existing villages as administrative units in accordance with Section 14 of the National Government Co-ordination Act No. 1 of 2013; and
- (ii) recruit and remunerate the existing village elders as administrative officers.

(Hon. Mwengi Mutuse)

8. MOTION – DEVELOPMENT OF A SCHOOL FEEDING POLICY

Motion having been made and Question proposed –

THAT, aware that school meals are an important safety net for vulnerable children from food-insecure households and communities in Kenya; appreciating that school meals have multiple benefits, such as increased school enrolments and attendance as well as a significant and positive contribution to reducing hunger and improving nutritional intake; noting that primary school completion rates have been found to be higher in schools with meals provided, thus school meals remain a core development intervention to support the country’s achievements in the education sector; recognizing that some county governments have adopted direct and community-led initiatives for ECDE school feeding programmes; concerned that the exercise is not supported by a clear policy and budgetary framework and does not support pupils in primary and secondary schools who form the basic education ecosystem; cognizant of the fact that, where school meal programmes have been initiated, it has been noted that they encounter different challenges that impede their effectiveness, including insufficient resources due to low budgetary allocation and budget cuts, lack of a school feeding policy, inadequate safe cooking and drinking water, drought and famine, poor food storage, a lengthy procurement process, insecurity and dilapidated infrastructure, among others; this House therefore resolves that the Ministry of Education, through the relevant State Department, immediately develops a school feeding policy to cover basic education pupils and sustain the program in order to ensure that children are maintained in schools for effective learning and to improve their well-being.

(Hon. Elsie Muhanda)

Debate interrupted on the Motion having been concluded on Wednesday, October 19, 2022;

Mover replied;

Question put and agreed to.

9. MOTION - REVIEW OF THE TEACHER DEPLOYMENT POLICY

Motion being made –

THAT, aware that, education is a key enabler of national development and realization of Kenya’s Vision 2030 and the Sustainable Development Goals; appreciating the invaluable role that teachers play in actualizing the national goals of education; noting that a conducive working environment for teachers enhances performance; recalling that, the delocalization of teachers commenced in 2018 by the Teachers Service Commission immensely disrupted teachers’ lives, lowered teacher morale and caused untold trauma to many teachers countrywide; concerned that, the exercise was not supported with a clear policy framework and was initiated without the participation of teachers or their unions, contrary to Articles 118 and 132 of the Constitution on public participation and involvement of the people in the process of policy making; cognizant of the fact that, delocalization of teachers is inconsistent with the United Nations Educational, Scientific and Cultural Organization (UNESCO) teacher deployment practice, which treats education as a culture process conducted within a people’s cultural context at the local level; this House resolves that the Teachers Service Commission-

- (i) immediately reverses the ongoing delocalization of teachers;
- (ii) initiates a comprehensive review of the teacher deployment policy with the involvement of teachers in order to make the policy consistent with International Labour Organization (ILO) and UNESCO laws and practices on teacher management and deployment; and,
- (iii) reviews the teacher recruitment policy with a view to devolving it to zonal level as the point of recruitment”

(Hon. Bishop Titus Khamala)

Motion interrupted for the House to consider a Special Motion on *Approval of Appointment of Cabinet Secretaries, Attorney General and Secretary to the Cabinet.*

10. SPECIAL MOTION – APPROVAL OF APPOINTMENT OF CABINET SECRETARIES, ATTORNEY GENERAL AND SECRETARY TO THE CABINET

Motion made and Question proposed –

THAT, taking into consideration the findings of the Committee on Appointments in its First Report on the *Vetting of Nominees for Approval as Cabinet Secretaries, the Secretary to the Cabinet and the Attorney General, laid on the Table of the House today, Tuesday, October 24, 2022*, and pursuant to the provisions of Articles 152(2), 154(2)(a) and 156(2) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House –

- (i) **approves** the appointment of the following persons as Cabinet Secretaries –

No	NOMINEE	STATE DEPARTMENT/OFFICE
----	---------	-------------------------

No	NOMINEE	STATE DEPARTMENT/OFFICE
(1)	The Hon. Wycliffe Musalia Mudavadi, EGH	Office of the Prime Cabinet Minister
(2)	The Hon. (Prof.) Kithure Kindiki, EGH	Cabinet Secretary, Ministry of Interior and National Administration
(3)	Prof. Njuguna Ndungú, CBS	Cabinet Secretary for National Treasury and Economic Planning
(4)	The Hon. Alice Muthoni Wahome	Cabinet Secretary, Ministry of Water, Sanitation and Irrigation
(5)	The Hon. Aden Bare Duale, EGH	Cabinet Secretary, Ministry of Defence
(6)	Ms. Rebecca Miano, MBS	Cabinet Secretary, Ministry of East African Community, the ASALs and Regional Development
(7)	The Hon. Alfred Nganga Mutua, EGH	Cabinet Secretary, Ministry of Foreign and Diaspora Affairs
(8)	The Hon. Aisha Jumwa Karisa Katana	Cabinet Secretary, Ministry of Public Service, Gender and Affirmative Action
(9)	The Hon. Moses K. Kuria	Cabinet Secretary, Ministry of Trade, Investment and Industry
(10)	The Hon. Rosalinda Soipan Tuyu, CBS	Cabinet Secretary, Ministry of Environment and Forestry
(11)	The Hon. Onesimus Kipchumba Murkomen, EGH	Cabinet Secretary, Ministry of Roads, Transport and Public Works
(12)	Mr. Zacharia Mwangi Njeru	Cabinet Secretary, Ministry of Lands, Housing and Urban Development
(13)	Ms. Susan Nakhumicha Wafula	Cabinet Secretary, Ministry of Health
(14)	The Hon. Frankline Mithika Linturi	Cabinet Secretary, Ministry of Agriculture and Livestock Development
(15)	Mr. Eliud Okech Owalo	Cabinet Secretary, Ministry of Information, Communication and the Digital Economy
(16)	The Hon. Ezekiel Machogu Ombaki, CBS	Cabinet Secretary, Ministry of Education
(17)	Mr. Davis Kimutai Chirchir	Cabinet Secretary, Ministry of Energy & Petroleum
(18)	The Hon. Ababu Namwamba, EGH	Cabinet Secretary, Ministry of Youth Affairs, Sports and the Arts

No	NOMINEE	STATE DEPARTMENT/OFFICE
(19)	Mr. Simon Kiprono Chelugui, EGH	Cabinet Secretary, Ministry of Cooperatives and Micro, Small and Medium Enterprises (MSME) Development
(20)	The Hon. Salim Mvurya, EGH	Cabinet Secretary, Ministry of Mining, the Blue Economy and Maritime Affairs
(21)	The Hon. Florence Chepngetich Koske-Bore	Cabinet Secretary, Ministry of Labour and Social Protection

- (ii) **approves** the appointment of the Hon. Justin Bedan Muturi Njoka, EGH as The Attorney General;
- (iii) **approves** the appointment of Ms. Mercy Kiiru Wanjau, CBS as the Secretary to the Cabinet; and,
- (iv) **rejects** the appointment of the Hon. Peninah Malonza, OGW as the Cabinet Secretary for Tourism, Wildlife and Heritage.

(Leader of the Majority Party – Member, Committee on Appointments)

Procedural Motion: Limitation of debate –

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1), debate on the Special Motion under Order No. 10 (Approval of Appointment of Cabinet Secretaries, the Attorney General and Secretary to the Cabinet) be limited to a maximum of five hours with each Member speaking for not more than ten (10) minutes, except the Leader of the Minority Party, who shall be limited to not more than twenty minutes (20) minutes.

(Hon. Dr. Robert Pukose)

There being no Member wishing to contribute;

Question put and agreed to;

Debate arising;

(Change of Chair from the Hon. Speaker to the First Chairperson)

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

11. **HOUSE ROSE** - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, October 26, 2022 at 9.30 a.m.