



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – FIRST SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS
TUESDAY, NOVEMBER 01, 2022

1. The House assembled at thirty minutes past two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. Communications from the Chair-
The Hon. Speaker conveyed the following communications from the Chair-

**POSTPONEMENT OF ELECTIONS OF CHAIRPERSONS AND VICE CHAIRPERSONS
OF CERTAIN COMMITTEES**

1. Honourable Members, I wish to inform the House that yesterday, 1st November 2022, I received two letters relating to the ongoing elections of Chairpersons and Vice Chairpersons of Committees. The first letter is from the Leader of the Minority Party, the Hon. Opiyo Wandayi, CBS, MP while the second one is by the Member for Kipipiri, the Hon. Wanjiku Muhia, MP
2. In his letter, the Leader of the Minority Party sought postponement of elections of Chairpersons and Vice Chairpersons of the Public Investments Committee on Commercial Affairs and the Departmental Committee on Energy from tomorrow, Thursday, 3rd November 2022 to Friday, 10th November 2022. The deferment is informed by the need to re-organize membership of Committees in line with Standing Order 174 in view of vacancies arising from the elections of chairpersons and vice chairpersons of Departmental Committees.
3. Honourable Members, On her part, the Member for Kipipiri, the Hon. Wanjiku Muhia, MP notified that she is a Member of the Select Committee on Regional Integration where she is will be vying for the position of Chairperson in the elections scheduled to take place on Friday, 4th November 2022. She was concerned that the Joint Parliamentary Committee on Elections of EALA, which she Co-Chairs would be retreating in Mombasa from Friday, 3rd November 2022 to consider matters with statutory timelines. That would disenfranchise her if the elections proceeded as scheduled.
4. The Member therefore sought my indulgence to reschedule the elections from Friday 4th to Thursday 3rd November 2022 in order to enable her to participate in the elections and thereafter proceed to attend meetings of the *Ad Hoc* Committee.
5. Honourable Members, I have since acceded to both requests by the Leader of the Majority Party and the Hon. Wanjiku Muhia. In this regard, the elections of Chairpersons and Vice-Chairpersons of the affected Committees are rescheduled as follows:

6.

- (a) The Committee on Regional Integration will hold elections tomorrow, Thursday 3rd November 2022 at 3.30pm;
 - (b) The elections by the Public Investments Committee on Commercial Affairs and the Departmental Committee on Energy stand deferred to Friday, 10th November 2022, in the morning.
7. The House is accordingly guided.

I thank you!

ALLOCATION OF MEMBERS' OFFICES IN THE NEW OFFICE TOWER

1. Honourable Members, one of the core mandates of the Parliamentary Service Commission, which I chair, is provision of facilities to ensure efficient and effective functioning of Parliament. The facilities so provided include suitable office accommodation for Members.
2. It is in furtherance of this mandate that the Commission embarked on construction and furnishing of the New Office Block, which is nearing completion. Indeed, you may recall that during the Induction Programme, the administration had expressed optimism to settle Members in the New Office Block by the end of October 2022.
3. However, this was not possible because contractors required more time to conclude with fittings and furnishes before handing over the Building to the Commission. I am now reliably informed that the contractors have made commendable progress and soon, the building will be ready for occupation.
4. Honourable Members, In the allocation of Offices between the Two Houses of Parliament, the National Assembly has been allocated the largest share, being two hundred and eighty (280) offices out of the total three hundred and thirty-one (331) offices.
5. In order to ensure that Members occupy the offices immediately they are handed over, I have directed the Clerk to prepare a schedule of allocation of the two hundred and eighty (280) offices, being the equitable share of offices apportioned to the National Assembly in the Office Tower. Regrettably, about sixty-three (63) Members of this House will be NOT accommodated in the new office Block.
6. Honourable Members, allocation of the available offices will observe the following priority –
 - (a) First, allocation will be made to the Leadership of the House, comprising the Deputy Party Whips, Members of the Speaker's Panel, Chairpersons of Committees, and Vice- Chairpersons of Committees;
 - (b) Second, ALL Hon. Members serving for the second or further term in Parliament and Members with Disability will be accommodated at the new Office Tower; and,
 - (c) Third, Members serving the first Term in Parliament, will be allocated the remaining offices. The manner of arriving at which of the Members serving a first term will be allocated Offices at the new Office Tower will be based on the practice used to allocate office space at the Continental at the beginning of the 11th and 12th Parliaments. This is done by way of a ballot.
7. Honourable Members, I note that part of the election of Chairpersons and Vice Chairpersons will be concluded by Friday, 4th November 2022. In this regard, I have directed the Clerk to carry out the allocation next week from Monday, 7th November, 2022. With respect to balloting for offices by first term Members, I have directed the Clerk to undertake the exercise on Wednesday, 9th November 2022 in the Members' Lounge from 10.00am to 6.00pm. I hasten to assure Hon. Members wo will not be

8. accommodated in the new block that they will be allocated appropriate offices in the existing Buildings.

The House is accordingly guided.

I thank you!

5. **PAPERS:**

(1) The following papers were laid on the Table of the House-

- (i) Legal Notice No.176 of 2022 relating to the Adjustment of Rates of Excise Duty for Inflation Regulations, 2022 and the explanatory memorandum; and
- (ii) Legal Notice No.177 of 2022 relating to the Adjustment of Rates of Export Levy Regulations, 2022 and the explanatory memorandum.

(The Leader of the Majority Party)

(2) Report of the Parliamentary Service Commission on the Recruitment of the Clerk of the Clerk of the National Assembly.

(The Hon. Aden Keynan, CBS-Commissioner)

6. **NOTICES OF MOTION:**

The following Notices of Motion were given-

THAT, this House adopts Sessional Paper No. 3 of 2021 on the National Action Plan on Business and Human rights, laid on the Table of the House on 21st September 2021.

(The Leader of the Majority Party 01.11.2022)

THAT, taking into consideration the Recommendations of the *Parliamentary Service Commission in its Report on the Recruitment of the Clerk of the National Assembly*, laid on the Table of the House today, Tuesday, 1st November, 2022, and pursuant to the provisions of Article 128 (1) of the Constitution, this House approves the appointment of Mr. Samuel Njoroge as the Clerk of the National Assembly.

(The Hon. Aden Keynan, CBS-Commissioner 01.11.2022)

THAT, aware that Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69 (1)(d) also mandates the State to encourage public participation in the management, protection and conservation of the environment; further aware that, deforestation is one of the main contributors to climate change; noting that, Kenya has not been spared by the effects of global warming and climate change as a result of deforestation amongst other aspects; also aware that, the road network in the country currently stands at approximately 177,800 kilometres with a development rate of 600km per annum; deeply concerned that, there has been persistent destruction of trees and vegetation along the road reserves and roadsides during road construction leading to adverse effects on the ecosystem; cognizant that, studies have shown that the benefits accumulated from roadside tree planting include better soil formation due to shedding of dead leaves, increased water quality by reducing sediment flow, reduced erosion, road beautification, flood control as the trees slow and absorb water runoff, wind-breaking, providing important pollinator, habitats, improving peoples' health, and protecting crops; now therefore, this House resolves that the

Government includes a component of tree planting in all road network designs and also make it compulsory for road contractors to replace any tree harvested during road construction upon completion of the project.

(Hon. John Kiarie, MP (Dagoretti South Constituency 01.11.2022))

7. **STATEMENTS:**

Pursuant to Standing Order 44(2)(e), the Hon. Charles Ong'ondo Were, MP (Kasipul Constituency), made a statement regarding impersonation of his person on an anonymous twitter account.

8. **MOTION - RECOGNITION AND REMUNERATION OF VILLAGE ELDERS**

(Departmental Committee on Administration and Internal Affairs)

Motion made and Question proposed –

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.

(The Hon. Mwengi Mutuse, M.P.)

Debate on the Motion having been concluded on Thursday, October 27, 2022

Question put and agreed to

9. **SPECIAL MOTION – APPOINTMENT OF THE CLERK OF THE NATIONAL ASSEMBLY**

(Member, Parliamentary Service Commission)

Motion made and Question proposed –

THAT, taking into consideration the Recommendations of the *Parliamentary Service Commission in its Report on the Recruitment of the Clerk of the National Assembly*, laid on the Table of the House today, Tuesday, 1st November, 2022, and pursuant to the provisions of Article 128 (1) of the Constitution, this House approves the appointment of Mr. Samuel Njoroge as the Clerk of the National Assembly.

There being no debate arising;

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(124)

Question put and agreed to;
Rising in their places on Points of Order, several members claimed to move for a Division pursuant to Standing Order 72(1)(b);
And there being the requisite number of Members rising in their places in support of the claim;
And the Speaker, having acceded to the claim, directed that the Division bell be rung for not more than ten minutes;
And after the expiry of ten minutes, the bar having been drawn and the doors closed;
Thereupon the House proceeded to a Roll call vote;
Question put and upon a Division negatived;
Ayes had it;
Motion carried;
Division results verified as follows:
Total Ayes - 162
Total Nays - 94
Abstentions - 0

And the time being Five minutes past six o'clock, the Hon. Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at Five minutes past six o'clock

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M E M O R A N D U M

The Speaker will take the Chair Tomorrow,
Wednesday, November 2, 2022 at 9.30 a.m.

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