



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 13, 2024 AT 2.30 P.M.**

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **LACK OF QUORUM**

There being no Quorum present to commence business, the Honourable Speaker ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within the ten minutes, proceedings commenced.

5. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication to the House–

**COMMITTAL OF DIFFERENT PROVISIONS OF THE BUSINESS LAWS (AMENDMENT) BILL, 2024 TO VARIOUS DEPARTMENTAL COMMITTEES**

**“Honourable Members,**

The Business Laws (Amendment) Bill (National Assembly Bill No. 49 of 2024) sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung’wah, EGH, MP, was read a First-Time during today’s morning sitting.

The Bill seeks to amend nine (9) Acts of Parliament, namely: the Banking Act, Cap. 488; the Central Bank Act, Cap. 491; the Microfinance Act, Cap. 493C; the Standards Act, Cap. 496; the Kenya Accreditation Service Act, Cap. 496A; the Scrap Metal Act, Cap. 503; the Special Economic Zones Act, Cap. 517A; the Kenya Industrial Research and Development Institute Act, Cap. 511A; and the National Electronic Single Window System Act, Cap. 485D.

Honourable Members, Standing Order 127 (1) provides that a Bill having been read a First Time, shall stand committed to the relevant Departmental Committee without Question put. Despite the said provisions, Standing Order 127 (1A) provides and I quote;

*(1A) “Save for a Finance Bill, the Speaker may refer various provisions of a Bill proposing to amend more than one statute in its principal provisions to the relevant Departmental Committees in accordance with their mandates.”*

Honourable Members, I therefore direct that the various provisions of the Bill stand committed to the Departmental Committees for consideration and public participation as follows—

- a) The Departmental Committee on Finance and National Planning will deal with the provisions of the Bill relating to:
  - (i) The Banking Act, Cap. 488;
  - (ii) The Central Bank Act, Cap. 491; and
  - (iii) The Microfinance Act, Cap. 493C.
- b) The Departmental Committee on Trade, Industry and Cooperatives will deal with the provisions of the Bill relating to:
  - (i) The Standards Act, Cap. 496;
  - (ii) The Kenya Accreditation Service Act, Cap. 496A;
  - (iii) The Scrap Metal Act, Cap. 503;
  - (iv) The Special Economic Zones Act, Cap. 517A;
  - (v) The Kenya Industrial Research and Development Institute Act, Cap. 511A; and
  - (vi) The National Electronic Single Window System Act, Cap. 485D.

Honourable Members, I further direct that the lead Committee on this Bill will be the Departmental Committee on Finance and National Planning. The two Committees should move expeditiously and undertake public participation on their respective portions of the Bill. Thereafter, the lead Committee is expected to table a Consolidated Report in the House prior to commencement of Second Reading of the Bill. The House is accordingly guided. I thank you!”

## **6. MESSAGES**

The Speaker reported the following Message from His Excellency the President –

### **NOMINATION OF PERSONS FOR APPOINTMENT TO CONSTITUTIONAL COMMISSIONS AND OTHER STATE OFFICES**

**“Honourable Members,**

Pursuant to the provisions of Standing Order 42(1), I wish to report to the House that I have received five Messages from His Excellency the President relating to nomination of persons to the following State offices—

- (a) Chairperson and Members of the Board of the Independent Policing Oversight Authority (IPOA);
- (b) Chairperson and Members of the Commission on Administrative Justice (CAJ);
- (c) Chairperson and Members of the Salaries and Remuneration Commission (SRC);
- (d) Chairperson and a Member of the National Gender and Equality Commission (NGEC); and
- (e) Second Deputy Governor of the Central Bank of Kenya.

In the First Message, H.E. the President conveys that, in exercise of powers conferred by section 11(5) of the Independent Policing Oversight Authority Act, 2011, as read

together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates –

- a) Mr. Ahmed Issack Hassan, CBS as the Chairperson of the Board of the IPOA; and the following as Members of the IPOA Board—
  - (i) Ms. Ann Wanjiku Mwangi;
  - (ii) Dr. Micah Onyiego Nyakego;
  - (iii) Mr. Boniface Kipkemoi Samati;
  - (iv) Dr. Annette Mbogoh;
  - (v) Hon. John Muchiri Nyaga;
  - (vi) Mr. Kenwilliams Nyakomitah; and
  - (vii) Ms. Jackline Lukalo Mwenesi.

Honourable Members, in the Second Message, H.E. the President conveys that, in exercise of powers conferred by Article 250 of the Constitution and section 11(6) of the Commission on Administrative Justice Act, 2011, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates the following persons for appointment to the respective offices in the Commission on Administrative Justice –

- (a) Mr. Charles Orinda Dulo, Chairperson;
- (b) Hon. Charles Njagua Kanyi, Member; and
- (c) Ms. Dorothy Jemator Kimengech, Member.

In the Third Message, H.E. the President conveys that, in exercise of powers conferred by Articles 230 and 250 of the Constitution and section 7(10) of the Salaries and Remuneration Commission Act, 2011, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates—

- (a) Mr. Sammy Chepkwony as the Chairperson of the Salaries and Remuneration Commission; and the following as members of the Salaries and Remuneration Commission to represent various institutions as indicated—
  - (i) Ms. Jane Gatakaa Njage, nominee of the Teachers Service Commission (TSC);
  - (ii) Maj. Gen. (Rtd) Martin Kizito Ong’oyi, CBS, nominee of the Defence Council;
  - (iii) Mr. Mohamed Aden Abdi, nominee of the Senate on behalf of County Governments;
  - (iv) Dr. Gilda Odera, nominee of the Federation of Kenya Employers (FKE);
  - (v) Dr. Geoffrey Apollo Omondi, nominee of the Central Organization of Trade Unions (COTU); and
  - (vi) Mr. Leonid Ashindu, nominee of the Association of Professional Societies in East Africa (APSEA).

In the Fourth Message, Honourable Members, H.E. the President conveys that, in exercise of powers conferred by Article 250 of the Constitution and section 11(6) of the National Gender & Equality Commission Act, 2012 as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he has nominated Hon. Rehema Dida Jaldesa and Mr. Michael Mbithuka Nzomo (PWD) for appointment as the Chairperson, and member of the National Gender and Equality Commission, respectively.

Honourable Members, in the Fifth Message, H.E. the President conveys that, in exercise of powers conferred by section 13B of the Central Bank of Kenya Act (CAP 491), as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates Mr. Gerald Nyaoma Arita to the position of Deputy Governor of the Central Bank of Kenya.

Honourable Members, H.E. the President now therefore seeks the approval of the House on the nominees for appointment to the aforementioned positions.

Standing Order 45 provides that, upon receipt of notification of nomination for appointments, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration. In this regard, I hereby REFER the Messages from His Excellency the President, together with the *Curriculum Vitae*, the Reports of the respective Selection Panels, and that of the Public Service Commission, for the case of the nominee to the position of Deputy Governor of the Central Bank, and other testimonials of the nominees to the respective Departmental Committees as follows:

<b>S/No.</b>	<b>Nomination</b>	<b>Departmental Committee</b>
<b>1.</b>	Chairperson & Members of the Board of the <b>Independent Policing Oversight Authority</b>	<b>Administration &amp; Internal Security</b>
<b>2.</b>	Chairperson & Members of the <b>Commission on Administrative Justice</b>	<b>Justice &amp; Legal Affairs</b>
<b>3.</b>	Chairperson & Members of the <b>Salaries &amp; Remuneration Commission</b>	<b>Labour</b>
<b>4.</b>	Chairperson & Member of the <b>National Gender and Equality Commission</b>	<b>Social Protection</b>
<b>5.</b>	Deputy Governor of the <b>Central Bank of Kenya</b>	<b>Finance &amp; National Planning</b> <i>(Joint consideration with the counterpart Committee of the Senate)</i>

Honourable Members, noting the need to expeditiously conclude the approval hearings and given the Calendar of the House, I direct the Committees to immediately commence the approval processes, notify the nominees and the general public of the time and place for holding the approval hearings, and thereafter, upon conclusion, table their respective reports on or before 26<sup>th</sup> November 2024 to enable the House to consider the matter within the statutory timelines. I thank you!”

## **7. PAPERS**

The following Papers were laid on the Table of the House-

- (i) Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2024 and the certificates therein in respect of: -
  - a) Affordable Housing Finance Project (IBRD Credit No. 8958-KE) – National Assembly;
  - b) Kenya Symbiocity Programme SIDA No. 51110060 – Council of Governors;
  - c) ADB-Africa Climate Summit Project – The National Treasury;

- d) Eastern Africa Regional Transport, Trade and Development Facilitation (IDA Credit No. 5638-KE) – Kenya Revenue Authority;
- e) Technical Support Programme (Financing Agreements No. KE/FED/2009/021421, No. KE/FED/023-733 and No. KE/FED/037-941) – National Treasury;
- f) Micro Finance Sector Support Credit Project (Credit No. CKE 3004 01E and CKE 6010 01E) – National Treasury; and
- g) National Information Platform for Food Security and Nutrition Project (Credit No. Food/2017/393-022) – Kenya National Bureau of Statistics.

*(The Hon. Naomi Waqo – Deputy Majority Party Whip)*

- (ii) Report of the Departmental Committee on Labour on its consideration of the Salaries and Remuneration Commission (Amendment) Bill (National Assembly Bill No. 21 of 2024).

*(The Chairperson, Departmental Committee on Labour)*

- (iii) Reports of the Departmental Committee on Education on its consideration of:
  - a) The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023);
  - b) The Basic Education (Amendment) Bill (National Assembly Bill No. 59 of 2023);
  - c) The Universities (Amendment) (No. 3) Bill (National Assembly Bill No. 64 of 2023);
  - d) The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023); and
  - e) The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024).

*(Hon. CPA Dick Maungu, Member - Departmental Committee on Education)*

## **8. RE-ORGANISATION OF BUSINESS**

Pursuant to Standing Order 40(2), the Speaker reordered the sequence of proceedings as follows –

- Consideration of **Order No. 8** (*Consideration of the Mediated Version of the National Rating Bill, 2022*) to be undertaken before consideration of **Order No. 7** (*Questions and Statements*).

## **9. MOTION – CONSIDERATION OF THE MEDIATED VERSION OF THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2022)**

Motion made and Question proposed-

**THAT**, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the National Rating Bill (National Assembly Bill No. 55 of 2022), *laid on the Table of the House on Tuesday, 5<sup>th</sup> November 2024*, and **approves** the Mediated version of the National Rating Bill (National Assembly Bill No. 55 of 2022).

*(Member, Mediation Committee on the National Rating Bill – 07.11.2024)*

Debate having been concluded on Thursday, November 7, 2024;

Question put and agreed to.

**10. QUESTIONS**

The following Questions were asked and responded to by the Cabinet Secretary for Roads and Transport in plenary –

- (i) **Question by Private Notice No. 013/2024** by the Member for Gatanga (Hon. Wakili Muriu) regarding the current status of negotiations for a concession agreement between the Government of Kenya and the *Adani* Group regarding the management of Jomo Kenyatta International Airport (JKIA);
- (ii) **Question by Private Notice No. 014/2024** by the Member for Embakasi West (Hon. Mark Mwenje) on a comprehensive report on the amount disbursed to KeRRA for the financial year 2023/2024 as at September 2024 for Nairobi City County and the measures being taken to address the inordinate delay;
- (iii) **Question No. 167/2023** by the Member for Baringo Central (Hon. Joshua Kandie) regarding the criteria used by the Kenya Roads Board (KRB) to determine the amount of funds to allocate to each Constituency and the roads allocated monies in the recent past;
- (iv) **Question No. 178/2023** by the Member for Kinango (Hon. Gonzi Rai) on reasons why the Kenya National Highways Authority (KeNHA) issued demolition notices against the *Mackinon* Road Trading Centre buildings approved by the Kwale County Government in 2020 and constructed away from the Mombasa – Nairobi Highway (A109) road reserve;
- (v) **Question No. 013/2024** by the Member for Funyula (Hon. (Dr.) Ojiambo Oundo) on the current status of *Matayos-Ganjala-Nakhasiko-Nangina* road and an update on the proposed Lake Victoria Ring Roads Project;
- (vi) **Question No. 069/2024** by the Member for Westlands (Hon. Timothy Wanyonyi) regarding details of the approved design of Waiyaki Way, including the road profiles, all road signages, road lighting, service lanes, and pedestrian walkways and crossings, the timelines for completion of the *Kangemi* and *Ndumboini* overpasses and restoration of access roads destroyed during construction;
- (vii) **Question No. 078/2024** by the Member for Luanda (Hon. CPA Maungu) on reasons for the delays by the Contractor in upgrading of *Maseno-Kombewa Road* to bitumen standard given the deplorable and impassable conditions of the 5.1km stretch from *Maseno* to *Opasi* in Luanda Constituency;
- (viii) **Question No. 142/2024** by the Member for Seme (Hon. (Dr.) James Nyikal) on delay in completion of construction works for upgrading to bitumen standards of *Maseno-Kombewa-Wangarot-Kalandini* Road since its commencement in 2016;

- (ix) **Question No. 079/2024** by the Member for Yatta (Hon. Robert Basil) on the significant delay in completion of the construction of the *Matuu-Ekalakala-Kiwandini* Road to *Kyasioni* Road in Yatta Constituency; and
- (x) **Question No. 127/2024** by the Member for Laikipia North (Hon. Sarah Korere) regarding delay in completion of construction works of Doldol-Nanyuki Road in Laikipia North Constituency.

*(Change of Chair from the Rt. Honourable Speaker to the Deputy Speaker)*

Various Members also raised Supplementary Questions which were responded to by the Cabinet Secretary within the allotted time.

**11. THE COOPERATIVES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2024)**

Order for Second Reading read;

Motion made and Question proposed;

**THAT**, the Cooperatives Bill (National Assembly Bill No. 7 of 2024) be now read a Second Time.

*(The Hon. Silvanus Osoro - Majority Party Whip)*

Debate arising;

*(Change of Chair from the Deputy Speaker to the Fourth Chairperson)*

**QUORUM OF THE HOUSE**

Rising in his place on a Point of Order pursuant to the provisions of Standing Order 35, the Member for Thika Town (Hon. Alice Nganga) objected that there was no Quorum present in the House;

And the Fourth Chairperson having ascertained the claim, ordered that the Division Bell be rung for ten (10) minutes;

There being no Quorum attained at the expiry of the ten minutes;

And the time being Twenty-Five Minutes past Seven O'clock, the Fourth Chairperson interrupted proceedings and adjourned the House without Question put pursuant to Standing Order 35(2)(a).

**12. HOUSE ROSE -** at Twenty-Five Minutes past Seven O'clock

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

The Speaker will take the Chair on,  
Thursday, November 14, 2024 at 02.30 p.m.