



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JANUARY 31, 2017

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

The Deputy Speaker conveyed the following petition –

(a) **Ongoing doctors' strike**

"Honourable Members,

Pursuant to the provisions of Standing Order 225, I hereby convey a Petition, signed by Dr. Ouma Oluga, the National Secretary of the Kenya Medical Practitioners, Pharmacists and Dentists Union (KPPMD) regarding the ongoing doctors' strike.

Honourable Members, the Petitioners are concerned that even though healthcare is a constitutional right enshrined under Article 43(1)(a) of the Constitution, which entitles every person to the highest attainable standard of health, which includes the right to healthcare services, the ongoing strike has left all public health facilities and medical training schools to remain functionally closed for close to two months now. The Petitioners are positing that the public health sector has experienced perennial industrial unrests over the past four years, with the current nationwide industrial action totally paralyzed the sector.

The petitioners are concerned that both levels of government have consistently refused to acknowledge the Collective Bargaining Agreement (CBA) entered into between the doctors' Union and the Government in 2013. Additionally, both levels of government have allegedly done little to address the CBA. This is despite numerous amicable avenues pursued by their Union to address the matter without resorting to industrial action. They Petitioners are further alleging that instead of pursuing collaborative measures to negotiate an agreeable return-to-work formula with them, both the national and county government have resorted to intimidating doctors through courts and the Salaries and Remuneration Commission.

Honourable Members, the Petitioners are therefore praying that –

- (i) the National Assembly adds its voice in calling for the Government to negotiate with utmost good faith with the aim of ending the current stalemate so as to alleviate the suffering being visited upon the citizens;
- (ii) the National Assembly commences the legislative process towards the creation of a Health Services Authority (HSA) to address and standardize the Human Resources aspect of Health Challenges including deployment, training, discipline, remuneration, staffing, transfers, among others;
- (iii) the National Assembly commences the legislative process towards enacting laws to create a special grading structure for Doctors considering the specialized function offered by Doctors;
- (iv) the National Assembly participates in the realization of allocation of 15% of the Country's GDP to health through the annual budgetary cycles and adds its voice in the calling for the Governing to honour the Doctor's Collective Bargaining Agreement of 2013;
- (v) the National Assembly commences the necessary legislative process towards releasing emoluments under the Doctors' Collective Bargaining Agreement of 2013 as conditional grants from the National Government to the Counties specifically targeted to Doctors;
- (vi) the National Assembly commences the legislative process towards enacting laws mandating 4-year reviews of health facility staffing, work conditions and Doctors' salaries with a view of increasing pay by not less than 70% every year to achieve global benchmark rates; and,
- (vii) the National Assembly commences the legislative process towards amendment of the Medical practitioners and Dentist Act (Cap 253) and the National Hospital Insurance Act (Cap 255) in consultation with relevant stakeholders.

Honourable Members, the Petition stands committed to the Departmental Committee on Health for consideration. The Committee is required to consider the Petition and report its findings in accordance with the provision of Standing Order 227(2). Owing to the enormity of the matters raised in the Petition, the Committee is directed to expeditiously and extensively look into the issues therein and widely engage all stakeholders in the sector, with a view to conclusively resolving the unease subsisting in the health sector.

Thank you".

(b) The following Member presented the following Petition –

The nominated Member (Hon. Sarah Korere) on behalf of residents of Laikipia regarding the Rehabilitation of Timau-Ethi-Ngarendare – TM road in Laikipia County

Petitions were referred to the relevant Departmental Committees pursuant to Standing Order 227(1).

5. PAPERS LAID

The following Papers were laid on the Table –

- (i) The Budget Estimates of the Judiciary and the Judicial Service Commission (JSC) for Medium Term Expenditure Framework (MTEF) period FY 2017/2018-2019/2020.
- (ii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the certificates therein:-
 - a) Judicial Service Commission; and
 - b) Kenya Roads Board Fund.
- (iii) The Reports of the Auditor-General on the Financial Statements in respect the following Constituencies for the year ended 30th June, 2015 and the certificates therein:-
 - (a) Mandera East Constituency;
 - (b) Suna West Constituency;
 - (c) Suna East Constituency;
 - (d) Kuria East Constituency;
 - (e) Turkana Central Constituency;
 - (f) Turkana West Constituency;
 - (g) Kajiado East Constituency;
 - (h) Webuye East Constituency;
 - (i) Mandera North Constituency; and
 - (j) Wajir West Constituency.
- (iv) The Reports of the Departmental Committee on Health on its considerations of Petitions by –
 - (a) the family of Mohamed Bakari on Negligence by the Mombasa Hospital and failure to attend to a patient; and,
 - (b) Kenya Student Nurses Chapter of the National Nurses Association of Kenya regarding the direct employment of nurses with degrees by the Public Service Commission.

(Chairperson, Departmental Committee on Health)
- (v) Report of the Departmental Committee on Administration and National Security on its consideration of the National Authority for the Campaign Against Alcohol and Drug Abuse (Amendment) Bill, 2016

(Chairperson, Departmental Committee on Administration & National Security)

6. **NOTICES OF MOTION** – (Chairperson, Public Investments Committee)

The following Notices were given –

- (i) **THAT**, this House adopts the Public Investments Committee Special Report on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure Development Project, laid on the Table of the House on Wednesday, April 30, 2014; and,

- (ii) **THAT**, this House adopts the Public Investments Committee Special Report on the Procurement of the Tender for the proposed Kenya Bureau of Standards Coast Regional Offices and Laboratories in Mombasa, laid on the Table of the House on Wednesday, June 04, 2014.

7. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO.33 TO DISCUSS A MATTER OF DEFINITE NATIONAL IMPORTANCE**

Rising in his place on a Point of Order, the Member for Member for Ugenya (Hon. David Ochieng) claimed to move a Motion for the adjournment of the House under the provisions of Standing Order 33 in order to discuss a definite matter of national importance regarding the government's response to the current drought in the country;

And the Deputy Speaker having acceded to the claim;

And there being sufficient number of Members rising in their places in support of the claim;

Thereupon, the Deputy Speaker directed that the Motion be moved at thirty minutes past Five O'clock today.

8. **THE PRIVATIZATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Privatization (Amendment) Bill (National Assembly Bill No.27 of 2016) be now read a Second Time

(The Leader of the Majority Party – 26.01.2017)

Debate on the Motion having been concluded on Thursday, January 26, 2017;

Question put and agreed to;

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

9. **THE HYDROLOGISTS BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Hydrologists Bill (National Assembly Bill No.10 of 2016) be now read a Second Time

(Majority Party Whip)

Debate arising;

Mover replied;

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

Question of the Second Reading deferred to another day.

10. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2016)

Order for Second Reading read;

Mover made -

THAT, the Hydrologists Bill (National Assembly Bill No.10 of 2016) be now read a Second Time

(Majority Party Whip)

11. ADJOURNMENT MOTION PURSUANT TO STANDING ORDER 33

Motion made –

THAT, this House do now adjourn

(Hon. David Ochieng)

Debate arising;

And the time being thirty minutes past Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. 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 on
Wednesday, February 01, 2017 at 9.30 a.m

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