



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 01, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **MESSAGE FROM THE H. E THE PRESIDENT ON THE NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE COMMISSION ON REVENUE ALLOCATION**

The Deputy Speaker conveyed the following Message –

"Honourable Members,

Pursuant to the provisions of Standing Order No. 42(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from His Excellency the President, seeking the National Assembly's approval of the nominee for appointment as Chairperson of the Commission on Revenue Allocation (CRA). In the Message, His Excellency the President conveys that, in exercise of powers vested in him under Article 215(2)(a) of the Constitution and pursuant to the provisions of sections (3) and (5) of the Parliamentary Appointments (Parliamentary Approval) Act, 2011, he has nominated **Dr. Jane W. Kiringai** for appointment as the Chairperson of the Commission on Revenue Allocation (CRA).

Honourable Members, section 8 of the said Act provides that the relevant Committee of the House will consider the suitability or otherwise of the nominee and table its report for consideration by the House within fourteen (14) days from the date when the notification of nomination is conveyed to the House. Further, the Act requires that the public be given seven (7) days notification to submit their views regarding the suitability or otherwise of the nominee proposed for appointment to an office requiring Parliamentary approval.

In this regard, and in accordance with the provision of Article 259(5)(a) of the Constitution as read together with section 5 of the said Act, the seven (7) days' notification to the public shall start running on the day following the day when the notice is published in the dailies.

Honourable Members, given the critical role played by the Commission for Revenue Allocation (CRA) within the framework of issues of Division of Revenue, which are currently under consideration within the budget process, it is advisable that the concerned Committee expeditiously proceeds to notify the nominee and the public. Indeed, it should be noted that the House approved the Commissioners of the CRA on December 20, 2016, and their swearing-in has been stayed, pending the appointment of a substantive Chairperson.

In this regard, the Committee should commence the approval hearings after the seven day notification period, and table a Report **on or before Wednesday, February 15, 2017**, to enable the House to consider the matter within the statutory timelines. This Message, together with the resume of the nominee stand committed to the Departmental Committee on Finance, Planning and Trade for consideration.

I thank you”.

5. **PETITIONS**

The following Petitions were presented –

(i) The Deputy Speaker presented the following petition –

**Proposed amendment of the Traffic Act and enactment of Traffic Law for Counties by Kenya Taxi Cabs Association**

“Honourable Members,

Pursuant to the provisions of Standing Order 225, I hereby convey a Petition, signed by Messers Laban Maina, Peter Kuria Wanjama, Lawrence Kimani and Job Nzioka on behalf of Kenya Taxi Cabs Association, praying that the National Assembly amends the Traffic Act CAP 403 Laws of Kenya and enacts model traffic legislation for counties.

The Petitioner are concerned that the Traffic Act, Cap 103 Laws of Kenya lays ground for unfair competition by disproportionately regulating the taxi subsector. They allege that whereas sections 70 to 74 of the Act obligate taxi cabs to be registered and among others, bear a continuous yellow line for identification, the same law appears to confer inverse statutory liberty to corporate taxi cabs and those contracted by Electronic Cab Hailing Applications like ‘Uber”.

Honourable Members, the Petitioners have stated that the disproportionate regulation of the subsector has subjected yellow line taxi operators to unfair competition, thereby raising disquiet and sometimes causing incidents of aggression between the Petitioners and their counterparts, especially those operating using Electronic Cab Hailing Applications. They are concerned that efforts to have their grievances addressed by both the national and county governments have so far not yielded any fruits. The Petitioners are therefore praying that the National Assembly speedily amends the Traffic Act Cap 403 of Laws of Kenya by making provisions for equitable and inclusive regulation of players in the taxi sub-sector, particularly with respect to –

- (i) regulation of fares chargeable to passengers with a view to eliminating unfair competition through price manipulation;

- (ii) making provisions for a uniform physical identification mark for all taxi cabs, whether independent, corporate or from the Electronic Taxi Cab Hailing Companies, so as to enhance security of drivers and passengers;
- (iii) repealing provisions of the Act that restrict taxi cabs with yellow lines from accessing certain areas, particularly within cities; and

The Petitioners also pray that the said law be drafted to incorporate provisions that apply in the counties so as to cascade equity and fairness in the enactment of county legislation on regulation of the transport sector at county level.

Honourable Members, the Petition stands committed to the Departmental Committee on Transport, Public Works and Housing 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 extensively look into the issues and widely engage all stakeholders in the industry with a view to conclusively resolving the unease subsisting in the taxi sub-sector.

I thank you".

- (ii) The Member for Kiminini (Hon. Chris Wamalwa) presented a Petition on behalf of the family of the late Haggai Chimakile Mulati, a resident of Meso Farm, Kiminini Constituency regarding his alleged killing by the police/reservists.

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

## 6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General on the Financial Statements in respect the following Constituencies for the year ended 30<sup>th</sup> June, 2015 and the certificates therein:-
  - (a) Wajir North Constituency;
  - (b) Mumias West Constituency;
  - (c) Matungu Constituency;
  - (d) Mwingi Central Constituency;
  - (e) Navakholo Constituency;
  - (f) Butere Constituency;
  - (g) Teso South Constituency;
  - (h) Tigania West Constituency;
  - (i) Kitui Rural Constituency; and
  - (j) Emuhaya Constituency.

*(The Leader of the Majority Party)*

## 7. **NOTICES OF MOTION –**

The following Notices were given –

- (i) THAT, this House adopts the Report of the Departmental Committee on Health on the Ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United States of America concerning Co-operation in Threat Reduction Biological Engagement Programs, laid on the Table of the House on Tuesday, November 22, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United States of America concerning Co-operation in Threat Reduction Biological Engagement Programs;

*(Chairperson, Departmental Committee on Health)*

- (ii) THAT, this House adopts the Reports of the Departmental Committee on Administration and National Security on –
- (a) Investigations into alleged irregularities in the disbursement of funds to Civil Society Groups by the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA), laid on the Table of the House on Tuesday, November 17, 2015; and,
- (b) Investigations into the Garissa University College Terrorist Attack, laid on the Table of the House on Tuesday, November 17, 2015.

*(Chairperson, Departmental Committee on Administration and National Security)*

8. **PERSONAL STATEMENT PURSUANT TO STANDING ORDER 84**

Pursuant to Standing Order 84, the Member for Teso North (Hon. Mary Emaase) issued a personal statement regarding allegations of her involvement in illegal activities relating to poaching Ugandan nationals to register as voters in her constituency;

Thereupon, the Member clarified to the House that she was not aware of any irregular recruitment of foreigners registered as voters in her constituency or any other part of the country. The Member further implored the security and intelligence agencies to investigate and apprehend persons found culpable of peddling such dangerous rumours.

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 – 31.01.2017)*

Debate on the Motion having been concluded on Tuesday, January 31, 2017;

Question put and agreed to;

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

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

Order for Second Reading read;

Mover made and Question proposed -

THAT, the Statutes Law (Miscellaneous Amendments) Bill (National Assembly Bill No.45 of 2016) be now read a Second Time

*(Majority Party Whip – 31.01.2017)*

Debate interrupted on Tuesday, January 31, 2017 resumed;

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

Mover replied;

Question deferred to another day.

11. **THE NATIONAL CORONERS SERVICE BILL (NATIONAL ASSEMBLY BILL NO.46 OF 2016)**

Order for Second Reading read;

Mover made and Question proposed -

THAT, the National Coroners Service Bill (National Assembly Bill No.46 of 2016) be now read a Second Time

*(The Leader of the Majority Party)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Fourth Chairperson 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  
Thursday, February 02, 2017 at 2.30 p.m.

--X--