



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 01, 2015

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

The Member for Mvita (Hon. Adbul Nassir) on behalf of parents of students of Bura Girls High School, regarding alleged mistreatment of students by the school management

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1)

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Constituencies Development Fund Board Report on Project Approvals and Disbursements Status for the month of May, 2015 including restrictions on Constituency accounts;
- (ii) The Report of the Auditor-General on the Financial Statements of the Kenya School of Government for the year ended 30th June, 2014 and the certificate therein;
- (iii) The Report of the Auditor-General on the Financial Statements of the Kenyatta National Hospital for the year ended 30th June, 2014 and the certificate therein;
- (iv) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Matungulu Constituency) for the year ended 30th June, 2014 and the certificate therein;

- (v) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Mwala Constituency) for the year ended 30th June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Kangundo Constituency) for the year ended 30th June, 2014 and the certificate therein; and,
- (vii) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Yatta Constituency) for the year ended 30th June, 2014 and the certificate therein.

(The Leader of the Majority Party)

(viii) Reports of the Departmental Committee on Administration and National Security on:-

- (a) the study visit to Washington, D.C. from 19th to 26th October, 2014; and
- (b) a fact finding visit to Nyakach, Oyugis, Rongo and Sigowet/Soin Sub-Counties over insecurity in the areas.

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

6. **NOTICE OF MOTION – DISMISSAL OF A CABINET SECRETARY**
(The Hon. Geoffrey Odanga, M.P.)

THAT, aware of the fact that Prof. Jacob Kaimenyi, the Cabinet Secretary for Education, Science and Technology, has been holding his office since 2013; further aware that he appears to have committed gross violation of the Public Officer Ethics Act 2003 under Section 8, in performance of his duties; deeply concerned that he has allowed many education institutions to operate without boards of management contrary to Section 6 of the Education Act 2007, has discriminated against children with special needs by failing to disburse requisite funding to registered institutions on time contrary to Section 12 of the Children Act 2012 and Article 54(b) of the Constitution, has treated the National Assembly Departmental Committee on Education, Research and Technology with contempt by failing to honour meetings and summonses, failing to send apologies in time and failing to implement resolutions agreed upon in defiance of Article 125(1) of the Constitution and Section 23(a) of the National Assembly Powers and Privileges Act, has refused to guarantee due diligence in the laptops programme for Class One pupils and failed to adhere to procurement regulations contrary to Section 27 of the Public Procurement and Disposal Act 2013; cognisant of the fact that the Cabinet Secretary has failed to promote education contrary to Section 3 of the Education Act 2007 as shown by among other shortcomings his failure to spearhead implementation of Hon. KilemiMwiria-led Task Force on Secondary School fees, coupled with blatant high-handedness and arrogance shown by his refusal to consult stakeholders on key issues, including examination ranking and other matters, and has failed to sufficiently promote education contrary to Articles 43(f), 53(b), 54(b), 55(a) and 55(b) of the Constitution, which is the core mandate of his Ministry, this House resolves that pursuant to Article 152 (6) of the Constitution, the President dismisses Prof. Jacob Kaimenyi from the position of the Cabinet Secretary for Education, Science and Technology for gross misconduct and gross violation of the Constitution and other laws of the land.

7. **NOTICE OF MOTION - ESTABLISHMENT OF FIRE DISASTER MANAGEMENT CENTRES IN INFORMAL SETTLEMENTS**

(The Hon. Sunjeev Birdi, M.P.)

THAT, aware that fire outbreak is currently a major challenge facing slums in the country, leading to regrettable loss of lives and property; further aware that 60 percent of the Country's population lives in informal settlements that are overcrowded and connected to hazardous electricity lines making them predominantly vulnerable to fire outbreaks; concerned that insufficient access roads to slums has often hampered disaster response from aid agencies, signifying a major gap in urban crisis preparedness in the Country; cognizant of the need to control loss of lives through fire outbreaks; this House urges the Government to establish Fire Disaster Management Centres in all slums countrywide.

8. **NOTICE OF MOTION - ESTABLISHMENT OF FISHING INDUSTRY TRAINING INSTITUTIONS AND PROCESSING PLANTS**

(The Hon. Rose Nyamunga, M.P.)

THAT, aware that Kenya's high seas and inland fresh water bodies are a key resource for diversification of the country's economy through fishing; noting that most fishermen and women use traditional methods of fish harvesting, preservation and processing; conscious that there are few training institutions that offer studies in fisheries, oceanography and maritime technology in Kenya; further noting that huge losses are incurred due to lack of proper post-harvest management and inadequate fish processing plants in the country; concerned that this lacuna has contributed to relegation of the otherwise lucrative fishing industry to a *jua kali* sector; deeply worried that lack of training and inadequate fish processing facilities have resulted in meagre earnings for many Kenyans, including women who depend on fishing; this House urges the Government to establish both inland and coastal training institutions and processing plants with a view of building capacity for fishing communities to maximize their returns from the lucrative fishing sector.

9. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

10. **THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 04 OF 2014)**

Debate on the Second Reading having been concluded;

Question put and agreed to.

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

11. **MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT TO THE POSITION OF SECRETARY TO THE SALARIES AND REMUNERATION COMMISSION**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Vetting of Nominee for appointment to the Position of the Secretary to the Salaries and Remuneration Commission, laid on the Table of the House on Wednesday, July 01, 2015, and pursuant to Section 16(1) of the Salaries and Remuneration Act, 2011, approves the appointment of Mrs. Anne Rwamba Gitau as the Secretary to the Salaries and Remuneration Commission.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Debate arising;

Rising in his place on a Point of Order, the Member for Nakuru Town East (Hon. David Gikaria) claimed to move that “the Mover be now called upon to reply”;

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon Mover replied;

Question put and agreed to.

12. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO.05 OF 2015)**

Motion made and Question proposed -

THAT, the County Allocation of Revenue Bill (Senate Bill No.05 of 2015) be now read a Second Time

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

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

Rising in his place on a Point of Order, the Member for Ainamoi (Hon. Benjamin Langat) claimed to move that “the Mover be now called upon to reply”;

And the Third Chairperson acceding to the claim;

Question put and agreed to;

Thereupon Mover replied;

Question put and agreed to;

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

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

Second Chairperson of Committees in the Chair

The Securities and Investment Analysts Bill (National Assembly Bill No. 21 of 2014)

Clause 3 - amendment proposed –

THAT, clause 3 be amended in sub clause (1) by deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - amendment proposed –

THAT, clause 4 be amended—

(a) in sub clause (1), by—

(i) deleting the word “is” appearing after the word “registered” and substituting therefor the words “under section 16 of this Act as”;

(ii) deleting the acronym “IA” and substituting therefor “FA”;

(b) in sub clause (2),—

(i) paragraph (a), by—

a. deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”;

b. deleting the acronym “FCSIA” and substituting therefor “FCIFA”;

(ii) paragraph (b), by—

a. deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”;

b. deleting the acronym “CSIA” and substituting therefor “CIFA”;

(iii) paragraph (c), by—

a. deleting the words “Securities and Investment” and substituting therefor the words “Investment and Financial”;

b. deleting the acronym “ACSI” and substituting therefor “ACIFA”;

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - agreed to

Clause 6 - amendment proposed –

THAT, clause 6 be amended in sub clause (1) by inserting the word “profession” immediately after the words “securities and investments”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 6 be amended—

- (a) in sub clause (1) by deleting the words “securities and investments” and substituting therefor the words “investment and financial analysts profession”;
- (b) in sub clause (3) by—
 - (i) deleting the words “Securities and Investments” and substituting therefor the words “Investment and Financial”;
 - (ii) by deleting the phrase “Hon FCSIA” and substituting therefor the phrase “Hon FCIFA”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, clause 7 be amended in subclause (1) by deleting the word “matter” before the word “provided” and substituting therefor with the word “manner”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clause 8 - amendment proposed –

THAT, clause 8 be amended—

(a) by deleting paragraph (a);

(b) in paragraph (b) by inserting the word “ethical” before the word “practice”;

(c) in paragraph (e) by deleting the words “financial, securities and investments” and substituting therefor the words “investment and financial”;

(d) in paragraph (g) by inserting the words “ and integrity” immediately after the word “ethics”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 8 be amended by deleting paragraph (a)

(The Leader of the Majority Party)

Proposed further amendment withdrawn by the Mover

Clause 8 - as amended agreed to

Clause 9 - agreed to

Clause 10 - amendment proposed –

THAT, clause 10 (1) be amended by deleting the word "boards" and substituting therefor the word "committees".

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to

Clause 11 - agreed to

Clause 12 - amendment proposed –

THAT, clause 12 be amended by inserting the following new subclause immediately after subclause (1)—

“(1A) The Secretary shall be the Chief executive officer of the Institute.”

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to

Clause 13 - amendment proposed –

THAT, clause 13 be amended—

(a) in subclause (1), by—

(i) deleting the word “board” and substituting therefor the word “committee”;

(ii) deleting the words “ Registration and Quality Assurance Board” and substituting therefor the words “Registration Committee”;

(b) in subclause (2), by—

(i) deleting the word “Board” and substituting therefor the word “Committee”;

(ii) inserting the word “for” immediately after the word “responsible” appearing in paragraph (b);

(c) in subclause (3), by—

- (i) deleting the word “Board” and substituting therefor the word “Committee”;
- (ii) deleting the words “financial securities and investments” and substituting therefor the words “investment and financial in paragraph (a);
- (d) in subclause (4) by deleting the word “Board” and substituting therefor the word “Committee”;
- (e) in subclause (5) by deleting the word “Board” and substituting therefor the word “Committee”;
- (f) in subclause (6) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (g) in subclause (7) by deleting the word “Board” and substituting therefor the word “Committee”;
- (h) in subclause (8) by deleting the word “Board” and substituting therefor the word “Committee”;
- (i) in subclause (9) by deleting the word “Board” and substituting therefor the word “Committee”;
- (j) in subclause (10) by deleting the word “Board” and substituting therefor the word “Committee”;

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 13 be amended in subclause (2), by inserting the following new paragraph immediately after paragraph (d)—

“(da) one person nominated by the Capital Markets Authority”;

(The Leader of the Majority Party)

Question of the further amendment proposed;

Question put and agreed to;

Clause 13 - as amended agreed to

Clause 14 - amendment proposed –

THAT, clause 14 be amended—

(a) in subclause (1), by—

- (i) deleting the words “ financial, securities and investment” and substituting therefor the words “investment and financial” ;
- (ii) deleting the word “Board” and substituting therefor the word “Committee”;

(b) in subclause (2) by deleting the words “ financial, securities and investment” and substituting therefor the words “ investment and financial”;

(c) in subclause (3) by deleting the word “ Board” and substituting therefor the word “ Committee”;

(d) in subclause (5) by deleting the words “one million” and substituting therefor the words “two hundred thousand”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to

Clause 15 - amendment proposed –

THAT, clause 15 be amended—

(a) in sub clause (1) by deleting the words “financial, securities and investment” and substituting therefor the words “ investment and financial”;

(b) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed –

THAT, clause 16 be amended—

(a) in subclause (1)—

- (i) by deleting the words “securities and investment” and substituting therefor the words “ investment and financial”;
- (ii) by inserting the following new paragraph immediately after paragraph (b)—

“(c) has satisfied the requirements of Chapter Six of the Constitution;”

(b) in subclause (3), by—

- (i) deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (ii) deleting the words “ financial, securities and investment “in paragraph (b) and substituting therefor the words “ investment and financial”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed –

THAT, clause 17 be amended—

(a) in sub clause (1) by—

- (i) inserting the following new paragraphs immediately after paragraph (c) in subclause (1)—

“(ca) if such person does not meet the requirements of Chapter Six of the Constitution;

(cb) if such person sits and fails the annual ethics and integrity test administered by the Institute;”

- (ii) deleting the word “Board” in paragraph (d) and substituting therefor the word “Committee”;

(b) in subclause (2), by deleting the word “Board” and substituting therefor the word “Committee”;

(c) in subclause (3), by deleting the word “Board” and substituting therefor the word “Committee”;

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 - as amended agreed to

Clause 18 - amendment proposed –

THAT, clause 18 be amended by—

- (a) deleting the word “Board” in subclause (1) and substituting therefor the word “Committee”;
- (b) deleting the word “Board” in subclause (2) and substituting therefor the word “Committee”;
- (c) deleting the word “Board” in subclause (6) and substituting therefor the word “Committee”;

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to

Clause 19 - amendment proposed –

THAT, clause 19 be amended by—

- (a) deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;
- (b) inserting the following new paragraph immediately after paragraph (c) in subclause (1)—

“(d) if such person does not meet the requirements of Chapter Six of the Constitution;

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Proposed amendment in (b), inserting the following new paragraph immediately after paragraph (c) in subclause (1)—

“(d) if such person does not meet the requirements of Chapter Six of the Constitution;

withdrawn by the Mover

Question put and agreed to;

Clause 19 - as amended agreed to

Clause 20 - amendment proposed –

THAT, clause 20 be amended in subclause (1), by—

- (a) deleting the words “ financial, securities and investment” and substituting therefor the words “ investment and financial”;
- (b) deleting the word “Board” and substituting therefor the word “Committee”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT clause 20 be amended by inserting the following new subclauses immediately after subclause (1)—

“(1A) A person who is a certified professional and holds a valid certificate from a recognized certifying body shall be exempt from the requirements of practicing as a certified financial, securities and investment analyst set out in subsection (1), subject to such person meeting the requirements of the Institute and registering as a member of the Institute.

(1B) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

(The Leader of the Majority Party)

Further amendment withdrawn by the mover;

Clause 20 - as amended agreed to

Clause 21 - amendment proposed –

THAT, clause 21 be amended—

- (a) by deleting the phrase “financial, securities and investment” wherever it occurs and substituting therefor the phrase “investment and financial”;
- (b) insubclause (1) by deleting the word “securities” appearing in paragraph (c).

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 21 (2) be amended by deleting the words “does not practice as a financial, securities and investment analysts by reason only of carrying on the work of an investment consultant or an investment advisor of a financial consultant” and substituting therefor the words “may only undertake the work of an investment consultant or investment advisor or a financial consultant in the course of practicing their profession.”

(The Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to

Clause 22 - amendment proposed –

THAT, clause 22 be amended in subclause (1) by deleting the word “Board” and substituting therefor the word “Committee”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 22 - as amended agreed to

Clause 23 - amendment proposed –

THAT, clause 23 be amended in subclause (1) by deleting the word “Board” and substituting therefor the word “Committee”.

(Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to

Clause 24 - amendment proposed –

THAT, clause 24 be amended by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to

Progress Report

Motion made and Question proposed –

THAT, the Committee of the whole House do report progress and seeks leave to sit again tomorrow.

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question put and agreed to;

14. **HOUSE RESUMED** - the Third Chairperson in the Chair

Progress Report

Motion made and Question proposed –

THAT, the Committee of the whole House has considered the Securities and Investment Analysts Bill (National Assembly Bill No. 21 of 2014) and seeks leave to sit again tomorrow

(The Chairperson, Departmental Committee on Finance, Planning & Trade)

Question put and agreed to.

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

15. **HOUSE ROSE** - at thirty 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 on
Thursday, July 02, 2015 at 2.30 p.m.

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