



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 02, 2017

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

The Speaker conveyed the following Communication –

**Submission of election related regulations by the IEBC**

“Honourable Members,

As you may have just heard, the Independent Electoral and Boundaries Commission (IEBC) has submitted the final drafts of five sets of election-related regulations. I am aware that the Committee on Delegated Legislation has had several formal engagements with the IEBC between 13th February and 22nd February 2017 to consider earlier drafts of the regulations. The IEBC has therefore done its part by providing the final draft regulations for tabling and ultimate consideration by the House, through the Committee on Delegated Legislation, within the timelines specified in Section 109(3) of the Elections Act.

Honourable Members, I urge the Committee to expeditiously consider the regulations to allow the IEBC to publish the final regulations within stipulated timelines. The Committee is also reminded that pursuant to Sections 18 of the Statutory Instruments Act, a desire to annul a statutory instrument requires the approval of the House, and would need to be fast-tracked to ensure adherence to the statutory deadlines. Once the Committee has considered the regulations, it is expected that a comprehensive brief will be given to the House on the content of the final regulations, given the importance of this matter.

I thank you”.

5. MESSAGE

The Speaker conveyed the following Message –

**Nomination of Mr. Wilfred Buyema for appointment as the Chief Executive Officer of the National Government Constituency Development Fund**

“Honourable Members, pursuant to the provisions of Section 20(1) of the National Government Constituencies Development Fund Act, 2015; Regulation 4 of the National Government Constituencies Development Fund Regulations, 2016; and Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, I wish to convey to the House that I have received a request from the Cabinet Secretary for Devolution and Planning, asking the House to approve the appointment of Mr. Wilfred Buyema as the Chief Executive Officer of the National Government Constituencies Development Fund.

Honourable Members, Regulation 4 (2) of the National Government Constituencies Development Fund Regulations, 2016 requires the National Government CDF Board to forward to the Cabinet Secretary for Devolution and Planning three names of selected candidates, from among whom the Cabinet Secretary nominates one and notifies the National Assembly on the same. Pursuant to this requirement, therefore, the Cabinet Secretary for Devolution and Planning has nominated Mr. Wilfred Buyema as the Chief Executive Officer of the National Government Constituencies Development Fund.

Honourable Members, on its part, Section 20(1) of the National Government Constituencies Development Fund Act, 2015 requires the nominee for appointment as the CEO of the said Fund to be vetted and approved by the House before appointment. In furtherance of the said provisions, Standing Order 45(1) provides that upon receipt of the notification of nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration.

Honourable Members, in this regard, and for purposes of ensuring that the vetting exercise is conducted by the most appropriate Committee of the House, I hereby refer the name of the nominee, including his curriculum vitae, to the Select Committee on the National Government Constituencies Development Fund to undertake the necessary approval hearings. Thereafter, the House shall consider the nominee in accordance with the Public Appointments (Parliamentary Approval) Act, 2011.

Honourable Members, Section 8(1) of the said Act requires the National Assembly to either approve or reject the nominees within fourteen days from the date on which the notification of nomination was given. In view of the foregoing, I wish to guide the Committee and the House as follows:

- (i) That the Committee should notify the nominee and the general public of the time and place for holding the approval hearings, in good time. The notification should therefore be made immediately; and,
- (ii) That the Committee may thereafter commence the necessary approval hearings and submit its report to this House on or before **Tuesday, March 21, 2017**.

I thank you”.

**6. PETITIONS**

The following Petitions were presented –

- (i) the Member for (Hon. John Mbadi) on Employment practices at the Intercontinental Hotel in Nairobi;
- (ii) the Member for Kitui Rural (Hon. Charles Nyamai) on behalf of residents of Kitui Rural constituency regarding construction of Thwake Dam;
- (iii) the Member for Mwingi West (Hon. Bernard Kitungi) on behalf of Maj. Manzi Musyona regarding contempt of court order by the Ministry of Defence;
- (iv) the Member for Kathiani (Hon. Robert Mbui) on behalf of primary schools parents regarding funding of co-curricular activities in primary schools for the year 2017;
- (v) the Member for Maragwa (Hon. Peter Kamande) on behalf of Mephi and Swani Farmers' Cooperative Society regarding fraudulent change of ownership of land;

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

**7. PAPERS LAID**

The following Papers were laid on the Table –

- (i) Election related Regulations plus their Explanatory Memoranda and regulatory impact assessment from the IEBC as follows -
  - Draft Elections (Technology) Regulations, 2017;
  - Draft Elections (Voter Registration) (Amendment) Regulations, 2017;
  - Draft Elections (General Regulations) (Amendment) Regulations, 2017;
  - Draft Elections (Voter Education) Regulations, 2017; and
  - Draft Elections (Party Primaries and Party Lists) Regulations, 2017.
- (ii) The Reports of the Auditor-General on the Financial Statements in respect of the Kenya African Democratic Union (KADU-ASILI) for the years ended 30<sup>th</sup> June, 2012 and 2013 respectively and the certificates therein;
- (iii) The Reports of the Auditor-General on the Financial Statements in respect of Westlands Constituency Development Fund for the year ended 30<sup>th</sup> June, 2015 and certificate therein;
- (iv) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2016 and the certificates therein:-
  - (a) Kenya Copyright Board;
  - (b) Asiatic Widows and Orphans Pension Fund; and
  - (c) The Kenya Nuclear Electricity Board.

*(The Leader of the Majority Party)*

- (v) the Report of the Departmental Committee on Environment and Natural Resources on the Proposed Degazettement of 1,577.36 hectares of Turbo Forest Reserve comprising the Mautuma Settlement Scheme in Lugari District, Kakamega County;
- (vi) the Report of the Petition by residents of Mwatate Constituency regarding Human Wildlife Conflict and illegal grazing in Tsavo West National Park presented by Hon. Andrew Mwadime;
- (vii) the Report of the Petition by residents of Yatta Constituency regarding the pollution in Athi River presented by Hon. Francis Mwangangi; and
- (viii) the Petition by residents of Indian Bazaar in Kiambu County regarding the Pollution and establishment of Gioto dumpsite in Hekima Estate presented by Hon. Jude Njomo  
*Chairperson, Departmental Committee on Environment & Natural Resources)*
- (ix) Report on the Petition by Mochongoi residents regarding the Mochongoi Settlement scheme.  
*(Chairperson, Departmental Committee on Lands)*

8. **NOTICE OF MOTION**

The following Notice was given –

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Proposed Degazettement of 1,577.36 hectares of Turbo Forest Reserve comprising the Mautuma Settlement Scheme in Lugari District, Kakamega County, laid on the Table of the House today, Thursday, March 02, 2017.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

9. **STATEMENTS**

- (i) Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, March 14, 2017.
- (ii) Pursuant to the provision of Standing Order 87, The Hon. David Karithi issued a Statement on safeguarding the tenets of a free market economy.

10. **PROCEDURAL MOTION- ADDITIONAL SITTING OF THE HOUSE**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold another Sittings today, Thursdays 2nd , March, 2017, for not more than three hours to commence fifteen (15) minutes following the adjournment of the current Sitting.

*(The Leader of the Majority Party)*

Debate arising;

Question put and agreed to.

11. **THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL (NATIONAL ASSEMBLY BILL NO.5 OF 2017)**

(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)

12. **THE HOUSING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.6 OF 2017)**

(Hon. Ababu Namwamba)

Order for First Reading read;

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

13. **THE PRESIDENT'S AWARD BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2017)**

(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)

14. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2016)**

Motion made and Question proposed –

**THAT**, this House do agree with the Report of the Committee of the Whole House on its consideration of The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016), subject to recommitment of **Provisions relating to the Retirement Benefits (Deputy President and designated Officers) Act.**

*(The Leader of the Majority Party)*

15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

(The First Chairperson in the Chair)

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

**RECOMMITTAL**

**Provisions relating to the Retirement Benefits (Deputy President and Designated Officers) Act (No.8 of 2015), 2015 - amendment proposed -**

**THAT**, the Schedule to the Bill be amended in the proposed amendments to the Retirements Benefits (Deputy President and Designated State Officers) Act, No. 8 of 2015 by –

- (i) inserting the following new item immediately before the proposed amendment to section 3- s.2 Insert the following new definitions in their proper alphabetical sequence —  
 “retired Chief Justice” means a person who, having held the office of Chief Justice, has ceased to hold the office as such in the manner specified in the Constitution;  
 “retired Deputy Chief Justice” means a person who, having held the office of Deputy Chief Justice, has ceased to hold office as such in the manner specified in the Constitution.
- (ii) deleting the proposed amendment to section 3 and substituting therefor with the following new amendment—

s.3 Delete and substitute therefor the following new section—

Persons  
entitled to  
benefits.

3. Subject to sections 5(3) and 15, the persons entitled to the benefits conferred by this Act shall be persons who—

- (a) at any time after the 1st January, 1993, retire as Deputy President, Prime Minister, Vice-President or Speaker; and
- (b) at any time after the 27th August, 2010, retire as Chief Justice or Deputy Chief Justice.

*(Chairperson, Departmental Committee on Justice and Legal Affairs)*

Question of the amendment propose;

Debate arising;

Question put and agreed to;

**Provisions relating to the Retirement Benefits (Deputy President and Designated Officers) Act (No.8 of 2015), 2015 - as amended agreed to**

Bill to be reported with amendments

15. HOUSE RESUMED - the First Chairperson in the Chair

The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 45 of 2016)

Bill reported with amendments

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said report

*(The Leader of the Majority Party)*

Question put and agreed to

Motion made and Question proposed-

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

Question put and agreed to.

Bill read a Third time and **passed**.

Rising in his place on a Point of Order, the Member for Gem (Mr. Jakoyo Midiwo) drew the attention of the Speaker to the fact that there was no Quorum in the House;

And the Speaker having counted the Honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of ten minutes;

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

16. HOUSE ROSE - at Four O'clock

MEMORANDUM

The Speaker will take the Chair today,  
Thursday, March 02, 2017 at 4.15p.m.

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