



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MAY 05, 2016

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

The Speaker conveyed the following Communications –

(i) **Rescheduling of the date of the Annual National Prayer Breakfast**

"Honourable Members,

Further to my Communication yesterday regarding the Annual National Prayer Breakfast to be hosted by the Kenya National Assembly Prayer Fellowship Group at the Safari Park Hotel, I wish to inform Honourable Members that the date of the function has been rescheduled from 26th May 2016 to Friday, 3rd June 2016.

All Members of Parliament are requested to take note of the change of the date.

I thank you".

(ii) **Recognition of delegation from Uganda**

"Hon. Members, we have with us today, in the Speaker's Gallery, the following distinguished guests:-

The Hon. Mukitale Birahwa Steven, MP
The Hon. Mulindwa Patrick, MP
The Hon. Kasile Mika, MP
The First Secretary, Uganda Embassy in Nairobi
Two staff officials from the Ministry of Agriculture

Hon. Members, the delegation is in the country to share experiences and broaden its understanding and knowledge of the workings of our Parliament. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful undertaking during the course of their stay in the country.

I also wish to extend this welcome to all other members of the Kenyan public who have attended today's deliberations."

Thank you".

(iii) **Condoling with the family of His Excellency Mwai Kibaki**

Members of the National Assembly together with the Senate will tomorrow 6th Friday, May 2016 visit the family of His Excellency Mwai Kibaki to condole with him and the family at their Muthaiga home. Members will assemble at Parliament Buildings at 9.00 a.m. and leave at 9.30 a.m.

5. **PETITIONS**

(a) The Speaker conveyed the following Petitions –

(i) **Amendment of the Banking Act to disband Credit Reference Bureaus**

"Honourable Members,

"Standing Order No.225 requires that the Speaker reports to the House any Petition other than those presented through a Member. I wish to convey to the House that my office is in receipt of two Petitions signed by Mr. Peter Kimani Runo.

In the first Petition, the Petitioner proposes amendment to the Banking Act in order to disband the Credit Reference Bureaus (CRBs). The Petitioner avers that the CRBs have listed more than 700,000 individuals in their database as defaulters. He claims that this is causing a lot of anguish to the listed individuals as they are unable to access financial facilities from local banks and other financial institutions.

In the Petition, he prays that the National Assembly, through the Departmental Committee on Finance, Planning and Trade initiates the process of amending the Banking Act and any other relevant laws to disband the CRBs.

(ii) **Establishment of Men Enterprise Fund**

In the Second Petition, the Petitioner alleges that the Government has neglected the male gender, in particular men, who are over the age of 35 years.

The Petitioner cites the need to empower men to enable them cater for the needs of their families. He is praying that the National Assembly recommends the establishment of a revolving fund for men to be referred to as the "Men Enterprise Fund" similar to the Women Enterprise Fund and the Youth Fund.

Pursuant to the provisions of Standing Order No.227, the two Petitions stand committed to the Departmental Committee on Finance, Planning and Trade. I am aware that the Committee is considering the Kenya Uwezo Fund (National Assembly Bill No.65 of 2015). The Committee may attempt to address the concerns raised by the Petitioner during its consideration of the said Bill.

(iii) **Alleged Corruption at Safaricom Company Limited**

The Petition is signed by Mr. Michael Ngugi regarding corrupt practices and dealings by the management of Safaricom Company Limited. The Petitioner contends that Safaricom Company Limited is a corrupt institution and that there have been many cases of malpractices with regard to procurement of goods and services, in particular tender processes, tender awards, unethical practices and governance challenges.

The Petitioner, therefore, prays that the National Assembly recommends that:-

- (i) with immediate effect, the Ethics and Anti-Corruption Commission (EACC) investigates the matter and takes action against any official found culpable of the malpractices; and,
- (ii) forensic audit be conducted with regard to all tenders awarded in the last two years.

Hon. Members, you will agree with me that the prayers sought by the Petitioner are, indeed, justifiable before any court, and may also be dealt with by the Public Procurement Oversight Authority. However, Article 95(2) of the Constitution provides that the National Assembly deliberates on and resolves issues of concern to the people of Kenya. That Article obligates the House to also attempt to address such matters with a view to resolving them or making recommendations as would be appropriate.

The Petition, therefore, stands committed to the Departmental Committee on Finance, Planning and Trade for consideration. The Committee is requested to consider the Petition and report its findings within 60 days, in accordance with Standing Order No.227(2).

Thank you".

(b) The following Members presented petitions

- (i) The Member for Lunga Lunga (Hon. Khatib Mwashetani) presented a Petition on behalf of residents of Lunga Lunga Constituency on planned demolition of buildings for the expansion of Likoni_Lunga Lunga Road;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(2).

- (ii) The Member for Mathira (Hon. Peter Weru) presented a Petition on behalf of concerned residents of Magutu and Iria-Ini wards in Mathira Constituency regarding the poor state of a section of the Karatina-Jambo Road;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(2).

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-

- (a) Jomo Kenyatta University of Agriculture and Technology;
 - (b) Co-operative University College of Kenya;
 - (c) School Equipment Production Unit;
 - (d) Water Services Trust Fund; and
 - (e) Judiciary.
- (ii) The Annual Report and Financial Statement of the Kenya School of Government for the year ended 30th June, 2014;
- (iii) Tom Mboya University College Order, 2016 and the Explanatory Memorandum;
- (iv) A list of the eighth batch of nominees to eleven (11) Constituency Committees of the National Government Constituencies Development Fund;
- (v) A list of the ninth batch of nominees to twenty (20) Constituency Committees of the National Government Constituencies Development Fund (CDF); and
- (vi) Additional List of Nominees to Six Constituency Committees of the National Government Constituencies Development Fund to the following Constituencies -
- Moiben, Mathira, Kacheliba, Embakasi East, Embakasi Central, Mvita, Moiben, Mathira, Kacheliba, Embakasi East and Embakasi Central
- (The Leader of the Majority Party)*
- (vii) The Reports of the Departmental Committee on Health on –
- (a) The 8th International AIDS Conference (IAC) on HIV Pathogens, Treatment and Prevention held in Vancouver, Canada from 19th to 22nd July, 2015;
 - (b) The 2nd East African Community (EAC) Health Ministers and Parliamentarians Forum on Health and Symposium on Reproductive Maternal, Newborn and Child Health held at the Kampala Serena Hotel, Uganda from 25th to 27th March, 2015; and,
 - (c) The 68th World Health Assembly in Geneva, Switzerland from 18th to 26th May, 2015
- (Chairperson, Departmental Committee on Health)*
- (viii) The Report of the Constitutional Implementation Oversight Committee on its consideration of a Petition by Maj. (Rtd.) Joe Kiprono Rop concerning the need for Parliament to harmonise all existing proposals for amending the Constitution into one hybrid draft Bill for referendum.

(Chairperson, Constitutional Implementation Oversight Committee)

7. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) Notice of Motion – Approval of list of Nominees to the National Government Constituencies Committees

THAT, this House adopts an additional list of nominees to the following thirty one (31) Constituencies Committees of the National Government Constituencies

Development Fund, laid on the Table of the House today, Thursday, 5th May, 2016:- Mandera South, Lamu East, Turkana North, Likuyani, Kabondo Kasipul, Mandera North, Kesses, Central Immenti, Bomet East, Narok South, Moiben, Kilgoris, Chepalungu, Bureti, Kapseret, Kajiado Central, Mandera East, Ruaraka, Mathare, Kiaru, North Mugirango, Buuri, Mwea, Gichugu, Garsen, Mwatate, Kandara, Mbooni, Samburu East, West Mugirango and Matuga.

(Chairperson, National Government Constituencies Development Fund)

(ii) **Notice of Motion – Approval of list of Nominees to the National Government Constituencies Committees**

THAT, notwithstanding the provisions of Standing Order No.227 (2), this House notes the Report of the Constitutional Implementation Oversight Committee on its consideration of Petition by one Maj. (Rtd.) Joe Kiprono Rop concerning the need for Parliament to harmonise all existing proposals for amending the Constitution into one hybrid draft Bill for referendum, laid on the Table of the House today, Thursday, 5th May, 2016.

(Chairperson, Constitutional Implementation Oversight Committee)

8. **STATEMENT PURSUANT TO STANDING ORDER 44(2)**

Pursuant to Standing Order 44(2)(a), the Member for Gatundu South (Hon. Moses Kuria) sought a Statement on the matter of irregular hiring of partisan consultants at the Independent Electoral and Boundaries Commission (IEBC).

9. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business to be accorded priority after recess upon resumption of the House for the week commencing Tuesday, June 07, 2016.

10. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.4) BILL (NATIONAL ASSEMBLY BILL NO.38 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Constitution of Kenya (Amendment) (No.4) Bill (National Assembly Bill No.38 of 2015) be now read a Second Time

(The Leader of the Majority Party – 22.3.2016)

The House having been unable to obtain the fixed number of Members required to pass the Bill on Wednesday, 27th April 2016 (Afternoon Sitting);

This being a further vote being conducted on the Bill pursuant to Standing Order 62 (2),

The Speaker directed the Division Bell to be rung to confirm whether there was the prerequisite number of two-thirds majority to carry out a vote since the Motion required a fixed majority as set out in the Constitution;

Thereupon, the House proceeded to an Electronic Vote, with 22 Members who were unable to cast their votes electronically due to reasons considered sufficient by the Speaker obtaining the permission of the Speaker to have their votes recorded manually.

Question put and upon a vote negatived.

The results were as follows-

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
178	16	5

11. **MOTION – APPROVAL OF CONSTITUENCIES COMMITTEES OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**
(Chairperson, Select Committee on the National Government Constituency Development Fund)

Motion made and Question proposed –

THAT, this House adopts the additional list of nominees to the following seventy (70) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Thursday, May 05, 2016:-

- 1) Ainamoi Constituency
- 2) Bobasi Constituency
- 3) Bomachoge Chache Constituency
- 4) Embakasi West Constituency
- 5) Emuhaya Constituency
- 6) Ganze Constituency
- 7) Juja Constituency
- 8) Kabete Constituency
- 9) Kitui Rural Constituency
- 10) Konoin Constituency
- 11) Lunga Lunga Constituency
- 12) Matungu Constituency
- 13) Matungulu Constituency
- 14) Mbita Constituency
- 15) Navakholo Constituency
- 16) North Horr Constituency
- 17) Nyeri Town Constituency
- 18) Nyatike Constituency
- 19) Rangwe Constituency
- 20) Nyaribari Chache Constituency
- 21) Limuru Constituency
- 22) Ndhiwa Constituency
- 23) Kibwezi East Constituency
- 24) Kibwezi West Constituency
- 25) Malindi Constituency
- 26) Changamwe Constituency
- 27) Mandera South Constituency
- 28) Lamu East Constituency
- 29) Turkana North Constituency
- 30) Likuyani Constituency

- 31)Kabondo Kasipul Constituency
- 32)Mandera North Constituency
- 33)Kesses Constituency
- 34)Central Imenti Constituency
- 35)Bomet East Constituency
- 36)Narok South Constituency
- 37)Moiben Constituency
- 38)Kilgoris Constituency
- 39)Chepalungu Constituency
- 40)Buret Constituency
- 41)Kapseret Constituency
- 42)Kajiando Central Constituency
- 43)Mandera East Constituency
- 44)Ruaraka Constituency
- 45)Mathare Constituency
- 46)Kiharu Constituency
- 47)North Mogirango Constituency
- 48)Buuri Constituency
- 49)Mwea Constituency
- 50)Gichugu Constituency
- 51)Garsen Constituency
- 52)Mwatate Constituency
- 53)Kandara Constituency
- 54)Mbooni Constituency
- 55)Samburu East Constituency
- 56)West Mugirango Constituency
- 57)Matuga Constituency
- 58)Rongai Constituency
- 59)Kasarani Constituency
- 60)Hamisi Constituency
- 61)Nyali Constituency
- 62)Butura Constituency
- 63)Sabatia Constituency
- 64)Gatundu South Constituency
- 65)Lamu West Constituency
- 66)Jomvu Constituency
- 67)Narok West Constituency
- 68)Suna West Constituency
- 69)Cherangany Constituency, and
- 70)Mwatate Constituency

There being no debate arising;

Question put and agreed to.

12. **THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**

Order deferred to another day

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

13. **MOTION – CONSIDERATION OF THE REPORT ON SENATE AMENDMENTS TO THE WATER BILL (NATIONAL ASSEMBLY BILL NO.8 OF 2014)**

Motion made and Question proposed -

THAT, this House considers the Report of the Departmental Committee on Environment and Natural Resources on the consideration of the Senate Amendments to the Water Bill (National Assembly Bill No. 8 of 2014).

(Chairperson, Departmental Committee on Environment & Natural Resources)

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

Rising in his place under Standing Order 96, the Member for Suna East (Hon. Junet Mohamed) claimed to move that "the debate be now adjourned";

And the Fourth Chairperson acceding to the claim;

Question put and agreed to.

Debate on the Motion adjourned.

14. **COMMITTEE OF THE WHOLE HOUSE**

Consideration of the Senate Amendments to the Water Bill (National Assembly Bill No.8 of 2014)

Order deferred to another day

15. **SPECIAL MOTION - APPROVAL OF FINANCING FOR THE DEVELOPMENT OF THE SECOND CONTAINER TERMINAL, PHASE II**

Motion made and Question proposed-

THAT, this House notes the Sessional Paper No. 1 of 2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II, laid on the Table of the House on Thursday, March 10, 2016 and pursuant to the provisions of Article 213 of the Constitution, and sections 50 and 58 of the Public Finance Management Act (CAP 412C) approves the Government of Kenya Guarantee against a loan of Japanese Yen (**Y**) **32.116 billion**, equivalent to **Kshs 27.30 billion** at the current exchange rate, to be borrowed by the Kenya Ports Authority (KPA) from the Japan International Cooperation Agency (JICA) negotiated at the rate of 0.11% per annum and repayable in thirty four (34) years, with a six-year (6) moratorium, to finance Phase II of the development of the Second Container Terminal at the port of Mombasa as part of the Mombasa Port Development.

(The Leader of the Majority Party)

Debate arising;

Rising in his place under Standing Order 96, the Member for Suna East (Hon. Junet Mohamed) claimed to move that "the debate be now adjourned";

And the Fourth Chairperson acceding to the claim;

Question put and agreed to.

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

Order for Second Reading read;

Order deferred to another day

17. **ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2016)**

Motion made –

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, June 7, 2016 in accordance with the Calendar of the Assembly (Regular Sessions)

(The Leader of the Majority Party)

Debate arising;

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

18. **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
Tuesday, June 07, 2016 at 2.30 p.m.

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