



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 22, 2015

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) Delegation from the Association of Parliamentary Libraries of Eastern and Southern Africa

"Honourable Members,

I wish to introduce to you a Delegation from the Association of Parliamentary Libraries of Eastern and Southern Africa (APLESA), a forum composed of twenty (20) countries aimed at sharing information and best practices among Parliamentary Libraries in the region. The countries and institutions represented include: Angola, Botswana, Cameroon, the East African Legislative Assembly (EALA), Ghana, Malawi, Mozambique, Namibia, the Pan-African Parliament, South Africa, Swaziland, Seychelles, Uganda, Zambia, Zimbabwe and Kenya.

The delegation, seated in the Speaker's Gallery, is taking part in the 16<sup>th</sup> APLESA Conference at the Sarova Stanley Hotel from 20<sup>th</sup> to 25<sup>th</sup> April 2015.

On my behalf and that of the Honourable Members, I wish to welcome them to the National Assembly and wish them fruitful engagements.

Thank you".

- (ii) Retreat for all Members of the National Assembly by the Select Committee on Constituencies Development Fund (CDF)

"Honourable Members,

The Select Committee on Constituencies Development Fund, as part of its mandate, oversees the implementation of the Fund, considers and recommends to the National Assembly any matter requiring action by the House pursuant to provisions of the Constituencies Development Fund Act.

Honourable Members,

Following the High Court ruling on the constitutionality of the Constituency Development Fund (CDF), the Select Committee has taken the lead in seeking ways of redress over the High Court Ruling and championing the restructuring of the Act in line with the Constitution, among other remedies. Given the strategic importance of this kitty, it is imperative that the National Assembly strives to ensure that the Fund remains intact for the benefit of all Kenyans.

Honourable Members,

The Committee has therefore scheduled a one day retreat for all Members of the National Assembly where they will be briefed on the steps being taken by the Committee and other stake holders on CDF matters. The forum will bring together the Select Committee on CDF, the CDF Board, Government technocrats and other experts from different fields to ventilate on the matter. Members will have an opportunity to interact with the experts at hand, raise concerns, and make proposals on the restructuring of the CDF.

You are all therefore invited to the one day retreat on Friday, 24<sup>th</sup> April, 2015 at the Safari Park Hotel, Nairobi, starting at 9.00a.m.

I thank you".

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Report of the Auditor-General on the Financial Statements of the Engineers Board of Kenya for the year ended 30<sup>th</sup> June 2013, and the certificate of the Auditor-General therein;
- (ii) The Report of the Auditor-General on the Financial Statements of the Council of Legal Education for the year ended 30<sup>th</sup> June 2014, and the certificate of the Auditor-General therein;
- (iii) The Report of the Auditor-General on the Financial Statements of the National Transport and Safety Authority for the year ended 30<sup>th</sup> June 2014, and the certificate of the Auditor-General therein;
- (iv) The Report of the Auditor-General on the Financial Statements of the Kenya Trade Network Agency for the year ended 30<sup>th</sup> June 2014, and the certificate of the Auditor-General therein;
- (v) The Report of the Auditor-General on the Financial Statements of the Kenya Urban Roads Authority for the year ended 30<sup>th</sup> June 2014, and the certificate of the Auditor-General therein;
- (vi) The Report of the Auditor-General on the Financial Statements of the Kenya Industrial Estates for the year ended 30<sup>th</sup> June 2014, and the certificate of the Auditor-General therein;
- (vii) The Report of the Auditor-General on the Financial Statements of the Kenya Reinsurance Corporation Limited for the year ended 31<sup>st</sup> December 2014, and the certificate of the Auditor-General therein;

- (viii) The Report of the Auditor-General on the Financial Statements of Development Bank of Kenya Limited for the year ended 31<sup>st</sup> December 2014, and the certificate of the Auditor-General therein; and,
- (ix) The Annual Report and Financial Statements of the Kenya Airports Authority for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

*(The Leader of the Majority Party)*

- (x) Report of the Select Committee on Regional Integration on the Visit to the East Africa Community Institutions in Entebbe, Kampala and Jinja, Uganda from 27<sup>th</sup> to 31<sup>st</sup> January, 2015.

*(The Chairperson, Committee on Regional Integration)*

- (xi) Report of the Departmental Committee on Administration and National Security on the Senate Amendments to the Public Service (Values and Principles) Bill, 2014.

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

#### 6. **PROCEDURAL MOTION – APPROVAL OF A MORNING SITTING**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Sitting on Thursday, April 23, 2015 between 9.30 a.m. and 1.00 p.m.

*(The Leader of the Majority Party)*

And there being no Member willing to contribute;

Question put and agreed to.

#### 7. **MOTION – RECONSTITUTION OF THE PUBLIC ACCOUNTS COMMITTEE**

Motion made and Question proposed –

THAT, pursuant to the resolution of the House of April 14, 2015 regarding the reconstitution of the Public Accounts Committee, and in accordance with the provisions of Standing Order 173, this House approves the appointment of the following Members to the Public Accounts Committee:-

- (i) The Hon. Kangogo Bowen, M.P,
- (ii) The Hon. Kanini Kega, M.P.
- (iii) The Hon. Joseph Manje, M.P.
- (iv) The Hon. Jude Njomo, M.P.
- (v) The Hon. Joel Onyancha, M.P.
- (vi) The Hon. Kareke Mbiuki, M.P.
- (vii) The Hon. Gonzi Rai, M.P.
- (viii) The Hon. Julius Melly, M.P.
- (ix) The Hon. Jackson K. Rop, M.P.
- (x) The Hon. Fathia Mahbub, M.P.
- (xi) The Hon. Mathias Robi, M.P.
- (xii) The Hon. Stephen Manoti, M.P.

- (xiii) The Hon. John Sakwa, M.P.
- (xiv) The Hon. Arthur Odera, M.P.
- (xv) The Hon. Timothy Bosire, M.P.
- (xvi) The Hon. David Eseli, M.P.
- (xvii) The Hon. Junet Sheikh Nuh, M.P.
- (xviii) The Hon. John Mbadi, M.P.
- (xix) The Hon. Kyengo Katatha Maweu, M.P.
- (xx) The Hon. Silvanse Onyango Osele, M.P.
- (xxi) The Hon. Manson Nyamweya, M.P.
- (xxii) The Hon. Alice Nyanchoka Chae, M.P.
- (xxiii) The Hon. Andrew Mwadime, M.P.
- (xxiv) The Hon. Abdikadir Omar Aden, M.P.
- (xxv) The Hon. Geni Charles Mong'are, M.P.
- (xxvi) The Hon. Jessica Mbalu, M.P.
- (xxvii) The Hon. Eng. Nicholas Gumbo, M.P.

*(The Chairperson, Committee on Selection)*

And there being no Member willing to contribute;

Question put and agreed to.

8. **MOTION – APPROVAL OF APPOINTMENT TO OTHER COMMITTEES**

Motion made and Question proposed –

THAT, further to the resolution of the House of October 08, 2013 on appointment of Members to respective Committees, this House approves the appointment of the following Members to the respective Committees:-

- (i) The Hon. Cecily Mbarire, M.P. to the Departmental Committee on Energy, Communication and Information;
- (ii) The Hon. James Bett, M.P. to the Departmental Committee on Justice and Legal Affairs;
- (iii) The Hon. Ababu Namwamba, M.P. to the Constitutional Implementation and Oversight Committee;
- (iv) The Hon. Peter Edick Omondi Anyanga, M.P. to the Departmental Committee Energy, Communication and Information;
- (v) The Hon. Ahmed Ibrahim Abass, M.P. to the Budget and Appropriations Committee; and
- (vi) The Hon. Richard Tong'i, M.P. to the Budget and Appropriations Committee.

*(The Chairperson, Committee on Selection)*

And there being no Member willing to contribute;

Question put and agreed to.

9. MOTION – PETITION FOR REMOVAL OF TWO COMMISSIONERS OF THE EACC

Motion made and Question proposed –

**THAT**, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Petition for Removal of two Commissioners of the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Tuesday April 21, 2015, and in accordance with the provisions of Article 251 (3) of the Constitution and Standing Order 230(5), finds that the Petition does disclose sufficient grounds for the removal of Mr. Mumo Matemu and Ms. Irene Keino as Commissioners of the Ethics and Anti-Corruption Commission.

*(The Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)*

Debate arising;

Amendment proposed –

**THAT**, the motion be amended by deleting recommendations (i), (ii) and (iii) on page 55 of the Report and substituting thereof with the following recommendation: -

- (i) That the Ethics and Anti-Corruption Commission expeditiously investigates and reports to the House within 14 days on the circumstances surrounding the current ownership of Integrity Centre; including ascertaining the Institutions, Corporations, Individuals and State Officers involved in defeating the interest of the depositors entrusted to the Deposit Protection Fund by effecting change of ownership of the property.

*(The Hon. Daniel Maanzo, M.P.)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Debate on the Motion as amended resumed;

Further amendment proposed –

**THAT**, the motion be amended by deleting Recommendation (iii) on page 55 of the Report.

*(The Hon. Peter Kaluma, M.P.)*

Further amendment withdrawn by the mover

Further amendment proposed –

**THAT**, the motion be amended by inserting the following new recommendation immediately after Recommendation (iii) on page 55 of the Report: -

- (iv)(a) That pursuant to Articles 95 (5) and 260 of the Constitution, as read with sections 16 (2) and 17 of the Ethics and Anti-Corruption Commission Act, 2011, and the committee observation contained on page 54 of the Report that the problems at

the Commission are attributable to both the Commissioners and the secretariat, this House recommends to the Commission to initiate the process for removal of Mr. HalakheWaqo, the Secretary to the Ethics and Anti-Corruption Commission (EACC); and

- (b) The process of removal under resolution (a) above shall be in accordance with section 17 of the EACC Act.

*(The Hon. Tom Kajwang, M.P.)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Rising in their places on Points of Order, several Members claimed for a Division;

And there being requisite number of Members required rising in support of the claim;

And the Speaker acceding to the claim directed the Division Bell to be rung;

And after expiry of ten minutes, the Bar having been drawn and the doors closed;

Thereupon, the House proceeded an electronic vote while seven (7) Members, with permission of the Speaker voted manually;

Question put and upon a Division agreed to;

**AYES**

**NOES**

**ABSTENTIONS**

**72**

**103**

**3**

Debate on the Motion resumed;

Rising in her place on a Point of Order, the Member for Murang'a County (The Hon. Sabina Chege) claimed to move that "the Mover be now called upon to reply";

And the Speaker acceding to the claim;

Question put and agreed to;

Rising in their places on Points of Order, several Members claimed for a Division;

And there being requisite number of Members required rising in support of the claim;

And the Speaker acceding to the claim directed the Division Bell to be rung;

And after expiry of ten minutes, the Bar having been drawn and the doors closed;

Thereupon, the House proceeded to an electronic vote while ten (10) Members with permission of the Speaker voted manually;

Question put and upon a Division agreed to;

**AYES**

**NOES**

**ABSTENTIONS**

**127**

**48**

**4**

Thereupon, Mover replied;

Question put and agreed to;

Rising in their places on Points of Order, several Members claimed for a Division;

And there being requisite number of Members required rising in support of the claim;

And the Speaker acceding to the claim directed the Division Bell to be rung;

And after expiry of ten minutes, the Bar having been drawn and the doors closed;

Thereupon, the House proceeded to an electronic vote while eight (8) Members with permission of the Speaker voted manually;

Question put and upon a Division, agreed to;

AYES

NOES

ABSTENTIONS

130

52

3

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

10. HOUSE ROSE - at forty-eight minutes past Six O'clock.

---

MEMORANDUM

The Speaker will take the Chair on  
Thursday, April 23, 2015 at 9.30 a.m.

---X---