



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 26, 2014

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

The Speaker conveyed the following Message from the President –

"Honourable Members,

Further to my earlier communication of 21<sup>st</sup> August, 2014 regarding the nomination of persons to be appointed as high commissioners and ambassadors, and in accordance with Standing Order 42, I wish to convey that I have received another Message from H.E. the President regarding the nomination of Prof. George Godia as the Permanent Representative to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Section 26 of the Kenya National Commission for UNESCO Act, 2013 states that, and I quote- ***"The Kenya UNESCO Office shall be headed by an Ambassador appointed by the President on the recommendations of the Cabinet Secretary."*** As such, the appointment of the Ambassador is subject to the provisions of Article 132 (2) (e) of the Constitution which states- ***"The president shall nominate and, with the approval of the National Assembly, appoint and may dismiss- high commissioners, ambassadors and diplomatic representatives."*** In this regard, the Departmental Committee on Defence and Foreign Affairs should consider the nomination of Prof. Godia in accordance with the Public Appointments (Parliamentary Approval) Act, 2011.

Honourable Members, I also wish to clarify on the question of the commencement of time as contemplated under section 5 of the Public Appointments (Parliamentary Approval) Act, 2011. Indeed, several Members have approached me wishing to know the commencement time of the vetting process of the nominees. It is therefore important that we dispense of this matter at this early stage of the process. To start with, Section 5 of the Act provides that the notification of nomination to Parliament by the appointing authority must be in writing and lodged with the Clerk of the relevant House of Parliament. This notification must also be accompanied by all necessary information concerning the nominees having regard to and in fulfillment of Section 7 of the Act, and would include among other things, the *curriculum vitae* of the nominees. The fulfillment of this requirement would then be useful in the determination of the period to be considered by the relevant Committee during

the vetting period. Ultimately, the consideration of the commencement of the process therefore would begin at the time and day when the Clerk receives notification of nomination which complies fully with subsections (2) and (3) of Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011. In this regard, the period for consideration is provided under Section 8 of the Act, and I quote- ***“Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with Section 5.”***

Honourable Members, I am aware that the *curriculum vitae* for the diplomatic nominees as contemplated by Section 5 (3) of the Act was received by the Clerk of the National Assembly on Monday, August 25, 2014. This therefore shall be deemed to be the day that the provisions of the law relating to nominations were duly complied with.

Thank you”.

5. **PAPER LAID**

- (i) Report of the Auditor-General on the Financial Statements of Party of National Unity for the year ended 30<sup>th</sup> June 2012, and the certificate of the Auditor-General therein;
- (ii) The Report of the Auditor-General on the Financial Statements of Public Trustee-State Law Office for the year ended 30<sup>th</sup> June 2013, and the certificate of the Auditor-General therein;
- (iii) The Report of the Auditor-General on the Financial Statements of Kibabii University College for the year ended 30<sup>th</sup> June 2013, and the certificate of the Auditor-General therein;
- (iv) The Report of the Auditor-General on the Financial Statements of Judiciary for the year ended 30<sup>th</sup> June 2012, and the certificate of the Auditor-General therein; and,
- (v) The Report of the Auditor-General on the Financial Statements of Pest Control Products Board for the year ended 30<sup>th</sup> June 2013, and the certificate of the Auditor-General therein.

*(The Leader of the Majority Party)*

- (vi) Report on the Prohibition of Anti-Personnel Mines Bill, 2014

*(Chairperson, Departmental Committee on Defence & Foreign Relations)*

6. **STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to Standing Order 44(2)(c), the following Members requested to statements –

- (i) The Member for Busia County (Hon. Florence Mutua) from the Leader of the Majority Party regarding the recruitment and deployment of the Deputy Secretaries by the Ethics and Anti-Corruption Commission;
- (ii) The Member for Ijara (Hon. Ahmed Abbas) from the Leader of the Majority Party regarding the alleged forceful occupation of premises of Sinai Primary School in Ijara Constituency by Kenya Defence Forces;

- (iii) The Member for Suba (Hon. John Mbadi) from the Chairperson of the Departmental Committee on Finance, Planning and Trade regarding the recent issuance of the International Sovereign Debt Instrument by the National Treasury in June 2014;
- (iv) The Member for Emuhaya (Hon. (Dr) Wilber Ottichilo) from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the expected environmental impact of the construction of Standard Gauge Railways (SGR) Line through the Tsavo East and West National Parks;
- (v) The Member for Roysambu (Hon. Isaac Waihenya) from the Chairperson of the Departmental Committee Land regarding land set aside for public utilities;
- (vi) The Member for Njoro (Hon. Joseph Kiuna) from the Chairperson of the Departmental Committee on Administration and National Security regarding the resettlement status of Internally Displaced Persons (IDPs) in the country;
- (vii) The Member for Bondo (Hon. Gideon Ochanda) from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the Constituencies Secondary Schools Bursary Scheme;
- (viii) The Member for Mosop (Hon. Stephen Bitok) from the Chairperson of the Departmental Committee on Administration and National Security regarding the alleged murder of Police Officer Mr. Obadiah K. Chirchir by fellow police officers in Mathare, Nairobi;
- (ix) The Member for Samburu North (Hon. Alois Lentoimaga) from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding delays in completion of the construction of Samburu Central Sub-County Treasury Office; and
- (x) The Member for Nandi Hills (Hon. Alfred Keter) from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding non-intervention by the Government in curbing accidents along the Chepsangwor stretch of Nandi Hills – Chemelil Road.

7. **THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO.33 OF 2014)**

(Hon. Adan Keynan)

Order for First Reading read;

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

8. **COMMITTEE OF THE WHOLE HOUSE**

- (i) The Finance Bill (National Assembly Bill No.26 of 2014)
- (ii) The Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No.26 of 2013)

Order deferred to another day

9. **MOTION – ADOPTION OF THE REPORT ON CONSIDERATION OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY REPORTS**

Question put and agreed to.

10. **PROCEDURAL MOTION - EXTENSION OF REPORTING PERIOD FOR THE COMMITTEE OF PRIVILEGES**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 258(2), this House resolves to extend the period prescribed for the Committee of Privileges to inquire into and comprehensively consider all the matters relating to claims of non-attendance of sittings of the House, by an additional thirty days.

*(Vice-Chairperson, Committee of Privileges)*

Debate arising;

Question put and agreed to.

11. **MOTION - ADOPTION OF THE REPORT ON THE TENDER FOR THE PROPOSED NATIONAL SURVEILLANCE, COMMUNICATION, COMMAND AND CONTROL SYSTEM**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the matter of the Inquiry into the Tender for the proposed National Surveillance, Communication, Command and Control System for the National Police Service, laid on the Table of the House on Thursday, 24<sup>th</sup> July, 2014.

*(Chairperson, Departmental Committee on Administration & National Security – 12.08.14)*

Debate interrupted on Thursday, August 12, 2014 resumed;

Amendment proposed –

THAT, Motion be amended by-

(i) deleting the proposed recommendation 5.1 and substituting thereof the following-

“That, the Government proceeds with the contract for the provision of a national Surveillance, Communication, Command and Control System for the National Police Service with Safaricom Ltd subject to adhering to the law relating to procurement of goods and services and other laws relevant to the contract”

(ii) inserting the following new recommendations immediately after recommendation 5.2-

5.3. THAT, the Communications Authority of Kenya ensures that, following the applications, the frequency assignment to Safaricom Ltd is subjected to approval of the Board of the Communications Authority of Kenya; and,

5.4. THAT, to ensure promotion of technology transfer, job creation and in line with the government undertaking to create jobs and opportunities for Kenyans, Safaricom Ltd and/or their agents who shall be charged with the responsibility of rolling out the network ensures that at least 30 percent of the contract is given to local enterprises"

*(The Leader of the Majority Party)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, Motion be amended by inserting the following new recommendations immediately after recommendation 5.2-

5.3. THAT, the Government urgently introduces broadband infrastructure regulations to encourage open access, transparency and non-discrimination and actualize the National Broadband Strategy to provide high speed broadband access to all Kenyans;

5.4. THAT, the Government develops a properly phase-out plan to roll-out the surveillance to all forty seven counties"; and,

5.5 That, the Government ensures the implementation of the project leads to full automation of all related processes, including back office operation and the recording, retrieval and storage of information on occurrence book"

*(Eng. Nicholas Gumbo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to.

Debate on the Motion as amended resumed;

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.

12. HOUSE ROSE - at thirty minutes past Six O'clock.

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### MEMORANDUM

The Speaker will take the Chair on  
Wednesday, August 27, 2014 at 9.30 a.m.

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