



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 09, 2015

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

The following Papers were laid on the Table –

- (i) The Report of the Committee on Agriculture, Tourism and Natural Resources of the East African Legislative Assembly (EALA) on the On-Spot Assessment of the Lake Victoria Water Supply and Sanitation Programme II;
- (ii) The Report of the Committee on Accounts of the EALA on the On-Spot Assessment of the Internal Audit Systems of the Lake Victoria Basin Commission;
- (iii) The Report of the Committee on General Purpose of the EALA on the EAC Annual Report for the period 2012/2013;
- (iv) The Report of the Committee on General Purpose of the EALA on the EAC Budget for the Financial Year 2015/2016 and the Assembly Resolution on the Budget;
- (v) The Report of the Auditor-General on the Financial Statements of the Uwezo Fund Oversight Board for the two (2) months period ended 30th June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements on the Revenue Statement – Ministry of Information, Communications and Technology for the year ended 30th June, 2014 and the certificate therein;
- (vii) The Report of the Auditor-General on the Financial Statements of the Kenya Slum Upgrading, Low Cost Housing and Infrastructure Trust Fund (KENSUF) for the year ended 30th June, 2014 and the certificate therein;

(viii) The Report of the Auditor-General on the Financial Statements of the National Environment Management Authority for the year ended 30th June, 2014 and the certificate therein; and,

(ix) The Report of the Auditor-General on the Financial Statements of the Agricultural Settlement Fund Trustees for the year ended 30th June, 2014 and the certificate therein.

(The Leader of the Majority Party)

Report of the Departmental Committee on Health on the matter of Irregular Registration of a Private Eye Clinic – Eye and U Kenya.

(Vice Chairperson, Departmental Committee on Health)

5. **THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2015**

Debate on the Second Reading having been concluded;

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 to an electronic vote;

Question put and upon an Electronic Vote agreed to;

AYES

NOES

ABSTENTIONS

51

48

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Thereupon, Bill read a Second Time and committed to Committee of the Whole House at a later time.

6. **MOTION - APPOINTMENT OF MEMBERS TO A JOINT PARLIAMENTARY COMMITTEE ON CATERING AND HEALTH CLUB**

Motion made –

THAT, aware that the Parliamentary Service Commission, during its 211th meeting on June 15, 2015 resolved to reconstitute the National Assembly Catering and Health Club Committee into a Joint Committee of Parliament incorporating Members of the Senate in view of the fact that catering and health services are joint services in a bicameral parliament; further aware that with the establishment of the Parliamentary Fund, the Catering and Health Club Fund, currently under the National Assembly Catering and Health Club Committee, ought to be wound up and the sums therein paid into the Parliamentary Fund;

NOW THEREFORE, this House **resolves**:

- (i) to dissolve the National Assembly Catering and Health Club Committee and pursuant to Article 124 (2) of the Constitution, Standing Order 213 and Rule 9 (1)(c) of the Houses of Parliament (Joint Sittings) Rules, establish a Joint Parliamentary Committee on Catering and Health Club Services to look into and advise on catering and health club facilities; and
- (ii) to appoint the current twenty nine (29) Members of the National Assembly Catering and Health Club Committee to the Joint Parliamentary Committee on Catering and Health Club Services.

(The Leader of the Majority Party)

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 96, the Member for Ainabkoi (Hon. Samuel Chepkonga) claimed to move that “debate on the Motion be now adjourned”;

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon debate on the motion adjourned

7. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

The Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 33 of 2015)

Clause 2:

Amendment Proposed;

THAT, the Bill be amended by deleting clause 2;

(Hon. Jakoyo Midiwo)

Proposed amendment withdrawn;

Clause 2: agreed to

Clause 3:agreed to

Clause 4:

Amendment Proposed:

THAT, the Bill be amended by deleting clause 4 and inserting the following new clause—

Repeal and
replacement of
section 10 of No.
22 of 2011.

4. The principal act is amended by repealing section 10 and replacing it with the following new section—

Filling of
vacancy.

10. Where a vacancy arises in the membership of the Commission, the Public Service Commission shall, following the procedure set out in section 6, shortlist three qualified applicants for each vacancy and forward the names of the applicants so qualified to the President for appointment in accordance with that section.

(Hon. Amina Abdalla)

Motion made and Question proposed;

Debate arising;

Question of the amendment put and agreed to;

Question that Clause 4, as amended be part of the Bill, put and agreed to;

Clause 4, as amended agreed to;

New Clause 5 proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 4 —

Transitional
provision.

5. (1) The offices of the Secretary and the Deputy Secretary to the Commission shall become vacant upon the commencement of this Act.

(2) Until the new members of the Commission are appointed, the Secretary and the Deputy Secretary shall continue to hold office in an acting capacity.

(Hon. Chris Wamalwa)

Motion made and Question proposed –

THAT, the New Clause 5 be now read a Second Time;

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 First Chairperson 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;

Question put and, upon an Electronic Vote agreed to;

AYES

NOES

ABSTENTIONS

66

36

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New Clause 5 read a Second Time;

Motion made and Question proposed –

THAT, the New Clause 5 be part of the Bill

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 First Chairperson acceding to the claim directed the Division Bell to be rung;

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

Thereupon, the House proceeded to an electronic vote;

Question put and upon an Electronic Vote agreed to;

AYES

NOES

ABSTENTIONS

70

39

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New Clause 5 agreed to;

Further New Clause 5 proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 4 —

Amendment
of section 13
of No. 22 of
2011.

5. The principal Act is amended in section 13 by inserting the following new subsection immediately after subsection (2) –

(3) Notwithstanding the provisions of subsections (1) and (2), the members of the Commission and the staff of the Commission shall ensure privacy, and maintain the dignity and reputation of Kenyans including those under investigation.

(Hon. George Oner)

Motion made and Question proposed –

THAT, the New Clause 5 be now read a Second Time

Debate arising;

Amendment to amendment proposed -

THAT, the proposed New Clause 5 be further amended by -

- (i) deleting the word “privacy” and substituting therefor the word “confidentiality”
- (ii) deleting the words “and reputation”

(Hon. George Oner)

Question of the amendment to amendment proposed;

Debate arising;

Question of the amendment to amendment put and negatived;

Debate on the original motion resumed;

Question put and negatived.

A Further New clause 5 proposed -

THAT, the Bill be amended by inserting the following new clause immediately after clause 4 —

Amendment of
section 7 of No.
22 of 2011.

5. The principal Act is amended in section 7 by —

(a) inserting the following new subsection immediately after subsection (1) —

(2) Without prejudice to subsection (1), at least two members of the Commission shall be appointed for a single term of five years and shall not be eligible for re-appointment.

(3) The term of office for the respective members shall be specified in the instrument of appointment.

(b) renumbering the existing subsection as subsection (4).

(Hon. David Ochieng')

Motion made and Question proposed —

THAT, the New Clause 5 be now read a Second Time

Debate arising;

Question put and negatived;

New Clause 6 proposed –

Amendment
of section
27 of No. of
2011.

6. The principal Act is amended by inserting in section 27(3) by –

(a) inserting the following new paragraph immediately after paragraph (f) –

(g) the state of compliance with the provisions of section 18 (4) (b); and

(b) by renumbering the existing paragraph (g) as (h).

(Hon. George Oner)

Motion made and Question proposed –

THAT, the New Clause 6 be now read a Second Time

Debate arising;

Motion made and Question proposed –

THAT, the New Clause 6 be now read a second time;

Question put and agreed to;

New Clause 6 be read a second time;

Motion made and Question proposed –

THAT, the New Clause 6 be part of the Bill

Question put and agreed to;

New Clause 6 agreed to;

Clause 1 - amendment proposed -

Motion made and Question proposed –

THAT, the Clause 1 be amended by inserting the words “and shall come into effect upon publication” immediately after the phrase “Act, 2015”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 1, as amended agreed to

Title - agreed to

Bill to be reported with amendments

8. **HOUSE RESUMED** - the Deputy Speaker in the Chair

(i) **The Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 33 of 2015)**

Bill reported with amendments;

Motion made and Question proposed:-

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

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

Re-committal proposed –

THAT, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the words “*subject to re-committal of a New Clause 5*”

(Hon. Junet Mohamed)

Debate arising;

Question for re-committal of new Clause 5 put and negatived;

Question for agreement with the report of the Committee of the whole House put and agreed to;

Motion made and Question proposed –

THAT, the Ethics and Anti-Corruption Commission (Amendment) Bill (National Assembly Bill No. 33 of 2015) be now read a Third Time

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

Question put and agreed to;

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

9. **PROCEDURAL MOTION – EXTENSION OF SITTING TIME**

Motion made and Question proposed –

THAT pursuant to the provisions of Standing Order 30(3), this House resolves to extend its sitting until conclusion of business appearing as Order No.9(ii) and Order No.12

(The Majority Party Whip)

Question put and agreed to.

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

The Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No.19 of 2015)

Clause 2 - amendment proposed –

THAT, clause 2 be amended by inserting the words “***and shall not exceed three months from 31st December, 2015***” immediately after the words “determination is made” appearing in the proposed subsection (3)

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Clause 1 - amendment proposed –

THAT, clause 1 be amended by –

- (i) deleting the word “2014” appearing before the word “act” and substituting therefor the word “2015; and
- (ii) inserting the words “and shall come into effect upon publication” immediately after the phrase “Act, 2015”.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Bill to be reported with amendments.

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

The Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No.19 of 2015)

Bill reported with amendments;

Motion made and Question proposed:-

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

(The Leader of the Majority Party)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No.19 of 2015) be now read a Third Time

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

Question put and agreed to;

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

12. **MOTION – RATIFICATION OF THREE EAST AFRICAN PROTOCOLS ON DEFENCE MATTERS**

Motion made and Question proposed:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on a Protocol, Pact and Agreement relating to Defence Affairs, laid on the Table of the House on Tuesday, 7th July, 2015; and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of-

- (i) the East African Community Protocol on Cooperation in Defence Affairs;
- (ii) the Mutual Defence Pact between the Republic of Kenya, Uganda and Rwanda; and
- (ii) the Agreement on the Establishment of the Eastern Africa Standby Force.

(The Chairperson, Committee on Defence and Foreign Relations)

Debate arising;

Debate adjourned pursuant to the provisions of Standing Order 96

13. **ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2015)**

Motion made *(moved in amended form)* and Question proposed:-

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until **Tuesday, July 28, 2015** in accordance with the Calendar of the Assembly (Regular Sessions)

(The Leader of the Majority Party)

Debate arising;

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

14. **HOUSE ROSE** - at sevenminutes past Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, July 28, 2015 at 2.30 p.m.

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