



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 10, 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 –

A) THE MATTER OF LACK OF DECORUM AND GROSSLY DISORDERLY CONDUCT IN THE HOUSE IN BREACH OF THE STANDING ORDERS

Honourable Members,

Allow me to welcome you to the Third Session of the National Assembly. It is my hope that we shall be able to have a fruitful year, despite having begun on a sad note, as noted to in my earlier communication.

As you are all aware, the events that took part in the House during our last Special sitting brought the dignity of the House to its lowest ebb ever. You will agree with me that the conduct exhibited by most Members on Thursday, December 18, 2014 can only be described as despicable and shameful as the image of the august House was thrown into disrepute. You will recall from a communication I had made earlier that day, that there was a fast degeneration in the propriety of our conduct, manners and references to each other in speeches. In addition, Members were witnessed creating disorder, using or threatening violence against colleagues and/or abusing their privilege. Members also showed disrespect towards Presiding Officers, while others threatened to take away the Mace during proceedings. This was objectionable and in serious breach of our Standing Orders.

Honourable Members, As your Speaker, I was greatly disturbed by these series of events, and take this opportunity to implore you to once again familiarize yourselves with the provisions of the Standing Orders regarding rules of debate and order in the

House and in the Committee of the Whole House, and particularly Standing Orders 98, 102, 103, 104 and 107 to 112, which should provide you with the requisite guidance on the breaches and sanctions that follow disorderly conduct in the House.

Article 124 of the Constitution empowers the House to make standing orders for the orderly conduct of its proceedings and its committees. A House of Parliament has complete authority concerning its procedure so far as it is not limited by the Constitution and any other relevant law enacted by Parliament. Any Action taken by the House on a Member under its standing orders whenever such its rules are breached cannot be challenged by any other authority. *The Mason's Manual of Legislative Procedure, 2010 Edition* states, and I quote-

"The provision of the Constitution that each House shall have power to determine the rules of its proceedings is not restricted to the proceedings of the body in ordinary legislative matters, but extends to determination of propriety and effect of any action taken by the body in the exercise of any power, in the transaction of business or performance of any duty conferred upon it by the constitution.."

As I stated that day, the Standing Orders, practices and rules of the House are designed to ensure that you exercise your privilege of free speech while maintaining courtesy of language towards other Members in debate and the proper decorum as befits your stature. I wish to reiterate that any future acts of grossly disorderly conduct in the House, including disgracing or removing the Mace will be met with the greatest severity of discipline allowed by the Standing Orders and the practices of the House.

Honourable Members, I therefore call upon all of us to agree in one accord never to have a repeat of such an abhorrent incident, irrespective of our differences. Let us learn to dialogue and build consensus through consultation and compromises. Remember, Parliament is commonly described as the 'August House' which word connotes "**honour and dignity**". We therefore have an obligation to espouse such behaviour and deportment as that which esteems us as Honourable persons before those we represent, the Country and the world at large.

I thank you.

B) THE DEMISE OF HON. GEORGE MUKURU MUCHAI, MP

"Honourable Members,

As you may be aware, the morning of Saturday, February 7, 2015 was a sad day for the National Assembly, and indeed the nation as we lost one of our most vibrant colleagues, the Hon. George Mukuru Muchai, Member for Kabete Constituency. The Hon. Muchai, together with his two bodyguards and a driver, lost their lives when they were attacked along Kenyatta Avenue, Nairobi.

Hon. Members, our records indicate that the late Hon. George Muchai was born on July 22, 1949. He attended St. Michael Primary School between 1956 and 1963 and Highway Secondary School, Nairobi between 1964 and 1967. He obtained a Certificate in Electrical Installation Trade Test from the Railway Training School in 1974. Later, the late Hon. Muchai attended the Kenya Polytechnic where he was awarded a Certificate in Electrical Installation Technology. He thereafter undertook several courses including a Certificate in Conciliation and Mediation from the International Labour Organization (ILO); a Certificate in Organized Labour (US Department of State) and a Certificate in Strengthening Labour Administration Systems in Africa from the African Regional Labour Centre, Harare. He also attended many labour related forums regionally and internationally.

Honourable Members, as you are aware the late Hon. Muchai was an active and vibrant labour unionist having been elected as the General Secretary of the Bakery, Confectionery, Food Manufacturing and Allied Workers' Union in 1984. This was a position he still held until his death owing to his passion for and responsiveness to the needs of the people he represented. His empathy and humility largely endeared him to the workers of this nation and saw him overwhelmingly elected as the Deputy Secretary of the Central Organization of Trade Unions (COTU) in 2001. Indeed, he never lost an opportunity to air the problems that befall the masses, especially workers, whom he has continued to represent for the last three decades.

Hon. Members, the late Hon. George Muchai made his debut in national politics in the run-up to the 2013 General Elections when successfully vied for the Kabete Constituency seat. His swift mastery and grasp of parliamentary business ensured that his contributions were keenly followed by all. Particularly, his contributions on legislations related to the labour and education sectors were insightful and tremendously enriching to the matters under debate. Of specific mention was his passionate participation in the debates during the Committee of the Whole House on the Kenya Qualifications Framework Bill, 2013 which was passed by the National Assembly at the tail-end of the last session. He was also an active Member of the Departmental Committee on Labour and Social Welfare as well as the Budget and Appropriations Committee.

Honourable Members, On behalf of all Members of the National Assembly and the Parliamentary Service Commission and indeed on my own behalf, I wish to take this opportunity to condole with the family of the late Brother Hon. Muchai, his family, the people of Kabete Constituency and all his friends for the loss of this great trade unionist and a peoples' defender at this trying time. As the National Assembly, we assure the family of our support during this period of great sorrow.

Finally, let me reiterate our earlier call to all the concerned security agencies to speedily and urgently investigate this heinous act with a view to bringing the perpetrators to book. It is only through this that the nation and indeed the family, some of whom witnessed the atrocious act, will rest knowing that justice, and indeed the inviolability of every life as enshrined in the Constitution will have prevailed.

In tribute to our departed colleague, I request that we all stand to observe a minute of silence.

May his soul rest in eternal peace.

Thank you!

5. **MESSAGE**

MESSAGE FROM H.E. THE PRESIDENT

The Speaker conveyed the following Message from the President –

Honourable Members,

Pursuant to Standing Order 42 of the National Assembly Standing Orders, I wish to convey a Message from His Excellency the President. The Message was submitted by way of a letter dated December 30, 2014 for presentation to the House in accordance with section 8 of the Teachers Service Commission Act, 2012.

Hon. Members, section 8 (7) of the Teachers Service Commission Act, 2012 requires that, and I quote;

“The President shall, within seven days of receipt of the names forwarded under sub-section (6), nominate (persons)... for appointment as ... members of the Commission and forward the names to the National Assembly for approval.”

In the Message, His Excellency the President has nominated the following to serve as members of the Teachers Service Commission:-

- (i) Mbarak Said Twahir (PWD);
- (ii) Kinoti Imanyara;
- (iii) Tache Bonsa Gollo;
- (iv) Beatrice Marembo Adu; and
- (v) Albert Fred Ekirapa.

H.E. the President therefore seeks the approval of the National Assembly on the nominees for appointment to as members of the Commission.

Hon. Members,

Standing Order 45 requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant committee of the House. This notification therefore is hereby referred to the Departmental Committee on Education, Research and Technology for consideration. It is important that the Committee immediately seizes itself of the matter aware that *section 8(8)* of the Act requires the National Assembly to consider the nominations received within twenty one (21) days and approve or reject any or all of them as the case may be. In this regard, I wish to guide the Committee and the House as follows:-

- i. The Committee should notify the nominees and the general public of the time and place of holding the approval hearings in good time to ensure commencement of the necessary hearings for the expeditious disposal of the matter; and
- ii. The Committee is expected to submit its report to the House on or before February 25, 2015 to enable the House consider the report and the nominees thereafter.

6. PAPER LAID

The following Papers were laid on the Table –

- (i) The National Transport and Safety Authority (Operation of Public Service Vehicles) (Amendment No.2) Regulations, 2014 the Explanatory Memorandum therein (*pursuant to section 54 of the National Transport and Safety Authority Act, 2012*).
- (ii) The Protocol on the Development and Operation of the Standard Gauge Railway within the framework of the Northern Corridor Integration Projects (*pursuant to section 8 of the Treaty Making and Ratification Act, 2012*).
- (iii) The Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Republic of Ghana (*pursuant to section 8 of the treaty making and ratification act, 2012*).
- (iv) The Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Niger (*pursuant to section 8 of the Treaty Making and Ratification Act, 2012*).
- (v) The Commission on Administrative Justice Bi-Annual Reports for the period January-June 2014 and July-December 2014 (*pursuant to section 8 of the Commission on Administrative Justice Act, 2011*).
- (vi) The Commission on the Implementation of the Constitution Annual report for the Period 2013-2014.
- (vii) The Commission on the Implementation of the Constitution Quarterly Report for the period July-September, 2013 (*in accordance with sections 4 (a), 5 (6), 15 (2) (d) of the Sixth Schedule of the Constitution and section 4 (d) of the Commission for the Implementation of the Constitution Act, 2010*).
- (viii) The Ministry of Devolution and Planning status report for the Millennium Development Goals for year 2013.

(The Leader of the Majority Party)

- (ix) Special Report on the Procurement Process of the Kenya Pipeline Company Ltd Line 1, Capacity Enhancement Project (Mombasa-Nairobi Pipeline).

(Chairperson, Public Investments Committee)

7. NOTICES OF MOTION – (Chairperson, Public Investment Committee)

THAT, this House adopts the Public Investment Committee Special Report on the Procurement Process of the Kenya Pipeline Company Ltd Line 1, Capacity Enhancement Project (Mombasa-Nairobi Pipeline).

8. MOTION – APPROVAL OF APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE

Motion made and Question proposed

THAT, Pursuant to the provisions of Standing Order No. 171(1)(d), this House approves the appointment of the following Members to the House Business Committee in addition to the Members specified under paragraph (a) (b) & (c): -

1. The Hon. (Dr.) Naomi Shaban, EGH, MP
2. The Hon. Katoo ole Metito, EGH, MGH, M.P.
3. The Hon. Jamleck Kamau, EGH, M.P.
4. The Hon. William Cheptumo, M.P.
5. The Hon. Eng. M. M. Maalim, CBS, M.P.
6. The Hon. David Were, M.P.
7. The Hon. Z. K. Cheruiyot, MGH, M.P.
8. The Hon. Mithika Linturi, M.P.
9. The Hon. John Serut, M.P.
10. The Hon. Cecilia Ngetich, M.P.
11. The Hon. Priscilla Nyokabi, M.P.
12. The Hon. Joyce Emanikor Akai, M.P.
13. The Hon. Johnson Sakaja, M.P.
14. The Hon. Florence Kajuju, MP
15. The Hon. KK Stephen K. Mburu, MP
16. The Hon. (Dr.) Victor K. Munyaka, M.P.
17. The Hon. Rachael Nyamai, M.P.
18. The Hon. Thomas Mwadeghu, M.P.
19. The Hon. Jakoyo Midiwo, MGH, MP
20. The Hon. Jessica Mbalu, M.P.
21. The Hon. Wafula Wamunyinyi, M.P.
22. The Hon. Peter Shehe, M.P.
23. The Hon. Makali Mulu, M.P.
24. The Hon. Dennitah Ghati, M.P.
25. The Hon. Gladys N. Wanga, M.P.
26. The Hon. (Dr.) Susan Musyoka, MP
27. The Hon. Ben Momanyi, MP
28. The Hon. Joash Olum, MP
29. The Hon. Khatib Abdalla Mwashetani, M.P.

(The Leader of the Majority Party)

Debate arising:

QUORUM OF THE HOUSE

Rising in her place on a point of Order, the Member for Nyandarua County, (Hon. Wanjiku Muhia) drew the attention of the Deputy Speaker to the fact that there was no Quorum in the House

And the Deputy 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 the expiry of the ten minutes;

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

9. **HOUSE ROSE** - at four minutes past Six O'clock.
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M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, February11, 2015 at 9.30 a.m.

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