



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – SECOND SESSION**  
**THE NATIONAL ASSEMBLY**  
**VOTES AND PROCEEDINGS**  
**TUESDAY, NOVEMBER 27, 2018**

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

4. **MESSAGES**

The Speaker conveyed the following Message from the Senate –

**Passage by the Senate of the Food Security Bill (Senate Bill No. 12 of 2017), the County Statistics Bill (Senate Bill No. 9 of 2018), and the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 Of 2018)**

“Honourable Members, Standing Order 41(4) requires the Speaker to report to the House any message received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that on Tuesday, November 13, 2018, I received three messages from the Senate regarding the passage of three Bills.

The First Message relates to the passage of the Food Security Bill (Senate Bill No. 12 of 2017). The Bill seeks "to give effect to Article 43 (1) (c) of the Constitution on the freedom from hunger and the right to adequate food of acceptable quality; Article 53 (1) (c) of the Constitution on the right of every child to basic nutrition and Article 21 of the Constitution on the implementation of rights and fundamental freedoms under the Constitution. The Bill also seeks to provide a framework and mechanism for the National and County Governments to fulfil their obligations in relation to food security;

Honourable Members, the second Message relates to the passage of the County Statistics Bill (Senate Bill No. 9 of 2018) which seeks to provide a framework for the collection, compilation, analysis and dissemination of statistical information and to establish county statistics office, to establish the office of the county statistician";

Honourable Members, the last Message is conveying the passage of the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) as a Bill seeking "to amend the Salaries and Remuneration Commission Act, to provide for notification of the expiry of term for Commissioners and to provide for timelines for the filling of vacancies in the Commission upon expiry of their terms".

Honourable Members, Standing Order 143(1)(a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the

Senate referring Bills to the National Assembly. Accordingly, I direct that the three Bills be read a First Time at the next Sitting.

Honourable Members, Paragraph (2) of Standing Order 143 provides that –

*“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution”.*

The opinion envisioned under Standing Order 143(2) is a pronouncement, by the Speaker, as to whether a Bill originating in the Senate is a ‘Money Bill’ in the terms of Article 114 of the Constitution. In this regard, I direct that, after First Reading, the three Bills be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form the opinion contemplated in Standing Order 143(2). Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the said Bills. I thank you.”

5. **PAPERS LAID**

The following Papers were laid on the Table of the House–

- (a) Annual Report of the Victim Protection Board for the financial year 2017/2018 from the Office of the Attorney-General and Department of Justice (pursuant to section 33 of the Victim Protection Act No. 17 of 2014);
- (b) Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein: -
  - (i) Kisii University; and
  - (ii) Jaramogi Oginga Odinga University of Science and Technology.
- (c) Annual Report of the National Cohesion and Integration Commission for the Financial Year 2016/2017.
- (d) Annual Reports of the National Land Commission on Land Governance in the Counties for the financial year 2016/2017;
- (e) The Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2017 and the certificates therein: -
  - (i) Bonchari;
  - (ii) Suba South;
  - (iii) Budalangi;
  - (iv) Ikolomani;
  - (v) Sabatia; and
  - (vi) Hamisi.

*(The Leader of the Majority Party)*

- (f) Reports of the Select Committee on Regional Integration on:

The East African Community Customs Management (Amendment) (No. 2) Bill, 2018 & the Administration of the East African Legislative Assembly (Amendment) Bill, 2018;

- (i) The East African Community Protocol on Information and Communication Technology Networks;
- (ii) The Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019, & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, EAC Appropriation Bill, 2018 and EAC Supplementary Appropriation Bill, 2018.

*(The Hon. (Capt.) Ruweida Obo Mohammed, MP - Vice Chairperson, Select Committee on Regional Integration)*

- (g) Report of the Departmental Committee on Administration & National Security on its consideration of the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017)

*(Hon. Paul Koinange, MP - Chairperson, Departmental Committee Administration & National Security)*

6. **NOTICES OF MOTION**

The following Notices of Motion were given –

- (i) **Notice of Motion - Report on the East African Community Customs Management (Amendment)(No.2) Bill, 2018 & the Administration of the East African Legislative Assembly (Amendment) Bill, 2018**

**THAT**, this House adopts the Report of the Committee on Regional Integration on the East African Community Customs Management (Amendment) (No. 2) Bill, 2018 & the Administration of the East African Legislative Assembly (Amendment) Bill, 2018, laid on the Table of the House on Thursday, November 22, 2018.

*(The Hon. (Capt.) Ruweida Obo Mohammed, MP (Vice-Chairperson, Committee on Regional Integration)*

- (ii) **Notice of Motion - Report on the East African Community Protocol on Information and Communication Technology Networks**

**THAT**, this House adopts the Report of the Committee on Regional Integration on the East African Community Protocol on Information and Communication Technology Networks, laid on the Table of the House on Tuesday, November 27, 2018, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the East African Community Protocol on Information and Communication.

*(The Hon. (Capt.) Ruweida Obo Mohammed, MP (Vice-Chairperson, Committee on Regional Integration)*

- (iii) **Notice of Motion - Various Reports of the Committee on Regional Integration**

**THAT**, this House adopts the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019, & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC

Appropriation Bill, 2018, laid on the Table of the House on Thursday, November 22, 2018.

*(The Hon. (Capt.) Ruweida Obo Mohammed, MP (Vice-Chairperson, Committee on Regional Integration)*

(iv) **Notice of Motion – Measures towards Ensuring Effective Diabetes Care System at all Healthcare Levels**

**THAT**, aware that prevalence of diabetes in the county has been on the increase with approximately 458, 900 cases reported in Kenya according to the International Diabetes Federation's report of 2017, representing 2 percent of the total adult population; deeply concerned that many people with diabetes continue to lose their lives each year due to lack of awareness of the disease, inability to afford management of the condition and expensive medication; noting that people living with diabetes can live long and lead comfortable lives if they receive the right medical care and support to help them manage the disease; further noting that there remains inadequate funding for the implementation of an effective strategy for the prevention, detection and management of diabetes thus hindering Kenya's achievement of the Sustainable Development Goal 3 and Vision 2030; recognizing the importance of early diagnosis of diabetes in aiding treatment, monitoring treatment progress, monitoring recovery and preventing life threatening and expensive complications; this House urges the Government to institutionalize diagnostic testing for diabetes in workplaces and community settings, education on prevention; subsidizes routine diabetes screening and treatment; and puts in place measures to ensure an effective diabetes care system at all levels of healthcare.

*(The Hon. (Capt.) Ruweida Obo Mohammed, MP)*

7. **QUESTIONS**

- (a) The following Questions were made to various Ministries/State Departments/ Commissions: -
- (i) Question No.121/2018 by the Member for Kesses (Hon. (Dr.) Swarup Mishra) to the Ethics and Anti-Corruption Commission regarding number of persons prosecuted due to corruption since 2003, efforts made by the Commission in recovering proceeds of crime and challenges in recovery of assets of economic crimes was asked for response through written reply.
  - (ii) Question No.161/2018 by the Member for Meru County (Hon. Bishop Kawira Mwangaza) to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development regarding inconveniences in the public transport in the country occasioned by enforcement of public transport regulations adversely affecting the use of Toyota Probox vehicles for transport services. Question was referred for response by the Cabinet Secretary before the Departmental Committee on Transport, Public Works and Housing.
  - (iii) Supplementary Question No.161/2018 by the Member for Suna West (Hon. Peter Masara) to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development regarding the inconvenience in public transport in the country occasioned by enforcement of public transport regulations adversely affecting the

- (iv) use of Toyota Probox vehicles for transport services. Question was referred for response by the Cabinet Secretary before the Departmental Committee on Transport, Public Works and Housing.
  - (v) Question No.214/2018 by the Member for Kinangop (Hon. Kwenya Thuku) to the Cabinet Secretary for Interior & Coordination of National Government regarding disappearance and subsequent death of one John Mwaura Karanja and the extent of investigations into the matter. Question was referred for response by the Cabinet Secretary before the Departmental Committee on Administration and National Security.
  - (vi) Question No.216/2018 by the Member for Kamukunji (Hon. Yusuf Hassan) to the Cabinet Secretary for Interior & Coordination of National Government regarding investigations into the matter of a fire in Gikomba Market that took place in June 2018 and measures in place to protect traders from such future occurrences. Question was referred for response by the Cabinet Secretary before the Departmental Committee on Administration and National Security.
  - (vii) Question No.233/2018 by the Member for Kabondo Kasipul (Hon. Eve Obara) to the Cabinet Secretary for Education regarding admission of students to various colleges under Kenya Universities and Colleges Central Placement Service (KUCCPS) to various institutions and release of capitation. Question was referred for response by the Cabinet Secretary before the Departmental Committee on Education and Research.
  - (viii) Question No.261/2018 under Private Notice by the Member for Kandara (Hon. Alice Wahome) regarding the alleged murder of one Master Juliano Kanyonyo Mbatha in Kandara after circumcision; hospitalization of Master Evans Wanyoike Naruiya and Master Nelson Njuguna after undergoing circumcision in an environment suspected to be unhygienic and unprofessional; and recruitment of young initiates into organized criminal gangs. Question was referred for response by the Cabinet Secretary before to the Departmental Committee on Administration and National Security.
- (b) The following Question was deferred: -
- Question No.217/2018 by the Member for Mandera North (Hon. Bashir Abdullahi) to the Cabinet Secretary for Interior & Coordination of National Government regarding investigations into the death of the late Abdia Omar Adan.

## 8. **STATEMENT**

The Member for Soy (Hon. Caleb Kositany, MP) issued a statement regarding the fact that the Member for Cherengany (Hon. Joshua Kutuny, MP) had made adverse allegations in the media against the House Business Committee regarding scheduling of Petitions sponsored by him.

And the Speaker, having heard the views of various Members, cautioned Members against making such unfounded allegations, noting that scheduling of Petitions to be presented before the House is not a mandate of the House Business Committee.

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)**

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017).

**Amendment moved and Question proposed-**

**THAT**, the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words at the end thereof **“subject to re-committal of Clause 3 of the Bill.”**

*(The Leader of the Majority Party)*

Debate arising;

Question put and agreed to.

Thereupon the House resolved into Committee.

10. **COMMITTEE OF THE WHOLE HOUSE**

**IN THE COMMITTEE**

The Fourth Chairperson in the Chair

**The Warehouse Receipt System Bill (Senate Bill No.10 of 2017)**

Clause 3 recommitted-            amendment proposed

**THAT**, clause 3 of the Bill be amended—

(a) by deleting sub clause (3) and substituting therefor the following new sub-clause—

(3) The Council shall consist of—

- (a) a Chairperson, who shall be appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
- (c) the Principal Secretary for the time being responsible for matters related to finance or a representative;
- (d) one person nominated by the Council of Governors;
- (e) the Director-General of Agriculture and Food Authority or a representative;
- (f) the chief executive officer of the Council who shall be an *ex-officio* member;
- (g) one person nominated by the Kenya Farmers Association;
- (h) one person nominated by Kenyan members of the Eastern Africa Grain Council;
- (i) one person nominated by Kenya Bankers Association; and
- (j) one person nominated by the Kenya Warehouse Operators Association.”

(c) by deleting sub-clause (5) and substituting thereof with the following sub clause—

(5) A person shall be qualified for appointment as chairperson of the Council if such a person—

- (a) is a citizen of Kenya;
- (b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution;
- (c) holds relevant academic and professional qualifications including a university degree in a relevant field; and
- (d) has at least eight years' experience in—
  - (i) agriculture;
  - (ii) finance;
  - (iii) business;
  - (iv) law;
  - (v) procurement; or
  - (vi) administration.

(c) in sub-clause (9), by—

- (i) inserting the words, “in contravention of the Public Officer Ethics Act and any other relevant law” immediately after the word “office” in paragraph (c);
- (ii) deleting the words “in the opinion of the Council” in paragraph (e);
- (iii) deleting paragraph (g) and substituting therefor with the following paragraph—  
“(g) conviction of an offence and sentenced to six months imprisonment without an option of a fine.”

*(Chairperson of Departmental Committee on Agriculture and Livestock)*

Question of the amendment proposed;

Debate arising;

Question of amendment put and agreed to

Clause 3- as amended agreed to.

### **BILL TO BE REPORTED WITH AMENDMENTS**

Motion made and question proposed –

THAT, the Committee do Report to the House its consideration of the Warehouse Receipts System Bill (Senate Bill No. 10 of 2017) and its approval thereof **with** amendments

*(Chairperson of Departmental Committee on Agriculture and Livestock)*

Question put and agreed to;

### 11. **HOUSE RESUMED – Speaker in the Chair**

Bill reported with amendments

Motion Made and Question proposed-

THAT, the House do agree with the Committee in the said Report.

*(Leader of Majority)*

Question put and agreed to;

Motion made and Question proposed-

THAT, the Warehouse Receipts System Bill (Senate Bill No. 10 of 2017) be now read a Third Time.

*(Leader of Majority)*

Question put and agreed to.

Bill read a Third time and passed.

12. **PROCEDURAL MOTION – LIMITATION OF DEBATE**

Motion made and proposed –

THAT, notwithstanding the provisions of Standing Order 97(4) and the House Resolution of 28<sup>th</sup> February 2018, the House resolves that each speech in a debate on motion on the Adoption of the Reports on Constituency Digital Innovation Hubs; Judiciary Fund Regulations and the Ratification of the Protocol to eliminate illicit trade in tobacco products be limited as follows: A maximum of sixty (60) minutes for each report; ten (10) minutes for the Movers in moving each report; and a maximum of five (5) minutes for any Member speaking.

*(Leader of Majority Party)*

Debate arising;

Question put and agreed to.

13. **MOTION – REPORT ON CONSTITUENCY DIGITAL INNOVATION HUBS**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on Constituency Digital Innovation Hubs, laid on the Table of the House on Thursday, October 25, 2018.

*(Chairperson, Select Committee on National Government Constituencies Development Fund)*

Debate arising;

Mover replied;

Question put and agreed to.

14. **THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO.6 OF 2018)**



Order for Second Reading read;

Motion made and Question proposed –

THAT, the Parliamentary Service Bill (National Assembly Bill No.6 of 2018) be now read a Second Time

*(Chairperson, Departmental Committee on Justice and Legal Affairs – 21.11.2018)*

Debate interrupted on Wednesday, November 21, 2018 resumed;

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

Pursuant to Standing Order 95, the Member for Suba North requested that the Mover be called upon to reply. The Speaker acceded to the request and thereafter put the Question that the Mover be called upon to reply. Motion agreed to and Mover called to reply.

Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House.

15. **MOTION - REPORT ON THE JUDICIARY FUND REGULATIONS, 2018**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Judiciary Fund Regulations, 2018 (Legal Notice No. 117 of 2018), laid on the Table of the House on Tuesday, November, 13, 2018, and pursuant to the provisions of Section 15(1) of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) **annuls in entirety** the said Regulations.

*(Chairperson, Committee on Delegated Legislation)*

Debate arising;

Mover replied; and thereafter requested for deferment of putting of the Question to another day pursuant to Standing Order No. 53(3).

Putting of the Question deferred.

16. **MOTION – RATIFICATION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS**

*(Change of Chair from the Fourth Chairperson to the Third Chairperson)*

Order read, Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Departmental Committee on Health on the Ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products, laid on the Table of the House on Tuesday, November 13, 2018, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products.

*(Chairperson, Departmental Committee on Health)*

Debate arising;

Mover replied; and thereafter requested for deferment of putting of the Question to another day in accordance with Standing Order No. 53(3).

Putting of the Question deferred.

17. **THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)**

Order for Second Reading read;

Motion deferred.

18. **THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)**

Order for Second Reading read;

Motion deferred.

19. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)**

Order for Second Reading read;

Motion deferred.

20. **THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)**

Order for Second Reading read;

Motion deferred.

21. **THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE ASSEMBLY BILL NO. 1 OF 2018)**

Order for Second Reading read;

Motion deferred.

22. **THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2018)**

Order for Second Reading read;

Motion deferred.

And the time being three minutes to seven o'clock, the Hon. Speaker interrupted the proceedings and adjourned the House without Question put, in accordance with the Standing Orders.

23. **HOUSE ROSE** - at three minutes to seven o'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, November 28, 2018 at 9.30 a.m.

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