



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 19, 2019

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

The Speaker conveyed the following Communication –

Visiting delegation from the Parliament of Serbia

“Honourable Members,

I wish to introduce to you a delegation of Members from the Parliament from the Republic of Serbia seated at the Speaker’s Row. The delegation comprises of the following: -

1. H.E. Maja Gojkovic, MP-Speaker of the National Assembly of the Republic of Serbia and Leader of Delegation;
2. The Hon. Professor (Dr.) Zarko Obradovic, MP - President of the Foreign Policy Committee;
3. The Hon. Dragomir Karic - President of the Parliamentary Friendship Group with Uganda;
4. Mrs. Dragana Djurasinovic Radojevic - Advisor in the Cabinet of the Speaker;
5. Ms. Marjana Jeremic - Advisor for Media in the Cabinet of the Speaker; and,
6. Ms. Jasminka Urosevic - Senior Protocol Officer.

The delegation is accompanied by the H.E. Dragan Zupanjevac, Ambassador of the Republic of Serbia in Nairobi and Mr. Milan Varadinovic, Deputy Head of Mission in the Embassy.

Honourable Members, the delegation has been in the country since yesterday, 18th February, 2019 on a Parliamentary Diplomatic Mission aimed at strengthening the bilateral co-operation between our two institutions. To this end, the Hon. Speaker Maja

and I have today signed a Memorandum of Understanding (MOU) that speaks to the implementation of this objective. Amongst other areas of co-operation, the MOU provides that, and I quote-

“1. The Parties shall encourage establishment and development of co-operation at the highest parliamentary level, between parliamentary working bodies, parliamentary friendship groups, as well as staff of the two Parliaments”

On my own behalf and that of the House, I wish to once again welcome the Hon. Speaker Maja and her distinguished delegation to the National Assembly, wish them fruitful engagements and a pleasant stay in Kenya.

Thank you”.

5. **MESSAGE FROM THE H.E. THE PRESIDENT**

The Speaker conveyed the following Message –

Nominees for appointment to the positions of Chairperson and Members of the National Police Service Commission (NPSC)

“Honourable Members,

Pursuant to the provisions of Standing Order No. 42, I wish to convey the following Message from His Excellency the President relating to nomination of persons for appointment to the Offices of the Chairperson and Members of the National Police Service Commission.

In the Message, H.E. the President conveys that, in exercise of powers conferred by Article 246 (2) (a) of the Constitution and section 6(6) of the National Police Service Commission Act, 2011, as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates the following persons for appointment to the respective offices of the National Police Service Commission:-

(i) Mr. Eliud Ndung'u Kinuthia	-	Chairperson
(ii) Ms. Lilian Mutio Kiamba	-	Member
(iii) Mr. Eusebius Karuti Laibuta	-	Member
(iv) Mr. Naphtaly Kipchirchir Rono	-	Member
(v) Dr. Alice Atieno Otwala	-	Member; and
(vi) Mr. John Tentemo Ole Moyaki	-	Member

Honourable Members, H.E. the President therefore seeks the approval of this House on the nominees for appointment to the aforementioned positions.

Honourable Members, Standing Order 45 requires that, upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Departmental Committee of the House for consideration. I therefore refer the Message together with the *Curriculum Vitae* of the nominees to the Departmental Committee on Administration and National Security for consideration.

Honourable Members, section 6(6) of the National Police Service Commission Act requires the National Assembly to either approve or reject the nominees to the respective positions

within twenty one (21) days. In this regard, the Committee should expeditiously notify the nominees and the general public of the time and place for holding the approval hearings, commence the necessary hearings and submit its Report to the House on or before 6th March, 2019 to enable the House to consider the matter within the statutory timelines.

I thank you”.

6. **PETITIONS**

(i) The **Speaker** conveyed the following Petition –

Unfair dismissal of Ex-Cpl Benjamin Chelang’a by the Kenya Defence Forces

“Honourable Members,

Pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House that my office is in receipt of a Petition from one EX-CPL Benjamin Chelang’a Lombelo regarding unfair termination of employment by the Kenya Defence Forces.

Honourable Members,

The Petitioner alleges that while serving as a corporal at the Kenya Defence Forces he was unfairly disciplined on false accusation, imprisoned for forty two days and later dismissed from service even after seeking early retirement. The Petitioner claims that this action contravenes Article 41 of the Constitution and the provisions of the Employment Act, 2007 (Cap.226).

Honourable Members,

The Petitioner therefore prays that the National Assembly examines the legitimacy of the process applied in his dismissal and in the classification of the his conduct as ‘Good’ instead of ‘Very Good’ as indicated in the termination of service certificate.

Honourable Members,

You will agree with me that the prayers sought by the Petitioner can be settled at the Court Martial or any other appropriate Court. However, Article 95 (2) which provides that the National Assembly deliberates on and resolves issues of concern to the people, obligates the House to also attempt to address such matters, with a view to resolving them. It may be well that the grievances of the Petitioner may be resolved without having to result to a Court Martial process.

Honourable Members,

This Petition therefore stands committed to the Departmental Committee on Labour and Social Welfare for consideration. The Committee is requested to consider the Petition and report its findings within sixty days in accordance with Standing Order 227 (2).

Thank you!”

- (ii) The **Member for Kajiado West** (Hon. George Sunkuiya) presented a Petition on behalf of residents of Oltiyani Settlement Scheme in Kajiado West Constituency regarding de-gazettement of 400 yards strip in Ngong' Hills Forest for settlement;

The Petition was referred to the Departmental Committee on Environment and natural Resources pursuant to Standing Order 127(2).

7. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2018 and the certificates therein:-
- (i) The Presidency;
 - (ii) Ministry of Lands and Physical Planning;
 - (iii) Revenue Statement for the Ministry of Lands and Physical Planning;
 - (iv) Kenya Broadcasting Corporation Digital Terrestrial Television Coverage Roll Out Project;
 - (v) Nepad/APRM Kenya Secretariat;
 - (vi) Ministry of Defence;
 - (vii) State Department for East African Community Integration;
 - (viii) National Council for Persons with Disabilities (NCPWD);
 - (ix) Government Press Fund;
 - (x) National Intelligence Service;
 - (xi) Parliamentary Service Commission Car Loan Scheme Fund; and
 - (xii) Parliamentary Service Commission Mortgage Scheme Fund.

(The Leader of the Majority Party)

- (b) Delegation Report on the Fourth Statutory Meetings of the Committee on “Peace and Security” and the Committee on “Democracy and Good Governance” of the Forum of Parliaments of the International Conference on the Great Lakes Region (FP-ICGLR) held in Khartoum, Sudan from 13th to 15th November, 2018.

(Hon Atiende Omollo, Member of the Delegation)

- (c) Report of the Departmental Committee on Sports, Culture and Tourism on its consideration of the Sports (Amendment) Bill, 2018.

(Hon Victor Munyaka, Chairperson Departmental Committee on Sports, Culture and Tourism)

8. **NOTICES OF MOTION**

The following Notice of Motion was given –

- (i) THAT, this House adopts the Third Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government

Constituencies Development Fund for Constituencies in Kisumu County for the Financial Years 2013/14, 2014/15 and 2015/16, laid on the Table of the House

(Hon. Kathuri Murungi)

9. **QUESTIONS**

The following Questions were asked –

- (i) Question by Private Notice No.021/2019 by the Member for Nandi Hills (Hon. Alfred Keter) regarding achievement of the 100% transition from primary to secondary schools;
(To be replied by the Cabinet Secretary for Education and Research before the Departmental Committee on Education and Research for prioritization of response by the Cabinet Secretary);
- (ii) Question No.006/2019 by the Member for Konoin (Hon. Brighton Leonard Yegon) regarding compensation of village elders;
(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security);
- (iii) Question No.015/2019 by the Member for Laikipia County (Hon. Catherine Waruguru) regarding Nyahururu police station in Laikipia county being administered from Nyandurua county;
(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security);
- (iv) Question No.016/2019 by the Member for West Mugirango (Hon. Vincent Mogaka) regarding total contributions to the National Hospital Insurance Fund (NHIF) and amounts owed to hospitals;
(To be replied by the Cabinet Secretary for Health before the Departmental Committee on Health);
- (v) Question No.019/2019 by the Member for Lurambi (Hon. Bishop Titus Khamala) regarding deployment of teachers and delocalization of the management of learning institutions;
(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research);
- (vi) Question No.020/2019 by the Member for Navakholo (Hon. Emmanuel Wangwe) regarding duplication of roles by the Directorate of Quality Assurance in the Ministry of Education and its counterpart in the Teachers' Service Commission;

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research);

- (vii) Question No.018/2019 by the Member for Mathare (Hon. Antony Oluoch) regarding measures being taken by the Ministry of Education to ensure protection of public primary schools from interference by County Governments was deferred to another sitting:

10. **STATEMENTS**

The following Statements were issued –

- (i) Statement by the Chairperson of the National Government Constituencies Development Fund Committee (Hon. Maoka Maore) on delay in disbursement of CDF funds. The Honourable Speaker directed the Committee to hold a sitting with the Cabinet Secretary for National Treasury on 20.02.2019 and thereafter report to the House on pending bills and related disbursement concerns on 21.02.2019.
- (ii) Statement by Hon. Sabina Chege in which she requested that business appearing as Order Number 14 on the Order Paper (namely, Second Reading of the Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 8 of 2018)) be stood down from the day's business on account of, among other reasons, the anticipated Presidential memorandum on a related Bill. The Honourable Speaker acceded to her request, and the said business was stood down.
- (iii) The Hon. Dennitah Ghati (Nominated Member) sought the indulgence of the Chair to have the House debate on her Statement regarding access of transportation facilities by Persons with Disabilities under Standing Order 43 (Zero Hour). The Honourable Speaker acceded to the request and directed that the Statement be made and debate at 6.30pm or at an earlier time for 30 minutes if the House happens to adjourn earlier than scheduled.

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Insurance (Amendment) Bill (National Assembly Bill No.21 of 2018) be now read a Second Time

(Chairperson, Departmental Committee on Finance and National Planning – 06.12.2018)

Debate on the Second Reading having been concluded on Thursday, February 14, 2019;

Question put and agreed to;

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

12. **THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO.8 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Flag, Emblems and Names (Amendment) Bill (Senate Bill No.8 of 2017) be now read a Second Time

(Chairperson, Departmental Committee on Administration and National Security – 14.02.2019)

Debate on the Second Reading having been concluded on Thursday, February 14, 2019;

Question put and agreed to;

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

13. **THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILL NO.7 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) be now read a Second Time

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

[Change of Chair from the Speaker to the First Chairperson]

(Change of Chair from the First Chairperson to the Fourth Chairperson)

Mover replied;

Question for the second reading was deferred.

QUORUM OF THE HOUSE

Pursuant to Standing Order 35 the Member for Makueni Constituency drew the attention of the Fourth Chairperson to the fact that there was no quorum in the House;

And the Chairperson having confirmed that there was no quorum, ordered that the quorum bell be rung for ten minutes;

And there being no quorum after expiry of ten minutes; the Chairperson further ordered that the quorum bell be rung for five minutes;

And there being no quorum after expiry of fifteen minutes;

And the time being Six O'clock, the Fourth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

(No.05)

TUESDAY, FEBRUARY 19, 2019

(030)

14. HOUSE ROSE - at Six O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, February 20, 2019 at 9.30 a.m.