



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 30, 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 issued the following Communications–

(i) COMMUNICATION ON A VISITING DELEGATION FROM THE PARLIAMENT OF ZIMBABWE

“Honourable Members, I wish to introduce to you a delegation of Members of Parliament from the National Assembly of Zimbabwe seated in the Speaker’s Row. The delegation comprises of -

1. The Hon. Felix Tapiwa Mhona - **Chairperson** and Leader of Delegation;
2. The Hon. Willias Madzimure - **Deputy Chairperson** of Committees and Member;
3. The Hon. Godfrey Dube - Member;
4. The Hon. Ability Musavaya Gandawa - Member;
5. The Hon. Annastacia Tatenda Mavetera - Member;
6. The Hon. Edwin Mushoriwa - Member;
7. The Hon. Alice Ndlovu - Member;
8. The Hon. Zhemu Soda - Member; and
9. The Hon. Toreayi Moyo - Member.

The delegation is accompanied by Mr. Precious Sibongile Mtetwa - Senior Research Officer.

Honourable Members, The delegation, which is drawn from the Membership of the Portfolio Committee on Budget, Finance and Economic Development, is in the country on a benchmarking visit to our Parliament, specifically to share experiences and learn from our counterpart Committees and other offices on matters budgets.

On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the Country.

I thank you!”

(ii) DEMISE OF THE LATE HON. KEN OKOTH, MEMBER FOR KIBRA AND THE LATE HON. (DR) JOYCE LABOSO, EGH, FORMER DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY

“Honourable Members,

As you may be aware, on the evening of Friday, July 26, 2019, with great grief and sorrow, we received the sad news of the demise of the Member for Kibra Constituency, the late Hon. Ken Okoth, MP who passed away while undergoing treatment at the Nairobi Hospital.

Honourable Members, the late Hon. Okoth made his debut in national politics in March 2013 when he vied for and successfully clinched the Kibra Constituency seat. His servant-leadership quickly earned him the adoration of his constituents, who re-elected him in the August 2017 General Elections to serve for a second term, a position he held until his passing on last Friday. The Late Hon. Okoth, an alumni of Starehe Boys Centre, St. Lawrence University, Canton, New York and Georgetown University, Washington DC, was a uniquely gifted and brilliant leader. Immediately upon being sworn in as a first time Member in the Eleventh Parliament, he took up his parliamentary roles with enthusiasm. Those who served alongside him in the Eleventh Parliament will agree that, his swift mastery and grasp of Parliamentary business ensured that his insightful and tremendously enriching contributions were keenly followed by all, particularly his contributions on legislation and matters relating to the education and human rights sectors.

Honourable Members, the late Hon. Okoth spoke with exceptional articulation. Without a doubt, he was a firm leader who never shied away from defending the rights of his Constituents and the people of Kenya in general. In Parliament, he championed for three issues among many others, and would always quote them, “*Uchumi bora, Elimu kwanza na Mazingira bora.*” He was also instrumental in the passage of two key pieces of legislation, namely, the Prevention of Torture Act, 2017 and the National Coroners Service Act, 2017.

Honourable Members, as vibrant Member of the August House, the late Hon. Okoth served actively and diligently, both in the House and in its Committees. In the 11th Parliament (2013-2017), he was a resourceful member of the Departmental Committee on Education, Research & Technology where his contributions and participation were commendable. In this Twelfth Parliament, he diligently served as a member in the Constitutional Implementation Oversight Committee and the Procedure and House Rules Committee. He will also be remembered as the one of the founders and Chairperson of the Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business.

Many of us who interacted and worked with him will acknowledge that he was a resolute, humble, gentle, pleasant and amicable personality, and we will all miss him. Indeed, his passing marks a dark moment not only for his family, the Twelfth Parliament, and residents of Kibra Constituency, but for the country at large. Kenya has lost a candid legislator, hard-working leader and true son of Kenya who endeavoured to give everything for what he believed in with great courage, tenacity and humility. He leaves behind an outstanding track record in the management of the National Government Constituency Development Fund, where his Constituency was highly rated in the management of CDF.

Honourable Members, to accord the fallen gallant leader a decent send-off, I have appointed the following Members to an *ad-hoc* Committee to liaise with the family in the funeral arrangements: -

- (i) The Hon. John Mbadi, EGH, MP (Chairperson);
- (ii) The Hon. (Dr.) James Nyikal, MP;
- (iii) The Hon. Tom J. Kajwang, MP;
- (iv) The Hon. Yussuf Hassan, MP;

- (v) The Hon. Tim Wanyonyi, MP;
- (vi) The Hon. Simba Arati, MP;
- (vii) The Hon. Esther Passaris, MP; and
- (viii) The Hon. Nixon Korir, MP.

I have also requested the Speaker of the Senate to nominate two Senators to join the team.

Secondly, Honourable Members, it is also with a heavy heart that I convey to this House the heart-breaking loss of one of our former Members and Deputy Speaker of this House, the late Hon. (Dr.) Joyce Laboso, EGH, who passed on yesterday, Monday, July 29, 2019 while undergoing treatment at the Nairobi Hospital. The late Dr. Laboso was a distinguished scholar, who obtained her Masters in Teaching of English as a Foreign Language from the University of Reading in the United Kingdom and a PhD in Gender and Language Education at the University of Hull, United Kingdom. Without doubt, her academic and professional exploits have been matched by very few, and are a source of motivation for women across the continent.

Honourable Members, the late Hon. Joyce Laboso began her remarkable career as a teacher at Kipsigis Girls High School before joining Egerton University as a lecturer and later rising to Assistant Dean of Students and Coordinator of various programmes. She joined Parliament in September 2008, following the passing on of the then Member for Sotik, Hon. Lorna Laboso. Her parliamentary career was decorated with historical milestones. In her maiden term, she was appointed to the House Business Committee and further served in the Departmental Committee on Education, Research and Technology.

It is worth noting that the late Hon. Laboso made history by becoming the first woman Deputy Speaker of a House of Parliament of Kenya, as well as the first to hold such a position in the National Assembly under the new Constitution.

Honourable Members, the leadership of Dr. Laboso spanned across continent. She was elected Co-President of the African, Caribbean, Pacific & European Union Joint Parliamentary Assembly and ably spearheaded the leadership of Parliaments representing nearly one hundred countries from four regions of the world in championing a parliamentary dimension in the ACP-EU partnership. It is on the pedestal of her exemplary leadership that the people of Bomet County elected her in August 2017 as the Governor for Bomet County, hence making history as one of the three female Governors in the male-dominated elective position. In her passing on, the country and indeed international community has lost a precious jewel, a distinguished scholar, a courageous leader, and a good-hearted and jovial person. Hon (Dr.) Joyce Cheronno Laboso Abonyo, EGH has left a remarkable legacy whose impact has benefited multitudes of people, and whose accolades continue to serve as an inspiration to many girls and women across the country and beyond.

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 our late brother, Hon. Ken Okoth and that of Hon (Dr.) Joyce Cheronno Laboso Abonyo, EGH for the great loss. As the National Assembly, we assure the families of our support during this period of great sorrow.

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

I thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table -

- (i) The Report of the Auditor-General on the Financial Statement in respect of Kenya Forest Service for the year ended 30th June, 2017.
- (ii) The Report of the Auditor-General and the Revenue Statements of State Department of Mining for the year ended 30th June, 2018.
- (iii) The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein: -
 - a) Government Clearing Agency;
 - b) National Communications Secretariat;
 - c) Nyeri National Polytechnic;
 - d) National Youth Service Mechanical and Transport Fund (MTF);
 - e) Kenyatta International Convention Centre;
 - f) Anti- FGM Board;
 - g) Relief and Rehabilitation Cash Transfers Fund;
 - h) Uwezo Fund;
 - i) Chemilil Sugar Company Limited;
 - j) Kibo Seed Company Limited;
 - k) Moi Teaching and Referral Hospital;
 - l) Kenya Institute of Mass Communication;
 - m) Simlaw Seeds Company (U) Limited; and
 - n) Tourism Finance Corporation.
- (iv) The Reports of the Auditor-General and the Financial Statements in respect of the following constituencies for the year ended 30th June, 2018 and the certificates therein: -
 - a) Kigumo;
 - b) Mwea;
 - c) Kandara; and
 - d) Limuru.

(The Leader of the Majority Party)

- (v) Report of the Committee on Delegated Legislation on its consideration of: -
 - a) The Public Finance Management (Biashara Kenya Fund) Regulations, 2019 (Legal Notice No. 78 of 2019);
 - b) The Public Finance Management (Uwezo Fund) (Revocation) Regulations, 2019 (Legal Notice No. 79 of 2019);
 - c) The Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019 (Legal Notice No. 80 of 2019); and
 - d) The Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations, 2019 (Legal Notice No. 81 of 2019).

(Chairperson, Committee on Delegated Legislation)

- (vi) Report of the Departmental Committee on Finance and National Planning on its consideration of the Statistics (Amendment) Bill, 2019

(Chairperson, Departmental Committee on Finance & National Planning)

6. **NOTICES OF MOTION**

The following Notices of Motion were given:-

(i) **Notice of Motion -The Report of the Committee on Delegated Legislation on its consideration of four statutory instruments**

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Biashara Kenya Fund) Regulations, 2019 (Legal Notice No. 78 of 2019); the Public Finance Management (Uwezo Fund) (Revocation) Regulations, 2019 (Legal Notice No. 79 of 2019); the Public Finance Management (Women Enterprise Fund) (Revocation) Regulations, 2019 (Legal Notice No. 80 of 2019); and the Public Finance Management (Youth Enterprise Development Fund) (Revocation) Regulations, 2019 (Legal Notice No. 81 of 2019), *laid on the Table of the House on Tuesday, 30th July 2019*, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b), **annuls in entirety** the said regulations.

(Chairperson, Committee on Delegated Legislation)

(ii)Adjournment Of The House To Discuss A Definite Matter Of Urgent National Importance Regarding Rising Cases Of Cattle Rustling

Rising in his place on a Point of Order, the Member for Turkana East (Hon. Mohammed Lokiru) claimed to move a Motion for adjournment of the House pursuant to Standing Order 33 in order to discuss a definite matter of urgent national importance regarding the rising cases of cattle rustling in the country;

And the Speaker acceding to the claim;

And there being sufficient number of Members rising in their places in support of the claim;

Thereupon the Speaker directed that the Motion be moved at 6.00 p.m. today.

7. **QUESTIONS**

The following Questions were asked –

- (i) Question No.192/2019 by the Member for Nakuru Town East (Hon. David Gikaria) regarding remission of healthcare funds for the elderly persons for NHIF;

(To be replied by the Cabinet Secretary for Health before the Departmental Committee on Health)

- (ii) Question No.325/2019 by the Nominated Member (Hon. David Sankok) regarding requirements for issuance of a Road Service License (RSL) formerly TLB;

(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.346/2019 by the Member for Kitui West (Hon. Edith Nyenze) regarding location of all electrification projects undertaken by Rural Electrification Authority in the constituency;

(To be replied by the Cabinet Secretary for Energy before the Departmental Committee on Energy)

- (iv) Question No.347/2019 by the Member for Nyaribari Masaba (Hon. Ezekiel Ombaki) regarding construction of Keroka Technical Institute Riatirimba campus;

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

- (v) Question No.348/2019 by the Member for Laikipia North (Hon. Sarah Korere) regarding the status of the construction and rehabilitation of the Doldol-Nanyuki road (C51);

(To be replied by the Cabinet Secretary for Transport, Public Works, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)

8. **MOTION - RATIFICATION OF THE AGREEMENT FOR THE SETTING UP OF A REGIONAL MARITIME INFORMATION EXCHANGE AND SHARING MECHANISM AND THE CO-ORDINATION OF OPERATIONS AT SEA**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean, laid on the Table of the House on Wednesday, June 26, 2019, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean.

(Chairperson, Departmental Committee on Defence & Foreign Relations -24.7.2019)

Debate on the Motion having been concluded on Thursday, July 25, 2019;

Question put and agreed to.

9. **MOTION - SESSIONAL PAPER NO.2 OF 2018 ON THE NATIONAL ETHICS AND ANTI-CORRUPTION POLICY**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Justice and Legal Affairs on Sessional Paper No.2 of 2018 on the National Ethics and Anti-Corruption Policy, laid on the Table of the House on Wednesday, June 26, 2019 and **further adopts** the Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy.

(Chairperson, Departmental Committee on Justice and Legal Affairs – 25.07.2019)

Debate on the Motion having been concluded on Thursday, July 25, 2019;

Question put and agreed to.

10. **THE COUNTY ROADS, WALKWAYS AND PARKING BAYS BILL (SENATE BILL NO.18 OF 2018)**

(Chairperson, Departmental Committee on Transport, Public Works & Housing)

Order for First Reading read;

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

11. **THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO.19 OF 2018)**
(Chairperson, Departmental Committee on Trade, Industry & Cooperatives)
- Order for First Reading read;
- Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).
12. **THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILL NO. 25 OF 2018)**
(Chairperson, Departmental Committee on Justice & Legal Affairs)
- Order for First Reading read;
- Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).
13. **THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILL NO. 34 OF 2018)**
(Chairperson, National Government Constituencies Development Fund Committee – *subject to Standing Order 127(6(a))*)
- Order for First Reading read;
- Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).
14. **THE DIVISION OF REVENUE BILL (SENATE BILL NO. 13 OF 2019)**
(Chairperson, Budget & Appropriations Committee)
- Order for First Reading read;
- Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).
15. **MOTION – APPOINTMENT OF ACCOUNTANT TO AUDIT THE ACCOUNTS OF THE OFFICE OF THE AUDITOR-GENERAL**
- Motion made and Question proposed –
- THAT**, this House **adopts** the Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor-General, *laid on the Table of the House on Thursday, July 25, 2019*, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act (No. 35 of 2015), **appoints** M/s. PKF Kenya to audit the accounts of the Office of the Auditor-General for the financial years 2014/15, 2015/16, 2016/17 and 2017/18.
- (Chairperson, Public Accounts Committee)*
- Debate arising;
- [Change of Chair from the Honourable Speaker to the First Chairperson (Hon. Soipan Tuyu)];

[Change of Chair from Hon. Soipan Tuya to Fourth Chairperson (Hon. Christopher Omulele)]

The Member for Muhoroni (Hon. James Onyango Oyoo) rose on a Point of Order under Standing Order 95 and sought to claim that the Mover be Called Upon to Reply;

The Chair acceded to the Request;

Question that the Mover be Called Upon to Reply put and agreed to;

Mover Replied;

Question on the Motion deferred to another day.

16. **ADJOURNMENT MOTION PURSUANT TO STANDING ORDER 33(1)**

Pursuant to the Standing Order No. 33(1), the Fourth Chairperson interrupted business of the House to allow Members to discuss Adjournment Motion by Hon. Mohammed Lokiru Ali regarding insecurity caused by rising cases of cattle rustling in the country.

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

17. **HOUSE ROSE** - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, July 31, 2019 at 9.30 a.m.

----x---