



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 18, 2021

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **PETITION**

The Speaker conveyed the following Petition –

Violation of the right to relevant education and training by Egerton University

Honourable Members, Standing Order 225(2) (b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, **Honourable Members**, I wish to report to the House that my office has received a Petition, signed by Messrs David Okoti Olumasai of National Identification Number 31297235; Ian Nyaga Gicobi of National Identification Number 32416254 and Elvin Onyango Mangeni of National Identification Number 32744119 regarding Violation of the right to relevant education and training by Egerton University.

Honourable Members, the Petitioners recount that, in 2014, Egerton University enrolled them to pursue Bachelor of Science (Water and Environmental Engineering), which they successfully completed and graduated in 2019. However, in the course of undertaking the course, the Petitioners learnt that the programme had not been approved and accredited by Engineers Board of Kenya as required under section 7(1)(l) of the Engineers Act, 2011.

The Petitioners aver that upon learning of the foregoing, they severally engaged the University between 2014 and 2019 to have the programme approved and accredited before graduation. In the first instance, the University management undertook to have the programme accredited by end of 2015, which the petitioners claimed it never happened. The petitioners would later be assured in 2016 that the Engineers Board of Kenya would carry out an accreditation inspection that would culminate in accreditation of the programme at the University.

Honourable Members, the petitioners claim that the inspection never took place and instead, in 2018, Egerton University management informed the petitioners that it had signed a memorandum of understanding with Masinde Muliro University of Science and Technology (MMUST) to enable the petitioners to use engineering facilities at MMUST, which is accredited to offer the programme. Further, the petitioners were required to undertake eight (8) remedial units so as to upgrade from the unaccredited programme to the accredited Bachelor of Science (Civil and Environmental Engineering) as recommended by the Engineering Board of Kenya.

Honourable Members, the petitioners are concerned that their efforts to have Egerton University management to facilitate them to upgrade to the accredited programme in partnership with MMUST as recommended by the Engineers Board of Kenya never bore any fruit, leading to their graduation with in 2019 with an unaccredited degree. Consequently, the petitioners have suffered the fate of being ineligible for registration as engineers and cannot therefore be employed to offer engineering professional services or work given that Section 49 of the Engineers Act prohibits persons not registered with the Engineers Board of Kenya from practicing as engineers. Further, the petitioners cannot engage in private professional engineering practice since Section 50 of the Act provides that *“a person who is not registered as a professional engineer or firm shall not be entitled to submit engineering plans, surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Kenya”*.

In view of the foregoing, the petitioners are aggrieved that the inaction by the Egerton University that led to them graduating with unaccredited degree certificates rendered them ineligible for registration as professional engineers and has fatally jeopardized their right to relevant education and training as well as access to employment under Article 55 of the Constitution.

Honourable Members, the petitioners therefore pray that the National Assembly, through the Departmental Committee on Education and Research –

- (1) intervenes to ensure the management of Egerton University to immediately facilitate the petitioners to undertake the eight (8) remedial units necessary for them to upgrade from Bachelor of Science (Water and Environmental Engineering) degree, which is not accredited, to the accredited Bachelor of Science (Civil and Environmental Engineering) degree at no cost;

- (2) inquires into the circumstances under which the university continued to offer an unaccredited degree in Bachelor of Science (Water and Environmental Engineering) with a view to recommending immediate cessation of enrolment of students to the programme; and,
- (3) makes any other recommendations the Committee may deem fit in addressing the plight of the petitioners.

Honourable Members, having determined that the matters raised by the petitioners are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this Petition be committed to the Departmental Committee on Education and Research. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

I thank you!

Petition referred to the Departmental Committee on Education and Research pursuant to Standing Order 227(2).

5. **PAPERS LAID**

The following Papers were laid on the Table –

- i) The Fourth Quarterly Economic and Budgetary Review Report for the Financial Year 2020/2021 from the National Treasury;
- ii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein: -
 - a) Bomet University College;
 - b) Rongo University; and
 - c) Postal Corporation of Kenya.
- iii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein: -
 - a) Alupe University College; and
 - b) Information and communication Technology Authority.

(The Leader of the Majority Party)

- iv) Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Public Participation Bill (National Assembly Bill No. 71 of 2019).

(Hon. Wambugu Munene on behalf of the Chairperson, Departmental Committee on Justice and Legal Affairs)

- v) Reports of the Departmental Committee on Transport, Public Works and Housing on its consideration of: -
 - (a) The Landlord and Tenant Bill National Assembly Bill No. 3 of 2021); and

- (b) Ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America.

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

6. **NOTICES OF MOTION**

The following Notices were given -

- (i) **THAT**, pursuant to the provisions of Section 43(4) of National Government Constituencies Development Fund Act, 2015 and paragraphs 5(2) and 10 of the National Government Constituencies Development Fund Regulations 2016, this House **approves** the list of nominees for appointment to the following two Constituencies Committees of the National Government Constituencies Development Fund *laid on the table of the House on Tuesday, August 3, 2021:*

- i. Nambale Constituency
- ii. Sirisia Constituency; and
- iii. Bonchari Constituency.

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

- (ii) **THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration for ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America, *laid on the Table of the House on Wednesday, August 18, 2021*, and pursuant to the provisions of sections 7 and 8 of the Treaty Making and Ratification Act, 2012 **approves** ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America.

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

- (iii) **THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Draft Elections Campaign Financing Regulations submitted by the Independent Elections and Boundaries Commission on 5th August 2021 *laid on the Table of the House on Tuesday, August 17, 2021* and pursuant to the provisions of Article 10, 118 and 259 of the Constitution, the interpretations and General Provisions Act (Cap. 2), sections 5, 12, 18, 19 and 29(2) of the Electoral Campaign Finance Act, 2013 and the Section 18 of the Statutory Instruments Act, 2013 -

- (a) **annuls** entirely *Contributions and Spending limits for Political Parties and Candidates for the purposes of the General Election to be held on 9th August, 2022* published as Gazette Notice No. 8024 of 9th August 2021; and,

- (b) **rejects** the Draft Election Campaign Financing Regulations as submitted by the Independent Elections and Boundaries Commission on 5th August 2021
(Vice-Chairperson, Committee on Delegated Legislation)

7. **QUESTIONS**

The following Questions were asked –

- (i) Question 327/2021 by the Member for Kibra (Hon. Benard Okoth) regarding status of the ongoing construction of Ngong Road-Kungu Karumba-Langat Link Road;

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

- (ii) Question 332/2021 by the Member for Ijara (Hon. Sophia Noor) regarding steps being taken to address frequent community conflicts in arid and semi-arid regions

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iii) Question 334/2021 by the Member for Embakasi West (Hon. George Theuri) regarding delays in the allocation of stalls in the *New Wakulima Market* along Kangundo road;

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

- (iv) Question 338/2021 by the Member for Baringo Central (Hon. Joshua Kandie) regarding measures to ensure maximum utilization of Eldoret International Airport for both passengers and cargo;

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

- (v) Question 339/2021 by the Member for Samburu North (Hon. Alois Lentoimaga) regarding status of investigations into the recent invasion and raids by heavily armed bandits in Samburu North constituency;

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (vi) Question 341/2021 by the Member for Githunguri (Hon. Gabriel Kago) regarding delay in upgrading of the 15km Nyaga-Kiambururu-Kamuchege road in Githunguri constituency;

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

- (vii) Question 342/2021 by the Member for Bomet Central (Hon. Ronald Tonui) regarding status of the construction of the Bosta Dam;

(To be replied to by the Cabinet Secretary for Water, Irrigation and Sanitation before the Departmental Committee on Environment and Natural Resources)

- (viii) Question 347/2021 by the Member for Suba South (Hon. John Madi) regarding circumstances leading to the killing of one Michael Ohara Simon at Gate Way Beach;

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

The following questions were dropped:-

- (i) Question 340/2021 by the Member for Magarini (Hon. Michael Kingi) regarding construction of Waresa Technical Training College;

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

- (ii) Question 343/2021 by the Member for Dagoretti North (Hon. Simba Arati) regarding ownership details of parcels of land occupied by Kilimani, Milimani and Kileleshwa primary schools;

(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

8. **POINT OF ORDER PURSUANT TO STANDING ORDER NO. 83**

The Member for Embakasi Central (Hon. Benjamin Gathiru Mwangi) stood in his place and raised a point of order pursuant to S.O. No. 83 alleging conflict of interest relating to the Chairperson of the Committee on National Cohesion and Equal Opportunity.

The Speaker directed that the matter be raised before the Committee for consideration or in writing to the Committee on Powers and Privileges.

9. **PROCEDURAL MOTION - CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE RECESS PERIOD**

Motion made and Question proposed -

THAT, notwithstanding the provisions of Standing Orders 120, 122 and 126 relating to *Publication, Procedure upon Publication and First Reading of Bills* and Standing Order 210(2) relating to *Tabling of Statutory Instruments*, this House orders that during the period of the August Long Recess (20th August to 20th September, 2021) -

- (i) **should a Bill be published** during the said period, or a published Bill become due for First Reading during the period, the Speaker shall, upon lapse of at least seven days following the publication of the Bill, the fulfillment of the provisions of Article 110(3)

of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) and upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;

- (ii) **should any statutory instrument be transmitted** for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House during its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013);
- (iii) **should any Paper be transmitted** for tabling before the House during the period, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant Committee for consideration and cause the Paper to be tabled in the House during its next Sitting; and,
- (iv) upon the submission and approval of the Reports of the relevant Committees on the ***Vetting of nominees for appointment to the Independent Electoral and Boundaries Commission and the Vetting of nominees for appointment to the Teachers Service Commission***, the Speaker shall forthwith cause the Reports to be circulated to all Members (in electronic form) ahead of any Specialittings of the House convened pursuant to the provisions of Standing Order 29 to consider the said business so as to accord Members time to apprise themselves with the contents of the reports.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FOREIGN SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2021)**

Motion made and Question proposed -

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Foreign Service Bill (National Assembly Bill No. 8 of 2021).

(Chairperson, Departmental Committee on Defence & Foreign Relations)

Question put and agreed to.

Motion made and Question proposed -

THAT, the Foreign Service Bill (National Assembly Bill No.8 of 2021) be now read a Third Time

(The Leader of the Majority Party)

Question put and agreed to;

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

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No.21 of 2021)

Order deferred to another day.

10. **THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Irrigation (Amendment) (National Assembly Bill No.12 of 2021)

(The Leader of the Majority Party – 17.08.2021)

Debate interrupted on Tuesday, August 17, 2021 resumed;

(Change of Chair from the Hon. Speaker to the First Chairperson)

Mover replied;

Question deferred to another day.

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

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

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, August 19, 2021 at 2.30 p.m.

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