



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - SIXTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 09, 2022

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

The following Papers were laid on the Table –

- (i) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein: -
 - a) Multinational Lake Victoria Maritime Communications and Transportation Project - Kenya maritime Authority;
 - b) Health Sector Support Project-Swap Secretariat – Ministry of Health;
 - c) Northern Corridor Transport Improvement Project;
 - d) National Urban Transport Improvement Project;
 - e) Support of the Health Financing Strategy Output Based Approach Programme – Ministry of Health;
 - f) East Africa Public Health Laboratory Networking Project – Kenya Medical Supplies Authority;
 - g) Green Zones Development Support Project Phase II – Kenya Forest Service;
 - h) Kenya Industry and Entrepreneurship Project;
 - i) Kenya Health Sector Support Project;
 - j) Kenya Petroleum Technical Assistance Project – State Department of Petroleum;
 - k) Kenya Off-Grid Solar Access Project for underserved Counties - Ministry of Energy and SNV Netherlands Development Organization;
 - l) Intelligence Service Development Fund;
 - m) The 220KV and 132KV Transmission Projects - Kenya Electricity Transmission Company Limited;
 - n) Nairobi Ring Transmission Line Project - Kenya Electricity Transmission Company Limited;
 - o) Kenya Electricity Expansion Project - Rural Electrification and Renewable Energy Corporation;

- p) Kenya Electricity Modernization Project - Rural Electrification and Renewable Energy Corporation;
 - q) Kenya Electricity Modernization Project - Ministry of Energy;
 - r) Last Mile Connectivity Project - Kenya Power and Lighting Company PLC;
 - s) Kenya Off-Grid Solar Access Project for Underserved Counties - Rural Electrification and Renewable Energy Corporation;
 - t) Kenya Development of Solar Power plant in Garissa Project – Rural Electrification and Renewable Energy Corporation;
 - u) East Africa’s Centre of Excellence for Skills and Tertiary education in Biomedical Sciences Phase I – Ministry of Health;
 - v) Kenya Health Sector Programme Support III – county Government of Kisii;
 - w) Kenya Marine Fisheries and Social-Economic Development Project -Ministry of Agriculture, Livestock, Fisheries and Cooperatives;
 - x) Kenya Maritime Smart Agriculture Project – Department for Crop Development and Agricultural Research;
 - y) Roads 2000 Phase Two – Kenya Rural Roads Authority;
 - z) Kenya health Sector Support Project – Health Sector Services Fund – Ministry of Health;
 - aa) Kenya Informal Settlement Improvement Project – State Department of Housing and Urban Development;
 - bb) Upgrading of Kibwezi-Motomo-Kitui Road Project - Kenya National Highways Authority;
 - cc) Support to road Sector Policy 10th EDF Rural Roads Rehabilitation Project – Kenya rural Road’s Authority;
 - dd) EPC/TURNKEY Construction of Five-Foot Bridges and T-Mall Flyover in Mombasa and Langata Roads Project - Kenya National Highways Authority;
 - ee) Mombasa Gate Bridge Construction Project - Kenya National Highways Authority;
 - ff) Bagamoyo-Horohoro-Lungalunga-Malindi Road Project - Kenya National Highways Authority;
 - gg) Horn of Africa Gateway Development Project – Kenya National Highways Authority;
 - hh) Kapchorwa-Suam-Kitale and Eldoret Roads Project - Kenya National Highways Authority;
 - ii) National Urban Transport Improvement Project – Kenya Railways Corporation;
 - jj) Nairobi Sanitation Output Based Aid Project – Nairobi Water and Sewerage Company Limited;
 - kk) Kenya Transport Sector Support Project – State Department for Infrastructure;
 - ll) Global Fund HIV/AIDS Program – Ministry of Health; and
 - mm) Judicial Performance Improvement Project.
- (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) Okame Technical and Vocational College;

- b) Kisiwa Technical Training Institute;
- c) Sikri Technical and Vocational College for the Blind and Deaf;
- d) Sang'alo Institute of Science and Technology;
- e) North Eastern National Polytechnic;
- f) Musakasa Technical Training Institute;
- g) Kenya Forest Service;
- h) Ugenya Technical and Vocational College;
- i) Ramogi Institute of Advanced Technology;
- j) Mawego Technical Training Institute;
- k) Export Promotion Council;
- l) Brand Kenya Board;
- m) Kenya Plant Inspectorate Service; and
- n) Veterinary Medicines Directorate.

(The Leader of the Majority Party)

- (iii) Report of the Departmental Committee on Finance and National Planning on the recruitment of the National Assembly Nominee to serve in the Equalization Fund Advisory Board.

(The Hon. Mboni Mwalika, MP) – Member of the Departmental Committee on Finance & National Planning)

- (iv) Report on the consideration of the National Constituencies Development Fund (Amendment) Bill (National Assembly Bill No. 34 of 2021); and
- (v) Report on the Status of Project Proposals, Approvals, Disbursements and Restrictions imposed on Constituencies Accounts for the First Quarter of the FY2021/2022.

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

5. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) **THAT**, this House adopts the Report of the Select Committee on the National Government Constituencies Development Fund on stalled and/or incomplete projects initiated through the National Government Constituencies Development Fund, but falling under the county government functions laid on the table of the House on Tuesday, 17th August 2021.

(Chairperson, Committee on National Government Constituencies Development Fund)

- (ii) **THAT**, taking into consideration the Report of the Departmental Committee on Finance and National Planning on the Recruitment of the National Assembly Nominee to serve in the Equalisation Fund Board, laid on the Table of the House on Wednesday, 9th February 2022 and pursuant to the provisions of Article 204 of the Constitution and Paragraph 4(1)(d) of the Public Finance Management (Equalisation Fund Administration) Regulations, 2021; this House approves the nomination of Mr. Abdullahi Adan Khalif for the appointment as the National Assembly nominee to

the Equalisation Fund Board in accordance with Paragraph 4(1)(d) of the Public Finance Management (Equalisation Fund Administration) Regulations, 2021.

(The Hon. Mboni Mwalika, MP – Member of the Departmental Committee on Finance and National Planning)

6. **QUESTIONS**

The following Questions were asked –

- (a) Question No. 027/2022** by the Nominated Member (Hon. Wilson Sossion, MP) to the Cabinet Secretary for National Treasury and Planning regarding the status on payment of pension to Ms. Doris Akumu Okello a beneficiary and next of kin of the late Mr. Ayub Okello Kitaga, Personal No. 295264 who served as a teacher under Teachers Service Commission.

(To be replied to by the Cabinet Secretary for National Treasury and Planning before the Departmental Committee on Finance and National Planning)

- (b) Question No. 028/2022** by the Member for Magarini (Hon. Michael Kingi, MP) to the Cabinet Secretary for Education regarding status of registration of all public primary and secondary schools in Magarini Constituency.

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

- (c) Question No. 029/2022** by the Nominated Member (Hon. David Ole Sankok, MP) to the Cabinet Secretary for Lands and Physical Planning regarding the current ownership status of the 98,000 acres Kedong ranch in Nakuru County hived off from Narok County?

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

- (d) Question No. 030/2022** the Member for Kibra (Hon. Benard Okoth, MP) to the Cabinet Secretary for Interior and Coordination of National Government regarding the circumstances surrounding the abduction and subsequent killing of the late Cynthia Makokha, a form 4 student at Kibra Girls Soccer Academy in Kibra 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)

7. **THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2021)**

Motion having been made and Question proposed –

THAT, the Copyright (Amendment) Bill (National Assembly Bill No.44 of 2021) be now read a Second Time;

(Chairperson, Departmental Committee on Finance and National Planning)

Debate having been concluded;

Mover having replied;

Question put and agreed to;

Bill read a Second time and committed to the Committee of the whole House tomorrow.

8. SPECIAL MOTION – CONSIDERATION OF NOMINEE FOR APPOINTMENT TO THE OFFICE OF A MEMBER OF THE SALARIES AND REMUNERATION COMMISSION

Motion having been made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the vetting of nominee for appointment as a member of the Salaries and Remuneration Commission representing the National Police Service Commission, *laid on the Table of the House on Thursday, February 03, 2022* and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 7 of the Salaries and Remuneration Commission Act 2010 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Ms. Elizabeth Wangui Muchiri** as a member of the Salaries and Remuneration Commission to represent the National Police Service Commission in accordance with the provisions of Article 230(2)(b)(v) of the Constitution.

(Chairperson, Departmental Committee on Finance and National Planning)

Debate having been concluded;

Mover having replied;

Question put and agreed to.

9. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE INDUSTRIAL TRAINING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2019)

Motion having been made and Question proposed –

THAT, this House does agree with the Report of the Committee of the Whole House on its consideration of the Industrial Training (Amendment) Bill (National Assembly Bill No. 4 of 2019).

(The Hon. Jude Njomo)

Question put and agreed to.

Motion made and Question proposed –

THAT on its consideration of the Industrial Training (Amendment) Bill (National Assembly Bill No. 4 of 2019) be now read a Third Time;

(The Hon. Jude Njomo)

There being no debate arising;

Question put and agreed to.

Bill read a Third Time and passed.

10. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE EMPLOYMENT (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2019)

Motion having been made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Employment (Amendment) (No. 2) Bill (National Assembly Bill No. 79 of 2019).

(The Hon. Gideon Keter, MP)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Employment (Amendment) (No.2) Bill (National Assembly Bill No. 79 of 2019) be now read a Third Time.

There being no debate arising;

Question put and agreed to.

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

11. MOTION - APPOINTMENT OF MEMBERS TO THE COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Orders 175 and 212B (3), this House approves the appointment of the following Members to the Committee on Members' Services and Facilities:-

- (i) The Hon. Ezekiel Machogu Ombaki, M.P.
- (ii) The Hon. (Dr.) Swarup Manjan Mishra, M.P.
- (iii) The Hon. Samwel Moroto Chumel, M.P.
- (iv) The Hon. Rehema Hassan, M.P.
- (v) The Hon. Rigathi Gachagua, M.P.
- (vi) The Hon. Charity Kathambi Chepkwony, M.P.
- (vii) The Hon. Elisha Odhiambo, M.P.
- (viii) The Hon. Benard Otieno Okoth, M.P.
- (ix) The Hon. (Eng.) Nzambia Thuddeus Kithua, M.P.
- (x) The Hon. Christopher Wangaya Aseka, M.P.
- (xi) The Hon. John Walter Owino, M.P.
- (xii) The Hon. Elsie Muhanda, M.P.
- (xiii) The Hon. Generali Nixon Kiprotich Korir, M.P.
- (xiv) The Hon. Beatrice Nkatha Nyaga, M.P.
- (xv) The Hon. Kimani Ichung'wah, M.P.

(The Chairperson, Committee on Selection)

Debate arising;

Mover replied;

Question put and agreed to.

12. MOTION - APPOINTMENT OF MEMBERS TO THE COMMITTEE ON PARLIAMENTARY POWERS AND PRIVILEGES

Motion made and Question proposed –

THAT, pursuant to the provisions of section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175, this House approves the appointment of the following Members to the Committee of Parliamentary Powers and Privileges, in addition to the Member specified under section 15(1)(a)(i) of the said Act:-

- (i) The Hon. Josphat Kabinga Wachira, M.P.
- (ii) The Hon. Anthony Githiaka Kiai, M.P.
- (iii) The Hon. Vincent Kipkurui Tuwei, M.P.
- (iv) The Hon. Francis Chachu Ganya, M.P.
- (v) The Hon. Didmus Wekesa Barasa Mutua, M.P.
- (vi) The Hon. Gladwell Cheruiyot, M.P.
- (vii) The Hon. Andrew Mwadime, M.P.
- (viii) The Hon. Omar Mwinyi Shimbwa, M.P.
- (ix) The Hon. James Onyango Oyoo, M.P.
- (x) The Hon. Danson Mwashako Mwakuwona, M.P.
- (xi) The Hon. Oscar Kipchumba Sudi, M.P.
- (xii) The Hon. Johana Ng'eno, M.P.
- (xiii) The Hon. Wario Qalicha Gufu, M.P.

(The Chairperson, Committee on Selection)

Debate arising;

And several Members having concerns about compliance of the proposed membership with provisions of the Constitution and the Standing Orders;

Thereupon, the Speaker referred the Motion back to the Committee on Selection under the provisions of Standing Order No. 47(3) for reconsideration, taking into account the requirements of Standing Order No. 174(3)(b) (*Chairing of committees*) and Standing Order No.173 (*Gender*).

13. MOTION - FURTHER CHANGES TO THE MEMBERSHIP OF VARIOUS COMMITTEES

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 173 and further to the resolutions of the House of 5th December, 2017, 15th July, 2020, 11th February, 2021, 4th May, 2021 and 13th October, 2021 appointing Members into various Committees, this

House approves the appointment of the following Members to the respective Committees as specified hereunder–

- (i) The Hon. Adan Keynan Wehliye, M.P. to move from the Select Committee on National Cohesion & Equal Opportunity to the Departmental Committee on Defence & Foreign Relations;
- (ii) The Hon. Jeremiah Ng'ayu Kioni, M.P. to move from the Constitutional Implementation Oversight Committee to the Departmental Committee on Energy;
- (iii) The Hon. Khatib Abdallah Mwashetani, M.P. to move from the Departmental Committee on Lands to the Departmental Committee on Trade, Industry and Cooperatives;
- (iv) The Hon. Alois Musa Lentoimaga, M.P. to move from the Departmental Committee on Trade, Industry and Cooperatives to the Constitutional Implementation Oversight Committee;
- (v) The Hon. Ayub Savula, M.P. to move from the Departmental Committee on Trade, Industry and Cooperatives to the Select Committee on Regional Integration;
- (vi) The Hon. Abdikahim Osman Mohamed, M.P, to move from the Departmental Committee on Energy to the Departmental Committee on Agriculture & Livestock;
- (vii) The Hon. Gathoni Wamuchomba, M.P, to move from the Departmental Committee on Agriculture & Livestock to the Departmental Committee on Communication, Information and Innovation;
- (viii) The Hon. Katoo Ole Metito Judah, M.P. to be appointed a Member of the Departmental Committee on Agriculture & Livestock;
- (ix) The Hon. David Gikaria, M.P. to be appointed a Member of the Departmental Committee on Environment & Natural Resources;
- (x) The Hon. Japhet Kareke Mbiuki, M.P. to be appointed a Member of the Departmental Committee on Trade, Industry and Cooperatives;
- (xi) The Hon. William Kipkemoi Kisang, M.P. to be appointed a Member of the Departmental Committee on Lands;
- (xii) The Hon. Ali Wario, M.P. to be appointed a Member of the Departmental Committee on Energy; and,
- (xiii) The Hon. Johana Ngeno, M.P. to be appointed a Member of the Select Committee on National Cohesion and Equal Opportunity.

(The Chairperson, Committee on Selection)

Debate arising;

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

Mover replied;

Question put and agreed to.

14. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

Motion made and Question proposed –

THAT, the Health Laws (Amendment) Bill (National Assembly Bill No.2 of 2021) be now read a Second time.

(The Leader of the Majority Party – 08.02.2022)

Debate interrupted on Tuesday, February 8, 2022 resumed;

Mover replied;

Putting of the Question deferred pursuant to Standing Order 53(3).

15. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)

(The Leader of the Majority Party)

Order for Second Reading read;

Order deferred to another day.

16. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2021)

Motion made and Question proposed –

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021) be now read a Second time.

(The Leader of the Majority Party – 08.02.2022)

Debate arising;

Mover replied;

Order deferred to another day.

17. MOTION - OFFICIAL DOCUMENTING OF THE HISTORY OF THE NATIONAL ASSEMBLY

Motion made and Question proposed –

THAT, aware that the history of any institution is key to evaluating its development; **FURTHER AWARE** that documenting history provides a knowledge bank for future generations; **NOTING** that the history of the Parliament of Kenya is largely unrecorded, scattered and piecemeal; **FURTHER NOTING** that most comparable jurisdictions have elaborate records of their history which are periodically updated to capture new developments; **COGNISANT** of the fact that the Parliament of Kenya marks its 115th anniversary this year having been established as the Legislative Council (*LegCo*) in August 1907; **FURTHER COGNISANT** that the legislature has been transforming in the last century both in mandate and composition starting as a fused unicameral legislature, to a bicameral one at independence to a unicameral legislature before again reverting to a bicameral Parliament after the promulgation of the Constitution of Kenya 2010; **RECOGNISING** the many works of arts, including statues, frescoes, murals and pictures connected with the history of the Parliament of Kenya, including the contributions of great

mean and women, families, architects and politicians throughout the 114 years of the history of the institution, and its transformation and growth throughout the period;

NOW THEREFORE, in order to ensure the preservation of the history of the institution for future generations, **this House resolves –**

1. **THAT**, at an appropriate stage, the House appoints a Committee comprising of not more than nine (9) Members to oversee the preservation of these histories for posterity, with special focus on the National Assembly;
2. **THAT**, the copyrights of the *History of Parliament of Kenya* projects be reserved for the benefit of Parliament and the people of Kenya; and,
3. **THAT**, the Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualize this Resolution.

(The Leader of the Majority Party)

Debate arising;

Mover replied;

Putting of the Question deferred to another day.

18. THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2020)

(The Chairperson, Departmental Committee on Environment and Natural Resources)

Order for Second Reading read;

Order deferred to another day.

19. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 28 OF 2020)

(The Chairperson, Departmental Committee on Health)

Order for Second Reading read;

Order deferred to another day.

20. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

Order for Second Reading read;

Order deferred to another day.

21. THE ADVOCATES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.438 OF 2021)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for Second Reading read;

Order deferred to another day.

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

22. HOUSE ROSE - at Forty-three Minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, February 10, 2022 at 2.30 p.m.

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