



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 07, 2021

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 Hon. Speaker conveyed the following Message from the Senate pursuant to Standing Order 42(5) –

Nomination of Persons for Appointment as Members of the Privatization Commission and the Competition Authority of Kenya

“Honourable Members,

Pursuant to the provisions of Standing Order 42(5) relating to *Messages received from a Cabinet Secretary*, I wish to convey to the House that I have received a Message from the Cabinet Secretary for the National Treasury and Planning regarding nomination of persons to fill vacancies in the Privatization Commission and the Board of the Competition Authority in accordance with the requirements of the law.

Honourable Members, With regard to the Privatization Commission, section 5 of the Privatization Act, (No.2 of 2015) provides as follows-

“(5)(1) The Commission shall comprise the following members—

(a) a chairman appointed by the President;

(b) the Attorney-General;

(c) the Permanent Secretary to the Treasury;

(d) seven members, not being public officers, appointed by the Minister through a competitive process and approved by the National Assembly, by virtue of their expertise in such matters as will ensure that the Commission achieves its objectives; and

(e) the Executive Director.

In this regard **Honourable Members** and in accordance with the requirement of the said law, the Cabinet Secretary for the National Treasury and Planning notifies that he has nominated the following persons for appointment to the Privatization Commission, to fill the existing six vacancies, subject to approval by the National Assembly-

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|---------------------------------|---|-------------|
| 1. Dr. Edward N. Kobuthi, PhD | - | Member; |
| 2. Ms. Irene Njeri Wanyoike | - | Member; |
| 3. Ms. Celine Anyango Orata | - | Member; |
| 4. Mr. Salah Adan Abdi | - | Member; |
| 5. Mr. CPA David J.O. Nyakang'o | - | Member; and |
| 6. Amb. Wellington Pakia Godo | - | Member. |

Hon. Members, with regard to the Competition Authority, section 10 of The Competition Act, (No. 12 of 2010) provides that-

(1) The Authority shall consist of the following members—

- (a) a chairperson appointed by the President;*
- (b) the Permanent Secretary in the Ministry for the time being responsible for finance or his representative;*
- (c) the Permanent Secretary in the Ministry for the time being responsible for trade or his representative;*
- (d) the Attorney-General or his representative;*
- (e) the Director-General appointed under section 12; and*
- (f) five other members appointed by the Minister from among persons experienced in competition and consumer welfare matters, one of whom shall be experienced in consumer welfare matters.***

(2) The persons proposed to be members of the Authority under subsection (1)(f) shall, before their appointment to the Authority, be vetted and approved by Parliament through the relevant Committee of Parliament.

In this regard **Honourable Members** and in accordance with the requirement of the said law, the Cabinet Secretary for the National Treasury and Planning notifies that he has nominated the following persons for appointment to the Board of the Competition Authority, to fill the **four vacancies**, subject to approval of the House-

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|--------------------------------|---|-------------|
| 1. Ms. Lena Munuve | - | Member; |
| 2. Ms. Alome K. Achayo | - | Member; |
| 3. Dr. David Wanyonyi Wanyama, | - | Member; and |
| 4. Mr. Abdi A. Mohamed | - | Member. |

Honourable Members, Standing Order 45(1) provides that, upon receipt of the notification of nomination for appointment, such nominations shall stand committed to the relevant Departmental Committee of the House for consideration.

Honourable Members, in this regard, I hereby refer the names of the nominees, including their curriculum vitae to the Departmental Committee on Finance and National Planning to undertake the necessary approval hearings. Thereafter, the House shall consider the proposed nominees in accordance with the provisions of the respective Acts of Parliament and the Public Appointments (Parliamentary Approval) Act, 2011.

Honourable Members, section 8(1) of the Act requires the National Assembly to either approve or reject the nominees **within twenty eight (28) days** from the date on which the notification of nomination was given. In view of the foregoing, I wish to guide the Committee and the House as follows-

- (i) **That,** the Committee should notify the nominees and the general public of the time and place for holding the approval hearings, in good time. The notification should therefore be made immediately; and,
- (ii) **That,** the Committee should thereafter commence the necessary approval hearings and submit its report to the House within the stipulated timelines to enable the House conclude the approval process within the timelines provided in law.

I thank you!

5. PETITIONS

(1)The Speaker reported to the House the following Petition pursuant to Standing Order 225(2)(b) –

Inclusion of National Prayer Day as a Public Holiday

“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 from Mr. Isaac Njuguna Ng’aru of P.O. Box 837 Nairobi calling for “inclusion of National Prayer Day as a public holiday.”

The Petitioner, who at the onset declares his strong belief in the power of prayer, applauds Members of Parliament for their commitment in holding the Annual Prayer Breakfast that brings together various leaders in seeking good tidings for the nation. However, the Petitioner is convinced that the rest of the citizenry seeks involvement in these prayers, and suggests the establishment of the National Prayer Day and its subsequent inclusion as a public holiday as the best avenue of involving the entire country in this national prayer undertaking.

The Petitioner, Honourable Members, is equally convinced that intercessions made during the proposed National Prayer Day as well as in other prayer occasions will go a long way in addressing recurring or ongoing challenges facing the nation such as the

Covid-19 pandemic, mysterious accidents, suicides, immoral behaviour, locusts invasion, and many others.

The Petitioner cites an event in 1997 during which H.E. the late President Daniel Toroitich arap Moi called the nation together for prayer at Uhuru Park in the face of persistent drought and starvation, and avers that the heavens opened and rain fell immediately after the prayers. He thus proposes for the holding of a week-long prayer week across the country on diverse national concerns which shall then culminate in the National Prayer Day.

Honourable Members, having determined that the matters raised by the Petitioner 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 Administration and National Security. The Committee is required to consider the petition and report its findings to the House and the petitioner in accordance with Standing Order 227(2).

I thank you!"

(2)The following Petitions were presented Pursuant to Standing Order 225(2)(a) -

- (a) Petition by the Member for Lunga Lunga Constituency (Hon. Khatib Mwashetani, M.P.) presented a Petition on behalf of residents of Wasini Island regarding an appeal for land adjudication in *Wasini* Island; and

(The Petition was referred to the Departmental Committee on Lands)

- (b) Petition by the Member for Alego Usonga Constituency (Hon. Atandi Onunga, M.P.) presented a Petition on behalf of residents of Wasini Island regarding Financial Support of the Central Bank of Kenya in the Matter of Spire Bank Limited under Sections 34 and 36 of the Central Bank OF Kenya Act.

(The Petition was referred to the Departmental Committee on Finance and National Planning)

6. PAPERS LAID

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

- (a) The Public Debt Management Report for the Financial Year 202/2021 from the National Treasury & Planning;
- (b) 2021 Budget Review and Outlook Paper for the Financial Year 2022/23 and the Medium -Term Budget from the National Treasury & Planning;
- (c) The National Government Budget Implementation Review Report for the Financial year 2020/2021 from the Office of the Controller of Budget;
- (d) Schedule of Additional Expenditures granted under Article 223 of the Constitution for the Financial Year 2021/2022 from the National Treasury and Planning;
- (e) Report of the Auditor-General and Financial Statements in respect of the Capital Markets Authority for the year ended 30th June, 2021 and the certificate therein;
- (f) Report of the Auditor-General and Financial Statements in respect of the Golf Hotel Limited for the year ended 30th June, 2019 and the certificate therein;

- (g) Report of the Auditor-General and Financial Statements in respect of the Rift Valley Water Works Development Agency for the year ended 30th June, 2019 and the certificate therein;
- (h) Report of the Auditor-General and Financial Statements in respect of the Kisii National Polytechnic for the year ended 30th June, 2019 and the certificate therein; and
- (i) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2019 and the certificates therein: -
- (i) Budalangi;
 - (ii) Bonchari;
 - (iii) Endebess;
 - (iv) Fafi;
 - (v) Embakasi Central;
 - (vi) Garissa Township;
 - (vii) Ikolomani;
 - (viii) Khwisero;
 - (ix) Mandera East;
 - (x) Navakholo;
 - (xi) Nambale;
 - (xii) Kilifi South;
 - (xiii) Wajir South;
 - (xiv) Tongaren; and
 - (xv) Thika Town

(The Leader of the Majority Party)

7. QUESTIONS

(a) The following Questions were asked -

- (i) Question No. 377/2021 by the Member for Marsabit County (Hon. Safia Sheikh Adan, MP) to the Cabinet Secretary for health the status of implementation of Universal Health Programme in the country and when the Government intends to fully implement the said programme across the country to enable all persons to access quality and affordable medical cover in view of COVID-19 Pandemic.

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

- (ii) Question No. 419/2021 Member for Kitui Rural Constituency (Hon. Mboni Mwalika, MP) to the Cabinet Secretary for the National Treasury and Planning seeking a list of firms registered to undertake betting and gaming activities; the impact or benefits of betting and gaming activities to the Kenyan economy; tax revenue generated from betting and gaming through broadcast media in Kenya, including the tax compliance status of all the registered betting and gaming firms and the details of cases of money laundering activities, if any, that have been undertaken through betting and gaming in the country and steps taken to monitor, arrest and prosecute the culprits.

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

- (iii) Question No. 420 of 2021 by the Nominated Member (Hon. Godfrey Osotsi, MP) to the Cabinet Secretary for Lands and Physical Planning on the ownership status of parcels of land within Mautuma Central Settlement Scheme in Lugari Sub-county, Kakamega County that were allocated as compensation to several landowners whose

land was compulsorily acquired by the Government in 2001 to create space for Vihiga District Headquarters (presently Vihiga County Headquarters), a confirmation of claims that certain landowners who were compensated settled back on their original land in Vihiga following challenges on occupying the settlement scheme; the status of ownership of LR No. South MAragoli/Bugonda/2097 within Mbale Town and the steps the Ministry was taking to assist the rightful owners of the above parcel land and the local community considering the challenges faced in settling on the land allocated by the Government within Mautuma Central Settlement Scheme.

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

- (iv) Question No. 422/2021 by the Member for Tigania East Constituency (Hon. Josphat Kabeabea, MP) to the Cabinet Secretary for Defence regarding the reasons why Kenya Defence Officers in the School of Artillery and 78 Tank battalion Garrison located in Isiolo and Meru Counties, respectively continued to harass residents of Tigania East Constituency despite a court order stopping such harassment and the steps taken to ensure peaceful co-existence between KDF Officers in the two Garrisons and the civilians?

(To be replied to by the Cabinet Secretary for Defence before the Departmental Committee on Defence and Foreign Relations)

- (b) The following Question was deferred –

Question No. 261 of 2021 by the Member for Wundanyi Constituency (Hon. Damson Mwashako) to the Cabinet Secretary for ICT, Innovation and Youth Affairs regarding names of firms which own telecommunication masts and installations at the *Vuria* Hill in Wundanyi Constituency; reasons why the road leading to the said installations has not been maintained; why the firms have failed to carry out Corporate Social responsibility (CSR) projects for the community; clarification whether environmental impact assessment on health and safety of the masts and equipment was undertaken and whether the Cabinet Secretary would consider involving the local community in employment of technicians at the said installations.

8. STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

The Member for Matungulu Constituency (Hon. Stephen Mule, MP) requested for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding disappearance and subsequent death of Abubakar Muli Nduva, a resident of Matungulu Constituency.

9. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, October 12, 2021.

10. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

Motion having been made and Question proposed;

THAT, the Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021 be now read a Second Time;

(The Chairperson, Departmental Committee on Finance and National Planning)

Debate on the 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.

11. MOTION - RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA

Motion having been made and Question proposed;

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 section 8(4) 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*.

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

Debate having been concluded;

Mover having replied;

Question put and agreed to.

12. MOTION – RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF OLDER PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

Motion having been made and Question proposed;

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Ratification of Protocols to the African Charter on Human and People’s Rights on the Rights of Older Persons and the Rights of Persons with Disabilities, laid on the Table of the House on Wednesday, September 22, 2021, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves –

(i) the Ratification of the Protocol to the African Charter on Human and People’s Rights on the Rights of Older Persons in Africa; and,

(ii) the Ratification of the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa.

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

Debate having been concluded;

Mover having replied;

Question put and agreed to.

13. MOTION - CONSIDERATION OF THE INCOME TAX EXEMPTION ON THE SEND-OFF PACKAGE PAYABLE TO EMPLOYEES OF THE KENYA AIRWAYS PLC

Motion made and Question proposed;

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Income Tax Exemption on the Send-off Package payable to employees of the Kenya Airways PLC, 2021, laid on the Table of the House on Wednesday, September 29, 2021, and pursuant to the provisions of section 13(3) of the Income Tax Act (Cap 470), approves the Income Tax Exemption on the Send-off Package payable to employees of the Kenya Airways PLC, 2021, published as *Legal Notice No. 115 of 2021*.

(The Chairperson, Committee on Delegated Legislation)

Debate arising;

Move replied;

Question put and agreed to.

14. MOTION – CONSIDERATION OF OUTSTANDING FUNDS PAYABLE TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BY THE NATIONAL TREASURY

Motion made and Question proposed;

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the outstanding funds payable to the National Government Constituencies Development Fund by the National Treasury, laid on the Table of the House on Wednesday, September 22, 2021.

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

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

There being no debate arising;

Mover replied;

Question put and agreed to.

15. MOTION - REPORT ON A PUBLIC PETITION REGARDING INSECURITY IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY

Motion having been made and Question proposed;

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition regarding insecurity in Saku Constituency and the larger Marsabit County, laid on the Table of the House on Wednesday, August 11, 2021.

(The Hon. Dido Rasso, MP)

Debate interrupted on Thursday, September 23, 2021 resumed;

Amendment proposed;

THAT, the Motion be amended by inserting the following after the figure “2021” –
“Subject to the following)

- (a) deletion of **Recommendation 2** appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;
- (b) deletion of the words **“including; Ambalo, Badan Rero, Elle Bor, Elle Dimtu and Kubi Qallo”** after the word ‘County’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;
- (c) deletion of Recommendation 8 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report and substitution with the following –

8. The Cabinet Secretary for Interior and Co-ordination of National Government, as a matter of urgency, ensures adequate National Police Service personnel are deployed to Marsabit and any existing gaps to be filled by Kenya Police Reservists in coordination and consultation with the National Police Service.

- (d) deletion of the words **“in Kosso Banchale, Salesa and Isacko Umuro”** after the words ‘displaced persons’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report;
- (e) insertion of the following **new Recommendations** under ‘Recommendations’ in Part 5 on page 92 of the Report –

17. The Cabinet Secretary for Lands and Physical Planning and the National Land Commission, as a matter of urgency, should address the disputes and clearly demarcate Administrative and Communal Boundaries in Marsabit County.

18. The Cabinet Secretary for Interior and Coordination of National Government should rationalize the creation of new sub-Counties in Marsabit County, and address the current imbalance across the four Constituencies, that is, Saku, Laisamis, North Horr and Moyale, as a matter of urgency.

19. The Cabinet Secretary for Interior and Coordination of National Government should facilitate the return of Kenyan refugees in Ethiopia.

20. A Commission of Inquiry should be established pursuant to the provisions of the Commissions of Inquiry Act (Cap.103) to comprehensively look into the perennial security problems of Marsabit County and come up with a lasting solution.

(The Hon. Diso Rasso, MP)

Question of the amendment proposed;

Debate on the motion as amended arising;

Mover called upon to reply;

Putting of the Question deferred;

Quorum bell rung.

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

16. **HOUSE ROSE** - Nine minutes to Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, October 12, 2021 at 2.30 p.m.

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