



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 21, 2023

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

The Speaker conveyed the following Communication from the Chair –

Election of the 6th Speaker of the East African Legislative Assembly (EALA)

“Honourable Members, the East African Legislative Assembly (EALA) is one of the organs of the East African Community and is established under Article 9 of the Treaty for the Establishment of the East African Community.

Honourable Members, you will recall that the Parliament of Kenya held the election of Kenya’s representatives to the East African Legislative Assembly on 17th November 2022 pursuant to Rule 15(1) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017. The Members were subsequently sworn in on 19th December 2022 during the inauguration of the 5th East African Legislative Assembly, whose term will terminate in December 2027.

Honourable Members, I have since received information that on 20th December 2022, the Members of the 5th EALA elected the Rt. Hon. Joseph Ntakirutimana from the Republic of Burundi as the 6th Speaker of the Assembly. Noting the critical role that the Assembly plays in the furtherance of the East African Community objectives, we look forward to working with the new leadership at EALA to ensure fulfilment of mutual goals within the region.

Honourable Members, allow me, on behalf of the National Assembly and indeed on my own behalf, to convey our congratulations to the Rt. Hon. Joseph Ntakirutimana on his election as the Speaker of the Assembly and wish him a successful term in office. I thank you!”

5. MESSAGES

The Deputy Speaker reported the following Message to the House –

Message from the President regarding Declaration of Vacancies in the Independent Electoral and Boundaries Commission (IEBC)

“Honourable Members, Pursuant to the provisions of Standing Order No. 42(1), I wish to report to the House that I have received a Message from His Excellency the President regarding the declaration of vacancies in the offices of Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC).

In the Message, His Excellency the President conveys that, following his assent to the Independent Electoral and Boundaries Commission (Amendment) Bill on 23rd January 2023, he has now formally declared vacancies in the aforementioned offices vide Kenya Gazette No. 1901 of 14th February 2023. This will kick-start the process for the recruitment of the Chairperson and Members of the IEBC.

Honourable Members, for clarity, section 2 of the Independent Electoral and Boundaries Commission (Amendment) Act, No. 1 of 2023 states as follows-

“2. The First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 is amended in paragraph 1 by deleting sub-paragraph (2) and substituting therefor the following new sub-paragraph—

(2) The selection panel shall consist of —

(a) one man and one woman, nominated by the Parliamentary Service Commission;

(b) one person nominated by the Public Service Commission;

(c) one person nominated by the Political Parties Liaison Committee;

(d) one person nominated by the Law Society of Kenya; and

(e) two persons nominated by the Interreligious Council of Kenya.”

Honourable Members, the President is therefore notifying the House and the relevant bodies which are required to submit members to constitute the Selection Panel as stipulated in the law.

In this regard, Honourable Members, the Parliamentary Service Commission has already commenced the process of identifying its two nominees to ensure the Panel is properly established as per the law. I thank you.”

6. PETITIONS

The Deputy Speaker reported the following Public Petition to the House-

Management of the Standard Gauge Railways (SGR) Services

“Honourable Members, Article 119 of the Constitution gives right to any person to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition, other than those presented by a member. In that regard, I wish to report to the House that I have received a Petition from Mr. Amos Nyasani concerning the management of the Standard Gauge Railway (SGR) services.

The Petitioner states that the Kenya Revenue Authority (KRA) and the Kenya Ports Authority (KPA) issued a joint directive in 2019 commencing clearing of transit cargo from Mombasa Port to the Naivasha Inland Container Depot (NICD) but later reverted to Mombasa in 2022.

Honourable Members, the Petitioner is concerned about the lack of clarity on how much the Kenya Railways Corporation (KRC) has made through both the passenger and freight services since its inception and whether it has broken even.

The Petitioner states that efforts to get answers on the matter through the Ministry of National Treasury and Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works and the Kenya Railways Corporation have not been forthcoming.

Honourable Members, the Petitioner therefore prays that the National Assembly interrogates the relevant state departments and Kenya Railways Corporation (KRC) on the annual statement of operations and revenue statements of the passenger and cargo trains since the commencement of the SGR services.

Honourable Members, having established that the matter raised in the Petition is well within the authority of this House, and that the matters raised in this Petition are not pending before any court of law, constitutional, or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2). I thank you.”

(The Petition was referred to the Public Petitions Committee pursuant to Standing Order 227)

7. PAPERS LAID

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

- (a) The Annual Report of the Parliamentary Service Commission for the Financial year 2021/2022;
- (b) Report of the Auditor-General and Financial Statements on Eldama Ravine Technical and Vocational College for eighteen (18) months period ended 30 June, 2020;

(c) 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: -

- (i) Kabianga Tea Farm Company Limited;
- (ii) University of Kabianga;
- (iii) Kisii University;
- (iv) Taita Taveta University;
- (v) Rongo University;
- (vi) Kamukunji Technical and Vocational College;
- (vii) Lodwar Technical and Vocational College;
- (viii) Tom Mboya University College;
- (ix) Kenya Utalii College;
- (x) Bukura Agricultural College;
- (xi) Coast Water Works Development Agency;
- (xii) National Mining Corporation;
- (xiii) Energy and Petroleum Regulatory Authority;
- (xiv) Ewaso Ng'iro South Development Authority;
- (xv) Kenya Pipeline Company Limited;
- (xvi) Koshin Technical Training Institute;
- (xvii) Musakasa Technical Training Institute;
- (xviii) Bumbe Technical Training Institute;
- (xix) Mawego Technical Training Institute;
- (xx) Sotik Technical Training Institute;
- (xxi) Sikri Technical and Vocational College for the blind and deaf;
- (xxii) Technical University of Mombasa;
- (xxiii) Kenya Ferry Services;
- (xxiv) Meru National Polytechnic; and
- (xxv) Nyandarua National Polytechnic.

(d) Reports of the Auditor-General and Financial Statements of NG-CDF in respect of the following Constituencies for the year ended 30th June, 2021 and the certificates therein: -

- (i) Kasipul;
- (ii) Baringo Central;
- (iii) Kabete;
- (iv) Kikuyu; and
- (v) Gatundu North.

(The Hon. Baya Yaa, Deputy Leader of the Majority Party)

(e) Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Services Expenditures for the Supplementary Estimates 1 of 2022/2023.

(The Hon. Shurie Abdi, Chairperson, Public Debt and Privatization Committee)

(f) Report of the Committee on Delegated Legislation on its consideration of the Crops (Coffee) (General) (Amendment) Regulations, 2022.

(The Hon. Samuel Chepkonga, Chairperson, Committee on Delegated Legislation)

8. NOTICE OF MOTION

The following Notice of Motion was given –

(a) Adoption of the Report of the Public Debt and Privatization Committee

THAT, this House adopts the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Services Expenditures for the Supplementary Estimates 1 of 2022/2023, laid on the Table of the House on Tuesday, 21st February 2023.

(The Hon. Shurie Abdi, Chairperson, Public Debt and Privatization Committee)

(b) Adoption of the Report of the Committee on Delegated Legislation

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Crops (Coffee) (General) (Amendment) Regulations, 2022, laid on the Table of the House on Tuesday, 21st February 2023.

(The Hon. Samuel Chepkonga, Chairperson, Committee on Delegated Legislation)

(c) Adjournment of the House on a definite matter of urgent national importance

THAT, pursuant to Standing Order 33(1), I seek leave for the adjournment of the House for purposes of discussing the ongoing challenges being faced in the implementation of the competency-based curriculum (CBC) within the education system.

(The Hon. Peter Kaluma)

And the Deputy Speaker having satisfied herself that the matter was definite, urgent and of national importance;

And at least twenty Members having risen in their places in support of the Motion for adjournment of the House;

The Deputy Speaker nominated Four O'clock as the time for moving the Motion.

9. QUESTIONS AND STATEMENTS

The following Statements were requested pursuant to Standing Order 44(2)(c) –

(a) Request for a Statement by the Member for Kabete Constituency (Hon. Githua Wamacukuru, MP) from the Chairperson of the Departmental Committee on Lands regarding compensation for compulsory acquisition of land for the construction of the Nairobi Western bypass.

(b) Request for a Statement by the Member for Kericho County (Hon. Beatrice Kemei, MP) regarding Sexual harassment of female workers in various Tea Estates in Kericho County.

10. **MOTION- GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND STANDING ORDERS**

Motion having been made and Question proposed -

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; Acknowledging that, actualization of the proposals which relate to, inter alia, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; Further acknowledging that, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the Departmental Committee on Justice and Legal Affairs with regard to proposals relating to the implementation of the Two-Thirds Gender principle and the establishment of the Office of the Leader of Official Opposition; The Joint Parliamentary Ad Hoc Committee with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and The Procedure & House Rules Committee with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; NOW THEREFORE, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House notes, considers and makes general comments on the proposals contained in the Memorandum by His Excellency the President.

(The Hon. Kimani Ichungw'ah, Leader of Majority Party - 15.02.2023 AM)

Debate interrupted on Thursday, February 16, 2023 (Afternoon Sitting) resumed;

(Change of Chair from Deputy Speaker to the First Chairperson of Committees)

And the time being Four O'clock, the First Chairperson of Committees interrupted proceedings to allow debate on a Motion for adjournment of the House on a definite matter of urgent national importance.

11. **MOTION- ADJOURNMENT ON A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE TO DISCUSS THE ONGOING CHALLENGES IN THE IMPLEMENTATION OF THE COMPETENCY-BASED CURRICULUM**

Motion made and Question proposed -

THAT, this House do now adjourn to discuss a Definite Matter of Urgent National Importance to Discuss the Ongoing Challenges in the Implementation of the Competency-Based Curriculum (CBC).

(Hon. Peter Kaluma, M P)

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

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

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, February 22, 2023 at 9.30 a.m.

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