(No. 41)



(256)

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 06, 2023

- **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 Hon. Deputy Speaker conveyed the following Communication from the Chair -

Resumption of Sittings for the Third Meeting of the Second Part of the Session and Priority Business

"Honourable Members, I wish to welcome you back from the long recess. I note that the recess turned out to be a working break for most Committees, given the intense time that had to invested in the consideration of Budget Estimates for the Financial Year 2023/2024, public participation on the Finances Bill, 2023 and other Bills, the vetting of nominees proposed for appointment to various state offices and other priority matters that were referred to committees before and during the just ended recess.

Nonetheless, Honourable Members, it is my hope that you managed to spend some valuable time with your families and constituents and are now rejuvenated to embark on transacting business during this Part of the Session.

Honourable Members, as I welcome you back, allow me to emphasize the need for the House to settle as soon as now, given the volume of business with statutory timelines either currently before the House or expected to be brought before the House. Some of the key business that will remain top priority in this month of June, 2023 include the consideration of Special Motions for approval of proposed appointments of various persons to the Judicial Service Commission, the Central Bank of Kenya and the National Intelligence Service. All budget-related business is also of priority, including the consideration of the Budget Estimates for the Financial Year 2023/2024 and the attendant Committee of Supply for the same, consideration of the Appropriation Bill, 2023, the Finance Bill, 2023 and the County Governments Additional Allocation of Revenue Bill, 2023, among other priority business.

Honourable Members, the 2010 constitutional dispensation shifted the budget-making responsibility from the Executive to the National Assembly. Nevertheless, the tradition where the Cabinet Secretary responsible for finance publicly pronounces the Budget Highlights and Revenue Raising Measures to the National Assembly Chamber, remains an essential ceremonial event in the budget cycle the East African Partner States.

In this regard, it is hereby notified that, in keeping with the requirements of the Public Finance Management Act, 2012 and Standing Order 244C, *Pronouncement of Budget highlights and revenue raising measures* provides that the Cabinet Secretary for the National Treasury and Planning will make the annual pronouncement of the Budget Highlights and Revenue Raising Measures for the National Government for the Financial Year 2023/2023 on Thursday, 15th June 2023 in the National Assembly Chamber.

Further, Honourable Members, the other key event during this Part of the Session is the National Prayer Breakfast. As you may already be aware, the date for the 20th National Prayer Breakfast was postponed to tomorrow, Wednesday 7th June 2023. The event will take place at the usual venue, the Safari park Hotel, starting at exactly 7.30 a.m. All guests are asked to be seated by 7.00 a.m.

Honourable Members, on the eve of the National Prayer Breakfast as is the tradition, a National Conversation on topical issues affecting the country has been organized. The Conversation commenced this afternoon and is currently underway at the Safari park Hotel, Nairobi and all Honourable Members are also invited to attend.

It is for this reason, Honourable Members, that the House Business Committee has approved the morning of the motion under Order No. 8 in today's Order Paper, asking the House to suspend the morning sittings of Wednesday, 7th June 2023. This is to avail to Members the opportunity to attend this important annual prayer event.

Honourable Members, timely consideration of the scheduled business before the House calls for the dedication of both the Leadership and the entire membership of this House. Therefore, as we embark on the performance of such important trusts bestowed on us by the people of Kenya, I urge the House to rise to the occasion, just as we have ably risen before, and deliver on legislative agenda for this Part of the Second Session.

Indeed, Honourable Members, you will note that, further to the directive of the House Business Committee, the Clerk of the National Assembly has restored the text motto of our Parliament in its place at the entrance of the Chamber of the House. The motto, which now reads, "For the Welfare of Society and the Just Government of the People" was temporarily removed during the refurbishment of the Chamber at the tail end of the 10th Parliament.

Indeed, Honourable Members, let me wish all of you success, individually as Members and collectively as a House throughout this Part of the Second Session. I thank you!

5. MESSAGE

The Speaker conveyed the following Messages to the House –

(i) Nomination of persons for appointment as Governor of the Central Bank of Kenya and Director-General of the National Intelligence Service

"Honourable Members, Standing Order 42(2) relating to Messages from the President provides that, "If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits."

Further, Honourable Members, you may recall that, on Wednesday, 15th February 2023, the House resolved that should the Speaker receive any Message from the President, National Executive or the Senate during recess, the Speaker shall forthwith refer the Message to the relevant Committee without recalling the House. The House resolved that whenever the Speaker invokes this Resolution, the Speaker shall report to the House upon resumption.

In this regard, Honourable Members, I wish to report to the House that during the May 2023 recess, I received two Messages from His Excellency the President regarding nomination of persons for appointment to various State offices.

In the first Message, His Excellency the President conveyed his nomination of Dr. Kamau Thugge, CBS, for appointment as Governor of the Central Bank of Kenya, following the recommendation of the Public Service Commission. In doing so, His Excellency the President invoked the provisions of Article 231(1) of the Constitution, section 13(1) of the Central Bank of Kenya Act (Cap. 491) and sections (3) and (5) of the Public Appointments (Parliamentary Approval) Act, 2011.

For clarity, Honourable Members, Article 231(1) of the Constitution establishes the Central Bank of Kenya while section 13(1) of the Central Bank of Kenya Act (Cap. 491) provides that, "there shall be a Governor who shall be appointed by the President through a transparent and competitive process and with the approval of the National Assembly".

In this regard, Honourable Members, and in keeping with the House Resolution, I referred the Message, together with the curriculum vitae and other relevant documentation of the nominee to the Departmental Committee on Finance and National Planning to undertake the approval hearing. I also directed the Clerk to transmit the Message to all Members of the National Assembly *vide* my Notification No. 002 of 16th May 2023.

Honourable Members, it is expected that the Committee has commenced approval hearings and should table its report on or before Wednesday, 7th June 2023 to enable the House to conclude the matter within the statutory timelines.

Honourable Members, the second Message from the President relates to the nomination of Mr. Noordin Haji, CBS, for appointment as the Director General of the National Intelligence Service. The Message conveys that pursuant to the provisions of Article 242 of the Constitution as read together with section 7(1) of the National Intelligence Service Act, 2012 and sections (3) and (5) of the Public Appointments (Parliamentary Approval) Act, 2011, the President nominated Mr. Noordin Haji, CBS, for appointment as the Director-General of the National Intelligence Service.

Honourable Members, Article 242 of the Constitution establishes the National Intelligence Service while section 7(1) of the National Intelligence Service Act, 2012

provides that "There shall be a Director-General of the Service who shall, with the approval of the National Assembly, be appointed by the President."

Honourable Members, in accordance with the said provisions, His Excellency the President now seeks the approval of the two nominees by this House.

Honourable Members, section 7(3) of the National Intelligence Service Act, 2012 states that –

"The National Assembly shall, <u>within fourteen days</u> after it first meets after receiving the names of the nominee,

- (a) consider the suitability of the nominee; and
- (b) either approve or reject the nominee for appointment."

Similarly, Honourable Members, in keeping with the House Resolution, I also referred the Message, together with the curriculum vitae and other relevant documentation of the nominee to the Departmental Committee on Defence, intelligence and Foreign Relations to undertake the approval hearing. I also directed the Clerk to transmit the Message to all Members of the National Assembly *vide* my Notification No. 003 of 19th June 2023.

The Departmental Committee on Defence, Intelligence and Foreign Relations is expected to expedite the approval process and table its report on or before Tuesday, 13th June 2023 to allow the House to consider the nominee within the prescribed statutory timelines.

Honourable Members, the House is accordingly guided."

(ii) Nomination of persons for appointment to the Salaries and Remuneration Commission and the Commission on Revenue Allocation

"Honourable Members, Pursuant to the provisions of Standing Order 42, I wish to convey the following two (2) Messages from His Excellency the President regarding nomination of persons for appointment as a member of the Salaries and Remuneration Commission (SRC) and Chairperson of the Commission on Revenue Allocation, respectively.

In the first Message, Honourable Members, His Excellency the President conveys that, in exercise of powers conferred on him by Article 230(2)(b)(i) of the Constitution as read together with Article 250(2)(c) of the Constitution and the Salaries and Remuneration Commission Act, 2011, the President nominates Dr. Phyllis Wambui Wagacha as a member of the Salaries and Remuneration Commission (SRC).

Honourable Members, the second Message from the President relates to the nomination of a person for appointment as Chairperson of the Commission on Revenue Allocation. The Message conveys that pursuant to Article 215(2)(a) of the Constitution and sections 3 and 5 of the Public Appointments (Parliamentary Approvals) Act (Act No. 33 of 2011), the President nominates CPA Mary A.C Wanyonyi as Chairperson of the Commission on Revenue Allocation.

Honourable Members, His Excellency the President now seeks the approval of the nominees by this House.

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

In this regard, pursuant to the provisions of Standing Order 45 and paragraph (3) of Standing Order 42 (Messages from the President), I hereby refer the Messages from H.E. the President, together with the Curricula Vitae, the report of the selection panel, and other testimonials of the nominees –

- (a) with regard to the Nominee for appointment as a member of the Salaries and Remuneration Commission to the Departmental Committee on Labour, and
- (b) with regard to the nominee for appointment as Chairperson of the Commission on Revenue Allocation to the Departmental Committee on Finance and National Planning.

Honourable Members, whereas the enabling Statutes, provide for fourteen (14) days within which the House is expected to consider such nominees, section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, requires the National Assembly to undertake the exercise within twenty-eight (28) days. In this regard, Honourable Members, the Committees are expected to immediately commence the approval processes and notify the nominees and the general public of the time and place for holding the approval hearings and thereafter, upon conclusion of the hearings, table their report by 27th June 2023 to enable the House to consider the business within the prescribed statutory timelines.

The House is accordingly guided. I thank you!"

(iii) Nomination of persons for appointment as Principal Secretaries

"Honourable Members, pursuant to the provisions of Standing Order 42, I wish to convey a Message from His Excellency the President regarding nomination of persons for appointment as Principal Secretaries.

In the Message, Honourable Members, His Excellency the President conveys that, in exercise of powers conferred on him by Article 132(2)(d) of the Constitution, as read together with sections 3 & 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates the following persons for appointment as Principal Secretaries —

- 1. Ms. Salome Wairimu Muhia-Beacco, State Department for Correctional Services, Ministry of Interior & National Administration; and
- 2. Ms. Anne Njoki Wang'ombe, State Department for Performance Management & Delivery Services, Office of the Prime Cabinet Secretary

Honourable Members, Article 132(2)(d) of the Constitution provides that—

"The President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss Principal Secretaries....";

In this regard, Honourable Members, His Excellency the President now seeks the approval of the said persons by the National Assembly.

Honourable Members, Standing Order 45(1) requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Departmental Committees for consideration.

In this regard and pursuant to the provisions of Standing Order 45 and paragraph (3) of Standing Order 42 (Messages from the President),

I hereby refer the Message from H.E. the President, together with the certificate of Presidential nominations, the *Curriculum Vitae* and other testimonials of the nominees to the respective Departmental Committees as follows—

- (1) With respect to Ms. Salome Wairimu-Beacco, the Departmental Committee on Justice and Legal Affairs; and
- (2) With respect to Ms. Anne Njoki Wang'ombe, the Departmental Committee on Administration and Internal Security.

Honourable Members, section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 requires the National Assembly to consider such nominations within twenty-eight (28) days.

In this regard, the Committees are expected to immediately commence the approval processes and notify the nominees and the general public of the time and place for holding the approval hearings. Thereafter, upon conclusion of the said hearings, table their respective reports on or before Wednesday, 28th June 2023 to enable the House consider the matter within the prescribed statutory timelines. I thank you!"

6. PAPERS LAID

The following Papers were laid on the Table -

- (a) Legal Notice No. 40 relating to the Excise Duty (Amendment) Regulations, 2023 and the Explanatory Memorandum from the National Treasury and Economic Planning;
- (b) Legal Notice No. 56 relating to the Universities Regulations, 2023 and the Explanatory Memorandum from the Ministry of Education
- (c) Legal Notice No. 57 relating to the Access to Information (General) Regulations, 2023 and the Explanatory Memorandum from the Ministry of Information, Communications and the Digital Economy;
- (d) Legal Notice No. 58 relating to the Public Finance Management (National Peace Support Operations Fund) Regulations, 2023 from the National Treasury and Economic Planning;
- (e) The Draft Public Finance Management Regulations and Public Participation Engagement Report on Amendments to the PFM Act, 2012 and its Attendant Regulations;
- (f) Report of the Special Groups (Youth Women and Persons with Disability) under the thirty percent (30%) preference & reservation scheme for the July December, 2022 from the Public Procurement Regulatory Authority;
- (g) Quarterly Report of the Economic and Budgetary Review for the Financial Year 2022/23 from the National Treasury and Economic Planning;
- (h) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022 and the certificates therein: -

- (i) Kenya Law Reform Commission;
- (ii) Office of the Data Protection Commissioner;
- (iii) Kipchabo Tea Factory;
- (iv) Kenya Dairy Board;
- (v) Orange Democratic Movement Party;
- (vi) Jubilee Party;
- (vii) Kenya Veterinary Vaccines Production Institute;
- (viii) Kenya National Library Service;
- (ix) New Kenya Co-Operative Creameries Limited;
- (x) New Kenya Planters Co-Operative Union (New KPCU);
- (xi) Communications Authority of Kenya Universal Service Fund;
- (xii) Kenya Leather Development Council;
- (xiii) Agricultural Development Corporation;
- (xiv) Technical and Vocational Education and Training Authority;
- (xv) Universities Fund;
- (xvi) National Environment Management Authority;
- (xvii) Kenya Medical Supplies Authority;
- (xviii) KAS FC Talanta;
- (xix) Kenya Universities and Colleges Central Placement Service;
- (xx) Kenya National Innovation Agency (KENIA);
- (xxi) National Museums of Kenya;
- (xxii) National Council for Persons with Disabilities (NCPWD);
- (xxiii) Kenya Film Commission;
- (xxiv)Assets Recovery Agency;
- (xxv) Communications Authority of Kenya; and
- (xxvi)Western Kenya Rice Mills Limited.

(The Hon. Owen Kimani Ichung'wah, MP –Leader of the Majority Party)

(i) Report of the Select Committee on Regional Integration on its visit to Semi-Autonomous Institutions of the East African Community in Arusha, Tanzania from 2nd to 8th April, 2023.

(The Hon. Wanjiku Muhia, MP – Chairperson, Committee on Regional Integration)

(j) Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its vetting of a nominee for appointment as a Director General of the National Intelligence Service.

(The Hon. Nelson Koech, MP – Chairperson, Committee on Defence, Intelligence and Foreign Relations)

(k) Report of the Departmental Committee on Finance and National Planning on vetting of a nominee for appointment as Governor of the Central Bank of Kenya.

(The Hon. Francis Kimani, MP – Chairperson, Departmental Committee on Finance and National Planning)

(1) Report of the Budget and Appropriations Committee on its consideration of the Estimates of Revenue and Expenditure for the FY 2023/2024 and Medium Term including a Compendium of Departmental Committee Reports on the Estimates of Revenue and Expenditure for the FY 2023/2024.

(The Hon. Ndindi Nyoro, MP – Chairperson, Budget and Appropriations Committee)

7. NOTICES OF MOTIONS

The following Notices of Motions were given –

(a) Report of the Select Committee on Regional Integration on its visit to Semi-Autonomous Institutions of the East African Community in Arusha, Tanzania

THAT, this House **adopts** the Report of the Select Committee on Regional Integration on its visit to Semi-Autonomous Institutions of the East African Community in Arusha, Tanzania from 2nd to 8th April 2023, *laid on the table of the House on Tuesday*, 6th June, 2023.

(The Hon. Wanjiku Muhia, MP – Chairperson, Committee on Regional Integration)

(b) Vetting of a nominee for appointment as a Director General of the National Intelligence Service

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the vetting of a nominee for the appointment as a Director-General of the National Intelligence Service, *laid on the Table of the House on Tuesday, 6th June 2023*, and pursuant to section 7(3)(b) of the National Intelligence Service Act, 2012, this House **approves** the appointment of **Mr. Noordin Mohammed Haji, CBS, OGW** as the Director-General of the National Intelligence Service.

The Hon. Nelson Koech, MP – Chairperson, Committee on Defence, Intelligence and Foreign Relations)

(c) Vetting of a nominee for appointment as Governor of the Central Bank of Kenya.

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the vetting of a nominee for the appointment as a Governor of the Central Bank of Kenya, *laid on the Table of the House on Tuesday, 6th June 2023*, and pursuant to section 13(1) of the Central Bank of Kenya Act (CAP 491) and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Dr. Kamau Thugge, CBS** as the Governor of the Central Bank of Kenya.

(The Hon. Francis Kimani, MP – Chairperson, Committee on Finance and National *Planning*)

(d) Consideration of the Estimates of Revenue and Expenditure for FY 2023/2024 and the Medium Term.

THAT, this House adopts the Report of the Budget and Appropriations Committee on Budget Estimates for the National Executive, the Judiciary and Parliament for the Financial Year 2023/2024, laid on the Table of the House on Tuesday, 6th June 2023 and pursuant to the provisions of Article 221 of the Constitution, section 39 of Public Finance Management Act, 2012 and Standing Order 239A –

- (a) Approves the issuance of a sum of Kshs. 2,308,410,784,957 from Consolidated Fund to meet expenditure during the year ending 30th June 2024 in respect to Votes contained in the First Schedule, subject to paragraph (c) (Committee of Supply);
- (b) Makes non-financial resolutions as contained in the Report;
- (c) Makes financial resolutions as contained in the Second Schedule; and
- (d) Orders that "The Speaker do now leave the Chair' to facilitate the consideration of the said Budget Estimates with respect to each Vote and

(e) Programme in the Committee of Supply as contemplated under Standing Order 240 (Consideration of Estimates in the Committee of Supply),

(The Hon. Ndindi Nyoro, MP – Chairperson, Budget and Appropriations Committee)

8. STATEMENT PURSUANT TO STANDING ORDER 44(2) (B)

Pursuant to the provisions of Standing Order 44(2)(b), the Chairperson, Committee on Regional Integration (Hon. Wanjiku Muhia, MP) made a General Statement regarding progress made with regard to consideration by the Committee of Experts the East Africa Community (EAC) on proposal for realizing the Political Confederation of the Community under the Political Pillar.

In the Statement, the Chairperson informed the House that the Committee on Regional Integration was coordinating collection of views of the National Assembly regarding the proposals and invited Members to submit their views through the Office off the Clerk.

9. PROCEDURAL MOTION - RESOLUTION TO SUSPEND A WEDNESDAY MORNING SITTING

Motion made and Question proposed -

THAT, pursuant to the provisions of Standing Order 28(4) (Calendar of the Assembly), this House resolves to suspend the Morning Sitting of Wednesday, 7th June 2023 at 9.30 a.m.

(The Hon. Owen Baya - Deputy Leader of the Majority Party)

Debate arising;

Question put and agreed to.

10. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2023)

(The Chairperson, Departmental Committee on Regional Development)

Order for First Reading read;

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

11. THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2023) (The Leader of the Majority Party)

Order for First Reading read;

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

12. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2023)

(The Leader of the Majority Party)

Order for First Reading read;

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

13. THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)

(The Leader of the Majority Party)

Order for First Reading read;

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

14. THE PRIVATISATION BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2023)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to the Standing Orders.

15. THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2023)

(The Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

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

16. MOTION - CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWENTY-SIX CONSTITUENCIES

Motion having been made and Question proposed -

THAT, this House **adopts** the Report of the Decentralized Funds Accounts Committee on the consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for Twenty-Six Constituencies in the Counties of Mombasa, Kilifi, Kwale, Taita Taveta, Lamu and Tana River for financial years 2013/2014, 2014/2015, and 2015/2016, *laid on the Table of the House on Tuesday*, 25th April 2023.

(Chairperson, Decentralized Funds Accounts Committee – 02.05.2023)

Debate interrupted on Thursday, 4th May 2023 resumed;

(Change of Chair from the Hon. Speaker to the Hon. Deputy Speaker)

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

Mover replied;

Rising in his place pursuant to Standing Order 53(3), the Member for Karachuonyo (Hon. Okuome Adipo) requested the Speaker to defer putting of the Question on the Motion to the following day;

And the Speaker acceding to the request;

Question deferred.

17. MOTION - RATIFICATION OF THE AMENDED NAIROBI CONVENTION AND THE PROTOCOL FOR THE PROTECTION OF MARINE AND COASTAL ENVIRONMENT OF THE WESTERN INDIAN OCEAN FROM LAND-BASED SOURCES AND ACTIVITIES

Order read;

QUORUM OF THE HOUSE

Rising in her place pursuant Standing Order 35, Nominated Member (Hon. Dorothy Ikiara) objected that there was no Quorum present in the House;

And the Fifth Chairperson having counted and ascertained the objection, directed that the Quorum Bell be rung for ten minutes;

There being no Quorum present at the expiry of ten minutes, the Fifth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at six minutes past Six O'clock

MEMORANDUM

The Speaker will take the Chair on Wednesday, June 07, 2023 at 2.30 pm

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