



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, APRIL 17, 2018**

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

The Speaker conveyed the following Communications –

(i) **Delegation from the Turkish Grand National Assembly**

“Honourable Members,

I wish to introduce to you a delegation of Members from the Turkish Grand National Assembly. The Delegation, seated at the Speakers Row is drawn from Members of the Kenya-Turkish Friendship Group and its Secretariat. They comprise of the following:-

(i) Zekeriya Aslan, Former MP	Leader of delegation
(ii) Suay Alpay	Deputy Minister for Defence
(iii) Adem Tatli, MP	Member
(iv) Fehmi Kupcu, MP	Member
(v) Bayram Ozcelik, MP	Member
(vi) Mustafa Acikgoz, MP	Member
(vii) Mustafa Kose, MP	Member
(viii) Nihat Ozturk, MP	Member
(ix) Tamer Dagli, MP	Member
(x) Abdurahman Oz, MP	Member
(xi) Durmus Ali Salikaya, MP	Member
(xii) Saffet Sancakli, MP	Member
(xiii) Mehmet Akif Yilmaz, MP	Member
(xiv) Abdullah Agrili, MP	Member
(xv) Okyay Canak, MP	Member
(xvi) Ibrahim Hilil Yildiz, MP	Member
(xvii) Saadettin Aydin	Former Member
(xviii) Fatih Ozturk	Former Member

(xix) Osman Oren	Former Member
(xx) Didem Hasturk	Protocol Officer
(xxi) Cem Sultan Aktas	Protocol Officer
(xxii) Kazim Kirci	Manager of the Football Team
(xxiii) Sahin Susam	Physical Therapist

Honourable Members, the delegation has been in the country since 16<sup>th</sup> April, 2018 to meet and interact with their counterparts as well as play a friendly football match at the Parklands Sport Club. On behalf of the House and my own behalf, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the country.

Thank you”.

(ii) **Delegation of the Committee of Powers and Privileges from Bungoma County Assembly**

“Honourable Members,

I wish to introduce to you a delegation of the Committee of Powers and Privileges from Bungoma County Assembly. The Delegation, seated in the Speaker’s Gallery, comprises the following Members and staff of the County Assembly:-

(xxiv) Hon. Emmanuel Situma, MCA	Speaker/Chairperson
(xxv) Hon. Sophie Marumbu, MCA	Member/Vice Chairperson
(xxvi) Hon. Grace Sundukwa, MCA	Member
(xxvii) Hon. Winny Nyambok, MCA	Member
(xxviii) Hon. Jack Kawa, MCA	Member
(xxix) Hon. Christine Ngelech, MCA	Member
(xxx) Hon. Beatrice Wekesa, MCA	Member
(xxxi) Hon. Joram Wanjala , MCA	Member
(xxxii) Hon. Eunice Kirui, MCA	Member
(xxxiii) Mr. John Mosongo	Clerk, County Assembly
(xxxiv) Mr. Francis Simiyu Tome	Principal Clerk Assistant
(xxxv) Ms. Josylyn Situma	First Clerk Assistant
(xxxvi) Mr. Levis Wakhungu	Researcher and
(xxxvii) Mr. Calistus Ndieyira	Assistant Sergeant-at-Arms

Honourable Members, the delegation is on a three-day benchmarking visit of the National Assembly to learn and share experiences on the mandate and working of the Committee of Powers and Privileges. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements.

I thank you”.

(iii) **Demise of Hon. Kenneth Matiba**

“Honourable Members,

As you may be aware, the evening of Sunday, April 15, 2018 was a sad day for the nation following the demise of the Hon. Kenneth Stanley Njindo Matiba, who passed away while undergoing treatment at the Karen Hospital in Nairobi.

Honourable Members, the late Matiba was born on 1<sup>st</sup> June 1932 in Kahuhia, Murang'a County. He held a Diploma in Education and a Bachelors degree in History, Geography and Sociology from Makerere University College. The late Matiba had an illustrious career in the public service having served in different Ministries in various capacities spanning over three decades.

Honourable Members, the late Matiba was a person of many firsts. To begin with, he became one of the senior-most civil servants at the age of thirty one (31) years when he was appointed as the first indigenous African Permanent Secretary for Education in May, 1963. He was also the first black Chief Executive Officer (CEO) of the East African Breweries Ltd and the first African to head the Kenya Football Federation (KFF). Reflecting his real element on matters of principle, Hon. Matiba was the first minister to break the political taboo of the time by resigning from cabinet during the term of the Sixth Parliament in 1989, to join the back bench.

Honourable Members, the late Matiba was a charismatic patriot who dedicated the prime years of his life to the service of the Nation with a steadfast devotion to its values and the public good. Indeed, Kenyans will always remember him as a brave leader and a hero who selflessly fought for the reintroduction of multi-party system, thus ushering the Country into unprecedented spheres of democracy. He served for eighteen (18) years as Member of Parliament for Mbiri Constituency (later renamed Kiharu) in Murang'a District. He also served in the Cabinet from 1983 to 1989, in the Ministries of Culture and Social Services, Health and later Transport and Public Works, prior to his resignation to push for multi-party politics and constitutional reforms.

He will always be remembered for strenuous but successful agitation for constitutional reforms and political party democracy in Kenya, which dominated the Nation in 1990s. He formed the Forum for the Restoration of Democracy-Asili, (FORD-Asili), which initially operated as FORD-Muthithi before the then new and convoluted registration of political parties. He was to later contest for presidency of Kenya in the 1992 General Elections through the Party, coming second to former President Daniel Arap Moi of KANU and his party managing thirty-one (31) seats in the Assembly. In the House, the late Matiba endeavoured to serve the society with great zeal, grappling to improve the welfare of the society and relentlessly contesting to ensure a just government of the people. Indeed, as Nigerians would say when the renowned nationalist and reformist Chief Obafemi Awololo passed on in 1987, to us Kenyans, I dare say Kenneth Stanley Njindo Matiba was the best president Kenya never had.

Honourable Members, beside his political career, the late Matiba was also an astute businessman having served as Chairman of Panafric Hotel, Outward Bound Company East Africa, Vice-Chairman of the Industrial and Commercial Development Corporation (ICDC), founder of the Kenya National Trading Corporation, Director of Kenya Properties Limited and Managing Director of Kenya Breweries Limited, among others.

Hon. Matiba is survived by his wife Edith and three children. On behalf of the Parliamentary Service Commission, Members of the National Assembly and indeed on my own behalf, I wish to convey our sincere condolences to his family, friends, the people of Murang'a County and Kenyans at large for this great loss. In honour of the selfless service

rendered to the Nation by the late Kenneth Matiba, I request that we all stand and observe a minute of silence.

May his soul rest in eternal peace. I thank you”.

5. **MESSAGE FROM HIS EXCELLENCY THE PRESIDENT ON THE STATE OF THE NATION ADDRESS**

The Speaker conveyed the following Message –

“Honourable Members,

Standing Order 42(1) relating to Messages from the President provides that “*the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.*” In this regard therefore, I wish to inform the House that I have received a Message from His Excellency the President dated April 10, 2018 regarding the State of the Nation Address to Parliament pursuant to Article 132(1)(b) & (c)(i) & (iii).

Honourable Members, the said Article 132 of the Constitution states, and I quote –

“(1) *The President shall—*

*(a) ...*

*(b) address a special sitting of Parliament once every year and may address Parliament at any other time; and*

*(c) once every year—*

*(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values, referred to in Article 10;*

*(ii) .....*

*(iii) submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.”*

Honourable Members, pursuant to Standing Order 22(2) of the National Assembly Standing Orders therefore, I wish to inform the House that a **Special Sitting** of Parliament will take place on **Wednesday, 2<sup>nd</sup> May, 2018 at 2:30pm** in the National Assembly Chambers.

I am aware that the offices of the Clerks of the Houses of Parliament have since commenced preparations for the day and official invitations will soon be sent out to all Members in the usual manner. Thank you”.

6. **PAPERS LAID**

The following Papers were laid on the Table –

(i) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein:-

a) Salaries and Remuneration Commission;

b) Local Authorities Provident Fund;

- c) Kenya Energy-Sector Environment and Social Responsibility Programme Fund;
- d) Railway Development Levy Fund-Holding Account;
- e) Contingencies Fund;
- f) State officers and Public officers Car Loan Scheme Fund;
- g) Nyayo Tea Zones Development Corporation;
- h) Kipchabo Tea Factory Limited;
- i) National Commission for Science, Technology and Innovation;
- j) Competition Authority of Kenya; and
- k) Office of the Director of Public Prosecutions.

*(The Leader of the Majority Party)*

- (ii) The report of the Departmental Committee on Environment and Natural Resources on the Budget Implementation for the first and second quarter for the Financial Year 2017/2018 for the following:-

- a) State Department For Environment;
- b) State Department For Natural Resources;
- c) State Department For Water Services; and
- d) Ministry of Mining.

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

- (iii) The report of the Departmental Committee on Lands on its consideration of the Physical Planning Bill, 2017

*(Chairperson, Departmental Committee on Lands)*

- (iv) The report of the Committee on Delegated Legislation on its consideration of the National Transport & Safety Authority (Operation of Commercial Vehicles) Regulations, 2018

*(Member, Committee on Delegated Legislation)*

## 7. NOTICES OF MOTION

The following Notices were given –

- (i) **THAT**, aware that Articles 53(1)(c) of the Constitution guarantees every child the right to basic nutrition, shelter and health; cognizant of the fact that primary school-aged children are at a stage where a child requires nutritional meals for healthy mental and physical development and growth; aware that school feeding programmes have been implemented in Kenya since the 1980's with varying degrees of success, and with heavy reliance on foreign aid and management; noting that the Kenyan government introduced a Homegrown School Feeding Programme (HGSFP) in 2009, a more sustainable and nationally integrated programme by the national government funded school meals programme through multi-sectoral cooperation; appreciating that the school feeding programme has played an integral part in realizing the country's goal of universal primary education through incentivizing the enrollment and retention of children; further noting that the feeding programme

targets food inequality in the most vulnerable areas of Kenya, including school districts in the Arid and Semi-Arid Areas (ASAL) and the informal urban slums of large cities such as Nairobi and Mombasa; this House urges the Government to expand the primary school feeding programme to all public primary schools in the Country.

*(Hon. Vincent Mogaka)*

- (ii) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the National Transport & Safety Authority (Operation of Commercial Vehicles) Regulations, 2018, laid on the Table of the House on Tuesday, April 17, 2018, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) **annuls in entirety the said Regulations.**

*(Member, Committee on Delegated Legislation)*

8. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO.48 OF 2017)**

Order for Second Reading

Motion made and Question proposed –

THAT, the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No.48 of 2017) be now read a Second Time

*(The Leader of the Majority Party)*

Debate on the Second Reading having been concluded on Thursday, April 12, 2018;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House tomorrow.

9. **MOTION – REPORT ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS MEMBER OF THE JUDICIAL SERVICE COMMISSION**

Motion made and Question proposed –

**THAT**, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of the nominee for appointment as a Member of the Judicial Service Commission, laid on the Table of the House on Thursday, April 12, 2018.

*(Chairperson, Departmental Committee on Justice & Legal Affairs)*

Debate arising;

Amendment proposed –

THAT, the Motion be amended by inserting the following words at the end thereof –

**“subject to deletion of recommendation (iii) appearing on page 19 of the Report”**

*(Hon. John Wambugu)*

Question of the amendment proposed;

Debate on the amendment arising;

**SUSPENSION OF A MEMBER PURSUANT TO STANDING ORDER**

Pursuant to the provisions of Standing Order 107, the Speaker ordered the Member for Suba North Constituency (Hon. Millie Odhiambo) to withdraw from the precincts of the National Assembly for disorderly conduct;

Thereupon the Member withdrew from the Chamber.

Debate on the amendment resumed;

Question on the amendment put and agreed to;

Debate on the Motion as amended resumed;

*(Change of Chair from the Speaker to the Fourth Chairperson)*

Mover replied;

Question deferred to another day

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)**

Order deferred to another day

11. **THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

Order for Second Reading read;

*(Change of chair from the Speaker to the Fourth Chairperson of Committees, Hon. Chris Omulele, MP)*

Motion moved and Question proposed –

THAT, Public Private Partnerships (Amendment) Bill (National Assembly Bill No.52 of 2017) be now read a Second Time

*(The Leader of the Majority Party)*

Debate arising;

Mover replied;

Question deferred to another day

12. **THE KENYA COAST GUARD SERVICE BILL (NATIONAL ASSEMBLY BILL NO.45 OF 2017)**

Order deferred to another day

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

13. **HOUSE ROSE** - at eleven minutes to Seven O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, April 18, 2018 at 9.30 a.m.

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