



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 18, 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**

Appointment of Members of Parliament to represent the Majority Party in the Bi-Partisan engagements in Parliament

Honourable Members, As you are aware, His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, The Hon. William Samoei Ruto, CGH, who is also the Party Leader of the Kenya *Kwanza* Alliance and the Former Prime Minister and the Party Leader of the *Azimio La Umoja* One Kenya Coalition, The Rt. Hon. Raila Odinga, have proposed bi-partisan engagements in Parliament on a number of issues aimed at accommodating the concerns of the Minority Coalition within the parameters of the Constitution and the law.

In furtherance of these discussions, I wish to inform you that I have received a letter dated 13th April, 2023 from the Leader of Majority Party of the National Assembly, the Hon. Kimani Ichung'wah, MP appointing seven (7) Members of Parliament representing the Kenya *Kwanza* Alliance to be part of the team that shall spearhead and facilitate the bi-partisan engagements. The letter is co-signed by the Senate Majority Leader, The Hon. Sen. Aaron Cheruiyot, MP.

Honourable Members, the seven Members of Parliament appointed by the Majority Party are:

- (i) The Hon. Adan Keynan, CBS, MP;
- (ii) The Hon. George Murugara, MP;
- (iii) The Hon. Mwengi Mutuse, MP;
- (iv) The Hon. Lydia Haika, MP;
- (v) Sen. Esther Okenyuri, MP;
- (vi) Sen. (Dr.) Boni Khalwale, MP; and
- (vii) Sen. Hillary Sigei, MP.

Honourable Members, attached to the letter forwarding the seven names, is the draft Motion proposing the establishment of a Joint Select Committee and whose mandate includes the following-

- (a) facilitating a bipartisan engagement in Parliament on the reconstitution of the Selection Panel on the recruitment of chairperson and members of the Independent Electoral and Boundaries Commission;
- (b) recommending legal, policy and institutional reforms to strengthen the IEBC;
- (c) collating views from stakeholders on proposals to enhance inclusivity and bipartisanship in the electoral structures in the country;
- (d) developing and recommending appropriate mechanisms for the reorganization of the electoral system; and
- (e) on the basis of the findings and recommendations of the Joint Committee, preparing a report and a draft Bill or draft Bills for consideration by Parliament.

Honourable Members, it is however worth noting that, I am yet to formally receive the names of the Members representing the Minority Coalition in Parliament and the draft text of the Motion as proposed by the Minority Party. As you may be aware Hon. Members, parliamentary practice requires that a Motion of this nature be presented to the House upon negotiations and agreement between the Majority and Minority Coalitions so that what is finally presented to the House is a harmonized bi-partisan Motion.

Honourable Members, in light of the foregoing, I hereby instruct the Clerk of the National Assembly to forward the proposed motion to the Leadership of the Minority Party in Parliament seeking their concurrence.

Honourable Members, the Speaker of the Senate and I have also consulted and agreed that there is need to achieve bi-partisan and bi-cameral consensus on this matter. Consequently, the Speakers of the Houses of Parliament request the Leaders of the Majority and Minority Coalitions in both Houses, to consult and present to the Speakers a harmonized version of the proposed Motion for placement before the Houses of Parliament, at the earliest available opportunity. This shall set the stage for the commencement of the bi-partisan engagements in Parliament.

Honourable Members, as I conclude, allow me to urge all Members of Parliament to uphold the tenets of the Constitution, respect the process and undertake their engagements with utmost good faith, collegiality and on the basis of consultation, cooperation and mutual reciprocity. Indeed, this will be in keeping with the Motto of our Parliament which is - "For the Welfare of Society and Just Government of the People". I thank you!

5. **MESSAGE**

Message from the President on Nomination of representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission (SRC)

Honourable Members, Pursuant to the provisions of Standing Order 42, I wish to convey a Message from His Excellency the President relating to the nomination of a representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission (SRC).

Honourable Members, in the Message, 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, he nominates Mr. Isaac Kipkemboi Melly as the representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission.

Honourable Members, for information of the House, the name of the nominee was submitted by the Parliamentary Service Commission following a competitive recruitment process. In this regard, His Excellency the President now seeks the approval of the nominee by this House.

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

In this regard, pursuant to the provisions of the Standing Order 45 and paragraph (3) of Standing Order 42 (*Messages from the President*), I hereby refer the Message from His Excellency the President together with the *Curriculum Vitae*, the report of the Parliamentary Service Commission, and other testimonials of the nominee to the Departmental Committee on Finance and National Planning in order for the Committee to undertake the necessary approval hearings.

Honourable Members, whereas section 7(11) of the Salaries and Remuneration Commission Act, 2011, provides fourteen (14) days within which the House is expected to consider the nominee, 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 Committee should undertake approval hearings and submit its report within the timelines provided for in the Public Appointments (Parliamentary Approval) Act, 2011, being the most recent amendment made by Parliament with respect to the general period of vetting of state appointees.

Honourable Members, the Departmental Committee on Finance and National Planning Committee is required to notify the public and the nominee in good time. Thereafter, the Committee is to undertake the necessary approval hearings and submit its report to the House within the aforementioned period to enable the House consider the proposed appointment within the statutory timelines. The House is accordingly guided. I thank you!

6. PETITION

The Member for Kilifi North Constituency (Hon. Owen Baya, CBS, MP) presented a petition regarding delayed adjudication and settlement of residents of Mnarani Sub-Location, Kilifi County on behalf of the petitioners.

And the Speaker having allowed comments and observations in relation to the Petition presented referred it to the Public Petitions Committee pursuant to provisions of Standing Order No. 227(1).

7. PAPERS LAID

The following Papers were laid on the Table –

- i) African Union Convention on Cross Border Cooperation (Niamey Convention) and Explanatory Memorandum from the Ministry of Foreign & Diaspora Affairs; and
- ii) Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property and Explanatory Memorandum from the Ministry of Foreign & Diaspora Affairs.
- iii) Annual Report and Financial Statements for Tom Mboya University for the year ended June 30, 2020;
- iv) Elections Monitoring and Observation Report 2022 from the Office of the Ombudsman – The Commission on Administrative Justice;
- v) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022: -
 - a) Petroleum Training Levy Fund;
 - b) State Department for Transport;
 - c) Commission on Revenue Allocation Staff Mortgage Scheme Fund;
 - d) Receiver of Revenue (Recurrent) - National Treasury;
 - e) Provident Fund - National Treasury;
 - f) Revenue Statements of the Pensions Department - National Treasury;
 - g) Kenya Local Loans Support Fund - National Treasury;
 - h) Consolidated Fund Services – Subscriptions to International Organizations - National Treasury
 - i) Statement of outstanding obligations guaranteed by Government of Kenya - National Treasury;
 - j) Asian Officers Family Pensions Fund - National Treasury;
 - k) Salaries and Remuneration Commission;
 - l) Revenue Statements – The Judiciary;
 - m) Commission on Revenue Allocation;
 - n) Golf Hotel Limited;
 - o) Kenya Accreditation Service;
 - p) National Government Affirmative Action Fund;
 - q) Ministry of Lands and Physical Planning;
 - r) State Department for Shipping and Maritime;
 - s) Kenya Shipyards Limited;
 - t) State Department for Culture and Heritage;
 - u) Health Sector Support Project (Credit No. 4771-KE) – Kenya Medical Supplies Authority (KEMSA);
 - v) Aquaculture Business Development Programme (IFAD Loan NO.2000002052 & 2000002614) – State Department for Fisheries, Aquaculture and the Blue Economy;
 - w) State Department for Implementation of Curriculum Reforms;
 - x) Kenya Energy Sector Environment and Social Responsibility Programme Fund – Ministry of Energy;
 - y) State Department for Early Learning and Basic Education; and
 - z) National Gender and Equality Commission.

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

- vi) The Report of the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN) held in Kigali, Rwanda from 7th to 9th December, 2022.

(The Hon. Adan Yussuf Haji - Chairperson, Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN) CAUCUS)

- vii) The Report of the Departmental Committee on Justice and Legal Affairs on its Vetting of a nominee for appointment as the Chairperson of the Ethics and Anti-Corruption Commission (EACC).

(The Hon. George Murugara - Chairperson, Departmental Committee on Justice and Legal Affairs)

8. NOTICE OF MOTION

The following Notices of Motion were given –

- (i) THAT, this House notes the Report of the Kenya Delegation to the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7th to 9th December 2022, *laid on the Table of the House on Tuesday, 18th April 2023.*

(The Hon. Adan Yussuf Haji – Chairperson, Eastern Africa Parliamentary Alliance on Food Security and Nutrition (EAPA-FSN) CAUCUS)

- (ii) THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for the appointment as the Chairperson of the Ethics and Anti-Corruption Commission, *laid on the Table of the House on Tuesday, 18th April 2023* and pursuant to the provisions of Article 250 (2) (b) of the Constitution, section 10 (3) of the Ethics and Anti-Corruption Commission Act, 2011 as read together with section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Dr. David Adang Oginde as the Chairperson of the Ethics and Anti-Corruption Commission.

(The Hon. George Murugara - Chairperson, Departmental Committee on Justice and Legal Affairs)

- (iii) **Adjournment of the House for the purposes of discussing mysterious disease outbreaks in schools in the country**

THAT, pursuant to the provisions of Standing Order 33(1), I seek leave for the adjournment of the House for the purposes of discussing the mysterious disease outbreaks in schools in the country.

(Hon. Tindi Mwale)

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

And there being not less than twenty (20) Members rising in their places in support of the adjournment motion;

The Speaker directed that the House adjourns today, Tuesday, April 11, 2023 at 5 o'clock pursuant to the provisions of Standing Order 33(3) for purposes of discussing the matter.

9. **SPECIAL MOTION - CONSIDERATION OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE KENYA FISH MARKETING AUTHORITY**

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy, Water and Irrigation in its Report on the vetting of a nominee for the appointment as the Chairperson of the Kenya Fish Marketing Authority, laid on the Table of the House on Wednesday, 12th April 2023 and pursuant to the provisions of section 201(1)(a) and (2) of the Fisheries Management and Development Act, 2016 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Hon. Martin Otieno Ogindo** as the Chairperson of the Kenya Fish Marketing Authority.

(The Chairperson, Departmental Committee on Blue Economy, Water and Irrigation – 13.04.2023)

Debate interrupted on Thursday, April 13, 2023 resumed;

(Change of Chair from Speaker to Deputy Speaker)

Mover replied;

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

10. **MOTION – INQUIRY REGARDING SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES IN KERICHO COUNTY**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Labour on the Inquiry regarding Sexual Harassment of Female Workers in Tea Estates in Kericho County, laid on the Table of the House on Thursday, 23rd March 2023.

(The Chairperson, Departmental Committee on Labour)

Debate arising;

(Change of Chair from Deputy Speaker to Third Chairperson of Committees)

Debate Interrupted

11. **ADJOURNMENT OF THE HOUSE PURSUANT TO STANDING ORDER 33(1) TO DISCUSS THE MYSTERIOUS DISEASES OUTBREAKS IN SCHOOLS IN THE COUNTRY**

Motion made –

THAT, this House do now adjourn to discuss a definite matter of urgent national importance regarding the mysterious diseases outbreaks in the country

(Hon. Tindi Mwale, M.P)

Debate arising;

(Change of Chair from the Third Chairperson of Committees to the Fifth Chairperson of Committees)

Debate concluded.

And the time being seven O'clock the Fifth Chairperson of Committees interrupted the proceedings and 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, April 19, 2023 at 9.30 am