



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 25, 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 Hon. Deputy Speaker conveyed the following Communication from the Chair –

Recognition of a Delegation from the National Assembly of Zambia

“Honourable Members, I wish to introduce to you a delegation of Members of the House Business Committee of the National Assembly of Zambia who are seated in the Speaker’s Row. The delegation comprises:

- (i) The Rt. Hon. Nelly B. K. Mutti, MP, Madam Speaker & Leader of Delegation;
- (ii) The Hon. Stafford Mulusa, MP, Government Chief Whip;
- (iii) The Hon. Brian Mundubile, MP, Leader of the Opposition;
- (iv) The Hon. Stephen Kampyongo, MP, Whip for the Patriotic Front Party;
- (v) The Hon. Jay E. Banda, MP, Whip for Independent Members of Parliament;
- (vi) The Hon. Kampamba Mulenga, MP;
- (vii) The Hon. Clement Andeleki, MP; and
- (viii) The Hon. Roy Ngulube, Acting Clerk of the National Assembly of Zambia.

The delegation is also accompanied by nine (9) other staff from the office of the Clerk.

Honourable Members, the delegation is in the country on a benchmarking visit to our Parliament, specifically to share best practices on planning and facilitation and conduct of business of the House, and the workings of Committees generally.

Honourable Members, on behalf of the Hon. Speaker of the National Assembly and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the Country. I thank you!”

5. MESSAGES

The Speaker reported the following Message to the House –

**Passage of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023)
by the Senate**

“Honourable Members, pursuant to Standing Order 41(1) of the National Assembly Standing Orders, I wish to convey a Message from the Senate regarding the passage of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023).

The Message conveys that on Thursday, 20th April 2023, the Senate considered and passed the said Bill without amendments and in the form passed by the National Assembly.

Honourable Members, you will recall that on Tuesday, 21st March 2023, the National Assembly considered and passed the said Bill without amendments, following which I referred the Bill to the Senate for consideration.

In this regard, passage of the said Bill by the Senate in the same form passed by the National Assembly concludes the bicameral consideration of the Bill in accordance with Article 110 of the Constitution.

Honourable Members, I will now proceed to present the Bill to His Excellency the President for Assent in accordance with the provisions of Article 110(5) of the Constitution. I thank you!”

6. PAPERS LAID

The following Papers were laid on the Table -

1. Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022: -
 - a) Parliamentary Service Commission;
 - b) Office of the Director of Public Prosecutions;
 - c) State Officers House Mortgage Scheme Fund – State Department for Housing and Urban Development;
 - d) Ministry of Petroleum and Mining;
 - e) Special Economic Zones Authority;
 - f) Kenya National Bureau of Statistics;
 - g) National Government Constituencies Development Fund;
 - h) Parliamentary Joint Services;
 - i) Independent Electoral and Boundaries Commission Staff Mortgage and Car Loan Scheme;
 - j) Kirinyaga University;
 - k) Consolidated Fund Services – Pensions and Gratuities - the national Treasury;
 - l) Public Service Superannuation Fund for the eighteen (18) months period;
 - m) Garissa University;
 - n) Murang’a University of Technology;
 - o) Political Parties Fund;

- p) Office of the Registrar of Political Parties Staff Mortgage and Car Loan Scheme;
 - q) Business Registration Service;
 - r) Karatina University;
 - s) Roads Annuity Fund – State Department for Infrastructure;
 - t) Dedan Kimathi University of Technology;
 - u) Dekut Enterprises Company;
 - v) Consolidated Bank of Kenya Limited;
 - w) Development Bank of Kenya Limited;
 - x) The Nyeri National Polytechnic;
 - y) Kenya Reinsurance Corporation Limited; and
 - z) State Officers and Public Officers Car Loan Scheme Fund – National Treasury.
2. Report of the National Government Constituencies Development Fund Board for the Third Quarter of 2022/23 financial year; and
3. Quarterly Economic and Budgetary Review reports for the First Half of the financial year 2022/23 from the National Treasury and Economic Planning.

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

4. Report of the Decentralized Funds Accounts Committee on its Consideration of the Reports of the Auditor General on the Financial Statements for the National Government Constituencies Development Fund for Twenty-Six (26) Constituencies in the Counties of Mombasa, Kilifi, Kwale, Taita Taveta, Lamu, and Tana River, for Financial Years 2013/204, 2014/2015 and 2015/2016.

(Hon. Gideon Mulyungi, MP – The Chairperson, Decentralized Funds Accounts Committee)

5. Report of the Departmental Committee on Social Protection on the Ratification of the Hague Conventions on:
- (a) Civil Aspects of International Child Abduction;
 - (b) Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children; and
 - (c) International Recovery of Child Support and other Forms of Family Maintenance.

(Hon. Alice Ng'ang'a, MP – The Chairperson, Departmental Committee on Social Protection)

7. NOTICES OF MOTIONS

The following Notices of Motions were given –

(a) Ratification of the Hague Conventions

THAT, this House **adopts** the Report of the Departmental Committee on Social Protection on its consideration of the Ratification of the Hague Convention on Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the

protection of children, and the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance, *laid on the Table of the House on Tuesday, 25th April 2023*, and pursuant to the provisions of section 8 (4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the following Hague Conventions:*

- (i) *Civil Aspects of International Child Abduction;*
- (ii) *Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children; and*
- (iii) *International Recovery of Child Support and Other Forms of Family Maintenance.*

(Hon. Alice Ng'ang'a, MP – The Chairperson, Departmental Committee on Social Protection)

(b) Consideration of the Report of the Decentralized Funds Accounts Committee on its Consideration of the Reports of the Auditor General on the Financial Statements for the National Government Constituencies Development Fund for Twenty-Six (26) Constituencies

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*.

(Hon. Gideon Mulyungi, MP – The Chairperson, Decentralized Funds Accounts Committee)

(c) Adjournment of the House pursuant to Standing Order 33(1) to discuss a definite matter of urgent national importance

THAT, pursuant to Standing Order 33(1), this House adjourns to discuss a definite matter of urgent national importance regarding mysterious killings in *Shakahola*, in *Kilifi* County.

(Hon. Owen Baya, CBS, MP – Deputy Leader of the Majority Party)

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

And more than twenty Members having stood in their places in support of the Motion;

Thereupon, the Deputy Speaker nominated Four O'clock as the time for moving the motion.

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

Pursuant to the provisions of Standing Order 44(2)(b), Member for Kipipiri, (Hon. Wanjiku Muhia, MP) made a General Statement regarding the unfolding security situation in the Republic of Sudan. In the Statement, she decried the fighting that has broken out in Sudan, leading to the loss of hundreds of lives, massive destruction of property and the displacement of many civilians, thereby posing serious humanitarian crisis and shutdown of vital supplies like provision of water, electricity, food supplies and medical services in the affected regions. She appealed to the Inter-Governmental Authority on Development (IGAD), the Africa Union (AU), other regional bodies and the international community to expedite dialogue and mediation mechanisms towards ending the ongoing conflict as soon as possible and restore peace, security and stability in Sudan.

9. MOTION - INQUIRY REGARDING SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES IN KERICHO COUNTY

Motion having been 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)

Amendment having been proposed;

THAT, the Motion be amended by-

a) insertion of the following words immediately after the figure “2023”:

“Subject to insertion of the following recommendations in paragraph 74 after sub-paragraph (ix) on page 23 of the Report:

“(x) Where the tea estates are found culpable of acts of commission or omission regarding the sexual harassment of their employees, the Government should ensure that the tea estates adequately compensate the victims for the damages occasioned by the heinous acts”; and

“(xi) The Government should provide psychosocial support to the victims to mitigate the effects of these traumatic experiences and aid them in their recovery”.

b) **THAT**, the consequential amendments be effected in the Report thereof.

(Hon. Beatrice Kemei, MP - The Member for Kericho County)

Question of the amendment having been proposed;

Question of the amendment put and agreed to;

Mover replied;

Question put and agreed to.

Resolved accordingly –

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 subject to:

(a) insertion of the following recommendations in paragraph 74 after subparagraph (ix) on page 23 of the Report:

(x) Where the tea estates are found culpable of acts of commission or omission regarding the sexual harassment of their employees, the Government should ensure that the tea estates adequately compensate the victims for the damages occasioned by the heinous acts; and

(xi) The Government should provide psychosocial support to the victims to mitigate the effects of these traumatic experiences and aid them in their recovery.

(b) **THAT**, the consequential amendments be effected in the Report thereof.

10. MOTION - APPOINTMENT OF A FIRM TO PROVIDE EXTERNAL AUDIT SERVICES TO THE OFFICE OF THE AUDITOR-GENERAL

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Public Accounts Committee on the appointment of a firm to provide External Audit Services to the Office of the Auditor General (OAG) with respect to the Accounts of the Office of the Auditor General and the Financial Statements for Mortgage and Car Loan Scheme of the Office of the Auditor General, *laid on the Table of the House on Thursday, April 20, 2023*, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act, 2015, **appoints M/s PKF Kenya LLP** for purposes of providing external audit services to the office of the Auditor General (OAG) with respect to –

- (i) the Accounts of the Office of the Auditor General for the period 2020/2021 and 2021/2022; and,
- (ii) the Financial Statements for the Staff Mortgage and Car Loan Scheme of the Office of the Auditor General for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021, and 2021/2022.

(Hon. (CPA) John Mbadi, EGH, MP – The Chairperson, Public Accounts Committee)

Debate arising;

Rising in his place on a Pint of Order pursuant to Standing Order 95, the Member for Endebess (Hon. (Dr.) Robert Pukose) claimed to move that the mover be called upon to reply;

And the Deputy Speaker being of the opinion that the motion was not an abuse of proceedings;

And there being no objection by any Member in the House;

Thereupon, Mover replied;

Question put and agreed to.

And the time being fifteen minutes past four O'clock, the Deputy Speaker interrupted proceedings pursuant to Standing Order 33(1) for the House to discuss a definite matter of urgent national importance regarding mysterious killings in *Shakahola*, in *Kilifi* County.

11. MOTION - ADJOURNMENT OF THE HOUSE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE

Motion moved –

THAT, pursuant to Standing Order 33(1), this House adjourns to discuss a definite matter of urgent national importance regarding mysterious killings in *Shakahola*, in *Kilifi* County.

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

Debate arising;

(Change of Chair from the Hon. Gladys B. Shollei, MGH, MP (Deputy Speaker to the First Chairperson of Committees)

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

12. HOUSE ROSE - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, April 26, 2023 at 9.30am

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