



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, AUGUST 17, 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 Speaker issued the following Communications:

(a) **Commonwealth Parliamentary Association (CPA) Kenya Branch Annual General Meeting and Election of the Executive Committee**

“**Honourable Members**, you may recall that on 3rd August 2023, I did bring to the attention of the House of the existence of vacancies in the Executive Committee of the CPA Kenya Branch. In my communication, I notified the House that an Annual General Meeting (AGM) was scheduled to be held on Thursday, 10<sup>th</sup> August 2023 for purposes holding elections. I also invited interested Members to tender their applications for election in writing to the Office of the Clerk.

**Honourable Members**, as you are aware, the Commonwealth Parliamentary Association (CPA) Kenya Branch held its AGM here in the National Assembly Chambers as scheduled. In addition, the AGM received and adopted the Treasurer’s Report on audited accounts of the Branch.

**Honourable Members**, at the AGM, the following seven (7) Members of the National Assembly were elected to the Executive Committee of the CPA Kenya Branch–

- (i) The Hon. (Dr.) Adan Keynan, CBS, MP;
- (ii) The Hon. Janet Sitienei, MP;
- (iii) The Hon. Caroline Ng’elechei, MP;
- (iv) The Hon. Catherine Omanyoo, MP;
- (v) The Hon. Musili Mawathe, MP;
- (vi) The Hon. Beatrice Adagala, MP as Chairperson of the Commonwealth Women Parliamentarians – Kenya Branch; and,
- (vii) The Hon. John Paul Mwirigi, MP as the Branch Representative.

In keeping with the practice, **Honourable Members**, the Leaders of the Majority and Minority Parties in the National Assembly and the Senate form part of the Executive Committee on the account of the offices they hold.

**Honourable Members**, for the information of the House, the following Senators were also elected to the Executive Committee–

- (i) Senator Hillary Sigei, MP;
- (ii) Senator Esther Okenyuri, MP; and,
- (iii) Senator Hezema Lemaletian, MP.

**Honourable Members**, the Executive Committee is led by the Speakers of the Houses of Parliament, who are the Co-Presidents, whereas the Clerk of the National Assembly and Clerk of the Senate are the CPA Kenya Branch Secretary and Treasurer, respectively.

The Executive Committee is now fully constituted and will assume the responsibility of steering the Branch towards achieving the objectives of the Association. I take this opportunity to congratulate the Office bearers; and wish them a successful and productive tenure as they carry out their roles. The House is accordingly informed. I thank you.”

**(b) Recognition of a delegation from the assembly of the Republic of Mozambique**

“**Honourable Members**, I wish to introduce to you a delegation from the Assembly of the Republic of Mozambique, who are seated in the Speaker’s Row. The delegation comprises Members of the Parliamentary Committee of Defence, Security and Public Order. They are -

- (i) The Hon. Arlindo Arrigo Maquival, Reporter of the Commission/Leader of the Delegation;
- (ii) The Hon. Deolinda Catarina Joao Chochoma, Vice-President of the Commission;
- (iii) The Hon. Elias Macacho Marceta Dhlakama, Vice-Reporter of the Commission;
- (iv) The Hon. Julieta Antonio, Member of the Commission;
- (v) The Hon. Gilberto Francisco, Member of the Commission;
- (vi) The Hon. Joaquina Oreste Siliya, Member of the Commission; and
- (vii) The Hon. Atanasio Gomes Kulyaukila, Member of the Commission.

The delegation is accompanied by Mr. Fernando Chiau, Assistant to the Commission.

**Honourable Members**, the delegation is in the Country to benchmark on best practices and share experiences with their counterpart Committees on Administration and Internal Affairs as well as that of Defence, Intelligence and Foreign Relations.

**Honourable Members**, on my own behalf and that of the National Assembly, I welcome the Members to Parliament and wish them fruitful engagements during their stay in the country. I thank you!”

**(c) Appointment of Members to the Joint Committee to inquire into the activities and operations of World Coin in Kenya**

“**Honourable Members**, You will recall that on Tuesday Sitting, 15<sup>th</sup> August 2023, I conveyed my decision to allow for the establishment of a *Joint Ad hoc Committee* to, among other things, inquire into the matters raised in a Statement by the Member for Manyatta Constituency, the Hon. Gitonga Mukunji, MP, regarding the reported activities and operations of *World Coin*.

The Joint Ad hoc Committee was to comprise fifteen (15) Members drawn from the Departmental Committees on Administration & Internal Security; Communication, Information & Innovation; and Tourism & Wildlife. Each Committee was to nominate, in writing, five (5) Members from amongst its membership.

**Honourable Members**, I have since received, in writing, the nominees from the respective Departmental Committees who are as follows—

**From the Departmental Committee on Administration & Internal Security –**

- (1) The Hon. Gabriel Tongoyo, MP
- (2) The Hon. Mburu Kahangara, MP;
- (3) The Hon. Caroline Ng’elechei, MP;
- (4) The Hon. Peter Kaluma, MP; and,
- (5) The Hon. Sara Korere, MP

**From the Departmental Committee on Communication, Information & Innovation –**

- (1) The Hon. John Kiarie, MP;
- (2) The Hon. Geoffrey Wandeto, MP;
- (3) The Hon. Gideon Kimaiyo, MP;
- (4) The Hon. Shakeel Shabbir, CBS, MP; and,
- (5) The Hon. Irene Mayaka, MP.

**From the Departmental Committee on Tourism & Wildlife –**

- (1) The Hon. Kareke Mbiuki, CBS, MP;
- (2) The Hon. Geoffrey Ruku, MP;
- (3) The Hon. Dr. Edwin Gichuki, MP;
- (4) The Hon. Capt. Ruweida Obo, MP; and,
- (5) The Hon. Innocent Maino Mugabe, MP.

**Honourable Members**, In view of the nominations from the Committees and in consultation with the leadership of the House, I have co-opted the Member for Manyatta, the Hon. Gitonga Mukunji, MP, who submitted the Statement on the matter, Nominated Member, the Hon. Umulkher Harun Mohamed, MP, and the Member for Shinyalu, the Hon. Fredrick Ikana, MP.

For clarity and in keeping with practice, the co-opted Members will take part in the deliberations of the Committee and offer insights as appropriate, but they shall not have voting rights.

In conclusion, **Honourable Members**, May I hasten to remind the Committee of the expectation that the inquiry be conducted immediately and a report be submitted to the House by **Thursday, 28<sup>th</sup> September 2023**.

The Joint Committee is to inquire into the activities and operations of *Worldcoin* in Kenya, and shall engage concerned parties including, but not limited to the relevant Ministries, Departments and Agencies, whose mandates have a bearing on the matter. I thank you!”

**(d) Recognition of Sports persons who participated in the Special Olympics Games**

**“Honourable Members**, I wish to introduce to you a Delegation comprising of sports men and women who participated in the Special Olympics Games that were held in Berlin, Germany, from 15<sup>th</sup> to 25<sup>th</sup> June 2023. They are seated in the Speaker’s Gallery.

They are –

- (1) Vanessa Kariuki,
- (2) Anjela Nyambura Kamau,
- (3) Eflon King'ori,
- (4) Jed Maina,
- (5) Lyn Owendi,
- (6) Linah Mumbua;
- (7) Lynett Nyambura;
- (8) Victor Lijembe;
- (9) Kimanthi Mbatha;
- (10) Eugene Ochieng;
- (11) Alex Bala;
- (12) Francis Kiragu;
- (13) Haward Masha;
- (14) Vincent Onyango;
- (15) Hope Mwangi;
- (16) Eric Otieno;

- (17) George Gichiri;
- (18) Josky Bonyo;
- (19) David Ng'ang'a;
- (20) Serena Makena;
- (21) Anthony Mwangi;
- (22) Esther Maina;
- (23) James Karanja;
- (24) Esther Muchiri; and,
- (25) Vincent Mungai.

**Honourable Members,** I will indulge the Hon. Wanjiku Muhia, MP to welcome the Olympians to the House and make brief remarks on your behalf. The delegation is welcome to Parliament to observe proceedings of the National Assembly. I thank you”

- *Speaker directed that the Cabinet Secretary issues an explanation on the handling of the team, before during and after the participation in Berlin.*

## 5. MESSAGES

The Speaker reported the following Messages—

(a) Message from the President on nomination of a person for appointment as Chairperson of the Board of Central Bank of Kenya

**"Honourable Members,** Pursuant to the provisions of Standing Order 42, I wish to convey the following Message from His Excellency the President regarding nomination of a person for appointment as chairperson of the Board of the Central Bank of Kenya.

In the Message, **Honourable Members,** His Excellency the President conveys that, in exercise of powers conferred by section 13B of the Central Bank of Kenya Act (CAP 491), as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates **Mr. Andrew Mukite Musangi** for appointment as the Chairperson of the Board of the Central Bank of Kenya. The President therefore seeks the approval of the Parliament on the said nomination.

**Honourable Members,** Section 11 (2A) of the Central Bank of Kenya Act (Cap. 491 of the Laws of Kenya) reads, and I quote: -

*“The Chairperson shall be appointed by the President through a transparent and competitive process and **with the approval of Parliament,** and shall hold office for a term of four years but shall be eligible for reappointment for one further term’*

**Honourable Members,** you may wish to note that the approval of appointment of Chairperson of the Board of the Central Bank of Kenya is another one of the exceptions where the applicable law prescribes approval by Parliament. Indeed, the House continues to conduct such exercises jointly with the Senate.

Therefore, **Honourable Members,** just for clarity, the vetting process shall proceed in the following manner:

- (i) **THAT,** the vetting of the nominee proposed for appointment as Chairperson of the Board of the Central Bank of Kenya shall be conducted by the Departmental Committee on Finance and National Planning of the National Assembly, jointly sitting with the Standing Committee on Finance and Budget of the Senate;
- (ii) **THAT,** the quorum of the joint sittings of the Committees will be the respective quorums of each of the Committees as stipulated in the Standing Orders of the respective Houses;

- (iii) **THAT**, as contemplated under Rule 9(6) of the Joint Rules unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;
- (iv) **THAT**, the Joint Committees shall, having conducted the vetting hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph 7 of Joint Rule No.9; and
- (v) **THAT**, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, 2011.

**Honourable Members**, whereas the Central Bank of Kenya Act does not provide specific timelines within which the House is to consider the nominee, section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 requires the relevant House to undertake the exercise within twenty-eight (28) days. Therefore, the timelines prescribed in the Public Appointments (Parliamentary Approval) Act, 2011 shall apply.

**Honourable Members**, the Committees should expeditiously proceed to jointly notify the nominee and the public of the approval hearings and proceed to undertake the necessary approval hearings.

Thereafter, the Committees should submit their Joint report to enable the House to consider the matter within statutory timelines.

**Honourable Members**, conscious of the fact that the House is scheduled to proceed for recess next week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption from recess.

The Committee is therefore expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearing and upon conclusion of the hearing, table its report within the set timelines as guided. **I thank you!**

(b) **Message from the President on Nomination of a person for appointment as the Director of Public Prosecutions**

**“Honourable Members**, Pursuant to the provisions of Standing Order No. 42, I wish to convey a Message from His Excellency the President regarding nomination of a person for appointment as the Director of Public Prosecutions.

In the Message, **Honourable Members**, His Excellency the President conveys that, in exercise of powers conferred on him by Article 157(2) of the Constitution and section 8(5) of the Office of the Director of Public Prosecutions Act, 2013, he nominates **Mr. Renson Mulele Ingonga, OGW** as the Director of Public Prosecutions. The President now seeks the approval of the appointee 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, I hereby refer the Message from H.E. the President, together with the curriculum vitae, the report of the selection panel, and other testimonials of the nominees to the Departmental Committee on Justice and Legal Affairs for consideration.

**Honourable Members**, whereas section 8(6) of the Office of the Director of Public Prosecutions Act, 2013 provides that the National Assembly shall consider the matter and table a report in the House within **twenty-one (21) days**, 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.

**Honourable Members**, conscious of the fact that the House is scheduled to proceed for recess next week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption from recess.

The Committee is therefore expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearing and upon conclusion of the hearing, table its report within the set timelines as guided. **I thank you!**"

## **6. PETITIONS**

The Member for Bonchari Constituency (Hon.) (Dr.) Charles Onchoke presented a Petition on behalf of a Mr. Benson Asiago regarding delayed payment of pension by Kenya Railways Corporation.

- The Petition was referred to the Public Petitions Committee pursuant to Standing Order 227.

## **7. PAPERS**

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

- a. Reports of the Auditor-General and Financial and Statements on Judiciary Mortgage Scheme for the years ended 30 June 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 & 2022 and the certificates therein.
- b. 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) St. John's Teachers Training College Kilimambogo; and
  - (ii) Limuru Technical and Vocational College.

*(Deputy Majority Party Whip – Hon. Naomi Waqo)*

- c. Reports of the Departmental Committee on Transport and Infrastructure on its consideration of –
  - (i) The East African Community (EAC) Multilateral Agreement on Aircraft Accident and Incident Investigations; and
  - (ii) Protocols Relating to Amendments of Article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention)

*(Chairperson, Departmental Committee on Transport & Infrastructure)*

- d. Reports on the consideration of the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (*National Assembly Bill No. 35 of 2023*) by –
  - (i) Departmental Committee on Justice & Legal Affairs; and
  - (ii) Departmental Committee on Finance & National Planning.

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

**8. NOTICES OF MOTION**

The following Notices of Motion were given –

- (i) **THAT**, this House **adopts** the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the East African Community (EAC) Multilateral Agreement on Aircrafts Accidents and Incident Investigations, *laid on the Table of the House on Thursday, 17<sup>th</sup> August, 2023* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *ratification of the East African Community (EAC) Multilateral Agreement on Aircrafts Accidents and Incident Investigations*
- (ii) **THAT**, this House **adopts** the Report of the Departmental Committee on Transport and Infrastructure on its consideration of the protocols relating to amendments to Article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention), *laid on the Table of the House on Thursday, 17<sup>th</sup> August, 2023* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *ratification of the protocols relating to amendments to Article 50(a) and 56 to the Convention on International Civil Aviation 1944 (Chicago Convention)*.

*(Chairperson, Departmental Committee on Transport & Infrastructure)*

**9. NOTICE OF MOTION – ADJOURNMENT OF THE HOUSE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE NEW FINANCING MODEL FOR HIGHER EDUCATION AND TECHNICAL INSTITUTIONS**

Rising in his place pursuant to provisions of Standing Order 33, the Member for Mbeere North Constituency (Hon. Geoffrey Ruku) sought leave to move the adjournment of the House for purposes of discussing a definite matter of urgent national importance regarding the new Financing model for Higher Education and Technical Institutions.

And there being not less than twenty other Members rising in their places in support of the adjournment Motion;

Thereupon the Speaker directed that the House adjourn at 6.00pm during the same sitting to discuss the matter.

**10. STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to the provisions of Standing Order 44(2) (a), the Majority Party Whip issued a Statement regarding the business of the House for the week commencing Tuesday, 22<sup>nd</sup> August 2023.

**11. THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2023)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

**12. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 6 OF 2022)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

**13. THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2022)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

**14. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL NO. 5 OF 2023)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

**15. MOTION – ALTERATION OF THE CALENDAR OF THE HOUSE**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Standing Order 28(4), this House, resolves to alter its Calendar for the Second Session (*Regular Sessions*), as adopted on Wednesday, 15<sup>th</sup> February 2023 by varying the period for the Long Recess with respect to the Second Part of the Session so that -

- (a) the Long Recess commences on Friday, 25<sup>th</sup> August 2023 and ends on Monday, 25<sup>th</sup> September 2023; and
- (b) the House resumes Regular Sittings on Tuesday, 26<sup>th</sup> September 2023 to commence the Third Part of the Session.

*(Leader of the Majority Party)*

Debate arising;

Question put and agreed to.

**16. THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT)BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2023)**

Motion made and Question proposed –

**THAT**, the Anti- Money Laundering and Combating of Terrorism Enhancing Laws (Amendment) Bill (National Assembly Bill No. 35 of 2023) be now read a Second Time.

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

Debate arising;

*(Change of Chair from Speaker to Sixth Chairperson of Committees)*

*(Change of Chair from Sixth Chairperson of Committees to Fifth Chairperson of Committees)*

And the time being Six O'clock, the Fifth Chairperson of Committees adjourned debate pursuant to Standing Order 33 for the House to discuss a definite matter of urgent national importance regarding the new Financing model for Higher Education and Technical Institutions.

**17. ADJOURNMENT MOTION ON A MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE NEW FINANCING MODEL FOR HIGHER EDUCATION AND TECHNICAL INSTITUTIONS**

Motion made –

**THAT**, this House do now adjourn to discuss a definite matter of national importance regarding the new Financing model for Higher Education and Technical Institutions.

*(Hon. Geoffrey Ruku)*

Debate arising;

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

**18. HOUSE ROSE** - at six minutes past Seven O'clock,  
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**M E M O R A N D U M**

The Speaker will take the Chair on,  
Tuesday, 22<sup>nd</sup> August 2023 at 2.30 p.m.

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