

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 11th February, 2014

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-

Hon. Onyancha Joel Omagwa

Hon. Richard Nyagaka Tong'i

You may congratulate the new Member also.

Next Order!

(The new members were applauded by the House)

(Several hon. Members walked into the Chamber)

Members making their way into the Chamber, please, do that exercise later. Hon. Members, please, quickly take your seats!

COMMUNICATION FROM THE CHAIR

STATUS OF MOTIONS /INSTALLATION OF BIOMETRIC ATTENDANCE REGISTRATION SYSTEM

Hon. Speaker: Hon. Members, including those at the door, I am sure that we have used the period of recess to further ingrain our own Standing Orders. There is this Communication. This is with regard to the status of Motions and Statements in the last Session of the 11th Parliament, registration for use of the biometric system in the Chamber and Members' welcome reception.

Hon. Members, I will interrupt this Communication to allow hon. Yusuf Abdi Hassan to take his seat.

(Hon. Abdi walked into the Chamber)

Hon. Members, I had indicated that this Communication relates to the status of Motions and Statements in the last Session of the 11th Parliament, registration for use of the biometric system in the Chamber and Members' welcome reception.

Hon. Members, I wish to welcome all of you to the Second Session of the 11th Parliament. I hope you had a good festive season and the year has begun well. It is my sincere hope that all Members are re-energized for the business ahead of us, because our programme for this session is quite a busy one. I wish to make communication on three subjects as stated above.

As you are aware, the First Session of the 11th Parliament ended on 5th December, 2013. Today, Tuesday 11th February, 2014, thus marks the commencement of the Second Session of the 11th Parliament. Therefore, in line with our parliamentary practices and traditions, all Motions and Statements that had been approved in the Session just ended, and thus were before the House, lapsed at the end of the Session. Hon. Members will, therefore, be required to file them afresh for approval. When this happens, the House Business Committee (HBC) will be asked to prioritize certain Motions that were not concluded in the last Session. Such include the Motions for the nomination of Members to the Pan African Parliament and the approval of nominees to the Parliamentary Service Commission.

Hon. Members, the National Assembly has installed a biometric attendance registration system in the Chamber for use by Members when they attend sittings of the House. The biometric register uses a Member's fingerprints to record attendance. This is one of the efforts that we are making towards ensuring a paperless National Assembly. The system is also meant to solve the challenges that have been experienced in manual registration.

In this regard, I wish to request all hon. Members to officially register with the ICT Department to enable use of the system. The system will be operational from today and will run simultaneously with the manual registration for a week after which the manual registration will cease. I, therefore, invite all of you to ensure that you have registered to avoid any inconveniences. The registration is being conducted in the Chamber, Main Parliament Buildings, from 9.00 a.m. to 6.30 p.m. whenever the House is not sitting.

Hon. Members, I also wish to correct the wrong impression created by the media that the biometric system is meant to detect fraud. Nothing could be further from the truth. I wish to draw to your attention the provisions of Article 103(1)(b) of the Constitution that says that a Member may lose their seat if they are not in the Chamber in one Session for eight sittings without written permission from the Speaker. Please mark the words "eight sittings" and not "eight consecutive sittings". It, therefore, means that this is also a safeguard for Members to avoid busybodies out there who may wish to harass them.

In conclusion, I wish to inform the House that there will be a Members' cocktail at the rise of the House. The welcome cocktail hosted by the Speaker will provide an opportunity for Members to mingle and share with colleagues after the long break that we have had as we commence the Second Session of the 11th Parliament. All Members are welcome to attend.

(Applause)

Can I request the Members coming in to, please, first come in so that we can move fast? You will do the registration at some other time as I have indicated. It is running up to 6.30 p.m. Hon. Shabbir, what are you doing? You must freeze! Hon. Gikaria and hon. Wandayi, please---

(The Hon. Members resumed their seats)

MESSAGE FROM H.E. THE PRESIDENT

NOMINATION OF MEMBERS TO THE GENDER AND EQUALITY COMMISSION

Hon. Members, pursuant to Standing Order No.42, I wish to convey the following Message from His Excellency the President. The Message was submitted by way of a letter addressed to my office for submission to the House. In the Message, His Excellency the President conveys that in exercise of powers conferred by Section 11(6) of the National Gender and Equality Commission Act of 2011, he nominates Florence Nyokabi Wachira and Abdillai Alawy as Members of the National Gender and Equality Commission. His Excellency the President, therefore, seeks the approval of this House on the nominees for appointment to the aforementioned positions.

Our Standing Order No.45 requires that upon receipt of nomination, or nominations for appointments, such nominations shall stand committed to the relevant Departmental Committee of the House for consideration. Pursuant to the provisions of the said Standing Order, I now, therefore, and under Paragraph 3 of Standing Order No.42 on Messages from the President, hereby refer the Message of the President to the Departmental Committee on Labour and Social Welfare to undertake the necessary approval hearings. Section 11(7) of the said Act requires the National Assembly to either approve or reject the nominations within 21 days. In this regard, I wish to guide the Committee and the House as follows:-

(i) The Committee should notify the nominees, and the general public, of the time and place for holding the approval hearings in good time. The notification should, therefore, be made on Thursday, 13th February 2014.

(ii) The Committee may, thereafter, commence the necessary approval hearings from 19th February 2014, and submit their report to the House on or before 26th February, 2014.

Thank you.

PAPERS LAID

The following Papers were laid on the Table:-

- (i) The Parliamentary Service Commission Annual Report, 2012;
- (ii) The Financial Audit of the Office of the Auditor-General, Kenya National Audit Office, for the Period from 1st July 2011 to 30th June 2012;

(iii) The Report to the President and Parliament on the Compliance with Values and Principles in the Public Service for the Period 2012/2013;

(iv) The Public Service Commission Annual Report for the Financial Year, 2012/2013;

(v) The Report of the Auditor-General on the Financial Statement on the Registration of Certified Public Secretaries Board for the year ended June, 2013 and the certificate thereon by the Auditor-General;

(vi) The Report of the Auditor-General on the Financial Statements on the Commission on Revenue Allocation, for the period ended 30th June, 2013 and the certificate of the Auditor-General thereon;

(vii) The Report of the Auditor-General on the Financial Statement of the Salaries and Remuneration Commission for the year ended 30th June, 2013 and the certificate thereon by the Auditor-General thereon;

(viii) The East Africa Community Integration Education Bill 2014;

(ix) The East Africa Community Cooperative Societies Bill, 2014;

(x) The East Africa Community Cross Border Legal Practice Bill, 2014.

(By hon. A.B. Duale)

Hon. Speaker: I think in fairness, the three Bills listed under parts “(viii)”, “(ix)” and “(x)” should stand committed to the relevant Departmental Committee for appropriate action. I believe it is the Committee chaired by hon. (Ms.) Kajuju. So, the Bills are committed to her committee. As we said earlier on, you can see that you will begin with a mouthful.

(The Bills were committed to the relevant Department Committee)

Next Order.

MOTION

APPOINTMENT OF MEMBERS TO HOUSE BUSINESS COMMITTEE

Hon. A.B. Duale: Hon. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order, No 171(1); this House approves the appointment of the following Members to the House Business Committee:-

1. The Hon. Justin Muturi, EGH, M.P. – Speaker of the National Assembly, Chairperson
2. The Hon. Aden Duale, EGH, M.P. – Leader of the Majority Party
3. The Hon. Francis Nyenze, EGH, M.P. – Leader of the Minority Party
4. The Hon. (Dr.) Naomi Shaban, EGH, M.P.
5. The Hon. Katoo ole Metito, EGH, MGH, M.P.
6. The Hon. Jamleck Kamau, EGH, M.P.

7. The Hon. William Cheptumo, M.P.
8. The Hon. Eng. M.M. Maalim, CBS, M.P.
9. The Hon. David Were, M.P.
10. The Hon. Z.K. Cheruiyot, MGH, M.P.
11. The Hon. Mithika Linturi, M.P.
12. The Hon. John Serut, M.P.
13. The Hon. Cecilia Ngetich, M.P.
14. The Hon. Priscila Nyokabi Kanyua, M.P.
15. The Hon. Joyce Emanikor Akai, M.P.
16. The Hon. Johnson Sakaja, M.P.
17. The Hon. Florence Kajuju, M.P.
18. The Hon. K.K. Stephen K. Mburu, M.P.
19. The Hon. Jakoyo Midiwo, MGH, M.P.
20. The Hon. Gideon Mung'aro, M.P.
21. The Hon. (Dr.) Victor K. Munyaka, M.P.
22. The Hon. Wafula Wamunyinyi, M.P.
23. The Hon. Rachael Nyamai, M.P.
24. The Hon. Peter Shehe, M.P.
25. The Hon. Makali Mulu, M.P.
26. The Hon. Ghati Dennitah, M.P.
27. The Hon. Gladys Nyasuna Wanga, M.P.
28. The Hon. (Dr.) Susan Musyoka, M.P.
29. The Hon. Ben Momanyi, M.P.
30. The Hon. Joash Olum, M.P.
31. The Hon. Jessica Mbalu, M.P.
32. The Hon. Khatib Abdalla Mwashetani, M.P.

These Members were also Members of the House Business Committee (HBC) in the First Session of the 11th Parliament and Standing Order No. 171(1) mandates that we, in every Session, seek the approval of the House on nominees to the HBC. The functions of HBC are to prepare and adjust Parliamentary calendars, monitor and oversee the implementation of the House business and programmes, implement the Standing Orders to the letter, scheduling of programmes, Motions, Petitions, look at the order of reports, and finally look at the functions of committees.

Sometimes the HBC takes decisions, issues directives and gives guidelines on which Motion or Bill will be postponed, with the concurrence of both the Leader of the Majority Party and the Leader of the Minority Party.

Therefore, this sets the stage that, if the House approves these names, then the House---

(Hon. Anyango was applauded as he entered the Chamber)

Hon. Dalmas Otieno, for the first time, is being applauded. I am sure the reason is known to the hon. Members; it is not part of the Motion, but I also recognize that!

Once we approve the list of the House Business Committee, which is chaired by our able Speaker, then the House will adjourn. We will then retreat to one of our

conference facilities and make a programme for the agenda of the business starting tomorrow morning. So, I would like to urge my colleagues that this is a very important function. It will set the ball rolling for the Second Session of the Eleventh Parliament.

I will now ask my colleague, the Leader of the Minority Party, to second the Motion and wish all my colleagues, the 349 of them, fruitful deliberations during the Second Session of Parliament.

Thank you.

Hon. Nyenze: Hon. Speaker, I stand to second the Motion.

Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, I can see that there are several requests. Are they meant to speak to this Motion?

Hon. Members: Yes!

Hon. Speaker: The first one that came in was from hon. Michael Onyura from Butula Constituency.

Hon. Onyura: Hon. Speaker, I rise to support this Motion. I think these are basically the same hon. Members who were on this Committee in the last Session. I think they did a good job, led by the Speaker. I would have no difficulty in supporting this Motion.

While supporting the Motion, I would also want to comment on something on the membership of the other committees. I feel there are still some hon. Members who either belong to no committee or quite a number belong to only one committee. Although this is something which was discussed here and agreed upon, it appears that, perhaps, the leadership has not taken it very seriously.

I am one of those who belong to only one committee. I saw my name in a certain list, but when I went to attend that particular committee, I learnt that the clerk did not have my name there. So, I think this should be streamlined. Those who are concerned should make sure that each of the hon. Members belong to, at least, two committees.

Hon. Speaker, where we have hon. Members who are in more than two committees, perhaps, that should also be reviewed so that they can give up their places to those who do not belong to any committee, so that each one of us can have a chance to contribute substantially and usefully. It is not just a matter of making technical appearances in some of the committees.

I beg to support the list.

Hon. Abongotum: Hon. Speaker, I rise to support the Leader of the Majority Party who moved this Motion and the Leader of the Minority Party who seconded it. I wish to confirm that the House Business Committee did a marvelous and sterling job last year. We should commend them and approve the same list with the hope that they will serve this House with the same dedication they showed during the last Session.

In America, they say: "If it is working do not fix it." They also say: "If you do not plan, you plan to fail." Therefore, this important Committee will serve this House by getting us programmes and by prioritizing what is important to the House and the

country. I think, without much ado, I want to urge the House to approve the names so that they can get down to business.

I beg to fully support this Motion.

Hon. Speaker: Hon. Midiwo, the machine seems to have removed one more popular name.

Hon. Midiwo: Thank you, hon. Speaker. That machine is a good remover. As you know, I am a traditionalist and this Washington thing is foreign to me. Let me thank the Chair for coming back in good spirit.

Let me also take this opportunity to thank hon. Members and wish them a happy new year and for coming back in one piece. I only needed to say that we were grateful when you called the same hon. Members to a very fruitful meeting to organize how we want to move forward as Parliament. I thought that your office and that of the Clerk did a good thing.

We had some agreements. One of them and which I think I must repeat, was that we want to guide the country peacefully with little noise. I want to plead again with the Leader of the Majority Party whose Motion I am supporting that, please, may we make a departure from the noise of last year so that we can bring tempers in this country down.

Hon. Speaker, I personally made a New Year's resolution. I thought in the last two years, I have been so noisy. So, I have been walking away from the cameras. So, I want to plead with the Leader of the Majority Party that these cameras--- Already, you saw with the parties---

Hon. Speaker: Hon. Midiwo, there is a Member on a point of order!

Hon. Shill: Hon. Speaker, I am sorry. I never wanted to interfere with hon. Midiwo but can you hear? There is a lot of noise! I think there is rain and, in fact, we are feeling it inside the House. I thought that this House was recently renovated. We cannot even hear hon. Midiwo speaking. I do not know whether things have gone wrong. I do not know why we are hearing that noise. Even in my own house, I cannot hear when it is raining.

(Laughter)

Hon. Speaker: Fortunately, your own house is not the National Assembly Chamber!

I think your concern is the concern of every Member. I think it is a matter that when we are through with this, we should be able to address it. That is because if it continues this way, then it will make it impossible for business to be transacted. Indeed, it is poignant that the hon. Midiwo had just talked about noise when he said there is too much of it out there.

(Laughter)

Hon. Midiwo, proceed.

Hon. Midiwo: Hon. Speaker, you are right. You could not have put it much better. But I was talking about the kind of noise usually made by Sakaja and Aden Duale! So, I want to plead with them, on a light note, to cool down!

(Laughter)

Hon. Speaker, I am saying that let us have a new order in the new year in a way that we can bring the temperature of the country down. We said in our meeting that there are so many things which are wrong with the new Constitution. We want to take a bipartisan approach in correcting some of the mess which we think will not let this country do any development.

Hon. Speaker, I want to plead with my colleagues in the House that some of the mess in the Constitution of Kenya, 2010, are things which will affect us directly. I want to plead with Members to put the country first so that we can achieve what the original intention of Constitution-making was.

Hon. Speaker, therefore, I support the Motion and welcome all of us back. Thank you.

Hon. Speaker: Hon. Gichigi.

Hon. Gichigi: Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, even as hon. Gichigi contributes, I can hear some comments. I suspect hon. (Dr.) David Eseli wanted to address us on that. But let us hear what hon. Gichigi has to say and then we can hear a point of order from hon. (Dr.) Eseli.

Hon. Gichigi: Thank you, hon. Speaker. I wish to rise and support this particular Motion. I want to begin by wishing my colleagues in this House a happy new year. I support this Motion because this team that we are returning to office did a good job last year. But I will be requesting them to look at the priorities of this House. This country is facing very many challenges and, as politicians, we are on oath to make some painful decisions.

I wish to echo what my colleague, hon. Jakoyo Midiwo, has said. We have to make painful decisions in this House. We must lead this country. We have been elected by Kenyans not to come and bury our heads in the sand but to come and give them guidance.

Hon. Speaker, the economy is almost grinding to a halt. We have challenges such as an impossible wage bill. We have challenges in terms of insecurity in this country. We have many challenges. It is going to be upon this House to come up with Motions, resolutions, Bills, acts and statutes that are going to help this country.

I also wish to remind this team that we are putting into office once again that we have some Constitutional Bills that need to be brought to this House. It is not good for us to be dealing with them during the eleventh hour. Every time we have to rush because time is almost over and, sometimes, even have to extend sitting hours. We now have time before August. Can we enact those laws early enough?

Hon. Speaker, I wish this team success in office.

Thank you.

Hon. Speaker: Hon. David Eseli.

Hon. (Dr.) Simiyu: Thank you, hon. Speaker. In view of the fact that these are the same Members we had last time; and the fact that contributors are generally supporting, but of course introducing things outside the whole list, would I be in order to request that you put the Question?

Hon. Speaker: Do I get the feel of the House that I should do that?

Hon. Members: No! Yes!

Hon. Speaker: Hon. Members, you can see the Motion is fairly straightforward and I agree with hon. Eseli on that. It is a fairly straightforward Motion that you either speak in support or in opposition. So, perhaps, I need to hear contrary views. In fact, in that order, among the 26 requests that are still on the list and now they have increased to 28, the first one is hon. Joseph Nkaissey, the Member for Kajiado Central - the retired general.

Hon. (Maj-Gen.) Nkaissey: Thank you very much hon. Speaker. First of all, let me take this opportunity to wish all of us a very successful Session. This is the Second Session of the Eleventh Parliament. It is a very important Session for us. It is a deciding session for this country. We must stand and look at the nation seriously.

Hon. Speaker, I stand to oppose the Motion for two simple reasons. Number one, in the last Session, the Committee did not perform to our expectations. There are several committees which never sat. I am a member of the National Cohesion and Equal Opportunity Committee. It is the responsibility of the House Business Committee to ensure that it takes off because it is the only committee which is going to demand for equal opportunities in this country.

Hon. Speaker, my second point is that we are recycling the same individuals. There are hon. Members, who by right are members of committees. Examples are the Speaker and the Leader of the Majority Party. But for the other Members, we want in every new Session to have new faces in the House Business Committee.

(Applause)

We cannot keep going round in circles. Some gentlemen here have already given themselves awards like the Elder of Golden Heart (EGH) and they have never done anything for this country!

(Laughter)

Hon. Speaker, in the Motion by hon. Keynan, we will include that; the Order of the Elder of Golden Heart is the highest in this nation. We have got 349 Members in this House. We need in, every Session, to remove those who are not in as per the Constitution and bring in new blood.

Hon. Speaker, with those few remarks, I oppose.

Hon. Speaker:, Can you also give a suggestion or proposal, hon. Nkaissey, on how we can address the issue of Members belonging to, at least, two committees? It is not enough, hon. Nkaissey, that we remove Members! If you remove Members who are only in this and another one committee, then, obviously, you are also affecting their right to belong to committees. At the same time, I want to find out why is it that the point raised by hon. Onyura keeps recurring? There is a Member or Members, who are in fewer than two committees.

Hon. Members: Yes! Yes!

Hon. Speaker: Then the party leadership should address this issue. It is not a matter for the House Business Committee. It is a matter that the leadership on both sides should address, because we agreed at the beginning of the last Session that, at least--- Remember, Members agonized over this matter, including going to the extent of amending the Standing Orders to address that very point.

Indeed, in the Second Session, I would not want to see a situation where there is a Member who is in fewer than two committees. At least, a Member must be in a departmental committee and in some select committee, whether it is sessional or not. At least every Member must be in not fewer than two committees. Please, I would want to be addressed on this, because we may be addressing something that is not there, or something that is occasioned by the things that hon. Nkaissery has pointed out, like committees that have been formed but which have never sat. We can then address the issues of why those committees are not sitting.

Hon. Nkaissery, you wish to contribute?

Hon.(Maj-Gen.) Nkaissery: Thank you, hon. Speaker. If I was the Leader of the Majority Party, I would offer that position. My colleague here, hon. Nyenze, and the Leader of the Majority Party can sit down very quickly and look at these issues. I think these gentlemen have failed, so to speak. We need, as a House, to begin on the right footing, so that this Session can move forward, as my friend hon. Midiwo said. We need to move forward for the sake of this nation.

Hon. Speaker, I think the two leaders can meet and sort it out, but we do not need to recycle people! The proposal would be that if, for example, I am brought to the House Business Committee, then I should leave one of the committees which I was serving. It is a very simple arithmetic.

Hon. Speaker: Well, that is simple mathematics from hon. Nkaissery. Hon. Joyce Akai Emanikor!

Hon. Emanikor: Thank you, hon. Speaker. In the Kenyan context, the meaning of “recycled material” is “elderly retired people”, who are brought back to jobs that are supposed to be held by young people. I am just wondering whether hon. Nkaissery is referring to the committee members as recycled in that context!

(Laughter)

Hon. Speaker: Hon. Wamalwa!

Hon. Wakhungu: Thank you, hon. Speaker, Sir. First is to wish you a happy new year.

I rise to support. In the case of hon. Onyura who is from the Federal Party of Kenya (FPK), I know we have different pacts and memoranda of understanding (MOUs). In Federal Party of Kenya (FPK), for instance, you will find that they decided that some are on the CORD side and others on the Jubilee side. For instance, I think hon. Gimose, if I am not very wrong, is also from the Federal side.

So, we need a proper ruling. Initially, hon. Onyura never used to appear in the House. We had a chat with him and he indicated that he was having a petition at that particular time. Then we resolved the issue. But now there is the Federal Party of Kenya. We need a ruling because we have Members from either side. This has caused some

confusion. Initially, we even thought that hon. Onyura was on the Jubilee side. So, we need some guidelines.

(Loud consultations)

Hon. Onyura: On a point of order, hon. Speaker.

Hon. Speaker: There is a point of order from hon. Onyura. Hon. Members, hon. Onyura, who has been mentioned by hon. Wamalwa, is on a point of order! Maybe, you can just resume your seats!

Hon. Onyura: On a point of order, hon. Speaker. Hon. Wamalwa is completely misleading the House. I have always been in this House. If you remember, I have actually raised this matter before. My Federal Party of Kenya is in the CORD coalition and it has always been there.

(Loud consultations)

So, hon. Wamalwa, please, apologize for misleading the House!

Hon. Speaker: Okay, let us hear the Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, if you heard what hon. Onyura has said, it is a serious matter as far as the Political Parties Act is concerned. As the Leader of the Jubilee Coalition, I am ready to present and table the coalition agreement that the Federal Party of Kenya (FPK), led by its leader, hon. Shehe, signed with Jubilee. If the CORD Coalition numbers are going down, they should not poach Members through illegal means!

(Laughter)

Hon. Speaker, today is a good day because Jubilee has 217 Members and not 216 Members. I want to tell hon. Onyura this: You are making a serious allegation. You can be de-whipped and lose your seat, if you do not present---

(Loud consultations)

Hon. Speaker: Hon. Members! Hon. Members! Hon. Members! This is the first day surely. I can see we are really energized, but I also wish to remind you that the clear provisions of the Constitution of Kenya, Article 103(1)(e)(i) are about how a Member can vacate their seat. It states that if you are deemed to have resigned from your party--- If it is determined that you have resigned from your party as provided for in law as contemplated in Clause (3)--- I am using the words “Clause (3)” because Article 103 is one of those--- I wish hon. Midiwo was here. It is one of those Articles of the Constitution which make reference to non-existent clauses. It makes reference to Clause (2) and yet, it does not have a Clause (2)! The legislation referred to there is the Political Parties Act, specifically Section 14(5).

Elsewhere today, where I was addressing the issue of Political Parties Disputes Tribunal (PPDT), I had the occasion to address the issue. I think it is not for the Speaker

to make that determination. That determination should be elsewhere but, as you know, this is clearly provided for also in Section 39 of the Political Parties Act; the establishment of the Political Parties Disputes Tribunal and its functions are well spelt out in Section 40. They include, among other things, resolving disputes of this nature. So, I would advise parties that feel that they want to have a test case on this one to kindly take a walk to the PPDT and see how it is going to be resolved. The determination then will be presented to the Speaker one way or the other. But I am not going to make the decision here. We do not need to belabour the point.

Hon. Wamalwa, are you through?

Hon. Wakhungu: Thank you, Hon. Speaker. With the clarification, the CORD side has no problem. We are ready to accommodate him. We are saying this because we still have other Members of the same party who are on the other side. So, this brought some confusion.

Hon. Speaker, on this clarification, as leadership, we will sit down together and iron out the confusion that was there.

As I sit down, the House Business Committee that was in the last session has nothing to apologize here because the confusion was there.

Hon. Speaker: Hon. Wamalwa, do not respond to non-issues!

Hon. Wakhungu: Hon. Speaker, the House Business Committee did a good work. I want to say that towards the end the last Session, Private Members' Motions on Wednesdays were really affected. There is a scholar who said that failing to plan is planning to fail. So, my humble request is that in your planning, let us not interfere with Wednesdays. That confusion ate into the time of Private Members' Motions, some of which have lapsed. This had to do with planning.

Thank you, hon. Speaker.

I support this Motion.

Hon. Limo: Thank you, hon. Speaker. First, I take this opportunity to wish all the Members and our citizens a good year, 2014.

Secondly, I am persuaded to support this Motion even though the idea of mixing talent is very important. This is the only committee in all the committees of this House which is required by the House rules that we constitute it at the start of a new session. It could have been a very good idea and good practice if we also consider among all the 32 Members that there must be a few people who are good elsewhere. It could be good if we consider in future taking the opportunity, at least, to change some Members so that they can also play a key role elsewhere. We should also give an opportunity to other people who might have good ideas in the House Business Committee.

Hon. Speaker, even though I want to support this Motion, I want to urge the House Business Committee to do the following: I remember that most of the time there used to be some Motions which were delayed unduly. That is because you could move a Motion this week and it takes about three weeks before its resumption in the House. That is not good because it affects the quality of debate of the Motion.

Secondly, I urge the House Business Committee to consider bringing as fast as possible Motions which affect our people in the country. As we start this session, we should give the first priority to *Uwezo* Fund Regulations because the country is boiling or waiting for the Kshs6 billion.

Hon. Speaker, I beg to support this Motion. Thank you.

Hon. Aluoch: Hon. Speaker, while I agree with what hon. Nkaisery has said, I support the Motion. However, I want to draw the attention of the House to two issues that need to be taken care of.

First, the Leader of the Majority Party attempted to explain election party coalition agreements. Indeed, hon. Speaker, you have also explained that very clearly. I think a distinction needs to be drawn between pre-election pacts and post-election pacts. That is because it also involves other Members of this House like hon. Oyoo, whose party PDP had a pre-election pact with CORD. But something happened later on. I do not know what he will say because he is here.

(Laughter)

I think this issue is very important.

The other issue is the fact that the House Business Committee must now learn from the mistakes of the First Session. One of the mistakes was failing to prioritize Motions the way they should be.

One of the most important commissions in this country now is the Commission for the Implementation of the Constitution (CIC) which is led by Mr. Charles Nyachae. However, this House has an equally important committee; which is the Constitutional Implementation Oversight Committee (CIOC).

The House Business Committee in the First Session failed to have this committee sitting as important as it is to the extent that the committee of the House that is supposed to superintend the implementation of the Constitution was not able to sit. As a result, the Nyachae Commission took centre stage and we just watched. I think this time the House Business Committee must sit down and look at how we can implement the Constitution without sitting on---

With those few remarks, I support this Motion. Of course, hon. Speaker---

Hon. Speaker: Hon. Olago Aluoch, can you explain how come that a committee which has already been established, has a membership, chair and a vice-chair has not been able to sit? What has been the problem?

Hon. Aluoch: Hon. Speaker, I do not have the privilege of sitting in that committee but it is not just that one. Apart from the Committee on National Cohesion and Equal Opportunity, CIOC, Committee on Parliamentary Broadcasting and Library, there are committees of this House that are moribund and it is time that the House Business Committee took this seriously, woke them up and got them working.

Hon. Speaker, with those few remarks, I support the Motion.

Hon. (Ms.) Kanyua: Thank you, hon. Speaker. I also rise to support the Motion for the constitution of the House Business Committee. I want to urge the House to support the Motion because the House Business Committee in the last session did a lot of work beyond its mandate. That is because we were settling as a new House or new Chamber with more Members. So, the House Business Committee was always called upon to do more than what it is set to do.

The committee as set up used to take four or five hours. So, as we support the Motion, I also urge the House Business Committee to look into Private Members' Bills. It

is regrettable that in the last Session, not a single Private Member's law was passed by this Assembly. I hope that there will be more Private Members' Bill in the next session. Hon. Members are encouraged to bring their Bills so that we can have more of Private Members' Bills in this session alongside Government legislations.

I support this Motion.

Hon. Maanzo: Thank you, hon. Speaker. Let me wish all Members and the country a happy new year. I will say just for the record that hon. Speaker, you read "Dr. Musyoka Munyaka" on No.28. For the record, it is Dr. Susan Musyoka, MP.

Hon. Speaker: Hon. (Dr.) Victor Muya is No.21.

Hon. Maanzo: Yes, but you read "Dr. Musyoka Munyaka" when you read out No.28.

Hon. Speaker: Obviously, I know all the Members unless I mispronounced the name.

Hon. Kemei: Thank you, hon. Speaker. May I join my colleagues also to wish you a happy new year and the rest of us. We believe that 2014 should be a year in which we will perform better than we did in 2013.

As I rise to support this Motion, I wish to join my colleagues by saying that every Member of Parliament is qualified to join any committee of the House. Where there is deficiency in a particular committee, both the Leader of Majority Party and the Leader of Minority Party should draw names from their party lists so that committees are able to work.

Hon. Speaker, I regret that certain committees of the House are not operational. For example, I chose to be in the Joint Committee on Parliamentary Broadcasting and Library hoping that I was going to discharge my professional responsibilities in that committee. However, since Parliament came into session, that committee has remained moribund. I have walked, on several occasions, to the Leader of Majority Party's office until I have lost hope. My desire would probably be that I could move to another committee so that I can discharge my responsibilities in, at least, one committee.

Thank you, hon. Speaker. I beg to support.

Hon. Langat: On a point of order, hon. Speaker.

Hon. Speaker: Hon. Members, there is a point of order from hon. Benjamin Langat.

Hon. Langat: Thank you, hon. Speaker. Judging by the mood of the House and listening to the debate, it is apparent that there is a lot of repetition. May I propose that you put the Question?

Hon. Members: No! No!

Hon. Speaker: Hon. Members, you will make the decision, anyway. This is just the composition of the House Business Committee. This House will not be able to transact any business, including tomorrow, if the committee does not sit today to prioritise our business.

Therefore, let me put the Question, so that you can make a decision one way or the other. I am sure that the issues that have been raised, especially some of those raised by hon. Limo, are matters that you will be debating, possibly tomorrow, if the House Business Committee is formed.

One of the issues that have come up is how long it takes to make a decision on one Motion. Sometimes, it takes too long to make decisions on Motions, including Motions on Committee Reports, as well as on Bills. So, you will be able to deal with that debate appropriately tomorrow, if the House Business Committee is established. So, let us make a decision on whether to form the committee or not.

I will, therefore, put the Question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, that concludes the business of the House today. The House Business Committee will meet, at the rise of the House, in Room No.9, Main Parliament Buildings, to come up with business for the House from tomorrow up to Tuesday next week.

Therefore, the House is adjourned until tomorrow Wednesday, 12th February, 2014 at 9.00 a.m.

The House rose at 3.50 p.m.