

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 4<sup>th</sup> December, 2013

The House met at 2.30 p.m.

*[Hon. Speaker (Mr. Muturi) in the Chair]*

### PRAYERS

### MESSAGES

#### CONSIDERATION OF BILLS ORIGINATING FROM SENATE

**Hon. Speaker:** Hon. Members, there is a Message from the Senate.

Hon. Members, Standing Order No.41(4) relating to messages from the Senate provides:-

“If a message is received from the Senate at a time when the House is in session, the Speaker shall report the message to the House at the first convenient opportunity after its receipt and, in any event, not later than the next sitting day.”

In this regard, I wish to report that I have received two Messages from the Senate vide a letter from the Speaker of the Senate dated 3<sup>rd</sup> December, 2013.

Hon. Members, the first Message regards the National Flag, Emblems and Names (Amendment) Bill, 2013 (Senate Bills No.2). The second Message regards the County Governments (Amendment) Bill No.2, 2013, (Senate Bills No.4). The Senate conveys that they have considered the two Bills and now seek the concurrence of the National Assembly. Pursuant to Standing Order No.143 on consideration of Bills originating from the Senate, I now direct that the two Bills be put on the Order Paper tomorrow for First Reading.

Thank you.

### PETITIONS

#### TARMACKING OF MURARANDIA-GITHAMBO ROAD

**Hon. Kang'ata:** Hon. Speaker, Sir, before you is a petition by residents of Kiharu Constituency that the attention of the House is drawn to the following:-

Aware that there is a 40-kilometre road that traverses Mbiri, Mugoiri and Murarandia wards passing through Ndikwe, Kahuro, Kahatia, Murarandia and Githambo shopping centres within Kiharu Constituency; that the said road was tarmacked up to 30 kilometres in spite of the Ministry of Roads promising to complete the remaining part, Murarandia-Githambo in the 2013/2014 Financial Year; that the road was abandoned by the contractor after it was substantially completed up to 30 kilometres without

explanation; and that the 10-kilometre road that is yet to be tarmacked from Murarandia to Githambo Shopping Centre is impassable during rainy seasons hence crippling transport; that there is a tea factory, Githambo Tea Factory Ltd. along the 10-kilometre road that remains untarmacked and as a result economic activities like transportation of green leaves to the factory and processed tea from the factory remain hindered; that efforts to have this matter addressed by the relevant authorities have been unsuccessful; the residents, therefore, confirm that matters in respect to the Petition are not pending before any court of law, constitutional or legal body.

The petitioners are, therefore, praying that the Departmental Committee on Finance, Planning and Trade and the Departmental Committee on Transport, Public Works and Housing obtain, without delay, undertaking from the Cabinet Secretaries in charge of the National Treasury and Roads and Infrastructure that the tarmacking of the road will be prioritized and that funds will be allocated in the national Budget of the 2014/2015 Financial Year.

**Hon. Speaker:** Very well. That Petition is referred to the relevant Departmental Committee. I thought you had two Petitions.

#### NON-COMPLETION OF MUKURWE-INI-GAKONYA ROAD

**Hon. Kang'ata:**Hon. Speaker, Sir, the second Petition is on non-completion of Mukurwe-ini-Gakonya Road, Road No.D429/E559 and the Rutune-Mahuaini Road Phase II.

The residents of Kiharu, that is from Gaturi Ward, draw the attention of the House to the following:-

That there is a 12-kilometre road traversing Gaturi Ward passing through the following shopping centres namely; Gakonya, Kimathi, Kigetuini and Mahuaini. The road is yet to be tarmacked from Kimathi to Rutune and is, therefore, impassable during the rainy seasons. This road was initially commenced from Nyeri County. The Nyeri County part was tarmacked but it was abandoned upon reaching Murang'a County.

The said road was abandoned without explanation and the relevant Ministries have failed to give an undertaking on when the road will be tarmacked. This matter has not been addressed by the relevant authorities. There is no matter in respect of the same issue pending before any court of law, constitutional or legal body.

The residents, therefore, pray that the Departmental Committee on Finance, Planning and Trade and the Departmental Committee on Transport, Public Works and Housing obtain further without delay, an undertaking from the Cabinet Secretaries in charge of the National Treasury and Roads and Infrastructure that the tarmacking of the road will be prioritized and funds will be allocated in the national Budget of the 2014/2015 Financial Year.

Thank you.

**Hon. Speaker:** Again, the Petition is referred to the Departmental Committee on Transport, Public works and Housing.  
Next Order!

**PAPER LAID**

The following Papers were laid on the Table:-

The Third Report of the Procedure and House Rules Committee on Amendments to the Standing Orders Submitted Pursuant to Standing Order No.262.

*(By hon. (Ms.) Mbalu)*

**Hon. Speaker:** Hon. Members, it is important that all of you pay attention to that Report of the Procedure and House Rules Committee on the proposed amendments to the Standing Orders. It is urgent that the House considers the proposed amendments since it will go a long way to save Bills from lapsing even if the House goes into recess. It is important that hon. Members look at the proposed amendments to the Standing Orders. It is already determined by the House Business Committee that the matter will be on the Order Paper of tomorrow morning.

## NOTICE OF MOTION

### ADOPTION OF REPORT ON AMENDMENTS TO STANDING ORDERS

**Hon. (Ms.) Mbalu:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Third Report of the Procedure and House Rules Committee on Amendments to the Standing Orders Submitted Pursuant to Standing Order No.262 and laid on the Table of the House today Wednesday, 4<sup>th</sup> December, 2013.

## REQUESTS FOR STATEMENTS

**Hon. Speaker:** The first one is hon. James Opiyo Wandayi.

### CHANGE OF COMMAND STRUCTURE OF ADMINISTRATION POLICE

**Hon. Wandayi:** Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Leader of the Majority Party on the apparent change of command structure of the Administration Police Service by the Cabinet Secretary for Interior and Co-ordination of National Government.

The Cabinet Secretary for Interior and Co-ordination of National Government recently issued a Statement placing the Administration Police Service under the command of the County Commissioners, the Deputy County Commissioners, the Assistant Deputy County Commissioners, the Chiefs and the Assistant Chiefs.

In his Statement the Leader of the Majority Party should inquire into and report on:

(i) the official Government position on the change of the command structure of the National Police Service that the Cabinet Secretary has purported to effect through his Statement contrary to Article 245(1),(2),(3),(4) and (5) of the Constitution;

(ii) under which provisions of the Constitution the National Police Service Act and/or the National Police Service Commission Act would the above national Government officials exercise command over the Administration Police Service; and

(iii) the rationale behind this major policy shift which apparently seeks to entrench the Provincial Administration instead of reforming it in line with Article 262(17) in the Sixth Schedule of the Constitution.

**Hon. Speaker:** I want to plead with hon. Members that in seeking Statements, please, be brief. I know that not everybody here is powerful and coherent. Even those who are not powerful and coherent will need to be heard. Please, try to be brief.

**Hon. A.B. Duale:** At least, hon. Speaker, I can confirm from where I sit that I am very coherent and I do not need the Press to report that one coherent leader has been denied a chance. I will give a comprehensive answer to that on Thursday next week.

#### NON-COMPENSATION FOR LAND ACQUIRED BY MERU UNIVERSITY OF SCIENCE AND TECHNOLOGY

**Hon. Karithi:** Hon. Speaker, pursuant to Standing Order No.44(2)(c) I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding persons who were left landless when some middle level colleges were chartered as universities. Various middle level colleges across the country were chartered as universities, indeed, to inspire higher learning such as Meru College which became Meru University of Science and Technology. The Government promised compensation to citizens who voluntarily gave up their land for expansion of the said institution. However, no compensation has been given to date. In the Statement, the Chairperson should inquire into and report on:-

(i) when persons left landless after the chartering and expansion of the Meru University of Science and Technology will be compensated;

(ii) the number of squatters promised compensation after they vacate the land but have not yet been compensated to date; and

(iii) the interim measures to safeguard the affected from harassment by the chartered university institution.

**Hon. Kimaru:** Hon. Speaker, my Vice-Chairman is there so I think he should take it up.

**Hon. Speaker:** Hon. Kibiwot Melly!

**Hon. Melly:** Hon. Speaker, Sir, we are working on it and we will report back to the House in two weeks. We are working on that particular issue and we shall table the report in two weeks' time.

**Hon. Speaker:** Very well. Hon. Karithi, you had another one.

**Hon. Karithi:** Hon. Speaker, Sir, I wish to request the Committee if they can visit the area before we come back from the recess.

**Hon. Speaker:** You can make your request to the Committee that they visit the site. In fact, indeed we want to encourage Committees.

#### IRREGULAR ALLOCATION OF PUBLIC LAND BY DEFUNCT NYAMBENE COUNTY COUNCIL

**Hon. Karithi:** Hon. Speaker, Sir, I have another Statement. Pursuant to the Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the

Departmental Committee on Lands regarding land allocated to ranchers by the defunct Nyambene County Council in Meru County.

Irregular allocation of public and community land by the now defunct county council disenfranchised many Kenyans of their right to own land. For instance, the allocation of land to community entrepreneur ranchers who never settled on the said land left many Kenyans landless especially in Akithi Division in Tigania West, Meru County. More than 10,000 people stand to be evicted after a court order was issued to ranchers risking closure of five public schools, a hospital and public amenities. In the Statement, the Chairperson should inquire and report on:-

- (i) circumstances surrounding the award of the said land to the said ranchers;
- (ii) measures put in place to ensure Kenyans do not lose their land through fraudulent allocation undertaken by the county council; and
- (ii) whether it is possible to continue with adjudication on the same land for the local residents to get their title deeds.

**Hon. Speaker:** Chairperson, Departmental Committee on Lands or the Vice Chair or a Member thereof. Hon. Karithi, it looks like nobody heard what you were asking. I am sure there must be Members of the Committee. Hon. Oner. I know he is an active Member. Any Member of the Committee? Yes, hon. Makau.

**Hon. King'ola:** Hon. Speaker, Sir, considering that we are going on recess, we will give him a reply by February when we come back.

**Hon. Speaker:** Hon. Karithi, it is okay, but I would like to know which February. Is it next year?

**Hon. King'ola:** Febraury, 2014.

**Hon. Speaker:** Hon. Makau, himself!

#### STATUS OF FACILITIES IN POLICE STATIONS IN KENYA

**Hon. King'ola:** Hon. Speaker, Sir, pursuant to Standing Order No.44(2)c), I would like to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the status of facilities in police stations in Kenya. Most police stations in Kenya have not been facilitated with modern facilities and equipment to enable the police fight and deter crime as well as protect the citizens.

Some police stations do not have vehicles while other police vehicles are mechanically impaired. In some police stations, a case study of Mlolongo in my constituency, have no patrol vehicles or a single vehicle that is functional. They only share one lorry which cannot run all the police errands. The stations have no proper cell amenities and suspects of all genders are locked in one cell. For example, when a female suspect wants to go for a short call, they are escorted by male police officers. In the Statement, the Chairperson should inquire and report to the House on the following:-

- (i) the status of all facilities at the disposal of police stations and the Provincial Administration in Kenya; and
- (ii) provide a comprehensive list of all facilities allocated to each police station in Kenya with special emphasis on the number of police vehicles for patrol.

I am citing Mlolongo because security in the area is important. The Bunge SACCO, a SACCO of this Parliament, houses half of the staff of this Parliament. If you

go to Syokimau, I am sure a quarter of the Members in this House live there, which is in my constituency. If Mlolongo does not have a patrol vehicle, I am seeing a scenerio where this House will lose many Members. I am asking the Chairman to order the Cabinet Secretary, Mr. ole Lenku to take, at least, four vehicles to Mlolongo. They only have one vehicle and you can imagine how that one can deal with all the causes of accidents.

**Hon. Speaker:** Hon. Makau, I thought you are seeking a Statement, but now you are debating.

**Hon. King'ola:** Hon. Speaker, Sir, I have some passion because our staff and Members have been claiming that their children are being raped.

**Hon. Speaker:** Very well. Let us hear how soon that is going to be.

**Hon. King'ola:** That is why I am ordering the Chairman to order the Cabinet Secretary, so that he can bring those vehicles.

**Hon. Speaker:** Hon. Makau!

**Hon. King'ola:** Hon. Speaker, Sir, Mavoko is like Nairobi.

**Hon. Speaker:** You see, even as you make your request, remember that Mlolongo is just one part of this country. All your colleagues who are here, obviously, come from areas that have challenges of like nature and therefore, it is only fair that we do not make requests that will make us appear like we want to carry the entire security machinery into one part of the constituency.

**Hon. Abongotum:** Hon. Speaker, Sir, the Member for Mavoko has raised this issue on several occasions. In fact, even at a very personal level. Mlolongo, actually deserves a police vehicle. Quite a number of people, namely, the staff and Members of Parliament, live in that area. So, I will expedite and bring this report in a week's time.

**Hon. King'ola:** Hon. Speaker, Sir, that is in order. I really appreciate. I have been bothering the Chairman and I hope that will be done immediately.

**Hon. Speaker:** The next request is by Stephen Mutinda Mule. Francis Mwangangi.

#### STATUS OF KENYA INDUSTRIAL ESTATES PROGRAMME

**Hon. Kilonzo:** Thank you, hon. Speaker, Sir, I have two approved Statements. Pursuant to Standing Order No.44 (2)(c), I wish to request for a Statement from the Chairperson of the Committee on Finance, Planning and Trade, regarding the Kenya Industrial Estates (KIE) Programme. The programme provided incubation processes for upcoming businesses and entrepreneurs but it appears to have phased out. There are currently no existing programme centers around the country despite its usefulness.

In his Statement, the Chairperson should inquire and report on:-

- (i) whether this programme still exists and where its activities are;
- (ii) if there are any plans to revamp and restart this programme;
- (iii) the current status of the properties and assets around the country owned by KIE for this programme; and
- (iv) plans in place to ensure that KIE programmes and assets irregularly used are recovered.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Chairperson Finance, Planning and Trade, hon. Benjamin Langat, or the Vice-Chair, hon. Nelson Gaichuhie. Both of them are not present. Hon. Sakaja, are you a Member? You heard what was requested?

**Hon. Sakaja:** Yes, I can undertake to communicate this to the Committee and the Chair and we will get a response in three weeks, because that matter needs him to attend the Committee sittings and we will call the respective agencies to discuss it. So, three weeks kindly.

**Hon. Speaker:** Hon. Mwangangi!

**Hon. Kilonzo:** That is in order, hon. Speaker, Sir. Now, to my second Statement.

**Hon. Speaker:** Yes.

#### APPOINTMENTS IN PUBLIC SERVICE

**Hon. Kilonzo:** Pursuant to Standing Order No.44(2)(b), I wish to request for a Statement from the Leader of Majority Party regarding the appointment of ambassadors, High Commissioners and their deputies, Chief Executive Officers, Managing Directors, Directors of State Corporations and the newly created directorates by Cabinet Secretaries.

Article 27 of the Constitution 2010, stresses on equality and freedom from discrimination on the grounds of gender, ethnic or social origin. It also points out the two-thirds gender principle. In his Statement, the Leader of Majority Party should:-

(i) provide a list of all CEOs, MDs and board members of State corporations appointed from April 2013 to date, whether on acting or full capacity;

(ii) provide a list of all newly created directorates in all ministries and the directors appointed in those offices, whether in acting or full capacity; and

(iii) lastly, clarify whether the appointment of the chairpersons conforms to the requirements of gender, regional balance and other grounds as envisaged in Article 27 of the Constitution 2010.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, Sir, I will present that comprehensive Statement including those whom we have not yet appointed on Thursday next week, but I can assure you we will follow Article 27 of the Constitution.

*(Laughter)*

**Hon. Kilonzo:** That is in order and *asante bwana* Leader of Majority Party. Thank you.

**Hon. Speaker:** Hon. Joyce Emanikor. Is she present or absent? Hon. Joe Mutambu, is he present or absent?

#### LACK OF MEDICAL PERSONNEL IN HEALTH FACILITIES IN MWINGI

**Hon. Mutambu:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health regarding lack of health officers in health facilities that were constructed using Constituencies Development Fund and public resources in Mwingi

Central Constituency. Several health facilities were gazetted by the Government but, up to today, they have not been operational because of lack of health officers such as medical doctors, nurses and clinical officers.

*(Loud consultations)*

**Hon. Speaker:** Order Members! Order Members! Consult in low tones to allow hon. Mutambu to make his statement.

**Hon. Mutambu:** Thank you, hon. Speaker, Sir. Additionally, all sub-district hospitals lack all key medical personnel. Regrettably, this hospital is only staffed with cleaners who are doubling as nurses and as such, many patients are suffering and eventually dying. Actually, I have a list of people who have died in that hospital because there were no doctors and they were being treated by cleaners. We have lost several people.

In the Statement, I request the Chairperson to inquire and:-

(i) provide a list of all health facilities in Mwingi Central Constituency, indicating the staffing level of each;

(ii) reasons for the Government's delay in operationalizing all the gazetted health facilities; and

(iii) when the Government will post medical personnel to Mwingi District hospital, the low sub-district hospitals and any other health facility in that region.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** I cannot see the Chairperson of the Committee on Health but I can see the Vice-Chair, hon. Pukose.

**Hon. (Dr.) Pukose:** Thank you, hon. Speaker, Sir. Not anticipating the Motion that we will be going on recess, because I know Members will not proceed on recess without the Constituencies Development Fund money in their accounts, we will be able to give an answer next week on Thursday.

**Hon. Speaker:** Yes, hon. Mutambu.

**Hon. Mutambu:** Next week, hon. Speaker, Sir, is acceptable.

**Hon. Speaker:** Hon. Christopher Nakuleu.

#### ATTACK ON MEMBERS OF PARLIAMENT IN SAMBURU COUNTY

**Hon. Nakuleu:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Leader of Majority Party regarding the planned eviction and attack of three Members of Parliament, hon. Joseph Samal of Isiolo North, hon. Christopher Nakuleu of Turkana North and hon. Protus Akuja of Loima from Samburu County on 30<sup>th</sup> November, 2013, by police officers.

The County Police Commandant of Samburu County and his officers visited the hotel where we were accommodated and ordered us to move out of the hotel and be escorted out of Samburu County at midnight. In the Statement by the Leader of Majority Party, he should inquire and report on:-

(i) reasons and intentions of the attack and evictions of three Members of Parliament from Maralal Town and out of Samburu County late at night;



(ii) be able to furnish the House with identity of leaders who participated in the meeting in Maralal Town, who are allegedly the major perpetrators of violence between the Samburu and Turkana communities living in Samburu County;

(iii) action taken by the Government on alleged public incitements of Samburus against Turkana community as witnessed in different forums;

(iv) action taken by the Government to ensure that the businesspeople of Turkana origin and other tribes in Samburu country especially in Maralal Town have their businesses protected because as for now, they are not allowed to conduct any business, be it a butchery or opening a shop and all the premises are closed---

*(Loud consultations)*

Hon. Speaker, Sir, Members are consulting loudly.

**Hon. Speaker:** Hon. Members, please lower your voices.

**Hon. Nakuleu:** (v) measures taken by the Government to restore peace in Maralal Town following deliberate and systematic targeting and killing of people from Turkana Community.

Hon. Speaker, Sir, you will realize that I have read this Statement on behalf of the three hon. Members who were attacked. We have also decided to re-direct this Statement from the Chairperson of Departmental Committee on Administration and National Security to the Leader of Majority Party just because we expect to be called before the Committee. The leadership of the Committee should also come and give a testimony on this issue because we have information that can fully satisfy us on the outcome of this issue.

Hon. Speaker, Again, I would like to beg your indulgence to allow Members to ventilate on this issue since it touches on Members of Parliament---

**Hon. Speaker:** It looks like all you want is to debate. You have not approached the Chair to adjourn on a matter of national importance. So, do not go that route. You rose claiming to seek a Statement. But now, you are asking for Members to be allowed to ventilate. Ventilate on what now?

**Hon. Nakuleu:** Hon. Speaker, I sought the guidance before seeking that Statement from one of your temporary speakers. So, unless I was misled---

**Hon. Speaker:** But, surely, it is indicated here that you were to seek a Statement, which is what you rose to do. But now, you have gone on to debate and you are asking that Members be allowed to ventilate.

**Hon. Nakuleu:** Hon. Speaker, I will go by your directive. Again, there are issues which have not been captured in the Statement by the drafters. I do not know how that will be rectified.

**Hon. Speaker:** Okay. Let us hear the Chairperson, because he can only go by what is in the written script. Hon. Abongotum.

**Hon. Abongotum:** Hon. Speaker, that Statement is under the purview of our able Majority Leader and so, he can respond to us. It was not addressed to the Committee.

**Hon. Speaker:** You see, this is the problem when Members are not clear with what they want. It is true that hon. Abongotum may rightfully claim that he is not the one to make the Statement. That is because although the Member clearly says he is seeking the Statement from the Chairperson of the Departmental Committee on Administration

and National Security, but while addressing the matter, hon. Nakuleu changed and directed the Statement to the Leader of Majority. Now, who would you like to give the Statement? Hon. Abongotum, you want---

**Hon. Abongotum:** Hon. Speaker, the issue in the Upper North Rift between Turkanas and Pokots and Samburu and Turkanas is extremely weighty and I want to propose that the Leader of Majority Party should be in a position to address that matter once and for all, and to the satisfaction of the hon. Member.

**Hon. Speaker:** Very well. I quite appreciate that. Hon. Abongotum, even the other Members appreciate the position that you have taken, which is quite encouraging. Leader of Majority Party, this burden now falls on your shoulders to deal with the issue of Turkanas, Pokots and others.

**Hon. A.B. Duale:** Thank you, hon. Speaker. First, in case we go on recess, I want to urge a number of my colleagues who come from counties where conflicts are heightening to use that opportunity to preach peace among communities and counties. But I will give a comprehensive answer on Wednesday next week.

**Hon. Speaker:** Yes, hon. Nakuleu.

**Hon. Nakuleu:** Hon. Speaker, Sir, I totally concur with the response by the Leader of Majority Party that he will furnish the response on Wednesday next week. But the reason as to why I changed the course is because there is a Member of Parliament who is now held hostage at Kapedo, from the same, same community. So, I thought by re-directing the Statement, some form of justice will be served. So, I agree with Wednesday, but I also bring to your attention that the Member of Parliament for Turkana East is now held hostage in Kapedo. He cannot move out. He even struggled so much to enter into the town. He would have finished yesterday.

**Hon. Speaker:** Leader of Majority Party, what are you going to do?

**Hon. A.B. Duale:** Hon. Speaker, I will ask my colleague to join me later and then we can talk to the Government and make sure that the Member of Parliament is safe and secure. Maybe, around 4.30 p.m., he can come to my office and talk to me. The Inspector-General and other arms of security will be asked to rescue our colleague.

**Hon. Speaker:** Very well. The hon. Lati Lelelit.

**Hon. Lati:** Thank you, hon. Speaker. I sympathize with Members of Parliament. I think the question they are asking is in order as far as their security is concerned. But I want to seek some guidance from you. Since I represent the people of Loikas and all those other people they are asking--- All those businessmen are my constituents. Is it in order for another Member who represents Turkana North to ask questions on behalf of the people of my constituency? Is that in order? I am seeking guidance.

**Hon. Speaker:** Hon. Lati, I think the issues being raised are fairly grave. I think there should be nothing to prevent that other Member from raising it. But I think as a matter of courtesy, that Member should liaise with you also, to alert you that he is going to raise the matter that will touch on an area that you represent. Let us hear hon. Limo.

#### RENAMING OF MOI INTERNATIONAL SPORTS CENTRE

**Hon. Limo:** Thank you, hon. Speaker. Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on

Labour and Social Welfare regarding the renaming of the Moi International Sports Centre, Kasarani to “Safaricom Sports Centre”.

Hon. Speaker, the Moi International Sports Centre, Kasarani is a historical national heritage that Kenyans hold in great esteem. Any attempt to change the historical names of presidents we hold dear such as this has major implications on the gains that we have made over the years as a Republic.

Hon. Speaker, whereas corporate sponsorship for major firms such as Safaricom is most welcome, attempts to change names of such infrastructural heritage to reflect the corporate sponsors do not augur well for the country. This is a second attempt to rename a national stadium after the unsuccessful attempt to rename Nyayo National Stadium to “Coca Cola Stadium”.

Hon. Speaker, in the process of compiling the Statement, the Chairperson should inquire into and report on the following:-

(i) steps taken by the Government to prevent the Stadia Management Board from altering historical names for financial gain;

(ii) steps taken to reverse the naming of Kasarani Moi International Sports Centre to Safaricom Stadium; and,

(iii) steps being taken by the Government to develop a framework to manage the renaming of public infrastructural development such as roads, stadia and airports to protect and prevent such alterations.

**Hon. Speaker:** Is the Chairperson of Departmental Committee on Labour and Social Welfare present? If not, could we have the Vice-Chairperson making an undertaking?

**Hon. (Ms.) T.G. Ali:** Hon. Speaker, we will look into the request and give a response. We will try to see if we can look at it tomorrow and report back to the House.

**Hon. Speaker:** What is your point of order, Leader of the Majority Party?

**Hon. A.B. Duale:** Hon. Speaker, the matter before the House is very serious. We are celebrating 50 years of our independence. We are changing the name of the sport facility, which has been named after an important leader, for Kshs55 million. Safaricom makes billions of shillings from our people. So, they should even pay more. Parliament must investigate that matter. The Kshs55 million deal must be stopped. The name “Moi International Sports Centre” is an icon. We cannot allow it to be changed for such a small amount of money. If it is US\$5 billion, it is okay but for US\$55 million, we cannot agree. This House must protect the image of this country.

Thank you.

*(Loud consultations)*

**Hon. Speaker:** Order! Order! Order, hon. Members! Hon. Nkaisery, hon. Keynan and the Leader of Minority Party, there is a lot of excitement from that side of the House. Is there an issue that hon. Nkaisery would want to raise?

**Hon. (Maj-Gen) Nkaisery:** Hon. Speaker, I just want to echo the sentiments of the Leader of the Majority Party. We cannot continue erasing history. The second President of this Republic deserves to have his name on that stadium. The House is very excited because of the leadership of hon. Moi. I am sure that you are also very passionate about former President Moi, because he led this country peacefully. Therefore, we cannot

change his name for just Kshs55 million. Unlike now, this country enjoyed stability during former President Moi's tenure. That is why we are saying "tingisha kidole" in this House. It is a sign of good leadership.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Keynan, do you also want to say something?

*(Several hon. Members shook their right hand index fingers)*

Hon. Members, why is it that all of you seem to be shaking one finger?

Yes, hon. Keynan.

**Hon. Keynan:** Hon. Speaker, I stand with great nostalgia to appreciate the position taken by the Leader of the Majority Party, hon. Duale. I was with you somewhere where we were told that a crop of politicians would emerge from nowhere and say that they want to erase the history of a certain country and start it afresh. Any attempt to rewrite or erase the historical contributions of great leaders like Mzee Moi – who handed over power voluntarily in the midst of many others who had refused to accept democratic transitions – is unfair. The contribution of Mzee Moi must be applauded.

Hon. Speaker, as an individual, I want to say, knowing that you, the current President of the Republic of Kenya and his deputy fall in the same category; that we must appreciate the unique contributions of great leaders like Mzee Moi. No attempt should be made by any entity or individual to commercialise their contribution. Therefore, I want to agree with hon. A.B. Duale that the issue is not as casual as somebody tried to purport. We want an extensive investigation conducted. Those individuals who thought of the idea of changing the name of that stadium should be brought to book because what they did is interference with our sovereignty. It is interference with our history, which is not acceptable.

Therefore, I want to appreciate the position taken by hon. Members. In honour of Mzee Moi and Mzee Kibaki, and many other presidents who are going to retire, we want to create a club of retired Presidents, so that they can remain a living example to the rest of Africa, so that they can be consulted by young and emerging African leaders.

I am proud to say that I am one of the products of the Nyayo philosophy.

Thank you.

**Hon. Speaker:** Hon. Members, I have 57 requests on only this matter. The message to the Departmental Committee concerned is loud and clear, there is so much business ahead of us. Let us hear the Leader of the Minority Party, whom we welcome back to the House. He has been unwell.

**Hon. Nyenze:** Thank you, hon. Speaker, for giving me the opportunity.

I want to support the Leader of the Majority Party, hon. Aden Duale, for refusing to change the name of the stadium just because of Kshs55 million. This country is very rich. We cannot commercialise our history. As I was seated, even the young Member for Kimilili, Dr. Wamalwa, told me that former President Moi paid his school fees. We had good contribution from the founding father of the nation, Mzee Jomo Kenyatta. He liberated us from the yokes of colonialism and steered this country onto a path of growth.

Former President Moi succeeded Mzee Jomo Kenyatta peacefully and led this country for 24 years, during which he brought a lot of development. There were no insecurity issues during that time. Although the economic growth was slow, the cost of living was very low. This country named some stadia after him, and we should continue to honour him for the part he played.

Hon. Speaker, last but not least---

**Hon. Speaker:** What is your point, hon. Ken Obura Mirenga?

**Hon. Mirenga:** Hon. Speaker, my point of order is very simple. Is the Leader of Minority Party who is, of course, my leader in this House, in order to say that during former President Moi's time there was no insecurity in this country when the truth is---

*(Loud consultations)*

Hon. Speaker, can you, please, protect me from these KANU stalwarts? The truth is that when Moi was in power, for 24 years, we witnessed a lot of insecurity, especially along the Luo-Kalenjin borders and everywhere in the country.

Hon. Speaker, this is also supposed to serve those who still doubt. I know that there was a lot of political sycophancy during the time of Moi, and there are those who would like to continue that way. As much as we would want to have the former President's name retained at the stadium, we restrict what we say to facts, and not just to anything.

Thank you, hon. Speaker.

**Hon. Speaker:** Yes, hon. Francis Nyenze.

**Hon. Nyenze:** Thank you hon. Speaker, Sir. Some of these young legislators were still in primary school. So, they may not recollect. I just want to finish by saying that let us respect our former leaders. We have a lot of respect for the founding father, the late Mzee Jomo Kenyatta, former presidents Moi and Kibaki. We will still stand very firm. Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Members, let not this be an occasion for debate. This is not an occasion for debate. I saw the Vice-Chair of the Committee--- Hon. Members, you know this is not debate time. The Vice-Chair, hon. Tiyah Galgalo, you have heard the sentiments of various Members. Did you indicate that you want to give the report tomorrow? Where is hon. Tiyah Galgalo?

**Hon. (Ms.) T.G. Ali:** Thank you, hon. Speaker. I have heard the sentiments of hon. Members. I will try to get more information from them and report what we can tomorrow. We might not start the investigations tomorrow, but we can give the feedback of the status of this issue tomorrow.

**Hon. Speaker:** But, please, even as you seek statements from the Executive, I think it is important to carry with you the sentiments expressed by Members with regard to that particular aspect. Hon. Joseph Kiuna and hon. Limo, is there something which is not--- Let us just hear the final point.

**Hon. Limo:** I think the response from the Vice-Chair is in order, but I want to say this: This is a matter of national importance and, if it is possible, I would like to urge the Vice-Chair of the Committee to come up with an assurance that the renaming will be reversed. That is a very serious issue. Otherwise, what it means is that I can today, as hon. Limo, go to the management of that stadium, give Kshs60 million and rename it my

name. So, it is a serious issue. I want to say that hon. Sambili did well when she reversed the decision to rename Nyayo National Stadium. I want to assure the former President Moi that this country will never put him to shame while we are still here. Thank you very much. We need the answer tomorrow. I hope it will come tomorrow and not any other day. Thank you.

**Hon. Speaker:** Hon. Kiuna.

#### RESETTLEMENT OF MAU EVICTEES

**Hon. Kiuna:** Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the resettlement of Internally Displaced Persons (IDPs) in this Republic. I would like the Chairperson to state the fate of the remaining Mau evictees and also to say when they will be resettled. That is because, already, the Government has stated clearly that all the IDP camps in the Republic should be closed. But, of those who are remaining, we want to know their fate.

I would also like to get an answer on those people who were evicted from White Rose Farm. I would like to know the fate of those people who invaded Muthera Farm in Mau Narok Division and where they came from. Thank you, hon. Speaker.

**Hon. Speaker:** The Chairperson, Departmental Committee on Lands or any other member. I have always seen hon. Ken Okoth very active on matters of land. Did you hear the request, hon. Okoth?

**Hon. Okoth:** Hon. Speaker, Sir, I am actually very interested and keen on matters of land because some of you may have seen on news yesterday that we have a lot of tension in Kibra concerning the issuance of title deeds---

**Hon. Speaker:** This is not about Kibra now, it is about the Statement that he has requested.

**Hon. Okoth:** Yes. I actually would prefer that my fellow colleague, hon. Melly speaks for the Lands Committee. I am a member of the Education Committee.

**Hon. Speaker:** So, any member of the Committee then? There is nobody from--- Hon. Mung'aro.

**Hon. Mung'aro:** Hon. Speaker, Sir, our Chair is not present, but I want to undertake that we will investigate the matter and report back to the House in two weeks.

**Hon. Speaker:** Two weeks' time, hon. Kiuna.

**Hon. Kiuna:** Thank you, hon. Speaker. There are some people who have already invaded a private farm called Muthera Farm. Those people are staying there illegally and we do not want any tension or bloodshed. I would request the Government to make sure that those invaders are evicted and that land is protected. Thank you.

**Hon. Speaker:** Very well. Hon. Chris Wamalwa.

#### ESTABLISHMENT OF CHINESE -FUNDED INSTITUTES IN CONSTITUENCIES

**Hon. Wakhungu:** Thank you, hon. Speaker, Sir. I rise to request for a Statement pursuant to Standing Order No.44(2)(c). I wish to request for a Statement from the Chairperson, Departmental Committee on Education--- Hon. Sabina Chege, pay attention, please! I would like to request for a Statement from the Chairperson of the

Departmental Committee on Education, Research and Technology regarding the establishment of polytechnics/technical institutes to be set up in every constituency funded by the Chinese Government. In the Statement, the Chairperson should inquire into and report on the following:-

- (i) the operational framework of establishing those institutes;
- (ii) the time-frame for the establishment of the said institutes;
- (iii) the conditionality of the establishment of the said institutes; whether they can be set up on public land or land that can be purchased for the same purpose; and
- (iv) lastly, any other relevant information for the stakeholders regarding the Chinese funded institutes.

Thank you.

**Hon. Speaker:** Hon. Sabina Chege.

**Hon. (Ms.) S.W. Chege:** Thank you, hon. Speaker. I would like the hon. Member to give the Committee two weeks and we will give an appropriate answer. Thank you.

**Hon. Wakhungu:** Two weeks are okay with me. Thank you.

**Hon. Speaker:** Hon. Korei ole Lemein.

#### CONSTRUCTION OF MOMBASA-KAMPALA-KIGALI-JUBA RAILWAY LINE

**Hon. ole Lemein:** Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Leader of Majority Party regarding the construction of the Mombasa-Kampala-Kigali-Juba standard gauge railway line. In his Statement, the Leader of Majority Party should inquire into and report on:-

- (i) the actual cost of the project and the sources of funds;
- (ii) whether the procurement process and the legal requirements were followed in awarding the tender;
- (iii) the list of all the tenderers and their financial and technical evaluation reports;
- (iv) the sustainability and cost effectiveness of the project, clearly defining the safeguards put in place to ensure the contract sum is sustained; and
- (v) finally, the environmental impact assessment of the project.

Thank you.

**Hon. Speaker:** Leader of Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, on this one, I am not going to say next week. I think it is a serious matter.

**Hon. Speaker:** Leader of Majority Party

**Hon. A.B. Duale:** This one I am not going to say next week, because I think it is a serious matter. It should go to the relevant committee to do an in depth investigation, either Committee on Transport, Public Works and Housing or Committee on Public Investments. I think it is more about investment. Give it a period that they can investigate and bring back a report to the House. With your guidance, hon. Speaker Sir.

**Hon. Speaker:** It looks like the issue is about procurement, is it not?

**Hon. Members:** Yes

**Hon. Speaker:** You know hon. Members, before I do this, and I want to bring this to your attention because I will be doing a communication on this matter tomorrow, I think it is important that everybody apprises themselves about the various functions and roles, as stipulated in the Standing Orders. We are dealing with issues to do with

parastatals, investments, procurements, financial propriety, and effectiveness of decisions on investments. It is important that we get a bit clearer. We should look at the specific mandate of the Public Investments Committee in Standing Order No 206 (6). Its functions shall be to examine the reports and accounts of public investments. Two, examine reports, if any, of the Auditor-General on public investments. There is a difference. So, it means the Public Investments Committee can investigate and examine issues to do with other reports, not just reports of the Auditor-General. More importantly, the Committee shall examine in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices. I, therefore, think a clear reading of that should not leave anybody with cobwebs. The issue here which I think hon. Ole Lemein is asking is to do with prudence of the commercial decisions that may have been undertaken or made by public entity. It is very clear. I, therefore, will agree with the Leader of Majority Party that Public Investments Committee should actually examine this matter. Call for all the reports if any, not just reports of the Auditor General, any reports available, so that you satisfy yourself as to the prudence, soundness or the financial decisions that are tendered revolving around this particular venture. And therefore, Public Investments Committee is hereby directed to take up the Statement request, investigate and examine any reports surrounding those decisions that have been made and report back to the House within the shortest time possible. Hon. Keynan, I can see you are itching to say something.

**Hon. Keynan:** Not really hon. Speaker Sir, but following your guidance, I have only read this in the newspapers; we will do what is necessary. Certainly, there are issues that at times are cross-cutting and I think there is no harm even consulting other Committees because all of us have a purpose. The purpose is to serve the people of Kenya. I want to assure you that on the face of it, that is an issue that is within the purview of the Public Investments Committee, and I am glad that Members are beginning to appreciate both the spirit and letter of our Standing Orders, the Constitution and the Audit Act of 2011. We will look at it critically and report to the House soonest possible, taking into account that this is a complex issue. Within the next three weeks, we shall have a report.

**Hon. Speaker:** Hon. ole Lemein.

**Hon. ole Lemein:** The timeframe is agreeable.

**Hon. Speaker:** Very well. Hon. Ms. Nyokabi, I will give you a chance. Hon. Mwadime.

#### DISMISSAL OF EMPLOYEES BY TAITA ESTATE LIMITED

**Hon. Mwadime:** Pursuant to Standing Order 44(2)(c), I wish to make a Statement request from the Chairperson of the Departmental Committee on Labour and Social Welfare, regarding the alleged dismissal of employees by the Taita Estate Limited in Mwatate Constituency. The Taita Estate Limited has continually and allegedly dismissed employees without following due process. Further, employees of the said company work under very poor conditions and are forced to work for more than 10 hours in a day, hence encouraging spread of chronic and infectious diseases such as tuberculosis leading to



deaths of its employees. In the Statement, the Chairperson should inquire into and report on the following:-

(i) the action the Government is taking to ensure workers are not subjected to poor working conditions;

(ii) the measures the Government is taking to ensure such employees are paid their terminal dues; and

(iii) whether employees who are injured in the course of duty are compensated under Workmen's Compensation.

**Hon. Speaker:** Hon. Were.

**Hon. Were:** I will give the Statement in three weeks' time.

**Hon. Speaker:** Hon. Mwadime,

**Hon. Mwadime:** Considering the urgency of the matter, as we are talking, the employees are on strike. I will appreciate if the Chairperson can lessen the time.

**Hon. Speaker:** Of course, hon. Mwadime you are also looking at the Parliamentary calendar for the Session and I am sure you are alive to it. Maybe, hon. Were could expedite.

**Hon. Were:** Fine, the matter could be that urgent but I do not want to give an undertaking on a period that we may not be able to deliver the report. I would request that the Member indulges the Committee to give its report in three weeks.

**Hon. Mwadime:** Thank you, hon. Speaker, Sir. I am guided.

## POINT OF ORDER

### THE SPEAKER ACCUSED OF CURTAILING THE AGENDA OF CORD IN THE HOUSE

**Hon. (Ms.) Shebesh:** Thank you, hon. Speaker, Sir. I rise on a point of order and I am glad to see the Leader of Minority Party here. I had seen the Deputy Whip, Hon. Jakoyo and I can also see hon. Chris Wamalwa.

Hon. Speaker, Sir, the Deputy Whip should bear with me because the point of order I want to raise deals with the person of the Speaker and the sentiments that were expressed by the membership of CORD in this House, about the feeling that as the Speaker, you are curtailing or interfering with the agenda of CORD in this House.

As you know very well, perceptions travel faster than facts. When this issue came up, it was discussed in the social media and FM radio stations.

Hon. Speaker, Sir, you know that, as a House, we are now being targeted because we are doing work that might not necessarily make very many quarters happy. I know that many times I sit as a Temporary Deputy Speaker of this House and I give Members a chance to contribute in a very balanced way. The issue came from one of the Members who spoke but all the other Members were in that Press conference. I will feel very uncomfortable if in this House we have one side of the House that feels that its voice is being muzzled. I was wondering whether it is possible to allow the CORD leadership to speak and that is why I am happy the Deputy Whip and the other leaders are here. If it is the case, since you are the Speaker, and some of us sometimes deputise you, it will be good for us to know the position. It is better to deal with it in-house rather than deal with it in the media.

Hon. Speaker, Sir, I am requesting if it is possible to allow the CORD leadership a chance to clarify whether or not they have a problem with Hon. Speaker, J.B. Muturi who is curtailing the agenda of CORD in this House. That was the statement that I heard from CORD leadership.

**Hon. Ng'ongo:** On a point of order, hon. Speaker, Sir. I can masquerade as the Leader of Minority Party. Above all, I am a Member of Parliament and I can contribute.

I really do not know whether hon. Rachael is referring---

**Hon. Members:** On a point of order, hon. Speaker, Sir.

**Hon. Speaker:** He is also on a point of order.

**Hon. Ng'ongo:** Hon. Speaker, Sir, I really do not know whether our rules have changed that we can now at will refer to reports from the media. However, be that as it may, I request the Speaker that if this matter is supposed to be debated, I think the leadership of CORD can meet with the Speaker to express the concerns and reservations. This is because we have a lot of issues to address and making the plenary debate whether the party has been sidelined or not, in my view, is not the right way to go.

If there were genuine concerns from hon. Rachael who sits in the Speaker's Panel, I think she should have requested you to invite the leadership of CORD so that we can openly and with ease discuss with you some of the concerns that the CORD coalition may be having; some of which I do not think could be right. By the end of the day, you are the Speaker of the National Assembly and we need to respect you. So, I do not think it will be right to discuss this matter here in the plenary because this amounts to discussing your conduct in the House without a substantive Motion. It is wrong if you allow the Leader of Minority Party to start saying how you have been muzzling the CORD coalition. That in essence is discussing the conduct of the Speaker and that can only be done through a substantive Motion.

Hon. Speaker, Sir, I think we need to respect our rules even though we may be offended by some of the comments that come from the opposite side. So, I request you that you do not allow such a debate unless there is a substantive Motion to discuss the conduct of the Speaker.

Thank you.

*(Several Members stood up in their places)*

**Hon. Speaker:** Hon. Members, I think there is no debate on this matter. Of course, hon. Members have a right to express themselves whichever way they wish. Indeed, as people who practise democracy, you must at all times allow everybody to say their bit even if you do not agree with even an inch of it. Everybody has a right to say what he or she wants to say out there.

Indeed, as you know, I do not like commenting on issues that happen outside the Chamber. For that reason, it is important that when we deal with matters that arise in the Chamber--- I do not participate in political party caucuses and I will not be drawn into deliberations or discussions of political party caucuses.

*(Applause)*

The caucuses are at liberty to discuss anything and everything under the sun provided that they do so within the rules that govern such discussions and deliberations. So, let nobody feel that whatever they say out there will attract any reprimand except if it is said by way of breaching the rules of the House, for instance, going to discuss matters that are before a Committee of the House before it has tabled its report here. Obviously, that will attract reprimand.

Other issues about feelings, how religious one may be, how tall, short, fat, thin and all those, Members are at liberty to express themselves, but it is also important to be factual. This House and, indeed, all parliaments decide through a vote. This is through acclamation although we now have electronic voting.

Indeed, even walking out of the Chamber is a way of expressing yourself and even voting. The Speaker and the Chair has no vote. It does not bother me even when I see some quarters mistakenly thinking that the Speaker is bringing Bills. I am sure you are all my witnesses. The Speaker has not brought any Bill before this House and the Speaker will not bring any Bill or Motion to this House.

All Bills will be brought by you, hon. Members and will be decided by yourselves. It is immaterial what the Speaker's views about any particular Motion or Bill are. The Speaker will sit here. Whether he feels very strongly about a Bill, it will be passed or rejected notwithstanding his strong feelings. So, this is unnecessary and it will not happen to me.

So, it is you. It is unnecessary really. It will not happen to me. It does not bother me that somebody is saying this or the other. Indeed, even when you talk about court orders in the streets or elsewhere and they are not in this Chamber, I will not bother because things out there in the streets and some other places are not here. Of course, you cannot gag people from saying what they want to say even though they say it in ignorance. They must say so and you must defend their right even to hold those very funny ideas because we live in a democracy. Hon. Members, I think we should not debate this matter.

**Hon. Nyenze:** Hon. Speaker, as CORD leadership, we have not raised that issue with you. We have not brought a complaint to you. If as CORD leadership we feel that we have an issue with you, we will bring it up and discuss it through a proper forum.

I also want hon. Ms. Shebesh to withdraw and apologize for bringing something that is wrong in the House.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, let us not get carried away. You know you have heavy business.

**Hon. Langat:** Thank you, hon. Speaker. I think casting aspersions on the Chair is like casting aspersions on the whole House. You have already said much about the rules of the House. We have been here and several times I have been moving Bills. I have always been complaining about absence of Members, especially in that coalition. Many times the other coalition votes by walking out. They seek sympathy through the Press that we oppose this Bill, yet they are in the House. They do not oppose it in the House. They walk out and then oppose it in the Press. I think discipline requires that if you walk out, you should be ready to face the consequences of your walking out.

You listen to them now saying that they did not bring that complaint, but when they go out they say all manner of things. They should always remain in the House to vote. You have rightly said that you do not vote and I have never seen you vote. You have rightly said that you do not bring Bills in this House. I am a witness to that. You have never brought any Bill to the House. Therefore, the other coalition should manage their affairs, and should accept the consequences of their decisions. Many people will want to play to the gallery.

*(Loud consultations)*

They should remain in the House and vote in the House. Walking out is not wise.

**Hon. Kombe:** Hon. Speaker, the House has a lot of important issues to discuss. At this juncture, I would wish that we forge ahead. Thank you.

**Hon. Midiwo:** Hon. Speaker, very briefly, the issue being talked about is disruptive. I thought it should be in the Speaker's Panel. Hon. Shebesh should be in the know that if she wanted us to discuss you, she ought to bring a Motion. Hon. Speaker, some of us may have very good things to say about you. So, it is not fair for hon. Langat to say that we are always walking out. Yes, we walked out once during a debate and we ended up being proven right.

*(Laughter)*

They never pulled out of International Criminal Court (ICC) yet we walked out. We left them with the ICC, hon. Speaker. I have heard your instructions to the House or your submission. I want to urge you as my leader to remain calm all the time. People are headed for Christmas and I do not think we need to go on this vacation pulling apart as a country. I think we need to be together under your leadership, go home and sit with our constituents. Some of these people, hon. Speaker, if you come here even on Sunday, you will see them in corridors of Parliament.

*(Laughter)*

It is going to be the first time that they are going to have no excuse to run away from their constituents. So, it is tomorrow and we want to announce from the Floor that if they are not seen in their constituencies on Friday then they will be absentee MPs and the people should deal with them.

I thank you, hon. Speaker.

**Hon. Speaker:** Hon. Members, let us put a close to this. I want also to make it abundantly clear that the practice of this House and, indeed, in the Commonwealth at all times is, in case a Member feels that they want to move a Motion against the Speaker then the Speaker is required, as a matter of practice and tradition, to approve that Motion very fast, so that the matter can be disposed of. Therefore, it is not something that should exercise us. I want to agree with hon. Midiwo that Christmas is not too far away. I think we need to embrace the spirit of Christmas.

Hon. Members let us not raise temperatures over nothing. We have a lot of business. I want to allow hon. Nyokabi to lay a Paper which is important.

**Hon. (Ms.) Kanyua:** Hon. Speaker, I do apologize for being late. Thank you, hon. Speaker, for the permission.

## **PAPER LAID**

The Report of the Departmental Committee on Justice and Legal Affairs on Consideration of the Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No.32 of 2013.

*(By hon.(Ms) Kanyua)*

## **POINT OF ORDER**

### **MISREPORTING BY THE STAR NEWSPAPER**

**Hon. Abongotum:** On a point of order, hon. Speaker, Sir. This is totally on a different tangent. It does not touch on the subject matter we have been discussing.

Pursuant to the provisions of Standing Order No.86 on proceedings of select committees, I wish to read the specific provisions: “No Member shall refer to the substance of the proceedings of a Select Committee---

**Hon. Speaker:** Hon. Members, I am sure all of you are here in your numbers because you are aware of the business that is next on the Order Paper. Those who are withdrawing, even though it is your right to do so, may rue the fact that they may lose a chance to say something about the next business.

Continue, hon. Kamama!

**Hon. Abongotum:** Hon. Speaker, Sir, I was reading the provisions of the Standing Order No.86 that says:-

“No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the House”.

I am saying this in connection with a report by the *Star* Newspaper today on the first page and on page 6 that says that Members want to fire Kimaiyo, the Inspector-General and Mr. Karangi over the Westgate attack. To the best of my knowledge, recollection and believe, we all know that this report is not before the House. Pursuant to the directions that you gave us, especially on a matter of this nature, I wish to state that the *Star* Newspaper gave very misleading information to Kenyans. It is false. There is no iota of truth in the entire statement. The impression that was created is meant to prejudice the minds of Kenyans before this report is brought before the House.

It is stated that one Member gave out this information. It is also stated that the co-chair, hon. Gethenji and I gave the information. I want to state that this information is false. It is misleading. I do not even know the intention of this newspaper. Our Standing Orders must be respected. I also believe that the Member stated as having given the information never gave it. This is a total fabrication by this newspaper. We want responsible journalism and this is what we have been fighting for in this country. If members of the Fourth Estate embrace this pedestrian reporting, this country will not be taken to the next stage. We demand an apology as a Committee. I also demand an apology from the same newspaper personally and on behalf of my co-chair, hon.

Gethenji, as a matter of urgency. They need to do that, otherwise we will take appropriate action against this newspaper. I need your guidance on this.

**Hon. Speaker:** But you see, hon. Kamama, you claim to rise under Standing Order No.86, which makes reference to Members. I have had occasion to make a ruling on this. It is Members of the House. So, unless there is a Member, the person whom the report may be quoting, if he is a known Member--- If he is anonymous, then it may be difficult for the House to intervene, especially under Standing Order No.86. However, of course, you make a valid point that the newspaper must not speculate. Newspapers are urged, at all times, to be factual when making references to either deliberations in the plenary or in committees. Of course, every newspaper has its own editorial policy, and I may find it difficult to have to intervene in their editorial policies. However, it is important that newspapers and any other person reporting the deliberations or proceedings of the House or a committee of the House should, as much as possible, be factual to avoid sensational reporting.

**Hon. Gethenji:** Hon. Speaker, Sir, it is clear, if you read this article in the newspaper, that they are certainly referring to a certain Member who gave information. Now, whether that Member exists or not, is a fact that needs to be established. This is a live example of the responsibility that we are trying to extract from the media by bringing amendments to the Kenya Information and Communications (Amendment) Bill. You cannot have national newspapers casting aspersions on Members of serious Committees. I am not saying that there are committees which are not serious; Committees of this House are all serious and constitutional offices. This is pre-emptying the outcome of the work of Committees and prejudicing the minds of Kenyans against the outcome of the work of the Committees.

This is a very serious matter and we wish, in fact, to summon the editors of the *Star* Newspaper, its owners and the members of the Media Council to explain how this can happen.

**Hon. Speaker:** You are at liberty to do so as a Committee. Members, there is nothing. Hon. Ochieng, there is nothing. What there is, is that you are at liberty as the joint committee to summon whoever it is from that newspaper to appear before you and explain issues that they have reported that may be of concern to you.

Hon. Wandayi, it is not everything that requires opposition. I appreciate your role, but it is not everything that requires opposition. On this one, this is final. The two Committees are at liberty to invite, or even summon or have summoned the management and editorial staff of the concerned newspaper, you call it "*The Star*" to appear before yourselves and answer questions as would be appropriate. Let us leave the matter at that, hon. Members. Let us make progress.

Next Order.

## **BILLS**

### *First Reading*

#### THE COUNSELLORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL

*(Order for First Reading read – Read the First Time)*

*and ordered to be referred to the relevant  
Departmental Committee)*

### **THIRD READING**

#### **THE WILDLIFE CONSERVATION AND MANAGEMENT BILL**

**Hon. Speaker:** Hon. Members, I have information that the House in Committee considered the Wildlife Conservation and Management Bill, National Assembly Bill No.21 of 2013 yesterday, indeed, last night. I must commend the Members who sat for long hours. Unfortunately, the Question was not put during Third Reading. Therefore, my very simple duty now is to put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

### **POINT OF ORDER**

#### **CONSIDERED RULING SOUGHT: MEMORANDUM ON KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL**

**Hon. Speaker:** Yes, hon. Abdikadir.

**Hon. Aden:** On a point of order, hon. Speaker, Sir, I am sorry for the little disruption of the Clerk. I am rising under Standing Order No.47(3)(b), seeking your indulgence and guidance to the House on the constitutionality of the debate on Item No.10, on the Order Paper today.

The issue that is on this particular Order Paper with regard to the discussion that we are about to have relates to the Memorandum from the President, which contains the issues of his refusal of, or his opinion on, the Kenya Information and Communications (Amendment) Bill, (National Assembly Bill No.19 of 2013). As provided for in the Constitution under Article 115(1)(b), indeed this Bill has been referred back to the House. Within 14 days of receipt of a Bill, the President shall refer the Bill back to Parliament for reconsideration, noting any reservations that the President has concerning the Bill.

Under Article 115(4) Parliament, after considering the President's reservations, may pass the Bill a second time with, or without amendments that do not fully accommodate the President's reservations by way of voting. Looking at the agenda that is before us today, it appears this House is about to indulge or go into a Committee of the whole House to discuss something that, indeed, is not in the Bill that this House forwarded to the President.

This House has a responsibility to protect the Constitution that we have. Under Article 94(1), indeed, legislative authority is derived from the people and vested and exercised by Parliament. What we are about to do here today, which is to pass a suggested legislation by the President, is indeed a contravention, in my view, of the Constitution of Kenya and I seek guidance of this House on the issue that is here. The

reason is that this particular Article 115(4) mandates Parliament to amend the referred Bill, with or without the President's reservations. Therefore it will be unconstitutional, in my view, for this House to restrict amendments to the reservations presented by the President only.

We need your guidance as to whether, indeed, it is constitutional for this House to be limited to debate only the recommendations of the President. If this House is to pass anything today, it should not pass the issues put here as the views of the President.

Hon. Speaker, Sir, I seek your guidance; this House, in a previous Bill stood accused from out there for a number of issues, including those to do with the fact that even our previous Bill violated Article 34(2)(a) and (b), which forbids any person from the media--- Allow me to just refer to Article 34(2), which states that the State shall not (a) exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium. Under Article 34(2)(b) the Constitution states that the State shall not penalize any person for any opinion or view or the content of any broadcast, publication or dissemination.

Indeed, the previous Bill passed by this House was debated very much and had those constitutional issues. It appears that this House is about to make another mistake by trying to debate the suggestions of the President as the main Bill to be discussed, which is not the case. For that reason, I seek your direction on this issue which, in my view, is a violation of the Constitution, in particular the Articles I have referred to.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Hon. Members, I should not be addressed on this; it is a very simple and straightforward matter. The legislative authority of the Republic of Kenya is derived from the people. At the National level, it is exercised by or vested in Parliament; that is the clear provision of Article 94. Hon. Abdikadir, Article 94 is in Chapter Eight of the Constitution, so is Article 115. That is the Chapter dealing with the Legislature. The process of legislating is covered in that Chapter; the process ends with a Bill being taken to the President to assent, fail to assent or refer back to Parliament with a memorandum and suggested amendments or proposals. Assent is, therefore, part of that legislative process.

When the President fails to assent and refers a Bill back to us, it is for the House, through the procedure provided for in Article 115, and in our own Standing Orders to do what it must do with regard to the proposals or suggestions from the President. I was just about to take the House through that. For you to rise in your place and claim that we are about to do something unconstitutional, yet you have the legislative authority, is to say that you are failing in your responsibility as a legislator.

Decisions, resolutions and passage of laws in parliaments are through a vote. Indeed, we have just voted on a Bill. So, it happens with all other Bills including this one. Therefore, the onus is on you, hon. Members. It is only Parliament that has the power to make and repeal laws. The Judiciary can express itself on any law that is passed by Parliament. The Executive can take the views from the Judiciary and propose amendments to existing laws, or propose new laws in accordance with the views expressed by the Judiciary. But Parliament can initiate any legislative proposal as long as it is in accordance and in adherence with the Constitution. Therefore, it is indeed your responsibility to do what you must do. If you make a bad law, live with it. Sleep without



any problems because somebody else has a responsibility to go and say that this is against the Constitution. Then the suggestions will be out there and you will make the process. Do not get excited about people saying this or the other, it is your responsibility as a House to make these laws. Indeed, you are the only ones who have responsibility even to amend the Constitution itself. Why would you be worried? Make the law, never mind about Article 34. Somebody else will go some other place to have it interpreted if, indeed, it is against that Article 34. Whatever the advice, it is up to the House to decide what it will make of those opinions or expressions. If it is a decision declaring one way or the other that a particular provision of some law goes against the Constitution, obviously, the House will take into account those views. As I said earlier, I am lucky that I do not have a vote. Hon. Abdikadir, you are not as lucky because you have a vote on this. I do not have a vote but making laws, you must make including unmaking others. So, feel free.

With regard to what happened, that is perfectly within that Chapter Eight. If you do not like any of the proposals that have come from the President, again as a House, you are at liberty. The same Constitution has given you the power to reject or subject to the appropriate constitutional thresholds. It is just last week that I said the threshold is 232.6. So, the appropriate number is 233. The Speaker has no vote. I am that lucky, hon. Abdkadir but you must make decision and we are just getting there. Please, let us get there and you will make decision. I cannot pretend that it is in my power to preempt debate of what your own Committees come to report here. It would be wrong. The Chair cannot prevent debate of this nature, especially given the clear provisions of the Constitution. We will move that way.

**Hon. Wandayi:** Hon. Speaker, thank you. Indeed, I am happy that I have got this chance to express myself. I just want your indulgence following your very eloquent ruling, today and even last week.

If you look at Article 115 of the Constitution and again look at Standing Order 154, the operating word is “reservations”. That the President shall send back the Bill with his reservations. Nowhere under Article 115 or under Standing Order No. 154 do we have anything to do with proposal or amendment. The issue here is that if the Constitution gives this House the power to reconsider President’s reservations, it goes ahead to say that if the House is to disagree with the President’s reservations, it has to do so with the two-thirds majority. That is very clear. My submission is that this Memorandum from the President has gone beyond what he is allowed to do by the Constitution. That is my submission. The Constitution only allows him to make reservations, but he has gone ahead to propose legislation.

**Hon. Speaker:** Hon. Wandayi, I will stop you from pursuing that line. This is a House of record. You go to the records of the rulings of past Speakers on a matter of this nature. What are reservations? Those are the proposals that do come from time to time. Hon. Members, let us not get into an argument. It is you who will make decisions. You are the ones to make a decision whether to agree with the President or not to agree with him.

**Hon. Ababu:** Hon. Speaker, Sir, I do agree with you that this is a House of records. In fact, this is a House of rules. This is what distinguishes this hon. House from a market place and *Jua Kali* shed. We are called the august House; the house of honour. We are a house guided by rules and those rules are either encapsulated in these Standing Orders or in the practices, customs, usages and traditions of the House. It is established

both in the rules and in the practices of the House that when a matter of constitutionality is raised, it be given due attention. I say this with absolute due respect to yourself and the Chair. Standing Order No. 47(3)(b) talks to the issue of constitutionality. It vests in you an enormous responsibility and considerable power on this matter. The Standing Orders indicate specifically, “If the Speaker is of the opinion that any proposed Motion is contrary to the Constitution or an Act of Parliament without expressly proposing appropriate amendment to the Constitution or the Act of Parliament, the speaker my direct---” It goes on to say what you can do. In addition to these Standing Orders, this House has developed and established certain practices, customs and traditions. Time and time again especially as we have grappled with the challenge of rolling out the new constitutional order, the question of constitutionality has been brought to the attention of the Chairman. It has been established that in instances where that has happened, the Chair has taken time to consider the matter and tender a considered ruling. The matter that has been brought to your attention is within the nature of issues that have been brought to the attention of the Chair in the past.

Allow me to agree with you wholly that in the wording of Article 94 of the Constitution, the National Assembly shall enact legislation in accordance with Part 4 of this Chapter. Yes, Mr. Speaker, the responsibility to make law belongs to this House and this House alone. It is not shared with the Executive or the President.

So, in line with your position, which is a constitutional position, this House has the constitutional prerogative to make law. This House, at the same time, cannot purport to share that responsibility with the President or any other person.

*(Applause)*

The memorandum presented by the President is a memorandum presented in accordance with the Constitution under Article 150. It is presented perfectly within the purview of the Constitution. However, in so far as the President attempts to amend that law by making specific provisions that this House runs the risk of adopting, this House will be ceding its legislative mandate to the President and which is unconstitutional manifestly.

Just to give an example, hon. Speaker, the proposal by the President on the type of fines or the punitive measures through fines that may be brought against media practitioners amounts to usurpation by the President of the legislative mandate and authority of this National Assembly.

*(Applause)*

Hon. Speaker, let me conclude by saying that yes, we have the responsibility to make law. Yes, we can listen to anybody who brings an opinion here. However, we also owe a cardinal responsibility to the Constitution. Each one of us here, before we commenced our responsibilities here took the following oath of office: “I Ababu Namwamba, having been elected a Member of the National Assembly solemnly swear that I will bear true faith and allegiance to the people and the Republic of Kenya; that I will obey, respect, uphold, preserve, protect and defend this Constitution of the Republic

of Kenya and that I will faithfully and conscientiously discharge the duties of a Member of Parliament.”

Hon. Speaker, that is the duty. It is solemn; it is cardinal; it is a responsibility and it is constitutional. You may want to ---

**An hon. Member:** On a point of order, hon. Speaker.

**Hon. Speaker:** Let him finish. Hon. Members, this is a fairly straightforward matter.

**Hon. Ababu:** I am concluding, hon. Speaker. The matter raised by the hon. Member for Balambala is weighty and constitutional. It requires the considered opinion of the Chair. I want to plead with the Chair that there is no rush. The matter we are dealing with goes to the very heart of the Bill of Rights. It goes to the very heart of the freedoms that this country has gone to great lengths to strengthen and engender in the Constitution. So, let us not play with the freedom of the Press.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members! Hon. Members!

**Hon. Ababu:** Hon. Speaker, may you kindly, please, without purporting to guide your work listen to the plea from the hon. Member for Balambala and consider this matter. This is because, indeed, whether you want to appear to be a defender of the throne, your number one responsibility is the Constitution of the Republic of Kenya.

*(Applause)*

And that is where your primary responsibility ought to lie. We must defend the Constitution against any negation whether that inaction comes from State House or any other place. I thank you, hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, it does not matter. This is not a place for drama. I am well-grounded on this matter. I do not need to adjourn even for a minute. It is not the fact of adjourning that makes what you do become considered. It is the substance! Almost on a daily or weekly basis this House considers Bills proposed from the Executive. This House expresses itself on all those proposals. The House makes decisions. You know, as a House, how many Bills you have passed this Session from the Executive. You did not agree with each and every proposal. When you did not agree you acted according to your own convictions and what you passed is the law.

Hon. Mbadi, what you passed became the law. It cannot be that on this matter where the Constitution is so clear you start saying that this cannot happen this way. The precedent that you will be setting will be the most dangerous one. I cannot go that route. It is you as Members who must make the decision. There have been Bills on Wildlife, the VAT, Tax Appeals and so on, did you approve every proposal from the Executive? Why is it difficult for you to disagree with the current proposals? Whatever are CORD reservations from the President, they come to the House. You can go to history. The reservations always come to the House by way of proposals from the President on how he

would want a particular legislated proposal to look like. It is for the House to either agree or disagree, or agree with amendments, or disagree with amendments. The Constitution gave you all those options.

Hon. Members, do not try to play to the gallery. Do not try to play games. The Constitution is clear. Hon. Members, I will not allow any further debate on this. We will proceed to the next Order.

*(Loud consultations)*

Hon. Members! Hon. Kamama, it does not matter what copy of the Constitution you are holding. You will make your decision here. You will make your decision on the Floor. Next Order! Hon. Members this is the position: For the convenience of the House, it will consider the business appearing as Order No.13 first for purposes of putting the Question. Second Reading of that business had been concluded this morning and what remains is for the Question to be put and I proceed to do so.

## **BILLS**

*Second Reading*

THE STATUE LAW (MISCELLANEOUS AMENDMENTS) BILL

*(Hon. A.B. Duale on 27.11.2013)*

*(Resumption of Debate interrupted on 27.11.2013)*

*(Question put and negatived)*

*(Loud consultations)*

**Hon. Members:** Division! Division!

**Hon. Speaker:** Okay, hon. Members! The Leader of Majority Party, you are claiming for a Division. Resume of your seats. Order! There will be order in the House. The Leader of Majority supported by the requisite number claims for a Division. I, therefore, order that the Division Bell be rung for 10 minutes.

*(Division Bell was rung)*

Order, Members! Resume your seats! I order that the Bar be drawn, even those that may be in the rooms behind hon. Speaker should know that they may lose the opportunity to express themselves. We are going to do electronic voting. Members will have 90 seconds to log in. So, I encourage every Member to be ready with their cards.

*(Loud consultations)*

You only log in once. The Motion we are voting on is shown on the Order Paper as Order No. 13. You have 90 seconds from now to vote as explained. Who is not ready? If you do not have your card, you do not vote.

Order, hon. Members! The following is the number of Members who voted. They were 164. There are eight abstentions. The Ayes are 73 and the Noes are 83. So, the Noes have it.

## DIVISION

*(Question put and the House divided)*

*(Question negatived by 83 votes to 73)*

**AYES:** Messrs. Abongotum, Akujah, Aramat, Baiya, Ms. Banticha, Messrs. Barua, Bunyasi, J.K. Chege, J.N. Chege, Ms. S.W. Chege, Messrs. Chepkong'a, Cheruyoit, Cheptumo, Chumel, A.B. Duale, Ekomwa, Eric Keter, Gethenji, Gikaria, Huka, Ichung'wah, Ms. Kajuju, Messrs. Kamau, Kanini Kega, Ms. Kanyua, Messrs. Karani, Karithi, Katoo, Kemei, ole Kenta, Kimaru, Kiptanui, Kipyegon, Kisang, K.K. Kinyanjui, Ms. Korere, Messrs. Langat, ole Lemein, Lentoimaga, Lomwa, Losiakou, Eng. Manga, Ms. Mbarire, Ms. Mbugua, Messrs., Muchai, Murungi, Musau, Musimba, Mwangi, Nderitu, Ndiritu, Ms. Ng'ang'a, Messrs. Ngare, Njomo, H.K. Njuguna, ole Ntutu, Nyumu, Otsiula, Rop, Rotino, Sakaja, ole Sakuda, Ms. Seneta, Dr. Shaban, Ms. Shebesh, Messrs. Shidiye, Shill, Ms. Tobiko, Messrs. Tonui, Wambugu, Waiganjo, Washiali and Were.

**NOES:** Messrs. Ababu, Aden, Anami, Anyango, Bady, Bett, Bosire, Bowen, Chea, Ms. Chidzuga, Messrs. M.D. Duale, Elmi, Gakuya, Ganya, Geni, Gimose, Eng. Gumbo, Messrs. Juma, Kaluma, Ms. Kedogo, Mr. Keynan, Ms. Khamisi, Messrs. Koinange, Korir, Koyi, Ms. Lay, Messrs. Lempurkel, Magwanga, Makenga, Mati, Ms. Mbalu, Messrs. Midiwo, Mirenga, Mlolwa, Momanyi, Mukwe, Mule, Mulu, Murgor, Mwadeghu, Mwadime, Mwaita, Mwamkale, Ms. Mwendwa, Messrs. Nassir, Ng'ongo, Maj-Gen. Nkaissery, Mr. Nooru, Ms. B.N. Nyaga, Ms. Nyamunga, Mr. Nyamweya, Ms. Nyasuna, Mr. Nyenze, Dr. Nyongesa, Prof. Nyikal, Dr. Oburu, Messrs. Ochieng', Odanga, Ms. Odhiambo-Mabona, Messrs. Ogalo, Okoth, G.W. Omondi, J.O. Omondi, Onyango, Onyonka, Onyura, Opiyo, Otaalo, Oyoo, Oyugi, Dr. Pukose, Messrs. Ramadhani, Sambu, Ms. Shakila Mohamed, Mr. Simba, Ms. Wahome, Messrs. Wakhungu, Wamunyinyi, Wandayi, Wangamati, Wanjohi, F.K. Wanyonyi and Wetangula.

**ABSTENTIONS:** Messrs. Kabando wa Kabando, Letimalo, Manje, Ms. Mathenge, Ms. Munene, Messrs. Nanok, Njagagua and J.M. Nyaga.

Relax Hon. Members. It, therefore, means that the Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No.32 of 2013, is lost and cannot be read a Second Time.

The Serjeant-at-Arms, you may now open the Bar.

*(Loud consultations)*

## COMMUNICATION FROM THE CHAR

### MEMORANDUM ON KENYA INFORMATION AND COMMUNICATIONS BILL

**Hon. Speaker:** Order, Hon. Members! This is Communication relating to the business appearing as Order No.10 - The Memorandum from H.E. the President on the refusal to assent to the Kenya Information and Communications (Amendment) Bill, 2013.

Hon. Members, you will recall that on Thursday, last week, I promised to give a Communication on the procedure to be followed when considering the Memorandum from His Excellency the President on the Kenya Information and Communications (Amendment) Bill, 2013.

His Excellency the President's Memorandum indicates the specific provisions of the Bill which requires to be reconsidered by this House and in terms of Article 115(4), it provides as follows:-

“Parliament, after considering the President's reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President's reservations, by a vote supported-

- (a) by two-thirds of Members of the National Assembly; and,
- (b) two-thirds of the delegations in the Senate, if it is a Bill that requires the approval of the Senate.”

Also relevant to this process is the provision of Standing Order No.154, which requires that the National Assembly disposes of the Memorandum within 21 days.

Hon. Members, this now gives the National Assembly three options. Option one, the House may approve the President's reservations as contained in the Memorandum. To do this, you require a simple majority. Option two, the House may approve the President's reservations with amendments. Option three, you may refuse to accept the President's reservations and, therefore, approve the Bill in its original form. For the House to take the latter two options you require a resolution supported by votes of not less than two-thirds of all Members of the National Assembly. Since the Speaker does not have a vote, two-thirds of 349 Members is 233 Members. It is, therefore, clear that for the House to either reject the President's reservations or to make any amendment to the reservations, you have to pass a resolution supported by not less than 233 Members.

Hon. Members, in terms of procedure, Standing Order No.138 provides that on recommittal of Bills, the Committee of the whole House considers only those matters which are specifically referred to it for consideration. This procedure also applies to the consideration of the President's reservations on a Bill. This means that only amendments to specific clauses being reconsidered shall be entertained.

In addition, Standing Order No.72 requires the Speaker to direct and a division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question.

I notice that the Chairperson of the Departmental Committee on Energy, Communication and Information is proposing several amendments to the President's reservations. It, therefore, follows that each amendment will have to be put to an electronic vote for a decision. However, the Committee of the whole House shall not

proceed to a division if there are less than 233 Members present in the House. In such a case any proposed amendment will be deemed to have been defeated.

Hon. Members, as soon as the Order for the Committee of the whole House is read, the House will proceed to committee. The Leader of Majority Party will move a Motion for consideration of the Bill as recommitted. The Committee will then consider the specific recommendations by His Excellency the President as indicated on the Order Paper and approve the same with or without amendments.

In conclusion of the consideration, the Committee will report to the whole House by way of a Motion that the House doth agree with the Committee in the said report. In this regard, the Bill will not be read a Third Time as it was done when it was passed on 31<sup>st</sup> October, 2013. It is, therefore, sufficient that a resolution of the House adopting the report of the Committee of the whole House in accordance with Standing Order No.138, as read together with Standing Order No.136, which states that the House doth agree with the Committee in the said report, is adopted. This will satisfy the provisions and requirements of Article 115 of the Constitution, and will be in conformity with the rules and procedure on recommitted Bills as amplified by Standing Order No.138.

Please be guided accordingly.

## **PROCEDURAL MOTION**

### **EXTENSION OF SITTING TIME**

**Hon. Katoo:** Hon. Speaker, I seek your indulgence to move this Procedural Motion: -

THAT, pursuant to the provisions of Standing Order No.30(3)(a) this House orders that the sitting time of today's sitting be extended until conclusion of business appearing under Order No.12, that is Approval of Parliamentary Service Commission (PSC) Members.

We are left with two Motions to deal with; that is Motion at Order No.10 and Motion at Order No.12. This is very heavy business in the House. We have spent a lot of time on Order No.7. I kindly ask the Member for Kibwezi West to second.

**Hon. Musimba** seconded.

*(Laughter)*

**Hon. Speaker:** Very well. Hon. Members we agreed that walking out, bowing and so on is a way of expressing views. The Member has seconded?

**Hon. Members:** Yes.

*(Question proposed)*

*(Question put and agreed to)*

*(Several hon. Members stood in their places)*

**Hon. Speaker:** You have the numbers for a Division. Order, hon. Members! Resume your seats! Members to the left of Mr. Speaker, you have stood up in your places claiming for a Division. Is that correct?

**Hon. Members:** Yes.

**Hon. Speaker:** And you have the numbers?

**Hon. Members:** Yes.

**Hon. Speaker:** I order that the Division Bell be rung for 10 minutes.

*(The Division Bell was rung)*

Hon. Members, you may now take your seats. Serjeant-at-Arms, draw up the Bar. Our staff are alert; you will have 90 seconds. I expect that every hon. Member is ready to log in. After you have logged in, those in support of the Motion to extend sitting time beyond 6.30 p.m. will press, the “Ayes” button. Those who are opposed will press the “Noes” button; those abstaining will, of course, press the “abstention” button. Hon. Members, have you logged in?

**Hon. Members:** Yes!

**Hon. Speaker:** Has everybody logged in? Hon. Members, these are the results: total number of Hon. Members 174, Abstentions 4; Ayes - 70; Noes – 100; the Noes have it.

## DIVISION

*(Question put and the House divided)*

*(Question negatived by 100 votes to 70)*

**NOES:** Messrs. Ababu, Aden, Anami, Angatia, Anyango, Akujah, Bady, J.K. Bett, Bosire, Bowen, Bunyasi, Chea, Chumel, Dawood, Elmi, Geni, Ganya, Ibren, Eng. Gumbo; Ms. Juma, Messrs. Kaluma; Karani, Karithi, Ms. Kedogo, Ms. Katana, Messrs. Kemei, Keynan, Kisang, Ms. Khamisi, Messrs. Koinange, Korir, Koyi, Ms. Lay, Messrs. Lempurkel, Maanzo, Manje, Magwanga, Makenga, Mati, Ms. Mbalu, Messrs. Midiwo, Mirenga, Mlolwa, Momanyi, Mukwe, Mule, Mulu, Mungaro, Bishop R. Mutua, Messrs. Mwadeghu, Mwadime, Mwamkale, Mwaura, Ms. Mwendwa, Messrs. Nanok, Nassir, Ndiritu, Ng’ongo, Ngunjiri, Maj-Gen. Nkaissery, Mr. Nooru; Ms. B.N. Nyaga, Ms. Nyamunga, Mr. Nyamweya; Ms. Nyasuna, Mr. Nyenze; Dr. Nyongesa, Prof. Nyikal, Mr. Ochieng’, Ms. Odhiambo-Mabona, Mr. Ogalo, Dr. Oginga, Messrs. Okoth, Olum, Ms. Ombaka, Messrs. G.W. Omondi, J.O. Omondi, Ondicho, Odanga, Onyango, Onyonka, Onyura, Opiyo, Otaalo, Otsiula, Oyoo, Oyugi, Ramadhani, Sambu, Simba, Ms. Tobiko, Messrs. Tonui, Wakhungu, Wamunyinyi, Wandayi, Wangamati, Wangwe, F.K. Wanyonyi, Wetangula, and Were.

**AYES:** Messrs. Abongotum, Aramat, Baiya, Banticha, Ms. Chebet, Messrs. J.K. Chege, J.N. Chege, Ms. S.W. Chege, Messrs. Chepkong’a, Cheruiyot, M.D. Duale, Ekomwa, Gakuya, Gethenji, Gichigi, Gimose, Huka, Ichung’wah, Kabando wa Kabando,



Ms. Kajuju, Mr. Kang'ata, Ms. Kanyua, Messrs. Kato, ole Kenta, E. Keter, Kimaru, Ms. Kipchoim, Messrs. Kiptanui, Kipyegon, K.K. Kinyanjui, Ms. Korere, Messrs. Langat, Lessonet, Lomunokol, Lomwa, Eng. Manga, Ms. Mbarire, Ms. Mbugua, Messrs., Mohamed Abdi Haji, Muchai, Murungi, Murgor, Musau, Musimba, Mwaita, Mwangi, Nderitu, Ms. Ng'ang'a, Messrs. Ngare, Njagagua, Njomo, J.M. Nyaga, Nyumu, Osman, Pkosing, Dr. Pukose, Messrs. Rai, Rop, Sakaja, Sakuda, Ms. Seneta, Dr. Shaban, Ms. Shebesh, Mr. Shill, Ms. Wahome, Messrs. Wambugu, Waiganjo, Wanjohi, Washiali and Wekesa.

**ABSENTIONS:** Messrs. Barua, Gikaria, Lentoimaga and Ms. Munene.

*(Hon. Ababu took photographs while in the Chamber)*

Hon. Ababu Namwamba, you are totally out of order to take photographs in the Chamber. Indeed, that gadget should be confiscated. You cannot take photographs of the Speaker when he is on his feet.

Hon. Ababu Namwamba, it has been reported that you have been taking photographs. You are a gentleman, and an hon. Member of this House. If, indeed, you have done that, I am going to leave it to your conscience. Is it true that you have been taking photographs of the Speaker on the Chair? Hon. Members, the hon. Ababu Namwamba is a gentleman.

**Hon. Ababu:** Hon. Speaker, Sir, I do appreciate your kind words. In the excitement to capture this historic moment---

*(Laughter)*

I attempted to capture hon. Mbadi's excitement. I certainly did not make any effort to take a photograph of the Speaker. Certainly not me, and I do apologize, hon. Speaker.

**Hon. Speaker:** Very well. You are excused.

Hon. Members, we will now go to the next Order, which is the Committee of the whole House.

## **COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Hon. Speaker (Mr. Muturi) left the Chair]*

### **IN THE COMMITTEE**

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) took the Chair]*

**MEMORANDUM FROM THE PRESIDENT ON THE KENYA INFORMATION AND  
COMMUNICATIONS (AMENDMENT) BILL**

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we are now in the Committee of the whole House to consider the Memorandum from His Excellency the President on his refusal to assent to the Kenya Information and Communications (Amendment) Bill (National Assembly Bill No.19 of 2013).

Hon. Members, the Speaker has made a substantial ruling on this issue. Therefore, I will be going straight to the Chairperson of the Departmental Committee. We will not entertain points of order on other issues, except what we are considering right now at the Committee of the whole House.

Departmental Committee Chairman, we are waiting for the Leader of the Majority Party to move the amendments because that is what is stipulated in law.

*(Several hon. Members stood up in their places)*

Hon. Members, let us go to the business. Whatever is out of order should relate to the business before us. I will not entertain points of order. The substantive Chair has already dealt with the issues.

Go ahead, Leader of Majority Party.

*Clause 5*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I beg to move:-  
THAT, Clause 5 be amended by inserting the following new section:-

Policy Guidelines  
by the Cabinet  
Secretary

5C (1) The Cabinet Secretary may issue to the Authority, policy guidelines of a general nature relating to the provisions of this Act.

(2)The guidelines referred to under sub-section (1) shall be in writing and shall be published in the *Kenya Gazette*.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, now that the Leader of the Majority has moved the amendment to Clause (5), can I hear what is out of order.

**Hon. Kaluma:** Hon. Temporary Deputy Chairlady, I rise under Standing Order No.96 to move that the Chairperson do report progress. The said Standing Order indicates as follows:-

“96(1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned,” or, in Committee of the whole House “That, the Chairperson do report progress.”

Hon. Temporary Deputy Chairlady, this is the context in which I am urging the House to agree to this adjournment. The Motion appearing under Order No.10 is a matter that has been subjected to a lot of public participation, particularly after His Excellency the President, in exercise of his constitutional powers, under Article 115, sent the Bill back to the House.

We know that the Committee on Energy, Communication and Information met various stakeholders, including the media; and there are agreements in terms of the amendments that the Committee would be intending to propose. However, from the ruling of the Speaker, those suggestions – being suggestions that do not accept the President’s Memorandum *in toto* – cannot be discussed due to lack of quorum. I wanted to urge my colleagues that, in engaging in a matter like the one before us, particularly where we have engaged with a critical sector like the media we do not proceed in a manner that gives the impression that---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kaluma, for the sake of time, do I understand you to say that you would want the Committee of the whole House not to go further with the debate but report progress?

**Hon. Kaluma:** Yes, hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I want to give hon. Jamleck Kamau, who is the Chair of the Departmental Committee, an opportunity to speak to that issue.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, if we can leave politics out of these matters, we will do this country a lot of justice. My Committee sat with the stakeholders with a view to getting some kind of consensus over these issues. We have done all we could. Therefore, I would like to ask this House that we proceed, so that we can make whatever amendments we have.

*(Loud consultations)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, I also have the Standing Orders in front of me.

Have you finished, hon. Jamleck Kamau?

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, when we say that we postpone debate to another day, what guarantee is there that we will get consensus tomorrow or any other day?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Departmental Committee Chairman, I have heard your side of the story. I have also heard what hon. Kaluma has said. I want to quote Standing Order No.96(3), which says as follows:-

“96(3) If the Speaker is of the opinion that a dilatory Motion is an abuse of the proceedings of the House, the Speaker may forthwith put the Question thereon or decline to propose it.”

Hon. Members, I know that the Departmental Committee that hon. Jamleck Kamau chairs has hon. Members from both divides of the House. They have debated this issue and brought these amendments. Therefore, going the way that has been suggested by hon. Kaluma would be abusing the process we have allowed the Committees of this House to engage in. It is, therefore, my ruling that we continue with the proceedings as proposed.

*(Loud consultations)*

Hon. Members, I do not want to entertain any more points of order. It does not matter how loud you shout. Hon. Members, I want to warn you that it does not matter how much you shout or try to intimidate me, the rules of the House must be followed.

Members, I would really encourage you to give value to this debate by giving your suggestions rather than shouting down the Chair or the person who is on the Floor.

Proceed, hon. Jamleck.

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, I want to inform the House that yesterday and the day before yesterday, we had some very good meetings with the Media Council. We came to some kind of compromise and agreement. This morning, we met the Commission for the Implementation of the Constitution (CIC) and the Office of the Attorney-General, so that we could look at the amendments proposed by the Committee. Indeed, the CIC termed some of them unconstitutional. That notwithstanding, I realise that we do not have the requisite numbers today. Accordingly, I wish to withdraw these amendments in totality. I hereby withdraw all the Departmental Committee's amendments.

*(Loud consultations)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Please, Members, I know you feel very strongly about your point but, once in a while, give procedure a chance to work. Hon. Jamleck, you have withdrawn Clause 5. Are you withdrawing all clauses?

**Hon. Kamau:** Hon. Temporary Deputy Chairlady, if Members would let me speak for myself and the Committee, I have withdrawn Clause 5. I am withdrawing all the clauses that seek to amend this particular Bill in its entirety.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, that, therefore, means that all amendments brought by the Committee on Energy, Communication and Information have been withdrawn for reasons given by the Chair of the Committee. I will allow only two people to ventilate on this issue, again because of time, so that we move to the next issue. I was looking at the intervention by hon. Wakhungu. I cannot see your intervention here. Go ahead.

*(Loud consultations)*

Hon. Members, please, be patient and allow the House to conduct its business.

**Hon. Wakhungu:** Thank you for giving me this opportunity. Indeed, it is very encouraging---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, I would like you to give attention to what hon. Wakhungu is saying.

**Hon. Wakhungu:** Indeed, it is very encouraging for us to work together as a team. I want to agree with what hon. Jamleck Kamau has just said. It is because they have met with all the stakeholders. They have come up with recommendations that are for the benefit of this country. We thought in the spirit of teamwork, we support the amendments that have been brought on the Floor after consulting the stakeholders. But then, unfortunately, because we do not have the minimum requisite quorum for the two-thirds, that means that even if those good amendments are put, they will not carry the day.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): So, you are agreeing with the proposal by the Chair to withdraw?

**Hon. Wakhungu:** Yes, Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Okay. Let me give hon. Johnson Sakaja the Floor. Did I see your intervention, hon. Kimaru? Hon. Members, I want to propose the Question. Please, pay attention because the method that I want to use, I must get clarity from the Floor. I, therefore, propose the Question, that the recommendation by His Excellency the President on Clause 5 be approved.

*(Question of the amendment proposed)*

*(Loud consultations)*

Hon. Members! What is your point of order, Majority Leader?

**Hon. A.B. Duale:** On a point of order, hon. Temporary Deputy Chairlady. I want to plead with my colleagues, this is not how the House should run. I want to plead with my colleagues---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Ababu and hon. Wandayi, you will not understand the process if you stand on the aisles. Please, let the Majority Leader speak and I will also give one person from your side an opportunity to speak. What was withdrawn was the proposal by the Committee. So, we are going according to what is on our Order Paper. Hon. Majority Leader, were you raising something?

**Hon. A.B. Duale:** Hon. Chairlady, I wanted to bring sanity to the House because we need to follow what is happening. This is a very important session. Hon. Chairlady, please bring sanity back to the House.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Joseph Nkaiserry, are you raising a point of order? Go ahead. I have given you the microphone.

**Hon. (Maj.-Gen.) Nkaiserry:** On a point of order, hon. Temporary Deputy Chairlady. I am on the Floor.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Chris Wamalwa Wakhungu, hon. Nkaiserry is on the Floor. Please, allow him to make his point. Just go ahead. If you ask for decorum and you cannot get it, the House still has to move.

**Hon. (Maj.-Gen.) Nkaiserry:** I thought the Chairman of the Committee had withdrawn all the amendments and, therefore, postponed debate. So, the point is: Why are you putting the Question?

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Nkaiserry, what hon. Jamleck Kamau has withdrawn is---

**Hon. (Maj.-Gen.) Nkaiserry:** Let me just explain---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Can I give you guidance so that you can continue? What has been withdrawn are amendments suggested by the Committee. What we have now in front of us are the amendments suggested by His Excellency the President. So, it is only this Floor that can approve or not approve. That is the process we are in. Hon. Nkaiserry, can you complete your remarks?

**Hon. (Maj.-Gen.) Nkaiserry:** Okay. Let me explain. Order! Now, why we are in agreement with the Chairman - and I want you to listen to me - is for the benefit of this

country. In actual fact, His Excellency the President turned himself into a Committee of the whole House. You know what actually happened in the Committee, it just took what the President had said and copied.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Nkaissery, were you here when the Speaker was giving his ruling on this matter? That is because we cannot take the House back to an issue that the Speaker had spoken to for very long. Hon. Nkaissery, were you in the House? If you are going back to the issue that the Speaker has already given communication on, I cannot allow that discussion.

**Hon. (Maj.-Gen.) Nkaissery:** No! I am not going back to that.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I will give you a second to finish because there are other Members who want to speak.

**Hon. (Maj.-Gen.) Nkaissery:** You are the Temporary Deputy Chairlady in the House. You are the Chair to guide this House and not to gag the House. By the way, you raised a very important issue this afternoon. You have gone back there yourself.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Nkaissery, I will not allow you to use the Floor of the House to mislead the House. I have given guidance on this issue, hon. Nkaissery. You can give your opinion, but everybody has a right to speak on this issue.

**Hon. (Maj.-Gen.) Nkaissery:** What I am saying---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I will give a chance to hon. Kimaru.

**Hon. Kimaru:** On a point of order, hon. Temporary Deputy Chairlady. Hon. Temporary Deputy Chairlady and my fellow legislators, if you may allow me, I beseech you---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Go ahead! The rest of the House can hear you!

**Hon. Kimaru:** I beseech you to listen to me. I am on a point of order!

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kimaru, speak to your point of order.

**Hon. Kimaru:** Please, my colleagues, I beseech you. Please, listen to me. I beseech you my fellow legislators. Please, listen to me. I have listened to you. If you will allow me---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, give hon. Kimaru a chance to execute his point of order. You had your chance to be listened to.

**Hon. Kimaru:** Hon. Chairlady, what I am about to propose, I am sure is something that would be amenable.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, I want to give a ruling. Order, hon. Kimaru. Please, take your seat.

Hon. Members, I want to be very categorical that it is very unfair in the House to allow ventilation only when you feel your opinion is being carried. I want to ask Members who are not allowing other Members' points of view, whether they agree with them or not, to understand this.

*(Loud consultations)*

Hon. Members, this House is a House of rules. If you want us to report progress, we will report it. Whatever you want in this House in terms of numbers or opinion, you will get it. However, you also must allow the other side of the opinion to be heard. Hon. Members from this side of the House, I have allowed three interventions. I have explained the process.

*(Loud consultations)*

Hon. Members, I plead with you for the last time before we make a decision to allow the process to continue. If it does not continue in the manner it should, it will not be one side of the House that has failed; it will be the whole House that will have failed.

**Hon. Members:** No! No!

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kaluma, I gave you an opportunity and I want you to allow hon. Kimaru to speak and then I will make the decision whether to report progress or not. This is because I will not oversee an unruly House that does not want to debate issues, but wants to create a scene. I will not oversee it. I will call back the substantive Speaker, but we must allow hon. Kimaru to finish his point of order.

**Hon. Kimaru:** Thank you, hon. Temporary Deputy Chairlady. I would like to plead---

*(Loud consultations)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kimaru, just finish, otherwise I will give somebody else the chance.

Yes, hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Chairlady, I want to raise my point on the aspect that the Speaker has made a ruling on. You have also made a ruling. These are losers and they will continue losing! This is true.

*(Loud consultations)*

Whether we vote on this other side or the other, it is not fair. The Majority Leader---

*(Hon. (Ms.) Odhiambo-Mabona consulted loudly)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Millie Odhiambo, please let us conduct the business of this House with decorum irrespective of your position. Screaming in the House will only create more chaos.

Yes, hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Chairlady, I was saying that the Speaker had made a ruling. You have also made a ruling---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Gikaria, we have heard your point. I want to give the last opportunity to the leaders of this House. I will give the leadership of this House a chance to bring sanity. On this side, I will give a

chance to the Leader of Majority Party and we will make a decision whether we want to continue in the manner that we are continuing or whether we want to give our work to somebody else.

**Hon. Midiwo:** Thank you, hon. Temporary Deputy Chairlady for recognizing me and giving me a chance. First of all, let me plead for some calm so that we can reach---

*(Loud consultations)*

Hon. Temporary Deputy Speaker, you can see hon. Kilonzo is trying to throw a bottle at me. Let me plead with my colleagues to be a bit calm.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Jakoyo, could you complete?

**Hon. Midiwo:** Hon. Temporary Deputy Chairlady, I have not even started. How do I complete?

*(Hon. Members sang in the House)*

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) left the Chair]*

*(The House resumed)*

*(Hon. Speaker (Mr. Muturi) in the Chair)*

**Hon. Members:** No more dictatorship!

*(Applause)*

## **ADJOURNMENT**

**Hon. Speaker:** Hon. Members, do not get excited. It is obvious that while in Committee, the House had degenerated into anarchy; there was disorder. Pursuant to Standing Order No.112 (2), since the House was in Committee, I have resumed the Chair for the purpose of doing the following: There will be no further proceedings in the Committee today; the House will adjourn and resume business tomorrow, 5<sup>th</sup> December, 2013, at 9.00 a.m.

**Hon. Members:** Thank you very much. That is very good.

**Hon. Speaker:** Hon. Members, it will not be business as usual. It cannot be that when the Chair is on his feet some Members are busy saying all manner of things, including thanking the Speaker. It is unheard of. Do not thank the Speaker when he is on his feet. Please, we do not need to do another workshop because that is too simple. Let us maintain our cool because it is not the end of the world.

*(Applause)*



Remember, I indicated that you will make decisions one way or the other, and you are the ones to make the decisions on all the business that is listed on the Order Paper. Indeed, you have made very serious decisions this afternoon. So, why would you not like to continue in that spirit of making decisions?

Hon. Members, therefore, we will adjourn today's sitting and resume as indicated earlier on tomorrow at 9.00 a.m. The business to be transacted will be indicated on the Order Paper.

The House rose at 6.20 p.m.