



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 15, 2023

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker

4. **QUORUM AT COMMENCEMENT**

There being no Quorum present to commence proceedings, the Rt. Hon. Speaker directed that the Quorum Bell be rung for ten minutes; And Quorum having been attained within the ten minutes, proceedings commenced.

5. **COMMUNICATION FROM THE CHAIR**

The Speaker made the following Communication to the House –

Establishment of a Joint Committee to inquire into the activities and operations of WorldCoin in Kenya

“Honourable Members, you will recall that during the afternoon Sitting of Wednesday, 2nd August 2023, the Member for Manyatta Constituency, the Hon. Gitonga Mukunji, MP, sought a Statement from the Leader of the Majority Party, regarding, *inter alia*, the steps that the Government was taking to ensure control of access to, collection and storage of Kenyan citizens’ data, by foreign entities.

Honourable Members, given the gravity of the matter, I directed the Leader of the Majority Party to provide a Statement on the matter before the House on Thursday, 3rd August 2023 at 2.30 p.m. Consequently, the Leader of the Majority Party presented a Statement signed by the Cabinet Secretaries for Interior and National Administration and Information, Communication and the Digital Economy. In the Statement, the Cabinet Secretaries averred that an entity known as **Worldcoin** was reported to be harvesting eyeball data from Kenyans in exchange for cryptocurrency tokens worth approximately Kshs. 7,000/-. The aforementioned entity was not registered as a legal entity in Kenya but preliminary investigations revealed that the entity had hired a company in Kenya known as **“Sense Marketing”** to carry out the data capture on their behalf.

Honourable Members, having taken into consideration the comments expressed by Members of this House on the Statement that was read by the Leader of the Majority Party, I directed that the Cabinet Secretaries responsible for the two Ministries

Appear before the House on *Wednesday, 9th August 2023*. The Cabinet Secretaries were to jointly apprise Members on the pertinent issues that arose from their Statement.

As you are aware, Honourable Members, on the afternoon of Wednesday, 9th August 2023, the Cabinet Secretary for Interior and National Administration and the Cabinet Secretary for Information, Communications and the Digital Economy appeared in the House and responded to concerns by Members. However, the Cabinet Secretaries could not satisfactorily respond to all the issues raised forthwith, as it became apparent that their explanations raised more Supplementary Questions than provided answers.

In this regard, Honourable Members, I directed the Cabinet Secretary for Interior and National Administration; and his counterpart for Information, Communication, and Digital Economy, to retreat and come before the plenary of this House at a later date, which is tomorrow, Wednesday, 16th August 2023, to provide more comprehensive responses on the activities and operations of *Worldcoin* in the country.

Consequently, Honourable Members, I wish to inform the House that I am now in receipt of a request from the Cabinet Secretary for Interior and National Administration on this subject matter, seeking my consideration of various approaches for inquiring into the activities and operations of *Worldcoin* in Kenya. In his request, the Cabinet Secretary is suggesting options that will avail an opportunity for the House to get clear, more coherent, accurate, and detailed responses on the matter.

Honourable Members, the Cabinet Secretary proposes the following three approaches–

- 1) That, the relevant Cabinet Secretaries, whose mandates have a bearing on the matter, including the Attorney General, appear separately before the plenary of the House to respond to the matter;
- 2) That, the relevant Cabinet Secretaries and Heads of Agencies, whose mandates have a bearing on the matter, appear before the relevant Departmental Committees or an *ad hoc* Committee; or
- 3) That, the relevant Ministries, Departments and Agencies, whose mandates have a bearing on the matter, provide information on the subject matter to the Prime Cabinet Secretary, who would then appear before the plenary of the House.

Honourable **Members**, having carefully considered the three suggested options and to avoid any further equivocation on this matter, I am inclined to proceed with the second approach. In this regard, I direct as follows –

- 1) **That**, the matter of the activities and operations of *Worldcoin*, hereby stands referred to a Joint Committee of this House, comprising fifteen (15) Members, five (5) Members each drawn from the following three Committees-
 - (a) Departmental Committee on Administration and Internal Security;
 - (b) Departmental Committee on Communication, Information and Innovation; and
 - (c) Departmental Committee on Tourism and Wildlife.
- 2) **That**, the nomination of Members to the Joint Committee shall be in writing to the Speaker, done by the respective Chairpersons of the three Committees, taking into consideration the majority party and minority party membership of the House. In this case, the Majority Party is to be allocated three (3) slots while the Minority Party should be allocated two (2) slots, by each Committee.

- 3) **That**, I will appoint the Chairperson of the Joint Committee from amongst Members drawn from the Departmental Committee on Administration and Internal Security;
- 4) **That**, the mandate of the Joint Committee is to inquire into the activities and operations of *Worldcoin* in Kenya, and that the relevant Ministries, Departments and Agencies, whose mandates have a bearing on the matter; and
- 5) **That**, the Joint Committee considers and inquires into the matter and submit its report by Thursday, 28th September 2023.

In view of the foregoing, Honourable Members, the two Cabinet Secretaries that were scheduled to appear tomorrow before this House, will instead appear before the Joint Committee to provide information on the matter.

Further, I wish to inform the House that I am also in receipt of two correspondences from the Cabinet Secretary for Health and the Cabinet Secretary for Investments, Trade and Industry, respectively, requesting to be given an opportunity to respond to questions in plenary at a later date. They were scheduled to appear tomorrow.

This is owing to the fact that they have prior engagements to attend to at this instance, related to the ongoing Devolution Conference. The request is acceded to. Therefore, I urge the Leader of the Majority Party to schedule the Cabinet Secretaries to appear before this House immediately the House resumes from the upcoming August Recess. I Thank You!"

6. PETITIONS

(a) The Hon. Speaker conveyed following petition –

Banning of Tik Tok in Kenya,

"Honourable Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2) (b), requires the Speaker to report to the House any Petition other than those presented by a Member.

In this regard, Honourable Members, I wish to report to the House that my office has received a petition from one *Mr. Bob Ndolo, the Chief Executive Officer of the Bridge Connect Consultancy* regarding the banning of *Tik Tok* in Kenya.

The Petitioner states that *Tik Tok* is a social media platform that allows users to create and share short videos.

Honourable Members, the Petitioner decries that while it has gained popularity among the youth in Kenya, the content that is being shared on the platform is inappropriate thus promoting violence, explicit sexual content, hate speech, vulgar language and offensive behaviour which is a serious threat to the cultural and religious values of Kenya.

The Petitioners aver that in Kenya, the internet application (App) is not regulated by the Communication Authority of Kenya leading to failure to remove or block content deemed to be inappropriate or offensive.

Honourable Members, the Petitioner further avers that *Tik Tok* has been implicated in several privacy scandals over the past years. For instance, in 2019, the App was fined \$5.7 million by the United States of America Federal Trade Commission (FTC) for illegally collecting personal information from children under the age of 13 by collecting data such as names, email addresses and locations from young users without their parents' consent thus violating the Children's Online Privacy Protection Act.

Honourable Members, the Petitioner alleges that *Tik Tok* collects a significant amount of data on its users, including information about their device, location and browsing history and sharing with third party companies without users' consent.

The Petitioner is concerned that if the platform is not prohibited in Kenya, the App's addictive nature would lead to a decline in academic performance and ascend in mental health issues such as depression, anxiety and sleep deprivation among the youth.

Honourable Members, the Petitioner thus prays that this House intervenes and takes immediate action to safeguard Kenyans from the negative effects arising from the use of platform and altogether ban *Tik Tok* in Kenya.

Honourable Members, having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2). I thank you."

- (b) The Member for Lungalunga Constituency (Hon. Chiforomondo Mangale, MP) presented a Petition on behalf of residents of Lungalunga regarding delayed adjudication of Plot No. 12224 and settlement of residents of Lungalunga Constituency.

The Petitions were committed to the Public Petitions Committee pursuant to the Standing Orders.

7. PAPERS LAID

The following Papers were laid on the Table -

- (a) Quarterly Economic and Budgetary Review report for the Fourth Quarter for the financial year 2022/2023 – period ending 30th June, 2023 from the National Treasury and Planning.
- (b) The Budget Speech of the East African Community at the 4th Meeting of the 1st Session of the 5th Assembly, in Arusha, Tanzania for the FY 2023/2024.
- (c) Report of National Government Guarantees for the Fiscal Year 2022/2023 (1st July 2022 to 30th June 2023) from the National Treasury and Economic Planning.
- (d) Second Quarterly report of the Ethics and Anti-Corruption Commission for year covering the period: 1st April, 2023 to 30th June, 2023 from the Office of the Attorney General.
- (e) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022 and the certificates therein: -
 - (i) Bar Mathonye Vocational Training Centre;
 - (ii) Kandaria Vocational Training Centre;
 - (iii) Obwolo Vocational Training Centre;
 - (iv) Ebukanga Technical and Vocational College;
 - (v) Sirisia Technical and Vocational College; and
 - (vi) Lake Basin Development Authority.
- (f) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June 2022 and the certificates therein: -
 - (i) Githunguri;
 - (ii) Embakasi East;
 - (iii) Embakasi South;
 - (iv) Funyula; and
 - (v) Kuria West.

(The Leader of the Majority Party)

- (g) The Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to Kenyan Embassies in the Kingdom of Saudi Arabia and the State of Kuwait held from 5th to 12th May, 2023.

(Vice-Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

8. NOTICES OF MOTION

The following Notices of Motion were given –

(a) The Establishment of the National Dialogue Committee

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament **RESOLVE AS FOLLOWS:-**

- (1) **THAT** the two Houses of Parliament establish a *National Dialogue Committee* consisting of ten (10) Members to represent the Kenya Kwanza Alliance Party (“**Kenya Kwanza**”), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party (“**Azimio**”), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
- (2) **THAT** each Coalition shall appoint five (5) Members to the *National Dialogue Committee*;

- (3) **THAT** the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
- (4) **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
- (i) Hon. Kimani Ichungw'ah (Delegation Leader);
 - (ii) Gov. Cecily Mbarire (Deputy Delegation Leader);
 - (iii) Hon. Sen. Aaron Cheruiyot;
 - (iv) Hon. Omar Hassan Omar; and
 - (v) Hon. Catherine Wambilianga.
- (5) **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Azimio:
- (i) H. E. Stephen Kalonzo Musyoka (Delegation Leader);
 - (ii) Hon. Opiyo Wandayi (Deputy Delegation Leader);
 - (iii) Hon. Amina Mnyazi;
 - (iv) Hon. Eugene Wamalwa; and
 - (v) Hon. Sen. Okong'o Mogeni.
- (6) **THAT** the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue Committee*, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

THE HOUSES OF PARLIAMENT APPROVE:-

- (7) **THAT** the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.
- (8) **THAT** the Technical Team representing Kenya Kwanza shall comprise the following persons:
- (i) Dr. Muthomi Thiankolu;
 - (ii) Dr. Linda Musumba;
 - (iii) Dr Duncan Ojwang; and
 - (iv) Nick Biketi.
- (9) **THAT** the Technical Team representing Azimio shall comprise the following persons:
- (i) Hon. Jeremiah Kioni;
 - (ii) Prof. Adams Oloo;
 - (iii) Abubakar Zein Abubakar; and
 - (iv) Lynn Ngugi.
- (10) **THAT** further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE:-

- (11) **THAT** the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks
- (12) **THAT** the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
- (13) **THAT** in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
- (14) **THAT** the *National Dialogue Committee* shall determine its own rules of procedure.

- (15) **THAT** the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

(The Leader of the Majority Party & The Leader of the Minority Party)

(b) Report on inspection visit to Kenyan Embassies in the Kingdom of Saudi Arabia and the State of Kuwait

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to Kenyan Embassies in the Kingdom of Saudi Arabia and the State of Kuwait held from 5th to 12th May, 2023, laid on the Table of the House on Tuesday, August 15, 2023.

(Vice-Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

9. MOTION - INQUIRY INTO THE MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FINANCIAL YEAR 2022/2023

Motion having been made and question proposed;

THAT, this House **adopts** the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into the Maize flour subsidy Programme for the Financial Year 2022/23, laid on the Table of the House on Wednesday, 7th June, 2023.

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Debate having been concluded on Thursday, August 10, 2023;

Mover having replied;

Question put and agreed to.

10. MOTION - CONSIDERATION OF THE EXCISE DUTY (AMENDMENT) REGULATIONS, 2023

Motion having been made and question proposed;

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Excise Duty (Amendment) Regulations, 2023, laid on the Table of the House on Tuesday, 1st August 2023, and pursuant to section 15(4) of the Statutory Instruments Act, 2013, **approves** the Excise Duty (Amendment) Regulations, 2023 published as Legal Notice No. 40 of 2023.

(The Chairperson, Committee on Delegated Legislation)

Debate having been concluded on Thursday, August 10, 2023;

Mover having replied;

Question put and agreed to.

11. MOTION - CONSIDERATION OF REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR VARIOUS FUNDS

Motion having been made and question proposed;

THAT, this House **adopts** the Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Women Enterprise Fund, Coffee Cherry Advance Revolving Fund, Strategic Food Reserve Trust Fund, Equalisation Fund, Mechanical and Transport Fund, National

Research Fund, Youth Enterprise Development Fund, Uwezo Fund and Civil Servants Housing Scheme Fund, *laid on the Table of the House on Thursday, 15th June 2023.*

(The Chairperson, Special Funds Accounts Committee)

Debate having been concluded on Thursday, August 10, 2023;

Mover having replied;

Question put and agreed to.

12. THE METEOROLOGY BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2023)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and committed to the relevant committee pursuant to the Standing Orders.

13. THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)

Motion made and Question;

THAT, the Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023)

(The Leader of the Majority Party)

(Change of Chair from the Rt. Hon. Speaker to the Hon. Deputy Speaker)

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

Debate arising;

Rising in his place pursuant to Standing Order 95, the Member for Kitutu Chache North (Hon. Japheth Nyakundi, MP) claimed to move that the Mover be called upon to reply;

The Chair acceded to the request;

Question that the Mover be called upon to reply put and agreed to;

Mover replied;

Putting of the Question deferred.

And the time being Seven O' Clock the Fifth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

14. HOUSE ROSE - at Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, August 16, 2023 at 9.30am