

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - SECOND SESSION - 2014

REPORT OF THE
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY ON
ITS CONSIDERATION OF THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL, 2014

Approved
BSWA
25/11/14



Paper Laid
By Hon Atias
M. Kertomägi,
Vice Chairman of
Committee on
Administration and
National Security
on Tuesday 25/11/2014
[Signature]

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2014

PREFACE

Mr. Speaker, Sir,

The Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 216 (5), which mandates the Committee to, inter alia;

- (i) study and review all legislation referred to it;*
- (ii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Mr. Speaker,

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) Prisons Service
- vi) National Youth Service, and;
- vii) Natural disasters

The Committee oversees the following Ministries and Departments:

- i) The Presidency (Cabinet Services & State Affairs)
- ii) Ministry of Interior and Coordination of National Government
- iii) Public Service Commission
- iv) National Police Service Commission
- v) Independent Policing Oversight Authority

Mr. Speaker, Sir,

The following are the Members of the Committee:

The Hon. Asman Kamama, MGH, OGW, MP - **Chairperson**
 The Hon. Alois M. Lentoimaga, MP - **Vice Chairperson**
 The Hon. Dalmas Otieno, EGH, MP
 The Hon. Ababu Namwamba, EGH, MP
 The Hon. Joseph Lekuton, MP
 The Hon. Alice Wahome, MP
 The Hon. Zakayo K. Cheruiyot, MP
 The Hon. Timothy W. Wetangula, MP
 The Hon. Patrick Ole Ntutu, MP
 The Hon. Ali Isaack Shaaban, MP

The Hon. Samuel Moroto, MP
 The Hon. Humphrey Njuguna, MP
 The Hon. Francis K. Mwangangi, MP
 The Hon. Rashid J. Bedzimba, MP
 The Hon. David Gikaria, MP
 The Hon. Mohamed Shidiye, MP
 The Hon. Jane Machira, MP
 The Hon. Ibrahim Abdi Saney, MP
 The Hon. Joseph O. Ndiege, MP
 The Hon. (Maj. Rtd.) John K. Waluke, MP
 The Hon. Wanjiku Muhia, MP
 The Hon. Akuja Protus Ewesit, MP
 The Hon. Joseph M. Kahangara, MP
 The Hon. Ahmed Abdikadir Ore, MP
 The Hon. Grace Kiptui, MP
 The Hon. George Theuri, MP
 The Hon. James Bett, MP
 The Hon. Benard Shinali, MP

Mr. Speaker,

The Public Service (Values and Principles) Bill, 2014 underwent the First Reading on Wednesday, 13th August, 2014 and was effectively committed to the Departmental Committee on Administration and National Security, as provided for in Standing order 127(1).

Mr. Speaker,

The Committee held one meeting in which the Public Service Commission highlighted the issues that the Bill was seeking to address as well as possible amendments to the Bill. The Bill seeks to give effect to the provisions of Article 232 of the Constitution regarding the values and principles of public service.

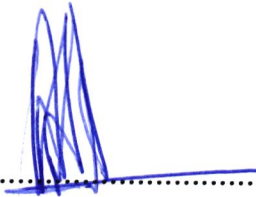
The Committee invited the public and any interested stakeholders to send memoranda on the Bill by way of advertisement through the print media pursuant to Article 118(1)(b) and Standing order 127(3). However no such memoranda were received by the end of Friday, 24th October, 2014 at 5:00 pm.

Mr. Speaker,

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 111(2), it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security on its consideration of the Public Service (Values and Principles) Bill, 2014.

Signed  Date... 25/11/2014

Hon. Hon. Alois M. Lentoimaga, MP
Vice -Chairman, Departmental Committee on Administration and National Security

COMMITTEE'S CONSIDERATION OF THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL, 2014

The Committee deliberated on the Bill as follows:

Clause 3 to Clause 9	- Agreed to
Clause 10 and Clause 11	- Proposed amendments
Clause 12 to Clause 16	- Agreed to
Clause 17	- Proposed amendment
Clause 1	- Agreed to
Clause 2	- Proposed amendment
Title	- Agreed to

COMMITTEE'S PROPOSED AMENDMENTS TO THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL, 2014

The Committee proposes the following amendments to the Public Service (Values and Principles) Bill, 2014:

CLAUSE 2

THAT, Clause 2, be amended by deleting the definition of "service commission" and substituting therefor the following new definition —

"Service commission" means —

- (a) the Public Service Commission;
- (b) the Parliamentary service commission;
- (c) the Judicial Service Commission;
- (d) the National Police Service Commission;
- (e) the Teachers' Service Commission;
- (f) a County Public Service Board; or
- (g) a County Assembly Service Board

Justification

All Independent Commissions are defined as service commissions yet the Constitution provides for five service commissions.

THAT Clause 2 of the Bill be amended by inserting the following new term and meaning in correct alphabetical order—

"Proportionate representation" means the representation of an ethnic group relative to its national population size based on the latest published national censuses report.

Justification

There is no definition of what constitutes proportionate representation.

CLAUSE 10

THAT, Clause 10 be amended-

(a) in sub-clause (1), by deleting the words “public service” and substituting therefor the words “service commission.”

(b) by inserting the following new sub clause immediately after sub-clause (3)-

(4) a service commission, a public institution or an authorized officer shall provide adequate and equal opportunities for training and advancement, at all levels of the public service, for—

- a) men and women;
- b) members of all ethnic groups; and
- c) persons with disabilities.

Justification

No mention has been made regarding opportunities for training.

CLAUSE 11

THAT Clause 11 of the Bill be amended in Sub-clause (3) by inserting the following new paragraph immediately after paragraph (b) -

(c) elected leaders;

Justification

Elected leaders are not mentioned as stakeholders in clause 11 (3).

CLAUSE 17

That Clause 17 of the Bill be amended in Sub-clause (2) by inserting the following new paragraph immediately after paragraph (l)-

(m) the provision of adequate and equal training opportunities for training.

Justification