

PARLIAMENT  
OF KENYA  
LIBRARY



PARLIAMENT OF KENYA

NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - FIRST SESSION

# SECOND REPORT

OF THE  
COMMITTEE ON APPOINTMENTS

ON

THE VETTING OF THE CABINET  
SECRETARIES NOMINEES

5<sup>TH</sup> JUNE, 2013

*Paper Land*  
By the leader of  
Minority Party, Hon  
Francis Niyenze  
on Wednesday  
5/6/2013 during  
the morning sitting  
*[Signature]*  
5/6/2013.

## **TABLE OF CONTENTS**

## **PAGE**

<b>1.0 PREFACE .....</b>	<b>3-5</b>
<b>2.0 BACKGROUND.....</b>	<b>6</b>
2.1. Establishment of the Committee on Appointments .....	6
2.2. Appointment process of the Cabinet Secretaries nominees.....	6-7
<b>3.0 VETTING OF CABINET SECRETARIES NOMINEES.....</b>	<b>7</b>
3.1 Mr. Joseph Ole Lenku.....	7-10
3.2 Hon. Samuel Kazungu Kambi.....	10-12
<b>4.0 COMMITTEE'S OBSERVATIONS.....</b>	<b>12-14</b>
<b>5.0 COMMITTEE'S RECOMENDATIONS.....</b>	<b>15</b>

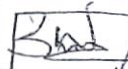


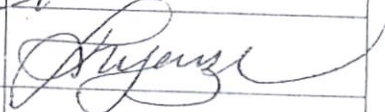
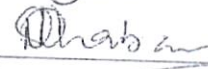
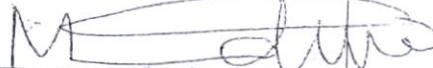
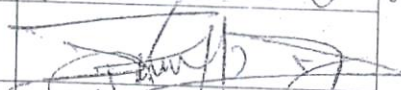
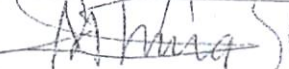

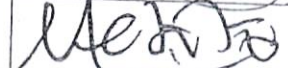
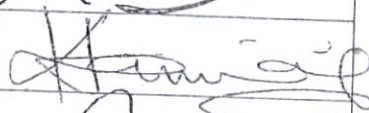
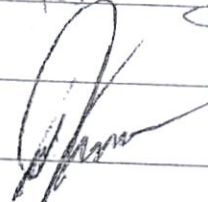
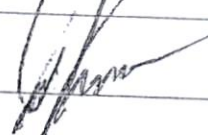


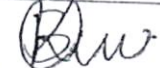
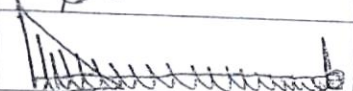

## **APPENDICES**


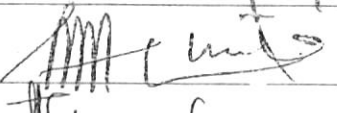
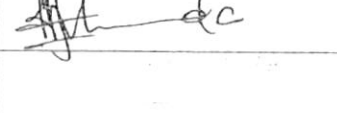
- (i) **Appendix (1) -Correspondence**
- Kenya Revenue Authority
  - Higher Education Loans Board
  - Ethics and Anti-Corruption Commission
- (ii) **Appendix (2)**  
Minutes
- (iii) **Appendix (3) – Curriculum Vitae**
- Annex (1) – Mr. Joseph Ole Lenku
  - Annex (2) – Hon. Kazungu Kambi

# COMMITTEE ON APPOINTMENT

## ATTENDANCE REGISTER

DATE 04/06/2013

NO.	NAME	SIGNATURE
1.	Hon. Justin B. Muturi, MP -Speaker of National Assembly	
2.	Hon. (Dr) Joyce Laboso, MP -Deputy Speaker	
3.	Hon. Aden Duale, MP - Leader of the Majority Party	
4.	Hon. Francis Nyenze, MP - Leader of the Minority Party	
5.	Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party	
6.	Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party	
7.	Hon. Jackson Kiptanui, MP	
8.	Hon. Issac Ali Shaban, MP	
9.	Hon. Roselinda Soipan, MP	
10.	Hon. Katoo Ole Metito, MP	
11.	Hon. Jamleck Kamau, MP	
12.	Hon. Amina Abdalla, MP	
13.	Hon. Gideon Konchela, MP	
14.	Hon. Cecily Mbarire, MP	
15.	Hon. Moses Cheboi, MP	
16.	Hon. Nelson Gaichuhie, MP	
17.	Hon. Boniface Gatobu, MP	
18.	Hon. David Wafula, MP	

19.	Hon. Esther Murugi, MP	
20.	Hon. Ibrahim Sane, MP	
21.	Hon. Mishi Juma Khamis, MP	
22.	Hon. Manson Nyamweya, MP	
23.	Hon. Maj. Gen. (Rtd) Joseph Nkaisery, MP	
24.	Hon. Ahmed Ibrahim Abass, MP	
25.	Hon. Chrisantus Wamalwa Wakhungu, MP	
26.	Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP	
27.	Hon. Stephen Mutinda Mule, MP	
28.	Hon. Ken Obura, MP	

## **1.0 PREFACE**

On behalf of the Members of the Committee on Appointments and pursuant to the provisions of Standing Order No. 199, it is my pleasure and duty to present to the House, the Committee's Report on the vetting of Cabinet Secretaries nominees.

### **Committee Membership**

The Committee on Appointments was constituted by the House on Tuesday 23<sup>rd</sup> April, 2013 comprising of the following Members:-

1. Hon. Justin Muturi, MP – Speaker of the National Assembly (**Chairperson**)
2. Hon. (Dr.) Joyce Laboso, MP – Deputy Speaker
3. Hon. Aden Duale, MP – Leader of the Majority Party
4. Hon. Francis Nyenze, MP- Leader of the Minority Party
5. Hon. Naomi Shaban, MP - Deputy Leader of the Majority Party
6. Hon. Jakoyo Midiwo, MP - Deputy Leader of the Minority Party
7. Hon. Jackon Kiptanui, MP
8. Hon. Isaac Ali Shaban, MP
9. Hon. Roselinda Soipan, MP
10. Hon. Katoo Ole Metito, MP
11. Hon. Jamleck Kamau, MP
12. Hon Amina Abdalla, MP
13. Hon. Gideon Konchella, MP
14. Hon. Cecily Mbarire, MP
15. Hon. Moses Cheboi, MP
16. Hon. Nelson Gaichuhie, MP
17. Hon. Boniface Gatobu, MP
18. Hon. David Wafula, MP
19. Hon. Esther Murugi, MP
20. Hon. Ibrahim Sane, MP
21. Hon. Ken Obura, MP

22. Hon. Mishi Juma Khamis, MP
23. Hon. Manson Nyamweya, MP
24. Hon. Maj. Gen. (Rtd) Joseph Nkaissery, MP
25. Hon. Abass Ahmed Ibrahim, MP
26. Hon. Chris Wamalwa Wakhungu, MP
27. Hon. Maj. (Rtd) Marcus Muluvi Mutua, MP
28. Hon. Stephen Mutinda Mule, MP

### **Committee mandate**

The Committee on Appointments is established under Standing Order No. 204 (4) which provides that, ***the Committee on Appointments shall consider, for approval by the House, appointments under Article (152(2) of the Constitution (Cabinet Secretaries) .***

### **Nomination of the Cabinet Secretaries**

Pursuant to Article 152(2) of the Constitution, H.E. the President, forwarded to the Speaker of the National Assembly, the names of the following two (2) nominees vide a letter dated 23<sup>rd</sup> May 2013 for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretaries:-

	<b>Nominee</b>	<b>Ministry</b>
1.	Mr. Joseph Ole Lenku	Interior and Coordination of National Government
2.	Hon. Samuel Kazungu Kambi	Labour, Social Security and Services

On Tuesday, 23<sup>rd</sup> May 2013 the Honourable Speaker in a communication to the House, informed the House that the he had received the names of the two (2) nominees and directed that their names and Curriculum Vitae

be referred to the Committee on Appointments for vetting and reporting to the House within 14 days (by 5<sup>th</sup> June, 2013).

**Committee meetings**

The Committee held two Sittings during which the nominees appeared and were vetted in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 for appointment as Cabinet Secretaries.

On behalf of the Committee, I have the honour and pleasure to present the Committee's Report on the vetting of the nominees.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the nominees.

**Thank you.**

Signed  .....

**Hon. Justin B. Muturi, MP**  
**Speaker of the National Assembly/Chairperson**  
**Committee on Appointments**

Date 4<sup>th</sup> June, 2013.

## **2.0 BACKGROUND**

### **2.1 ESTABLISHMENT OF THE COMMITTEE**

The Committee on Appointments is established under Standing Order No. 204(4) with the mandate to consider for approval by the House, appointments of Cabinet Secretaries under Article 152(2) of the Constitution.

### **2.2 APPOINTMENT PROCESS OF THE CABINET SECRETARIES NOMINEES**

- (i) H.E. the President, in accordance with the provisions of Article 152(2) of the Constitution, forwarded to the Speaker of the National Assembly, the names of two (2) nominees vide a letter dated 23<sup>rd</sup> May, 2013 for vetting and approval for appointment by the National Assembly as Cabinet Secretaries.
- (ii) On Thursday, 23<sup>rd</sup> May 2013, the Honourable Speaker in a communication, referred the names of the nominees to the Committee on Appointments for vetting and reporting to the House within 14 days.(by 5<sup>th</sup> June 2013)
- (iii) On Saturday, May 25 2013, an advertisement was placed in the print media inviting the public to submit memoranda by way of affidavit on the suitability or otherwise of the two (2) nominees in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. The submissions were to be received latest by 30<sup>th</sup> May 2013.
- (iv) On 30<sup>th</sup> May 2013, an affidavit sworn by Mr. John Mbugua was received by the Clerk of the National Assembly.
- (iv) The Committee requested the Ethics and Anti-Corruption Commission, Kenya Revenue Authority (KRA) and the Higher Education Loans Board (HELB) to provide reports about the nominees on: -
  - Matters touching on integrity;



- Tax compliance;
- Loan repayments.

In response, HELB confirmed that none of the nominees had benefited from the Loans Scheme, Kenya Revenue Authority confirmed that both nominees were tax compliant while the Ethics and Anti-Corruption Commission informed the Committee that there were no pending integrity related cases on the nominees.

### **3.0 VETTING OF THE NOMINEES**

In conducting the vetting process, the Committee on Appointments examined the nominees against the following criteria, amongst others, as set out in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Tax compliance
- (viii) Integrity

During its Sittings held Monday, 3<sup>rd</sup> June 2013 the Committee conducted face to face interview of the nominees.

#### **3.1 MR. JOSEPH OLE LENKU - CABINET SECRETARY NOMINEE FOR THE MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT**

Mr. Joseph Ole Lenku appeared before the Committee on Monday 3<sup>rd</sup> June 2013 and was informed by the Chairperson that a petition, had been forwarded to the Committee but upon scrutiny, it was found to be of no substance as it did not raise any issues on his suitability or otherwise for appointment to public office.

## **I. Security and Vision 2030**

Mr. Lenku stated that he has a passion for the job and the integrity that goes with the office and is committed to ensuring that resources are put into optimum use. His objective will be to provide leadership and policy directions in the Ministry.

He stated that Vision 2030 is anchored in the three pillars of social, political and economic development whose realization is based on security which is the largest component of the Ministry of Interior and Coordination of National government.

He informed the Committee that he is aware of security challenges facing Kenyans as his background is in the hospitality sector which is heavily dependent on security for its sustenance.

He added that the recent attacks targeting people in Western Kenya are being investigated with the assistance of intelligence agencies in order to get to the root causes of the attacks. He will take appropriate and decisive action to remedy the situation in accordance with laws of the Country. He added that in implementing his strategies to curb insecurity, he will ensure that all perpetrators are apprehended irrespective of their social standing.

He further stated that he will work with all Kenyans to address challenges to security by way of community policing and advocate for the use of technology to fight crime and insecurity which includes deployment of Closed Circuit Television (CCTV).

## **II. Conflict between the Police Service Commission and the Inspector General**

In reply to a question on the conflict between the Police Service Commission and the Inspector General, he informed the Committee that there are overlaps in the law providing for the existence of the two offices and his role would be to address them in order to achieve clarity of

mandate for effective service delivery. He added that the stalemate is compromising the security of all Kenyans and as such should be addressed urgently.

### **III. Conflict between Governors and County Commissioners**

He stated that Schedule 4 of the Constitution outlines the functions of the National Government and those of the County Government and as such the role of the County Commissioners is to coordinate functions of the National Government at the County level and will not interfere with the roles of Governors.

### **IV. Provision of identity cards**

He will ensure that the provision of identity cards is expedited and if need be he will ensure that ID's are issued in school to students who have attained legal age and also set up mobile registration centres. In order to ensure proper service delivery he will ensure that staff at the immigration department sign performance contracts.

He will initiate and support programmes aimed at enabling refugees to return back to their home countries in order to remove the strain that their presence has put on the Country.

### **V. Corruption**

Will ensure prudent management of public resources and fight corruption in procurement at all levels of the Ministry using all means available under the law.

### **VI. Drug trafficking**

He stated his commitment to addressing the drug menace by ensuring that officers who collude with traffickers face the full force of the law and will put in measures to stop trafficking, sale and consumption of all forms of illegal drugs.

## **VII. Cattle rustling**

He will ensure that cattle rustling is eradicated once and for all and he added that this will be possible with the assistance of the affected communities and staff of the national government. With additional funding, the nominee stated that he will equip security agencies with better weapons and logistical capacity to fight cattle rustling.

## **VIII. Welfare of Police Officers**

He will work towards the improvement of working conditions and welfare of police officers in order to boost their morale and improve their services to the people.

### **3.2 HON. SAMUEL KAZUNGU KAMBI - CABINET SECRETARY NOMINEE FOR THE MINISTRY OF LABOUR SOCIAL SECURITY AND SERVICES**

Hon. Samuel Kazungu Kambi appeared before the Committee and after introductions, the Chairperson informed him that a Memorandum contesting his suitability for appointment to public office had been received. The memorandum stated that as the Assistant Minister in the Ministry of Medical Services he failed to address the matters raised by health workers regarding increment of their salaries and instead ganged up with the then Minister, Prof. Anyang Nyong'o and sacked them.

Hon. Kambi informed the Committee that contrary to the assertions in the Memorandum, he personally took a lead in tripartite negotiations between the Ministries of Medical Services, Finance and the health workers through their union representatives. As a result of the negotiations, money was availed by Treasury and the workers were paid thus bringing the strike to end. The Committee found the nominees' explanations satisfactory and as such the issues raised lacked merit.

#### **I. Corruption at the National Social Security Fund**

Hon. Kambi stated that he will put in place measures to eradicate corruption at the National Social Security Fund and put more effort to deal

with the vice which includes education and sensitization of the people. He will work with established institutions in this regard.

He will prioritize the automating of systems at the National Social Security Fund in order to ensure that Kenyans access their money in old age more efficiently and also in order to ensure that records are secured. He added that he will decentralize the services of the Fund in order to take services closer to the people.

He further added that the recent directive for effecting contributions of domestic workers to the NSSF lacked the infrastructure and systems of implementation and as such his priority will be to engage stakeholders in discussions aimed at coming up with a framework on the same. He will re-examine laws on domestic workers in order to determine their adequacy and where need be recommend enhancements that will benefit the workers.

## **II. Unemployment**

Hon. Kambi noted that unemployment is a serious challenge to the achievement of the Country's development goals and needs to be addressed. He added that developing policies that will lead to increase in employment for the people is a priority and he will examine the appropriateness of the workmens compensation scheme in order to improve it.

## **III. Youth and Vulnerable groups**

He stated that he will champion the acquisition of artisan skills by the youth in order to boost the country's capacity to industrialize and support policy and programmes for persons with disabilities in order to accord them a decent living.

## **IV. Labour unrest/strikes**

Hon. Kambi informed the Committee that workers membership of trade unions is a Constitutional right which he will protect. He will ensure that

dialogue channels between employers and workers are kept open so as to facilitate engagements in respect of salaries and emoluments with a view to maintaining stability in the economy by avoiding strikes/labour unrest. His role will be to safeguard the interest of both groups.

#### **V. Fake employment Bureaus**

He will ensure that employment bureaus are vetted in order to weed out elements that fleece Kenyans in the pretext of securing them jobs abroad.

#### **VI. Salaries for Members of Parliament**

Hon. Kambi stated that the downward variation of salaries and remuneration of Members of Parliament is a contravention of International Labour Organization laws which state that an employee's salary should not be varied to their disadvantage.

He added that the legal notice by the Salaries and remuneration which was published a few days to the general election was also contrary to the ILO laws which require a 90 day notice period which is meant to provide adequate time for dialogue. He added that there is need for structured dialogue between the Parliamentary Service Commission and the Salaries and Remuneration Commission on the matter.

#### **4.0 COMMITTEE'S OBSERVATIONS**

##### **4.1 CABINET SECRETARY NOMINEE FOR THE MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT – JOSEPH OLE LENKU:-**

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise/interview, made the following observations:-

- i. He holds a Masters degree in Business Administration specializing in Strategic Management and a Bachelor of Commerce degree (Marketing Option) from the University of Nairobi. He has relevant academic qualifications and experience in the Hospitality Industry.

- ii. He holds a Diploma in Hotel Management from Utalii College.
  - iii. He is currently the General Manager of Kenya Utalii College (Hotel Division) a post he has held for the last 8 years. During his tenure he helped to transform Utalii Hotel from a net dependant on Government Funding with annual turnover of Kshs. 40 million to a turnover of Kshs. 200 million. He also served as a General Manager at David Livingstone Resort for 1 year in addition to serving in various organizations in the Hospitality industry in a senior capacity.
  - iv. He chaired a team that developed a partnership between Kenya Utalii College and the Kenya Commercial Bank – Karen Leadership Centre. He was also responsible for Hospitality operations at the Kenya School of Monetary Studies managed by Utalii Hotel. He is a Board Member of Tanathi Water Services and is also a member of the Marketing Society of Kenya.
  - v. He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
  - vi. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (vi) The Committee found the nominee suitable for appointment as the Cabinet Secretary for the Ministry of Interior and Coordination of National Government.**

4.2 **CABINET SECRETARY NOMINEE FOR THE MINISTRY OF LABOUR, SOCIAL WELFARE AND SERVICES – HON. SAMUEL KAZUNGU KAMBI**

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise/interview, made the following observations:-

- i. He has completed coursework leading to the award of a Bachelor of Arts Degree in Development Studies at the Baraton University and awaits graduation later in the year. He is a prominent businessman and holds various positions in business ventures. He is also experienced in policy development, project planning and management, conflict and resolution management as well as community mobilization.
- ii. He has served as the Member of Parliament for Kaloleni for 5 years during which he oversaw major development milestones in his Constituency and transformed Kaloleni Constituency to the third best performing Constituency in the management of the CDF projects. He is an astute community leader.
- iii. He served as an Assistant Minister in the Ministry of Medical Services and he represented the Republic of Kenya in various capacities both nationally and internationally. During his tenure as an Assistant Minister, he facilitated delivery of government services and addressed issues of concern in the Ministry. He previously worked at Post Bank in various capacities and was a Board Member of the Betting Control and Licensing Board.
- iv. He has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with his tax obligation.
- v. He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (vi) The Committee found the nominee suitable for appointment as the Cabinet Secretary for the Ministry of Labour, Social Welfare and Services.**



5.0

**RECOMMENDATIONS**

Pursuant to Article 152(2) of the Constitution and Standing Order No. 204 (4), the Committee recommends that: -

1. This House approves the following two (2) nominees for appointment by H.E. the President as Cabinet Secretaries in their respective Ministries:-

- 1) Mr. Joseph Ole Lenku
- 2) Hon. Samuel Kazungu Kambi

---

0

---

## **APPENDIX (1) – Correspondence**

- Kenya Revenue Authority
- Higher Education Loans Board
- Ethics & Anti-Corruption Commission



# REPUBLIC OF KENYA

Telegraphic Address  
"Bunge", Nairobi  
Telephone 2221291, 2848000  
Fax: 2243694  
E-mail: [bunge@swiftkenya.com](mailto:bunge@swiftkenya.com)



Clerk's Chambers  
National Assembly  
Parliament Buildings  
P O Box 41842-0 0100  
NAIROBI,  
Kenya

When replying please quote

24<sup>th</sup> May, 2013

KNA.2/3(48)

Mr. Charles Ringera  
Chief Executive Officer  
Higher Education Loans Board  
Anniversary Towers, 18<sup>th</sup> Floor  
P.O. Box 69489 – 00100  
NAIROBI

Dear *Charles*

RE: VETTING OF NOMINEES TO POSITIONS OF CABINET SECRETARY BY THE  
COMMITTEE ON APPOINTMENTS

The Committee on Appointments was established pursuant to the Provisions of Standing Order 204. It is mandated to consider, for approval by the House, appointments under Articles 152(2) of the Constitution (Cabinet Secretaries).

The Committee will conduct vetting of the following nominees on Monday, 3<sup>rd</sup> June, 2013 at 4<sup>th</sup> Floor Continental House, Parliament Buildings;

1. Mr. Joseph J. Ole Lenku - Cabinet Secretary Nominee for Ministry of Interior & Coordination of National Government. – 2.30 p.m.
2. Mr. Samwel Kazungu Kambi - Cabinet Secretary Nominee for the Ministry of Labour, Social Security and Services. – 4.00 p.m.

This is to request you to provide a report on re-payments of any loans that may have been advanced by the Commission to the nominees.

We will appreciate if the information is received by 30<sup>th</sup> May, 2013.

Yours

*Sincerely*  
*Justin Bundi*

JUSTIN BUNDI  
CLERK OF THE NATIONAL ASSEMBLY



Director. Com. Secs



1458

pse deal

Subscribed  
28/5/2013

# HIGHER EDUCATION LOANS BOARD

Tel: 0711052000, 2278000, 0722205292, 0733205292,  
0704333035, 0704333036, 0737205292, 0754556899  
Fax: 2252330  
E-mail: ceo@helb.co.ke  
Website: www.helb.co.ke

Anniversary Towers  
18th Floor, University Way  
P.O. Box 69489-00400  
Nairobi, Kenya

HELB/RD/56593/POV/115

27<sup>th</sup> May, 2013

Justin N. Bundi  
Clerk of the National Assembly  
P.O Box 41842-00100  
NAIROBI



Dear *Justin*

## VETTING OF NOMINEES FOR THE POSITIONS OF CABINET SECRETARY

We acknowledge receipt of your letter Ref. KNA.2/3(44) regarding the vetting of nominees to the positions of Cabinet Secretary by the Committee on Appointments pursuant to the Provisions of Standing order 204 and Articles 152(2) of the Constitution (Cabinet Secretaries)

We wish to confirm that the two nominees to the position of Cabinet Secretary were not beneficiaries of the HELB Loans Scheme as shown below.

CABINET SECRETARY NOMINEES		
S/NO	NAME	LOAN STATUS
1	Hon. Kambi Kazungu	Never Benefited
2	Mr. Joseph Ole Lenku	Never Benefited

We wish to thank you most sincerely for allowing us to provide you this information pursuant to Chapter Six as this kind of collaboration goes a long way in assisting the Board finance needy Kenyans pursue higher education now and in the future.

Yours *Sincerely*

CHARLES M. RINGERA  
CHIEF EXECUTIVE OFFICER & BOARD SECRETARY

