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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- FOURTH SESSION

COMMITTEE ON APPOINTMENTS

FOURTH REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT TO THE
POSITION OF CABINET SECRETARY

THE NATIONAL ASSEMBLY
25 FEB 2020 TUESDAY
Hon. MOSES CHEBOI
VI champion
Lemuna Mosey

DIRECTORATE OF COMMITTEE SERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

FEBRUARY, 2020

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LIST OF ABBREVIATIONS AND ACROYNMS

CDC	Constituencies Development Committee
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
H.E.	His Excellency
HELB	Higher Education Loans Board
KEMSA	Kenya Medical Supplies Agency
KEMRI	Kenya Medical Research Institute
KRA	Kenya Revenue Authority
ORPP	Office of the Registrar of Political Parties
NHIF	National Hospital Insurance Fund
PWDs	Persons with Disabilities
UHC	Universal Health Care

ANNEXURES

- Annexure 1 Letter of notification from the appointing authority H.E the President
- Annexure 2 Advertisement inviting submissions of memoranda from the public
- Annexure 3 Advertisement notifying the public of the approval hearing
- Annexure 4 Invitation letter from the Clerk of the National Assembly to the nominee for the approval hearing
- Annexure 5 Letter from the Clerk of the National Assembly to the various government agencies requesting for clearance reports.
- Annexure 6 Ethics and Anti-Corruption Commission (EACC) clearance letter
- Annexure 7 Kenya Revenue Authority (KRA) clearance letter
- Annexure 8a Directorate of Criminal Investigations (DCI) clearance letter
- Annexure 8b Nominee's (Directorate of Criminal Investigations) clearance certificate
- Annexure 9 Office of the Registrar of Political Parties (ORPP) clearance letter
- Annexure 10 Higher Education Loans Board (HELB) clearance letter

FOREWORD

Pursuant to Article 152 (2) of the Constitution and section 5 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011, His Excellency the President nominated **Hon. Mutahi Kagwe, EGH** for appointment to the position of Cabinet Secretary for Health. His Excellency the President also nominated **Ms. Betty Chemutai Maina, CBS** for appointment to the position of Cabinet Secretary for Industrialization, Trade & Enterprise Development. Their nomination was conveyed to the Speaker of the National Assembly through a letter Ref. No. OP/CAB.1/40A, dated 15th January, 2020 (*Annexure 1*). The nominees' Curricula Vitae and Testimonials were enclosed in the letter.

On Monday, 10th February, 2020 and pursuant to Standing Order 42(1), the Speaker of the National Assembly read the Message from His Excellency the President communicating the names of the nominees to the House for the position of Cabinet Secretary for Health; and Cabinet Secretary for Industrialization, Trade & Enterprise Development, respectively. Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204(4), the names of the nominees were referred to the Committee on Appointments for vetting and reporting to the House within fourteen (14) days.

In compliance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 14th February, 2020, (*Annexure 2*) inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The advertisement indicated that the submissions were to be received by Wednesday, 19th February, 2020 at 5.00 pm. By close of the submission deadline, the Committee had not received any submission for or against the suitability of the nominees for appointment as Cabinet Secretaries.

Further, in fulfilment of the provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly on Friday, 14th February, 2020, notified the public in the print media of the intention of the Committee on Appointments to conduct the approval hearing of the nominees on Thursday, 20th February, 2020 from 10.00 am (*Annexure 3*).

The nominees appeared before the Committee on Thursday, 20th February, 2020 for approval hearing in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders on their

suitability or otherwise for appointment to the position of Cabinet Secretary for Health; and Cabinet Secretary for Industrialization, Trade & Enterprise Development respectively.

Having conducted the approval hearing for the nominees pursuant to Article 152(2) of the Constitution, sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204 (4), **the Committee recommends that this House approves the nomination of Hon. Mutahi Kagwe, EGH for appointment as Cabinet Secretary for Health and Ms. Betty Chemutai Maina, CBS for appointment as Cabinet Secretary for Industrialization, Trade and Enterprise Development.**

May I take this opportunity to thank all the Members of the Committee for their input and valuable contributions and time during the approval hearings and deliberations during the writing of the report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise.

On behalf of the Committee on Appointments and pursuant to Article 124 (4) (b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and the provisions of Standing Order 199(6), it is now my duty and privilege to present to the House, the Fourth Report of the Committee on Appointments on the vetting of Hon. Mutahi Kagwe, EGH and Ms. Betty Chemutai Maina, CBS as nominees for appointment to the position of Cabinet Secretary for Health; and Cabinet Secretary for Industrialization, Trade & Enterprise Development respectively.



Hon. Justin B. N. Muturi, E.G.H., M.P

Speaker of the National Assembly/Chairperson, Committee on Appointments

1. PREFACE

1.1. Establishment and Mandate of the Committee

1. The Committee on Appointments is established under Standing Order 204(1). Standing Order 204(4) provides that the *Committee on Appointments shall consider, for approval by the House, appointments under Article 152(2) of the Constitution (Cabinet Secretaries)*.

1.1 Members of the Committee

2. The Committee on Appointments was constituted by the House on Thursday, 14th December, 2017 and comprises of the following Members:

Chairperson: The Hon. Justin B. N. Muturi, EGH, MP - Speaker, National Assembly

Members: The Hon. Moses Cheboi, CBS, MP - Deputy Speaker

The Hon. Aden B. Duale, EGH, MP - Leader of the Majority Party

Hon. John Mbadi, EGH, MP - Leader of the Minority Party

Hon. Jimmy Nuru Angwenyi, MGH, MP - Deputy Leader of the Majority Party

Hon. Robert Mbui, MP - Deputy Leader of the Minority Party

Hon. Benjamin Jomo Washiali, CBS, MP – Majority whip

Hon. Cecily Mbarire, MGH, MP – Deputy Majority whip

Hon. (Dr.) Eseli Simiyu, CBS MP

Hon. Yusuf Hassan Abdi, MP

Hon. David Losiakou Pkosing, CBS, MP

Hon. David Gikaria, MP

Hon. (Dr.) Rachael Nyamai, CBS MP

Hon. Joyce Emanikor, HSC, MP

Hon. Khatib Abdallah Mwashetani, MP

Hon. Kimani Ichung'wah, CBS, MP

Hon. Peter Kaluma, MP

Hon. Sabina Wanjiru Chege, MP

Hon. Sarah Korere, MP

Hon. Tom Joseph Kajwang, MP

Hon. David Ole Sankok, MP

Hon. Esther Muthoni Passaris, OGW MP

Hon. Gertrude Mbeyu, MP

Hon. Joshua Kimilu, MP

Hon. Lillian Cheptoo Tomitom, MP

Hon. Lydia Haika Mizighi, MP

Hon. Oku Kaunya, MP

Hon. William Chepkut, MP

1.2. Secretariat of the Committee

3. The secretariat comprises -

Ms. Florence Atenyo-Abonyo	Director of Committee Services
Mr. Nicholas Emejien	Deputy Director, Committee Services
Mr. John N. Mutege	Principal Clerk Assistant I
Ms. Susan Maritim	Senior Clerk Assistant
Ms. Chelagat Tungo	Clerk Assistant I
Mr. Jimale Mohammed	Clerk Assistant II
Ms. Emma Essendi	Legal Counsel I
Ms. Mercy Wanyonyi	Legal Counsel I
Mr. Salem Lorot	Legal Counsel II
Mr. Donald K. Manyala	Research Officer II
Ms. Farida Ng'asura	Head of Audio Unit
Mr. Wilson Angatangoria	Sergeant-at-Arms II

2. BACKGROUND

2.1. Notification of Nominations

4. Pursuant to Article 152(2) of the Constitution, His Excellency the President, through the Head of Public Service forwarded to the Clerk of the National Assembly, the names of the two (2) Cabinet Secretary nominees vide a letter dated 15th January, 2020 and reference number OP/CAB.1/40A (*Annexure 1*), for vetting by the Committee on Appointments and consideration for approval by the National Assembly for appointment as Cabinet Secretaries. The notification of nominations contained the curricula vitae and testimonials of **Hon. Mutahi Kagwe, EGH**, Cabinet Secretary nominee for Health and **Ms. Betty Chemutai Maina, CBS** Cabinet Secretary nominee for Industrialization, Trade and Enterprise Development.

2.2. Communication of the Nominations and Committal to the Committee on Appointments

5. The Committee on Appointments conducts approval hearings for Cabinet Secretaries as provided under Article 152 (2) of the Constitution and Standing Order 204 (4).
6. Noting that the notification of the nomination of **Hon. Mutahi Kagwe, EGH** and **Ms. Betty Chemutai Maina, CBS** as Cabinet Secretaries was received on 23rd January 2020, a time when the House was on recess, the Speaker of the National Assembly pursuant to provisions of Standing Order 42(2), caused the Message to be transmitted to every Member of the National Assembly on 24th January, 2020.
7. Pursuant to the provisions of Standing Order 42(1), the Speaker on Monday, February 10, 2020, in a Communication informed the House of the notification for nomination of **Hon. Mutahi Kagwe, EGH** nominee for the position of Cabinet Secretary for Health and **Ms. Betty Chemutai Maina, CBS** nominee for the position of Cabinet Secretary for Industrialization, Trade and Enterprise Development by H. E. the President.
8. Pursuant to section 4 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 204, the names and curricula vitae of the nominees were committed to the Committee on Appointments for approval hearings and reporting to the House within fourteen (14) days.

2.3. Notification to the Public

9. Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that *“any person may, prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.
10. The Clerk of the National Assembly placed an advertisement in the print media on Friday, 14th February, 2020 (*Annexure 2*) inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The