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TWELFTH PARLIAMENT

(THIRD SESSION)

SIXTH REPORT OF THE COMMITTEE ON MEMBERS' SERVICES AND  
FACILITIES

ON

IMPROVEMENT OF MEMBERS' SERVICES AND FACILITIES

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 19 MAR 2019	DAY: TUESDAY
TABLED BY:	HON. Ombaki MACHOGU, CHAIRPERSON
CLERK-AT THE-TABLE:	

Office of the Clerk  
National Assembly  
Parliament Buildings  
NAIROBI

MARCH, 2019

## FOREWARD

The Parliamentary Service Commission is established under Article 127 of the Constitution. Article 127(6)(a) confers on the Commission the responsibility of **providing services and facilities to ensure the efficient and effective functioning of Parliament**. Article 127(6)(e)(i) of the Constitution further bestows upon the Commission the constitutional duty of **performing functions that are necessary for the well-being of the Members and Staff of Parliament**.

Parliament has a wide range of Members' facilities including but not limited to: buildings, parking bays, gymnasium, offices, office equipment (*such as computers and photocopying facilities*), office furniture and fittings, committee rooms; and, mortgage and car loan facilities. Pursuant to the provisions of Article 127 of the Constitution, the Commission extends an array of services to Members such as cleaning services, telephone services, printing services, medical services, catering services, security services, information services, library services and catering services. The Commission has the mandate of ensuring that the said services and facilities are extended.

It is against this backdrop that the National Assembly Standing Order No. 212B established the Select Committee on Members' Services and Facilities which is charged with the mandate of receiving and considering views of Members of the National Assembly on the services and facilities provided to them by the Commission for their benefit and well-being. The Committee is also charged with advising and reporting on all matters connected to these services and facilities. The Committee is therefore the forum through which the Members of the National Assembly channel views regarding their welfare to the Commission.

While recognizing that for Members to be effective and efficient in undertaking their constitutional tasks, they must be equipped with the necessary facilities and services by the Commission, the Committee wishes to establish that the activities being undertaken by the Commission are in line with letter and spirit of Article 127 (6) of the Constitution.

Article 254 (1) of the Constitution provides that, "*As soon as practicable after the end of each financial year, each commission, and each holder of an independent office, shall submit a report to the President and to Parliament*". Article 254 (2) further provides that, "*At any time, the President, the National Assembly or the Senate may require a commission or holder of an independent office to submit a report on a particular issue*".

In light of the above, the Committee observes that, in the Second Session of the Twelfth Parliament, it had tabled several reports before the National Assembly outlining an array of recommendations to the National Assembly. The Second Report of the Committee was debated and approved by the House without amendments. The Committee has also made observations drawn from facilitation of Members of Parliament from other legislatures with key interest on how Members are facilitated with accommodation of offices, parliamentary committees work and accommodation while attending parliamentary business in Parliament.

From the foregoing, the Committee recommends to the National Assembly:

- (1) The Parliamentary Service Commission in accordance with the provisions of Article 254 (2) reports on legislative interventions, regulatory frameworks and/or policies or otherwise to the House on improvement of services and facilities in Parliament and the well-being of Members of Parliament.



- (2) The Parliamentary Service Commission in accordance with the provisions of Article 254(2) of the Constitution submits a report on the implementation status of all the specific resolutions of the House contained in the Second Report of the Committee adopted by the House on August 15, 2018.
- (3) The reports referred to in paragraphs (1), (2) and (3) above be published and publicized as required under Article 254(3) of the Constitution.
- (4) The Parliamentary Service Commission expedites the construction of the Multi-Storey Office Block with a view to addressing office accommodation and Committee Rooms shortage within Parliament.

May I take this opportunity to thank all the Members of the Committee for their input and valuable contributions and time during the deliberations and writing of this report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise. It is therefore, my pleasant duty and privilege, on behalf of the Select Committee on Members' Services and Facilities, to present this Sixth Report to the National Assembly for consideration.

Signature:   
The Hon. Ezekiel Machogu Ombaki, MP

**Chairperson, Select Committee on Members' Services and Facilities**

12-03-2019  
Date



## **1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

The Select Committee on Members' Services and Facilities is established under the National Assembly Standing Order No. 212B and charged with the mandate of receiving and considering views of Members of the National Assembly on the services and facilities provided to them by the Commission. The Committee is also charged with advising and reporting on all matters connected to these services and facilities. It is therefore the forum through which the Members of the National Assembly channel their views regarding their welfare to the Commission. The Committee was constituted by the House on Thursday, December 14, 2017, reconstituted on February 21, 2018 and further re-constituted on February 20, 2019. Currently, the Committee comprises of the following:-

<b>Chairperson:</b>	The Hon. Ezekiel Machogu Ombaki, M.P.
<b>Vice Chairperson</b>	The Hon. Catherine Waruguru, MP
<b>Members:</b>	The Hon. Janet Nangabo Wanyama, MP
	The Hon. Samwel Moroto Chumel, MP
	The Hon. Silas Kipkoech Tiren, MP
	The Hon. Rigathi Gachagua, MP
	The Hon. Eng. Nzambia Thuddeus Kithua, MP
	The Hon. Charity Kathambi Chepkwony, MP
	The Hon. Florence Chepngetich Koskey, MP
	The Hon. Christopher Wangaya Aseka, MP
	The Hon. Elisha Odhiambo, MP
	The Hon. Elsie Muhanda, MP
	The Hon. Rehema Hassan, MP
	The Hon. Walter Owino, MP
	The Hon. Aisha Jumwa Katana, MP

## **SECRETARIAT OF THE COMMITTEE**

Mr. John N. Mutega, Principal Clerk Assistant I  
Dr. Kefa Omoti Misuko, Principal Research Officer  
Ms. Emma Essendi, Legal Counsel I  
Mr. Douglas Odhiambo Katho, Clerk Assistant III  
Ms. Zainabu Wario, Serjeant-At-Arms



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Office Block. The Office Block was initiated by the Tenth Parliament to address the shortage of offices for Members of Parliament and committee rooms. It was also observed that there was a poor working environment in the Continental House, Parliament Buildings as the offices in Continental House are small and without proper ventilation. The location of the health club in the basement of Continental House was also not viewed as an ideal location.

16. The proposed building comprises of 26 floors above ground, four basements and a tunnel linking the building to Main Parliament. The following facilities will be provided in the building: -
- (a) Members offices (19 floors with a total of 319 offices for members);
  - (b) 21 committee rooms (4 floors);
  - (c) Restaurant (23<sup>rd</sup> floor);
  - (d) Health Club (24<sup>th</sup> and part of 25<sup>th</sup> floor); and
  - (e) Four basement parking floors with a capacity of 350 cars;
  - (f) The ground floor will house the reception areas and security operations spaces;
  - (g) The Fourth floor has an open sky garden.
17. The Committee observed that, during the design it was noted that Members needed to be facilitated to move quickly to the chamber especially when the division bell is rung. This necessitated the construction of the pedestrian tunnel with the access building that will enable members to access three floors of the main Parliament Building.

### ***Lessons Drawn from other Parliamentary Jurisdictions on Salaries and Allowances to Members of Parliament***

18. During the Second Session of the Twelfth Parliament, the Committee undertook study visits to the Parliament of India, Parliament of New Zealand and the National Assembly of Zambia. The Committee drew some lessons as summarized hereunder-

#### ***(a) Parliament of India***

19. Article 106 of the Constitution of India provides that the members of either House of Parliament shall be entitled to receive salaries and allowances as may from time to time be



determined by Parliament. The Salary, Allowances and Pension of Members of Parliament Act, 1954, enacted pursuant to the constitutional provision, governs the salaries and allowances of the members.

A Joint Committee of the two Houses, constituted from time to time, frame rules, after consultation with the Government of India, to provide for matters like medical, housing, telephone facilities, etc. and for regulating the payment of daily and travelling allowances under the said Act. The Act and the rules made there-under have been amended from time to time, in keeping with the changing requirements.

According to the official website of Lok Sabha, this information is an attempt to provide in one document, the salaries, allowances, other entitlements and all amenities and facilities available to members of Lok Sabha so that members, especially the newly elected ones, know them at a glance. However, the information contained in this publication is not exhaustive.

#### ***Entitlements of Members in Lok Sabha:***

1. **Salaries and Allowances** -The salaries and allowances of members are governed by the Salary, Allowances and Pension of Members of Parliament Act, 1954, as amended from time to time, and the rules made thereunder.
2. Other than the monthly salary, allowances include - Daily Allowance; Constituency Allowance; Office Expense Allowance; Travelling Allowance (TA) and Travel Facilities (*including facilities for Spouse of a Member*); Telephone allowance; Water and Electricity; Medical Facilities; Advance for Purchase of Conveyance (*equivalent of mortgage loan*); and, accommodation allowance.

#### ***Accommodation in Lok Sabha:***

- **Transit Accommodation:** After every General Election for Lok Sabha, arrangements are made for stay of newly-elected members temporarily in State Governments' Guest Houses/Bhawans, Hotels, etc. in New Delhi. Such accommodation is treated as transit accommodation. During stay in transit accommodation, a member shall be provided single suite free of licence fee till such time regular accommodation is made available.

- **Regular Accommodation:** Each member is entitled to a rent-free flat or hostel accommodation throughout the term of office. A member allotted housing accommodation in the form of a bungalow on request shall pay full normal licence fee if entitled to such accommodation. Members of Lok Sabha or their families can retain Government Accommodation for a maximum period of one month after their term ends or resignation/removal or ceasing to be a member of Lok Sabha on payment of the same rent/licence fee, if any, which they were paying immediately before the occurrence of any of the events mentioned above.

The family of a deceased Member of Parliament may retain Government accommodation for a maximum period of six months from the date of death of such a member on payment of the same rent/ licence fee, if any, prior to the occurrence of aforementioned event.

- **Guest Accommodation:** The guests of members can be offered accommodation at Western Court Hostel, Janpath.
- **Other Facilities:** Other facilities enjoyed by members include washing of sofa covers and curtains every three months; furniture within the monetary ceiling of Rs 60,000 in respect of durable furniture and Rs 15,000 for non-durable furniture; and also 25 per cent remission in the rents on account of any improvement or addition made to it or any additional service provided thereto by way of furniture, electrical equipment and other services.

***(b) New Zealand Parliament***

20. Members of Parliament are paid according to their position in Parliament as recognised by Remuneration Authority Determination<sup>1</sup>. Pursuant to section 8 of the Members of Parliament (Remuneration and Services) Act 2013 and to the Remuneration Authority Act 1977, the Remuneration Authority makes the following determination (to which is appended an explanatory memorandum).

MPs are entitled to a Wellington Housing Allowance of approximately \$4000 towards their housing costs. The accommodation allowance subsidizes the cost of renting a house in Wellington if the MPs are from out of town.

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<sup>1</sup> Parliamentary Salaries and Allowances Determination 2017



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