

Approved for tabling *Bent SNA*  
2/4/19

REPUBLIC OF KENYA



TWELFTH PARLIAMENT – THIRD SESSION – 2019



THE NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

REPORT ON THE CONSIDERATION OF THE COUNTY STATISTICS BILL (SENATE BILL  
NO 9. OF 2018)

CLERKS CHAMBERS  
DIRECTORATE OF COMMITTEE SERVICES,  
PARLIAMENT BUILDINGS,  
NAIROBI

APRIL, 2019

|   |  |
|---|--|
| <br><b>THE NATIONAL ASSEMBLY<br/>PAPERS LAID</b> |  |
| <b>DATE:</b> 02 APR 2019  |  |
| <b>DAY:</b> TUESDAY   |  |
| <b>TABLED BY:</b>   | FINANCE CHAIRPERSON<br>HON. JOSEPH LIMO  |
| <b>CLERK-AT THE-TABLE:</b>  |  |

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## CHAIRPERSON'S FOREWORD

- This report contains the Committee's proceedings on its consideration of the County Statistics Bill, 2018 which was published on **15<sup>th</sup> March, 2018** and passed by the Senate with amendments on **7<sup>th</sup> November, 2018**. The Speaker of the Senate sent the Bill to the National Assembly for consideration vide a message to the Speaker of the National Assembly. The Bill then went through the First Reading on **28<sup>th</sup> November, 2018**. The Bill was subsequently committed to the Departmental Committee on Finance and National Planning for consideration, facilitation of public participation and reporting to the House pursuant to Standing Order 127.

In processing the Bill, the Committee invited comments from the public by placing an advertisement in the print media on **14<sup>th</sup> February, 2019** pursuant to Article 118 of the Constitution. In spite of the request to the public for memoranda, no memorandum was submitted by close of the period for submission as advertised in the print media. In a bid to carry out further engagements with stakeholders, the Committee wrote to the Kenya National Bureau of Statistics and the Council of Governors vide letter **Ref.NA/DCS/F&NP/2019/21** dated **12<sup>th</sup> March, 2019** requesting for submissions on the Bill.

- The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. Finally, I wish to express my appreciation to the Honorable Members of the Committee who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Finance and National Planning and pursuant to provisions of Standing Orders 127 (4) and 199 (6), it is my pleasant privilege and honour to present to the House the report of the Committee on its consideration of the County Statistics Bill, 2018.



## EXECUTIVE SUMMARY

The County Statistics Bill, 2018 was published on **15<sup>th</sup> March, 2018** and passed by the Senate on **7<sup>th</sup> November, 2018**. The Speaker of the Senate sent the Bill to the National Assembly for consideration vide a message to the Speaker of the National Assembly. The Bill then went through the First Reading on **28<sup>th</sup> November, 2018** and was immediately committed to the Departmental Committee on Finance and National Planning.

The object of this Bill is to provide a framework for the collection, compilation, analysis and dissemination of statistical information; to establish a county statistics office and to establish the office of the county statistician. The Bill is anchored on the Fourth Schedule of the Constitution, Part 2; item 8 (a), that is "*the functions and powers of the county are..... County Planning and development including statistics;*"

If enacted, the Bill will provide for the establishment of the county statistics office and functions of the office. It also provides for the recruitment and appointment of the county statistician, removal from office and staff of the office. The Bill also establishes the intergovernmental technical committee on statistics, its functions and how often and the manner in which meetings of the consultative committee shall be conducted. The Bill further provides for how the two levels of government shall coordinate in order to effectively serve both the National and County Governments.

The Bill does not have any unconstitutional Clauses and neither does it contradict the Statistics Act.



## 1.0 PREFACE

### 1.1 ESTABLISHMENT OF THE COMMITTEE

The Departmental Committee on Finance & National Planning is one of the Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to **Standing Order 216 (5)** are as follows:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
- iii. **To study and review all the legislation referred to it;**
- iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
- vii. To examine treaties, agreements and conventions;
- viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x. To examine any questions raised by Members on a matter within its mandate.

### 1.2 MANDATE OF THE COMMITTEE

In accordance with the Second Schedule of the National Assembly Standing Orders, the Committee is mandated to consider, Public finance, Monetary policies, Public debt, Financial institutions (excluding those in securities exchange), Investment and divestiture policies, Pricing policies, Banking, Insurance, Population revenue policies including taxation and National planning and development.

In executing its mandate, the Committee oversees the following government Ministries/ Commissions

- i. National Treasury and Ministry of Planning

- ii. Ministry of Devolution
- iii. Commission for Revenue Allocation
- iv. Office of the Controller of Budget
- v. Salaries and Remuneration Commission

### 1.3 COMMITTEE MEMBERSHIP

The Committee was constituted by the House in December, 2017 and comprises of the following Members:-

1. The Hon. Joseph K. Limo, MP – **Chairperson** – Kipkelion East Constituency – Jubilee Party
2. The Hon. Isaac W. Ndirangu – **Vice-Chairperson** – Roysambu Constituency – Jubilee Party
3. The Hon. Jimmy O. Angwenyi, MP – Kitutu Chache North Constituency – Jubilee Party
4. The Hon. Christopher Omulele, MP – Luanda Constituency – ODM Party
5. The Hon. Dr. Enoch Kibunguchy, MP – Likuyani Constituency – FORD-K
6. The Hon. Shakeel Shabbir Ahmed, MP – Kisumu Town East – Independent
7. The Hon. Abdul Rahim Dawood, MP – North Imenti Constituency – Jubilee Party
8. The Hon. Daniel E. Nanok, MP – Turkana West Constituency – Jubilee Party
9. The Hon. Andrew A. Okuome, MP – Karachuonyo Constituency – ODM Party
10. The Hon. David M. Mboni, MP – Kitui Rural Constituency – CCU Party
11. The Hon. Francis K. Kimani, MP – Molo Constituency – Jubilee Party
12. The Hon. Joseph M. Oyula, MP – Butula Constituency – ODM Party
13. The Hon. Joshua C. Kandie, MP – Baringo Central Constituency – MCC Party
14. The Hon. Lydia H. Mizighi, MP – Taita Taveta County – Jubilee Party
15. The Hon. Mohamed A. Mohamed, MP – Nyali Constituency – Independent
16. The Hon. Purity W. Ngirici, MP – Kirinyaga County – Jubilee Party
17. The Hon. Samuel Atandi, MP – Alego Usonga Constituency – ODM Party
18. The Hon. Stanley M. Muthama, MP – Lamu West Constituency – MCC Party
19. The Hon. Edith Nyenze, MP – Kitui West Constituency – WDM-K

#### **1.4 COMMITTEE SECRETARIAT**

1. Ms. Leah W. Mwaura - **Senior Clerk Assistant/Lead Clerk**
2. Ms. Jenifer Ndeto - **Principal Legal Counsel I**
3. Ms. Laureen Wesonga - **Clerk Assistant III**
4. Mr. Josephat Motonu - **Fiscal Analyst I**
5. Mr. Chelang'a Maiyo - **Research Assistant III**
6. Mr. Robert Rop - **Audio Officer**
7. Mr. John Njoro - **Serjeant-At-Arms**



## **2.0 COMMITTEE CONSIDERATION OF THE BILL**

### **2.1 BACKGROUND INFORMATION**

The County Statistics Bill, 2018 was published on **15<sup>th</sup> March, 2018** and passed by the Senate on **7<sup>th</sup> November, 2018**. The Speaker of the Senate sent the Bill to the National Assembly for consideration vide a message to the Speaker of the National Assembly. The Bill then went through the First Reading on **28<sup>th</sup> November, 2018** and was committed to the Departmental Committee on Finance and National Planning.

### **2.2 CLAUSE BY CLAUSE ANALYSIS**

#### **Clause 2**

Set out definitions.

#### **Clause 3**

Establishes the County Statistics office.

#### **Clause 4**

Sets out the functions of the county statistics office. These include among others, collecting, compiling, analyzing, abstracting and disseminating statistical information on matters under Part 2 of the Fourth schedule.

#### **Clause 5**

This clause establishes the office of the county statistician. This person is intended to be the head of the county statistics office and is responsible for the overall management of that office.

#### **Clause 6**

The county statistician may be removed from office by the county public service board.

#### **Clause 7**

This Clause provides for staffing for the county statistics office.

#### **Clause 8**

This Clause provides for the establishment of the National Consultative Committee on Statistics.

**Clause 9**

Sets out the functions of the consultative committee.

**Clause 10**

Provides for the meetings of the consultative committee being at least twice a year.

**Clause 11**

It provides for consultation and co-operation between the National Government and County Government regarding use of statistical information.

**Clause 12**

Gives the county statistician power to request or interview any person for the purpose of obtaining information under the Act.

**Clause 13**

Requires the county statistician to develop a code of practice for departments and agencies of the County Government.

**Clause 14**

Provides for conduct of private surveys. It sets out a requirement for a person who intends to conduct a statistical survey within a county to apply for approval from the county statistician.

**Clause 15**

Deals with the confidentiality of information obtained by the county statistician.

**Clause 16**

Provides that a person may request for information from the county statistician.

**Clause 17**

Provides that the county statistician shall disseminate and make available to the public any analysis of statistical information.

**Clause 18**

Requires the county executive committee member to submit an annual report on statistical information to the Governor and the Kenya National Bureau of Statistics within four months after the end of the year.

**Clause 19**

Sets out offences and penalties.

**Clause 20**

Is the Regulation making Clause.

**Clause 21**

Is a consequential amendment to the Statistics Act. The intention is to remove the requirement for persons conducting “local level census or census” from seeking approval from the Board of the National Bureau of Statistics.



### 3.0 PUBLIC PARTICIPATION

Following the call for memoranda from the public on 14<sup>th</sup> February, 2019, the Committee did not receive any memoranda from the public. The Committee wrote to the Kenya National Bureau of Statistics and the Council of Governors, the key stakeholders in this Bill, requesting for submissions vide letter **Ref.NA/DCS/F&NP/2019/21** dated 12<sup>th</sup> March, 2019. The Kenya National Bureau of Statistics responded to the Committee's letter as follows:-

### 3.1 THE KENYA NATIONAL BUREAU OF STATISTICS

The Kenya National Bureau of Statistics proposed the following amendments:-

1. Clause 2 in the definition of the term 'county statistical system' delete part (d) 'research institutions'

#### **Justification**

It is already included in part (b)

2. Clause 2, replace Cap 112 with Statistics Act, No. 4 of 2006.

#### **Justification**

Cap 112 was repealed and replaced with Statistics Act, No. 4 of 2006.

3. Clause 2, definition of 'Kenya National Bureau of Statistics' should be replaced to read, 'Bureau' means Kenya National Bureau of Statistics as established under Section 3 of the Statistics Act, No. 4 of 2006.

#### **Justification**

Clarity on the use of Bureau as in the Statistics Act, 2006.

4. Clause 4(d), delete the word 'all' before 'matters related to use....'

#### **Justification**

By restricting to all matters, it limits the Bureau's role as indicated in Clause 4(2)

5. Clause 4(h), include 'County' before statistics

#### **Justification**

To ensure clarity of functions of the national and county governments.

6. Clause 5(3)(b), delete experience in public administration and substitute with, 'experience in management of statistics'.

#### **Justification**



Experience in public administration may not be precise as it refers to a different cadre/discipline that carries out public administration that are not necessarily statisticians.

7. Clause 9(a), delete 'develop' and replace with 'support'

**Justification**

Conflict with intended purpose as per Clause 4(2)

8. Clause 11(1), delete 'consult and' to read 'shall cooperate.....'

**Justification**

To foster independence and interdependence.

9. Clause 11(2), delete one 'that'

**Justification**

It is a repeated word.

10. Clause 19, the fine should be increased from Kshs. 100,000 to Kshs. 500,000

**Justification**

This is to harmonize with the penalties in the amended Statistics Act. Kshs. 100,000 is low considering the severity of the offences that touch on data.

11. Clause 21, delete the Clause

**Justification**

The previous law was already amended.



#### **4.0 PROPOSED COMMITTEE STAGE AMENDMENTS**

The Committee considered the Bill and proposed the following amendments:-

##### **CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by deleting the definition of the term “Fund”.

##### **Justification**

The word is not used in the Bill.

##### **CLAUSE 4**

**THAT**, Clause 4 (1) of the Bill be amended –

- (a) in paragraph (d) by deleting the word “all” ;
- (b) in paragraph (h) by inserting the word “county” immediately before the word “statistics”

##### **Justification**

To ensure clarity of functions of Kenya National Bureau of Statistics and County Statistics Office.

##### **CLAUSE 8**

**THAT**, the Bill be amended in subsection (4) by deleting the word “it” and substituting therefor the words “the technical committee”

##### **Justification**

It is a clean-up.

##### **CLAUSE 11**

**THAT**, the Bill be amended in clause 11 by deleting-

- (a) the words “consult and” appearing in subsection (1);
- (b) the word “that” appearing immediately after the word “ensure” in subsection (2).

##### **Justification**

- (a) This is to foster independence and interdependence between the two levels of government.
- (b) The word ‘that’ has been repeated.

##### **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in subsection (3) by deleting the word “it” appearing in paragraph (a).

**Justification**

It is a clean-up.

**CLAUSE 16**

**THAT**, the Bill be amended by inserting the word “statistical” immediately before the word “information”.

**Justification**

This is to specify the kind of information to be sought from the county statistician.

**CLAUSE 19**

**THAT**, the Bill be amended in Clause 19 by deleting the words “one hundred thousand” and substituting therefor the words “five hundred thousand”.

**Justification**

Kshs. 100,000 is low considering the severity of the offences that touch on data.

SIGNED.....<sup>for</sup>  ..... DATE.....<sup>28<sup>th</sup></sup> <sup>March</sup> 2019.....

**THE HON. JOSEPH LIMO, MP**

**CHAIRPERSON**

**DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING**

**REPUBLIC OF KENYA**



**NATIONAL ASSEMBLY**

**DEPARTMENTAL COMMITTEE ON FINANCE & NATIONAL PLANNING  
ADOPTION SCHEDULE FOR THE REPORT ON THE CONSIDERATION OF THE COUNTY  
STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

DATE: 28<sup>TH</sup> MARCH, 2019

| <b>NAME</b>                               | <b>SIGNATURE</b> |
|---|------------------|
| 1. HON. JOSEPH K. LIMO, MP – CHAIRMAN     |                  |
| 2. HON. ISAAC W. NDIRANGU – VICE-CHAIRMAN |                  |
| 3. HON. JIMMY O. ANGWENYI, MGH, MP        |                  |
| 4. HON. CHRISTOPHER OMULELE, MP           |                  |
| 5. HON. ENOCH KIBUNGUCHY, MP              |                  |
| 6. HON. SHAKEEL SHABBIR AHMED, CBS, MP    |                  |
| 7. HON. ABDUL RAHIM DAWOOD, MP            |                  |
| 8. HON. DANIEL E. NANOK, MP               |                  |
| 9. HON. ANDREW A. OKUOME, MP              |                  |
| 10. HON. DAVID M. MBONI, MP               |                  |
| 11. HON. KURIA KIMANI, MP                 |                  |
| 12. HON. JOSEPH M. OYULA, MP              |                  |
| 13. HON. JOSHUA KANDIE, MP                |                  |
| 14. HON. LYDIA H. MIZIGHI, MP             |                  |
| 15. HON. MOHAMED ALI, MP                  |                  |
| 16. HON. PURITY NGIRICI, MP               |                  |
| 17. HON. SAMUEL ATANDI, MP                |                  |
| 18. HON. STANLEY M. MUTHAMA, MP           |                  |
| 19. HON. EDITH NYENZE, MP                 |                  |

**MINUTES OF THE 15<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
FINANCE AND NATIONAL PLANNING HELD ON THURSDAY, 28<sup>TH</sup> MARCH, 2019  
IN 11<sup>TH</sup> FLOOR PROTECTION HOUSE AT 10.00 AM**

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**PRESENT**

1. Hon. Isaac W. Ndirangu, MP- **Vice Chairperson**
2. Hon. Jimmy O. Angwenyi, MGH, MP
3. Hon. Abdul Rahim Dawood, MP
4. Hon. Daniel E. Nanok, MP
5. Hon. David M. Mboni, MP
6. Hon. Andrew A. Okuome, MP
7. Hon. Joseph M. Oyula, MP
8. Hon. Mohamed A. Mohamed, MP
9. Hon. Stanley M. Muthama, MP
10. Hon. Purity Ngirici, MP
11. Hon. Samuel Atandi, MP
12. Hon. Lydia H. Mizighi, MP

**APOLOGY**

1. Hon. Joseph K. Limo, MP - **Chairperson**
2. Hon. Shakeel Shabbir Ahmed, CBS, MP
3. Hon. Christopher Omulele, MP
4. Hon. Joshua C. Kandie, MP
5. Hon. Edith Nyenze, MP
6. Hon. Francis K. Kimani, MP

**ABSENT**

Hon. Dr. Enoch Kibunguchy, MP

**INATTENDANCE – COMMITTEE SECRETARIAT**

- |                         |   |                           |
|-------------------------|---|---------------------------|
| 1. Ms. Lauren Wesonga   | - | Third Clerk Assistant     |
| 2. Ms. Jennifer Ndeto   | - | Principal Legal Counsel I |
| 3. Mr. Chelang’ a Maiyo | - | Research Officer III      |
| 4. Mr. Robert Rop       | - | Audio Officer             |
| 5. Mr. John Njoro       | - | Serjeant-At-Arms          |
| 6. Mr. Vitalis Augo     | - | Office Assistant          |

## **AGENDA**

1. Prayers
2. Preliminaries/Introductions
3. Communication from the Chair
4. Confirmation of Minutes
5. Matters Arising
6. **Meeting to consider:-**
  - i. **the report on consideration of County Statistics Bill (Senate Bill No. 9 of 2018);**
  - ii. **the report on the consideration of the proposed Public Procurement and Asset Disposal (Amendment) Bill, 2018 by Hon. Florence Mutua-Waingah, MP**
  - iii. **Senate amendments to the Public Private Partnerships (Amendment) Bill, 2017**
7. Adjournment/ Date of the next meeting

### **MIN.NO.NA/F&NP/2019/082: PRELIMINARIES/COMMUNICATION FROM THE CHAIRPERSON**

The Chairperson called the meeting to order at 10.22 am and prayed. He then introduced the day's agenda and welcomed the Committee for a fruitful deliberation. Adoption of the agenda

### **MIN.NO.NA/F&NP/2019/083: CONFIRMATION OF MINUTES**

Agenda deferred

### **MIN.NO.NA/F&NP/2019/084: ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

The report on the consideration of the County Statistics Bill (Senate Bill No. 9 of 2018) was considered paragraph by paragraph and adopted after being proposed and seconded by Hon. Abdul Rahim Dawood, MP and Hon. Joseph Oyula, MP respectively. The Committee agreed on the following proposed amendments:-

#### **CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by deleting the definition of the term "Fund".

#### **Justification**

The word is not used in the Bill.

#### **CLAUSE 4**

**THAT**, Clause 4 (1) of the Bill be amended –

- (a) in paragraph (d) by deleting the word "all";
- (b) in paragraph (h) by inserting the word "county" immediately before the word "statistics"

#### **Justification**

To ensure clarity of functions of Kenya National Bureau of Statistics and County Statistics Office.

#### **CLAUSE 8**

**THAT**, the Bill be amended in subsection (4) by deleting the word “it” and substituting therefor the words “the technical committee”

**Justification**

It is a clean-up.

**CLAUSE 11**

**THAT**, the Bill be amended in clause 11 by deleting-

- (a) the words “consult and” appearing in subsection (1);
- (b) the word “that” appearing immediately after the word “ensure” in subsection (2).

**Justification**

- (a) This is to foster independence and interdependence between the two levels of government.
- (b) The word that has been repeated.

**CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in subsection (3) by deleting the word “it” appearing in paragraph (a).

**Justification**

It is a clean-up.

**CLAUSE 16**

**THAT**, the Bill be amended by inserting the word “statistical” immediately before the word “information”.

**Justification**

This is to specify the kind of information to be sought from the county statistician.

**CLAUSE 19**

**THAT**, the Bill be amended in Clause 19 by deleting the words “one hundred thousand” and substituting therefor the words “five hundred thousand”.

**Justification**

Kshs. 100,000 is low considering the severity of the offences that touch on data.

**MIN.NO.NA/F&NP/2019/085: ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) LEGISLATIVE PROPOSAL, 2018 BY HON. FLORENCE MUTUA-WAINGAH, MP**

The Committee considered and adopted the report after being proposed and seconded by Hon. Jimmy Angwenyi, MP and Hon. Daniel Nanok, MP respectively. They observed and recommended as follows:-

**Committee Observations**

The Committee observed as follows on the proposed Bill, THAT

1. the proposed amendment to section 2 of the Public Procurement and Asset Disposal Act, 2015 will limit the definition of the word products as it will exclude products that are neither plants nor animals.
2. the proposed amendment to Section 155 of the Public Procurement and Asset Disposal Act, 2015 will help in the growth of the local market since it will increase demand for local products.

**Committee Recommendations**

1. The Committee found merit and supported the proposed amendments to Section 155 of the Public Procurement and Asset Disposal Act, 2015
2. The proposed amendment to Section 2 should be redrafted in a manner that does not exclude general products.

**Members' Deliberations**

In their submission on the proposed Public Procurement and Asset Disposal (Amendment) Bill, 2018, Kenya Law Reform Commission stated that the current government policy provides that government entities should reserve not less than thirty percent of their annual procurement budget of goods manufactured, mined, extracted, produced or grown in Kenya.

The secretariat was directed to write a letter to the National Treasury and Ministry of Planning requesting them to provide information on:-

- i. status of implementation of the above policy
- ii. status of implementation of the policy which provides that thirty percent of a public entity's annual procurement budget should be allocated to women and youth

**MIN.NO.NA/F&NP/2019/086: CONSIDERATION OF SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL, 2017**

The Committee deliberated on the Senate amendments to the Public Private Partnerships (Amendment) Bill, 2017 and agreed as follows:-

**Clause 2**

- (a) Agreed to

- (b) Amend by including words “the unit” immediately before the words “contracting authority”

**Justification**

The amendment is intended to enable the Unit to have a statutory basis for hiring transaction advisors for and on behalf of contracting authorities.

- (c) Agreed to

**Clause 7:** Agreed to

**Clause 8**

- (a) Agreed to
- (b) Agreed to

**Clause 12:** Agreed to

**Clause 16:** Agreed to

**Clause 19**

- (a) Agreed to
- (b) Agreed to

**New Clause 4A**

4A.

- (a) Agreed to
- (b) Amend by deleting the word “two” and substituting with the word “three”

**Justification**

This will enable the Committee to draw from critical project related professions among them engineers, lawyers and accountants.

- (c) Rejected
- (d) Rejected

**Justification**

The Ministry of Transport, Public Works and Housing has the State Departments of Infrastructure and Housing which are both headed by Principal Secretaries. It is important for both PSs to be members of the Committee.

**New Clause 5A**

Amend by adding the words “before signing a project agreement” immediately after the word “maintain”

**Justification**

This is to give contracting authorities freedom to comply with the requirement but in a manner that supports efficient project delivery.

**New Clause 20**

**70A**

- (1) Agreed to
- (2) (a) Agreed to

(b) Agreed to

(c) amend as follows, “the financial and other performance indicators of the project during the year under review”

**Justification**

The responsibility for preparing project financial statements in PPP contracts rests with the private sector partner. Neither the committee nor the National Treasury would have access to financial statement on PPP projects at the end of each financial years. The Committee will, however, have access to financial reports prepared and submitted by project companies periodically.

(d) Agreed to

(e) Agreed to

(3) (a) National Assembly for National Government projects

(b) Senate for County Government projects

(c) Delete

(d) Agreed to

Insert the following “(e) National Treasury and (d) Cabinet”

(4) delete the words “county assemblies”

(a) Agreed to

(b) Agreed to

(c) Agreed to


(5) Redraft

**MIN.NO.NA/F&NP/2019/087: ADJOURNMENT/DATE OF THE NEXT MEETING**

There being no other business to deliberate on, the meeting was adjourned at 12.25 p.m. The next meeting will be held on Tuesday, 2<sup>nd</sup> April, 2019.

**HON. JOSEPH K. LIMO, MP**

**(CHAIRPERSON)**

SIGNED ..........DATE.....*28<sup>th</sup> march 2019.*.....

**MINUTES OF THE 14<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
FINANCE AND NATIONAL PLANNING HELD ON TUESDAY, 26<sup>TH</sup> MARCH, 2019 IN  
11<sup>TH</sup> FLOOR PROTECTION HOUSE AT 10.00 AM**

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**PRESENT**

1. Hon. Isaac W. Ndirangu, MP- **Vice Chairperson**
2. Hon. Jimmy O. Angwenyi, MGH, MP
3. Hon. Christopher Omulele, MP
4. Hon. Abdul Rahim Dawood, MP
5. Hon. Daniel E. Nanok, MP
6. Hon. David M. Mboni, MP
7. Hon. Andrew A. Okuome, MP
8. Hon. Joseph M. Oyula, MP
9. Hon. Mohamed A. Mohamed, MP
10. Hon. Stanley M. Muthama, MP
11. Hon. Purity Ngirici, MP

**ABSENT WITH APOLOGY**

1. Hon. Joseph K. Limo, MP - **Chairperson**
2. Hon. Shakeel Shabbir Ahmed, CBS, MP
3. Hon. Joshua C. Kandie, MP
4. Hon. Lydia H. Mizighi, MP
5. Hon. Edith Nyenze, MP
6. Hon. Francis K. Kimani, MP
7. Hon. Samuel Atandi, MP

**ABSENT**

1. Hon. Dr. Enoch Kibunguchy, MP
2. Hon. Shakeel Shabbir Ahmed, CBS, MP

**INATTENDANCE – COMMITTEE SECRETARIAT**

- |                           |   |                       |
|---------------------------|---|-----------------------|
| 1. Ms. Laureen Wesonga    | - | Third Clerk Assistant |
| 2. Mr. Salem Lorot        | - | Legal Counsel         |
| 3. Mr. Josephat Motonu    | - | Fiscal Analyst        |
| 4. Mr. Chelang'a Maiyo    | - | Research Assistant    |
| 5. Mr. Robert Rop         | - | Audio Officer         |
| 6. Mr. John Njoro         | - | Serjeant-At-Arms      |
| 7. Mr. Vitalis Augo       | - | Office Assistant      |
| 8. Mr. Adulwaahid Mohamed | - | Intern                |

## **AGENDA**

1. Prayers
2. Preliminaries/Introductions
3. Communication from the Chair
4. Confirmation of Minutes
5. Matters Arising
6. **Meeting to consider:-**
  - i. **Adoption of the report on the consideration of the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018); and**
  - ii. **Committee Stage amendments to the County Statistics Bill (Senate Bill No. 9 of 2018);**
7. Adjournment/ Date of the next meeting

### **MIN.NO.NA/F&NP/2019/076: PRELIMINARIES/COMMUNICATION FROM THE CHAIRPERSON**

The Chairperson called the meeting to order at 10.25 am and prayed. He then introduced the day's agenda and welcomed the Committee for a fruitful deliberation.

### **MIN.NO.NA/F&NP/2019/077: CONFIRMATION OF MINUTES**

Agenda deferred

### **MIN.NO.NA/F&NP/2019/078: MEETING TO ADOPT THE REPORT ON THE CONSIDERATION OF THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

The report on the consideration of the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) was adopted after being proposed and seconded by Hon. Andrew Okuome, MP and Hon. Daniel Nanok, MP respectively.

### **MIN.NO.NA/F&NP/2019/079: MEETING TO CONSIDER COMMITTEE STAGE AMENDMENTS TO THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

The Committee agreed on the following proposed amendments:-

**Clause 2** – Delete the definition of the term ‘fund’

#### **Justification**

The word is not used in the Bill.

**Clause 5** – Agreed to

The Committee did not agree to Kenya National Bureau of Statistics proposed amendment on Clause 5(3)(b) because a county statistician is a manager and his qualifications should therefore not be limited to statistics.

**Clause 6** – Agreed to

**Clause 7** – Agreed to

**Clause 8**

Amend clause 8(3) by deleting the word ‘and’

**Justification**

It is a clean up

Amend clause 8(4) by deleting the word ‘it’ and substituting with the words ‘consultative Committee’

**Clause 9**

Amend clause 9(a) by deleting ‘develop’ and replacing it with ‘support’

**Justification**

The strategies have already been developed.

**Clause 10 – Agreed to**

**Clause 11**

Amend clause 11(1) by deleting ‘consult and’ to read ‘shall cooperate.....’

**Justification**

This is to foster independence and interdependence between the two levels of government.

Amend clause 11(2) by deleting one ‘that’

**Justification**

The word ‘that’ has been repeated.

**Clause 12**

Amend clause 12(3)(a) by deleting the word ‘it’

**Justification**

It is clean up

**Clause 13 – Agreed to**

**Clause 14 – Agreed to**

**Clause 15 – Agreed to**

**Clause 16**

Amend the clause by inserting the word ‘statistical’ before information.

**Justification**

This is to specify the kind of information to be sought from the county statistician.

**Clause 17 – Agreed to**

**Clause 18** – Agreed to

**Clause 19**

Amend clause 19 by increasing the fine from one hundred thousand shillings to five hundred thousand shillings

**Justification**

Kshs. 100,000 is low considering the severity of the offences that touch on data.

**Clause 20** – Agreed to

**Clause 21** – Agreed to

Kenya National Bureau of Statistics proposed amendment to delete the clause was not agreed to by the Committee because it was not clear which law was being referred to.

**MIN.NO.NA/F&NP/2019/080: ANY OTHER BUSINESS**


Members deliberated and agreed that a Member's commitment to the Committee should be considered when nominating Members to represent the Committee in international trips.

**MIN.NO.NA/F&NP/2019/081: ADJOURNMENT/DATE OF THE NEXT MEETING**

There being no other business to deliberate on, the meeting was adjourned at 12.18 p.m. The next meeting will be held on Thursday, 28<sup>th</sup> March, 2019.

**HON. JOSEPH K. LIMO, MP**

**(CHAIRPERSON)**

SIGNED ..........DATE.....*28<sup>th</sup> March 2019.*.....

**MINUTES OF THE 13<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
FINANCE AND NATIONAL PLANNING HELD ON THURSDAY, 21<sup>ST</sup> MARCH, 2019  
IN 4<sup>TH</sup> FLOOR CONTINENTAL HOUSE AT 10.00 AM**

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**PRESENT**

1. Hon. Joseph K. Limo, MP - **Chairperson**
2. Hon. Isaac W. Ndirangu, MP- **Vice Chairperson**
3. Hon. Jimmy O. Angwenyi, MGH, MP
4. Hon. Abdul Rahim Dawood, MP
5. Hon. Daniel E. Nanok, MP
6. Hon. Andrew A. Okuome, MP
7. Hon. Joseph M. Oyula, MP
8. Hon. Edith Nyenze, MP
9. Hon. Joshua C. Kandie, MP
10. Hon. Francis K. Kimani, MP
11. Hon. Samuel Atandi, MP

**ABSENT WITH APOLOGY**

1. Hon. Christopher Omulele, MP
2. Hon. David M. Mboni, MP
3. Hon. Lydia H. Mizighi, MP
4. Hon. Purity Ngirici, MP
5. Hon. Mohamed A. Mohamed, MP

**ABSENT**

1. Hon. Dr. Enoch Kibunguchy, MP
2. Hon. Shakeel Shabbir Ahmed, CBS, MP
3. Hon. Stanley M. Muthama, MP

**INATTENDANCE – COMMITTEE SECRETARIAT**

- |                        |   |                         |
|------------------------|---|-------------------------|
| 1. Ms. Lauren Wesonga  | - | Third Clerk Assistant   |
| 2. Ms. Jennifer Ndeto  | - | Principal Legal Counsel |
| 3. Mr. Josephat Motonu | - | Fiscal Analyst          |
| 4. Mr. Robert Rop      | - | Audio Officer           |
| 5. Mr. John Njoro      | - | Serjeant-At-Arms        |
| 6. Mr. Vitalis Augo    | - | Office Assistant        |

## **AGENDA**

1. Prayers
2. Preliminaries/Introductions
3. Communication from the Chair
4. Confirmation of Minutes
5. Matters Arising
6. **Meeting to consider:-**
  - i. **Senate Amendments to the Public Private Partnership (Amendment) Bill, 2017;**
  - ii. **Committee Stage amendments to the County Governments (Revenue Raising Process) Bill, 2018;**
  - iii. **Committee Stage amendments to the County Statistics Bill (Senate Bill No. 9 of 2018); and**
  - iv. **Committee Stage amendments to the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018)**
7. Adjournment/ Date of the next meeting

### **MIN.NO.NA/F&NP/2019/070: PRELIMINARIES/COMMUNICATION FROM THE CHAIRPERSON**

The Chairperson called the meeting to order at 10.20 am and prayed. He then introduced the day's agenda and welcomed the Committee for a fruitful deliberation.

### **MIN.NO.NA/F&NP/2019/071: CONFIRMATION OF MINUTES**

Agenda deferred

### **MIN.NO.NA/F&NP/2019/072: MEETING TO CONSIDER COMMITTEE STAGE AMENDMENTS TO THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

The Chairperson welcomed the Legal Counsel to take the Committee through the Bill. The Committee deliberated and agreed as follows:-

**Clause 1:** Agreed to

**Clause 2:** Agreed to

**Clause 3:** Agreed to

The Secretariat was directed to prepare the report for the Committee's adoption and tabling on Tuesday, 26<sup>th</sup> March, 2019.

### **MIN.NO.NA/F&NP/2019/073: MEETING TO CONSIDER COMMITTEE STAGE AMENDMENTS TO THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL, 2018**

The Committee was advised by the Secretariat that some Clauses in the Bill were against the Constitution. The meeting deliberated at length and agreed that:-

1. The consideration of the Bill should be suspended
2. The Fiscal Analyst and the Legal Counsel were directed to prepare a brief for presentation to the Leader of Majority in order to chat on the way forward with regards to the consideration of the Bill
3. The Secretariat was directed to organize for a meeting between the Committee and the Council of Governors for further deliberations on the Bill.
4. The Secretariat was further directed to prepare a brief and advice the Committee on what the Bill was intending to achieve.

**MIN.NO.NA/F&NP/2019/074: MEETING TO CONSIDER COMMITTEE STAGE AMENDMENTS TO THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

The Chairperson invited the Legal Counsel to take the Committee through the Bill. The Committee deliberated and agreed as follows:-

**Clause 3:** Agreed to

**Clause 4**

Amend **Clause 4(1)(d)** by deleting the word 'all' before 'matters related to.....'

**Justification**

This is to prevent the County Statistics Office from undertaking functions of the Kenya National Bureau of Statistics.

Amend **Clause 4(1)(h)** by including the word 'County' before statistics.

**Justification**


To ensure clarity of functions of Kenya National Bureau of Statistics and County Statistics Office.

**MIN.NO.NA/F&NP/2019/075: ADJOURNMENT/DATE OF THE NEXT MEETING**

There being no other business to deliberate on, the meeting was adjourned at 11.47 a.m. The next meeting will be held on Tuesday, 26<sup>th</sup> March, 2019.

**HON. JOSEPH K. LIMO, MP**

**(CHAIRPERSON)**

SIGNED ..........DATE.....<sup>28<sup>th</sup></sup> March 2019.....