



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 03, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the First Chairperson
4. **PETITIONS**

Pursuant to Standing Order 225, the following Petitions were reported to the House by the Chairperson, Departmental Committee on Transport, Public Works and Housing -

- (a) The Petition regarding the relocation and construction of KK Nkengechia Primary School, presented by the Member for Tigania West (Hon. David Karithi) on behalf of pupils and parents of the school;
- (b) The Petition regarding the construction of footbridges on Thika Super Highway, presented by the Member for Juja (Hon. Francis Munyua Waititu) on behalf of residents of Juja Constituency; and
- (c) The Petition on the construction of speed bumps on Kakamega-Mumias Road presented by the Member for Lurambi (Hon. Raphael M. Otaalo) on behalf of residents of Lurambi, Kakamega County.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Departmental Committee on Transport, Public Works and Housing on its consideration of Petitions by –
 - (a) The Hon. David Karithi, M.P. on behalf of Pupils and Parents of KK Nkengechia Primary School regarding the relocation and construction of the school;
 - (b) The Hon. Francis M. Waititu, M.P. on behalf of Residents of Juja Constituency regarding the construction of footbridges along the Thika Super Highway; and
 - (c) The Hon. Raphael M. Otaalo, M.P. on behalf of residents of Lurambi, Kakamega County on construction of speed bumps on Kakamega-Mumias Road.

(Chairperson, Departmental Committee on Transport, Public Works and Housing)

- (ii) Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on its consideration of the Petition by the Hon. Peter Kamande, M.P. on behalf of Macadamia Farmers from Maragwa on lifting the ban on sale and export of raw macadamia.

(Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

6. **NOTICES OF MOTION**

The following Notice of Motion was given –

Formation of Select Committee to Inquire into the betting and gambling industry in the country

(The Deputy Leader of Minority Party)

THAT, aware that the betting and gambling industry in Kenya has attracted a lot of public interest in the recent past, leading to its exponential growth; **further aware** that the services of betting companies like *Sportpesa, Elibet, Betway, Betin Kenya* and *mCheza*, among many others are now easily accessible via online and mobile platforms; **deeply concerned** that the industry is facing a myriad of challenges such as weak and insufficient regulatory and institutional frameworks, proliferation of betting and gambling activities and attendant negative societal impacts; **also cognizant** of claims of tax evasion, tax avoidance and money laundering in some of the betting, gaming and casino businesses; **appreciating** the fact that the Government has a role in strengthening the licensing and collection of tax revenues from the industry while ensuring its sustainability; **further noting** that although the Fourth Schedule of the Constitution has devolved the functions of betting and gambling to the county governments, Articles 95(2), 189(2) and 191(1) and (2) of the Constitution allow the national Government, through Parliament, to resolve issues of concern to the people and pass law to ensure uniformity of action across the country; **mindful** of the fact that in several developed jurisdictions, betting and gaming activities are regulated in the same manner as other financial sectors such as insurance and banking with regards to disclosure of information, conflict of interest, enforcement of age limits of participants, audit, reporting, licensing and taxation, this House resolves to:

- (a) Establish a Select Committee to inquire into the activities of the betting and gambling industry with regard to tax compliance, claims of financial impropriety, regulation, and benefits to the society and state; identify best practices from other jurisdictions on the management of proceeds from betting activities; and report back to the House within fourteen (14) days; and

- (b) Approve the appointment of the following Members to the Select Committee:-

1. The Hon. Jakoyo Midiwo, MP - Chair;
2. The Hon. Kanini Kega, MP - Vice Chair;
3. The Hon. Aden Duale, EGH, MP;
4. The Hon. Thomas Mwadeghu, MP;
5. The Hon. Roselinda Soipan Tuya, MP;
6. The Hon. Samuel K. Gichigi, MP;
7. The Hon. Samuel Chepkong'a, MP;
8. The Hon. Dorcas Kedogo, MP;
9. The Hon. Daniel K. Maanzo, MP;
10. The Hon. Benjamin Langat, MP; and
11. The Hon. Mary Keraa, MP.

7. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Leader of Majority Party)

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of Senate amendments to the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015).

Order deferred to another day.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

(The Leader of Majority Party)

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of Senate amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015).

Order deferred to another day.

9. **MOTION – RATIFICATION OF BILATERAL AIR SERVICES AGREEMENTS BETWEEN KENYA, AND VIETNAM AND LIBERIA**

(The Chairperson, Departmental Committee on Transport, Public Works & Housing)

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works & Housing on its consideration of the Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Governments of the Socialist Republic of Vietnam and the Republic of Liberia respectively, laid on the Table of the House on Wednesday, 27th July, 2016, and pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Governments of the Socialist Republic of Vietnam and the Republic of Liberia.

Order deferred to another day.

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

Kenya National Examination Council (Amendment) Bill (National Assembly Bill No. 1 of 2016)

Clause 2 – amendment proposed –

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

(2) The Kenya National Examinations Council Act is amended by inserting the following new section immediately after section 10—

Ranking of
institutions of
basic education.

10A. (1) The Cabinet Secretary shall, in every academic year, rank institutions of basic education that offer primary education or secondary education based on—

- (a) academic performance in national examinations; and
- (b) performance in co-curricular activities.

(2) For purposes of ranking under subsection (1) —

- (a) the Kenya National Examinations Council shall submit to the Cabinet Secretary, data regarding the academic performance, in national examinations, of institutions of basic education that offer primary or secondary education; and
- (b) every County Director of Education shall submit the data regarding the performance, in co-curricular activities, of institutions of basic education that offer primary or secondary education to the Director-General for transmission to the Cabinet Secretary.

No.12 of 2013

(3) The Cabinet Secretary shall, as soon as practicable after the receipt of the data referred under subsection (2), announce and publish the results and ranks of institutions as prescribed in subsection(1).

(4) The Cabinet Secretary may make rules for the purpose of ranking of institutions of basic education that offer primary or secondary education.

(5) Without prejudice to the generality of subsection (4) the Cabinet Secretary may provide for—

- (a) the form and method of categorization of institutions of basic education that offer primary or secondary education for ranking purposes;
- (b) the announcement and publication, of the results in national examinations and co-curricular activities, of institutions of basic education that offer primary or secondary education and their ranking;
- (c) the criteria to be used in ranking;
- (d) submission and management of data under subsection (3); and
- (e) any other matter that requires to be prescribed under this section.

(6) In this section, the words—

- (a) “County Director of Education”; and
- (b) “Director General”

have the respective meanings assigned to them under the Basic Education Act;

(Chairperson, Departmental Committee on Education, Science and Research)

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 2 – as amended agreed to

Bill to be reported with amendments;

11. **HOUSE RESUMED** – The First Chairperson in the Chair

Kenya National Examination Council (Amendment) Bill (National Assembly Bill No.1 of 2016)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Departmental Committee on Education, Science and Research)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Kenya National Examination Council (Amendment) Bill (National Assembly Bill No. 1 of 2016) be now read a Third Time

Question deferred to another day.

12. **MOTION – PROVISION OF WATER TO PUBLIC FACILITIES**

Motion made and Question proposed –

THAT, aware that water is one of the most basic human needs; concerned about children in primary schools, especially, those that do not have access to clean tapped water; also aware that the Government is already providing electricity and food to these schools; deeply concerned that lack of water leads to a host of hygiene-related problems including jigger infestation, cholera and others, this House **resolves** that the Government formulates a financial framework for and provides tapped water to all public facilities, especially primary schools, as water is life.

(Hon. Andrew Mwadime – 27.07.2016)

Debate interrupted on Wednesday, July 27, 2016 (Morning Sitting) resumed;

(Change of Chair from the First to the Fourth Chairperson)

Amendment proposed –

THAT, the Motion be amended by inserting the words “clean and safe” immediately after the phrase “financial framework for and provides tapped”

(Hon. Eng. Nicolas Gumbo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Debate on the Motion as amended resumed;

Mover replied;

Question put and agreed to;

Resolved accordingly;

THAT, aware that water is one of the most basic human needs; concerned about children in primary schools, especially, those that do not have access to clean tapped water; also aware that the Government is already providing electricity and food to these schools; deeply concerned that lack of water leads to a host of hygiene-related problems including jigger infestation, cholera and others, this House resolves that the Government formulates a financial framework for and provides **clean and safe** tapped water to all public facilities, especially primary schools, as water is life.

13. **MOTION – DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS**

Motion made and Question proposed –

THAT, aware that cases of unbecoming conduct among young people has been on the rise as exemplified by runaway drug abuse and addiction, drunkenness, sexual orgies and general irresponsibility; and deeply concerned that these incidents of loose morals have been worsened in the recent past by emerging radicalization of the youth leading to inclination towards terrorism and lawlessness, this House **urges** the National Government to consider deploying chaplains to all secondary schools and tertiary institutions in order to instill desired morals, social virtues, national values and a sense of responsibility, to address and root out moral decadence at an early age, and to supplement the work of guidance and counseling departments operating in these institutions.

(Hon. Geoffrey Odanga)

Debate arising;

And the time being One O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. **HOUSE ROSE** - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, August 03, 2016 at 2.30 p.m.

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