



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 04, 2016

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

- (i) **Appointment of Members to the Mediation Committee on the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015) and the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015)**

“Honourable Members,

You may recall that on Tuesday, August 2, 2016, this House, while in the Committee of the Whole House, agreed with the Senate on most of its amendments, save for amendments to **New Clause 9A** of the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) and **clauses 9, 72, 75, 77** and the **Third Schedule** of the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015). On Wednesday, August 3, 2016, the House agreed with the said decision of the Committee of the Whole House. Consequently, the Bills now stand committed to a Mediation Committee, in accordance with the provisions of Article 112(2)(b) of the Constitution.

In this regard, and in consultation with the Leadership of the Majority and Minority Parties in the House, I have appointed the following Members to represent the National Assembly in the Mediation Committee –

1. The Hon. Amina Abdalla, MP;
2. The Hon. Joyce Emanikor, MP; and
3. The Hon. (Dr.) Wilbur Ottichilo, MP.

Hon. Members, it is advisable that, in attempting to develop an agreed version of the said Bill, the Committee confines itself to the contested Clauses. Thank you”.

(ii) **Demise of the late Hon. Mark Waruiru Mwithaga, HSC, OGW**

“Honourable Members,

It is with deep sorrow that I have learnt of the demise of the Hon. Mark Waruiru Mwithaga, HSC, OGW. The Late Hon. Mwithaga, a former Member for Nakuru Town Constituency, passed on following a cardiac arrest on Monday, 1st August 2016. He was 79 years old.

Honourable Members, the Late Hon. Mwithaga was a prominent Member of this August House, and represented Nakuru Town Constituency between 1966 and 1979. He served as an Assistant Minister in the late President Jomo Kenyatta’s government, and also as a member of the Kenya Film Commission in President Mwai Kibaki’s administration. He was a forthright politician who never compromised on his principles and beliefs, and was an inspiring mentor to many, influencing various politicians who came after him. As a respected Member of this House, he served in various Committees, and was the Vice Chairperson of the Parliamentary Select Committee investigating the death of the late Hon. Josiah Mwangi Kariuki.

Additionally, he played a major role in shaping and influencing the political direction of Nakuru and its environs having served as Nakuru KANU Branch Chairman, and bringing much-needed development to the town. An astute businessman, he engaged in numerous investment ventures, including starting the Nakuru Transport Cooperative Society (NATCO), which was the first transport-related SACCO of its kind.

Honourable Members,

The late Hon. Mark Waruiru Mwithaga, HSC, OGW, was indeed a hero and a legend who will be fondly remembered and greatly missed by his family, friends, Nakuru residents, this August House and the country at large. Those wishing to pay their respects should note that a requiem mass will be held in Nairobi and Nakuru at a date to be announced later. In the meantime, family and friends of the late Member are meeting daily at All Saints Cathedral from 5pm. His funeral will be held on **Friday, 12th August 2016** in Nakuru following a church service at Christ the King Catholic Church, Nakuru.

On behalf of all Members of the National Assembly, that of the Parliamentary Service Commission and indeed on my own behalf, I wish to convey our condolences to his family, friends and the people of Nakuru town for this great loss. In honour of the exemplary service rendered to the nation and society by the late Hon. Mwithaga, I now request that we all stand to observe a minute of silence.

May his soul rest in eternal peace. Thank you”.

5. **PETITIONS**

Pursuant to Standing Order 225, the following Chairpersons reported on Petitions –

- (i) The Chairperson, Departmental Committee on Education, Science and Technology on the Petitions regarding –
 - (a) Alleged mismanagement of the Murang’a University College, presented to the House by the Honourable Speaker on behalf of the residents of Murang’a County; and,

(b) Withholding of 2014 Early Childhood Education Examinations by the Kenya National Examination Council, presented by the Member for Kaiti (Hon. Richard Makenga).

(ii) The Chairperson, Departmental Committee on Lands on the Petitions on –

(a) Alleged grabbing of public land belonging to Chuka Township Primary School, presented by the Member for Chuka Igambang'ombe (Hon. Muthomi Njuki) on behalf of residents of Chuka Igambang'ombe Constituency; and,

(b) Alleged compulsory acquisition of land reference number Ngong/Ngong/1959, presented by the Member for Kajiado West (Hon. Moses Ole Sakuda).

6. PAPERS LAID

The following Papers were laid on the Table -

Report of the Departmental Committee on Energy, Communication and Information on its consideration of Senate Amendments to the following Bills -

(i) The Energy Bill (National Assembly Bill No. 50 of 2015); and

(ii) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)

(Chairperson, Departmental Committee on Energy, Communication and Information)

7. NOTICE OF MOTION

The following Notice was given –

Settlement of Squatters and Compensation of Private Land Owners

(Hon. Irshadali Sumra)

THAT, aware of the dire plight faced by slum-dwellers in Nairobi County as exemplified by the housing and sanitation woes they face daily in addition to risks of fires razing down houses that are crumpled together; **further aware** that the Government is in the process of implementing its policy on settling the landless; **cognizant** of the fact that granting legal land occupancy status to squatters will create confidence in locals and investors for sustainable investment and development that will transform the slums into developed estates; **and concerned** by the large number of squatters in Mukuru Kwa Njenga, Mukuru Kwa Reuben, Kibera, Maili Saba, Mathare, Mukuru Kaiyaba, Chokaa, Quarry, Soweto, Utawala, Sinai and in other slums countrywide, this House **urges** the National Government to settle squatters in the lands they currently occupy and compensate private land owners either financially or through the provision of alternative land beginning with Nairobi County and progressively extending to the rest of the country.

8. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, August 9, 2016.

9. **MOTION - APPROVAL OF THE MEDIATED VERSION OF THE LAND LAWS (AMENDMENT) BILL, 2015**

Motion made and Question proposed -

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015), laid on the

Table of the House on Thursday, 28th July 2016, and **approves** the Mediated Version of the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015).

(Vice-Chairperson, Mediation Committee – 03.04.2016)

Debate on the Motion having been concluded on Wednesday, August 3, 2016 (Afternoon Sitting);

Question put and agreed to.

10. **MOTION - APPROVAL OF THE MEDIATED VERSION OF THE COMMUNITY LAND BILL, 2015**

Motion made and Question proposed –

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Community Land Bill (National Assembly Bill No. 45 of 2015), laid on the Table of the House on Thursday, 28th July 2016, and **approves** the Mediated Version of the Community Land Bill (National Assembly Bill No. 45 of 2015).

(Vice-Chairperson, Mediation Committee – 03.04.2016))

Debate on the Motion having been concluded on Wednesday, August 3, 2016 (Afternoon Sitting);

Question put and agreed to.

11. **PARTY-SPONSORED MOTION - ESTABLISHMENT OF A SELECT COMMITTEE TO INQUIRE INTO THE BETTING AND GAMBLING INDUSTRY IN KENYA**

Motion made in amended form and Question proposed -

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 malpractices in some of the betting, gaming and casino businesses in form of tax evasion, tax avoidance, money laundering, manipulated disclosures and misrepresentation of information; **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 while 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 obligate 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, banking and stock exchange with regard to disclosures of information, conflict of interest, enforcement of age limits of participants, audit, regular financial reporting, licensing and taxation; this House resolves to:

- (a) establish a Select Committee to inquire into all the activities of the betting, gaming and gambling industry with regard to tax compliance, claims of financial impropriety, identifying the common irregularities and lacunas in regulation, benefits to the society and the Country; identify best practices from other jurisdictions on the management of proceeds from betting activities; and report its recommendations to the House, including and proposals for remedial measures and legislation, within a period of sixty (60) days; and,
- (b) approve the appointment of the following Members to the Select Committee:-
 - (i) The Hon. Jakoyo Midiwo, MP – Co-Chairperson (D/Leader of the Minority Party)
 - (ii) The Hon. Aden Duale, EGH, MP – Co-Chairperson (Leader of the Majority Party)
 - (iii) The Hon. Thomas Mwadeghu, MP;
 - (iv) The Hon. Kanini Kega, MP;
 - (v) The Hon. Roselinda Soipan Tuya, MP;
 - (vi) The Hon. Samuel K. Gichigi, MP;
 - (vii) The Hon. Samuel Chepkong'a, MP;
 - (viii) The Hon. Dorcas Kedogo, MP;
 - (ix) The Hon. Daniel K. Maanzo, MP;
 - (x) The Hon. Benjamin Langat, MP;
 - (xi) The Hon. Mary Keraa, MP;
 - (xii) The Hon. Mohamed Bady Twalib, MP; and
 - (xiii) The Hon. Asman Kamama, MP.

(Deputy Leader of Minority Party)

Debate arising;

And the time being thirty two minutes past Six O'clock, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at thirty minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, August 09, 2016 at 2.30 p.m.

--x--