



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 16, 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) **The Consideration of Sessional Paper No. 1 of 2016**

"Hon. Members,

On Thursday, March 10, 2016, the Leader of the Majority Party laid on the Table of the House the *Sessional Paper No. 1 of 2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II at the Port of Mombasa*, and further gave Notice of Motion of the same. This is an important matter as it relates to revenue raising by an Agency of the National Government.

Hon. Members, pursuant to the provisions of Standing Order Nos. 1 and No. 245 of the National Assembly Standing Orders, I hereby direct that the Sessional Paper as well as the Notice of Motion be committed to the Departmental Committee on Finance, Planning and Trade. It is expected that the Committee will expeditiously embark on the consideration of the Sessional Paper and apprise the House, by way of a report, before the House proceeds on the short recess next week.

For the avoidance of doubt, the mandate of the Departmental Committee on Finance, Planning and Trade as set out in the Second Schedule of our Standing Orders include, *inter alia*, public debt and revenue policies. It would therefore be apt that the Committee considers this matter.

Thank you".

(i) Visit by the Young African Leaders Initiative (YALI) Delegation

Honourable Members,

I wish to introduce to you a delegation from the Young African Leaders Initiative (YALI) Regional Leadership Centre East Africa, which was launched by the President of the United States of America, H.E Barack Obama as a signature effort to invest in the next generation of African leaders. The delegation which is seated at the Speaker's Gallery comprises youth from Kenya, Uganda, Tanzania, Somalia, Ethiopia, Rwanda, and the Democratic Republic of Congo.

Honourable Members, the delegation is in the National Assembly to interact with Members of Parliament particularly the Young Parliamentarians and learn more on their experiences and leadership journeys that will enhance their ability to become transformational leaders. I wish to welcome them to the National Assembly and wish them fruitful engagements.

Thank you".

5. PAPERS LAID

The following Papers were laid on the Table –

- (i) The Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Republic of Liberia (*pursuant to section 8 of the Treaty Making and Ratification Act, 2012*);
- (ii) The Report of the 6th Annual Interpol-Star Global Focal Points Conference held in New Delhi, India from 17th to 19th November, 2015;
- (iii) The Report of the 6th Global Conference of Parliamentarians against Corruption held in Yogyakarta, Indonesia from 5th to 8th October, 2015;
- (iv) The Report Of The APNAC Biennial General Meeting held in N'djamena, Tchad from 24th to 26th April, 2015;
- (v) The Report of the 16th International Anti-Corruption Conference held In Putrajaya, Malaysia from 2nd to 4th September, 2015; and
- (vi) The Report on the Global Parliamentary Conference on the World Bank and IMF held in Washington DC from 12th to 13th April, 2015.

(The Leader of the Majority Party)

- (i) The Report of the Departmental Committee on Defence and Foreign Relations on the Petition regarding continued occupation of Migingo and Ugingo Islands in Lake Victoria.

(Hon. Ali Rasso, Member, Departmental Committee on Defence and Foreign Relations)

6. **NOTICE OF MOTION**

The following Notice of Motion was issued

Notice of Motion – Provision of a Honorarium for Village Elders
(The Hon. Malulu Injendi)

THAT, aware that Village Elders play a critical role in facilitating the work undertaken by Chiefs and Assistant Chiefs in solving disputes, addressing petty crimes, handling security issues and generally promoting development initiatives; concerned that the Government is yet to adequately recognize their vital roles by way of facilitating their work; further noting that these hardworking citizens are crucial in the dissemination of government policies and plans to the grassroots, this House urges the National Government to consider giving a monthly or annual Honorarium to Village Elders as a means of appreciating their services and encouraging them to uphold their dedication to the community.

7. **STATEMENT ON STATUS OF BUSINESS BEFORE COMMITTEES**

In accordance with the Speaker's communication of October 14, 2015 the Chairpersons of the following Committees apprised the House on the Status of the Business pending before their respective Committees:

- (i) The Mediation Committee on the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013)
- (ii) The Committee on Delegated Legislation
- (iii) The Departmental Committee on Defence and Foreign Relations

8. **THE PROTECTION OF THE TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (National Assembly Bill No. 48 of 2015) be now read a Third Time

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate on the Third Reading having been concluded on Tuesday, March 15, 2016;

Question put and agreed to;

Bill read a Third Time and **passed.**

9. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No.4 of 2016) from 14 to 6 day.

(The Leader of the Majority Party)

There being no Members wishing to debate;

Question put and agreed to.

10. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)

Clause 3 - agreed to

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)-

“(e) protection of indigenous knowledge and intellectual property rights of forests resources; and

(f) international best practices in management and conservation of forests. ”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended—

(a) by deleting the words “Management Guidelines” appearing in the marginal note and substituting therefor the word “Policy”;

(b) in sub-clause (1) by deleting the word “management”; and

(c) in sub-clause (2) by deleting the word “management”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 – as amended agreed to

Clause 6 – amendment proposed –

THAT, clause 6 of the Bill be amended—

(a) in sub clause (1) by deleting the words “which shall be the successor to the Kenya Forest service established under the Forests Act, 2005”; and

(b) in sub clause (2) by deleting the word “shall” appearing immediately after the words “corporate name,”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 – as amended agreed to

Clause 7 – amendment proposed –

THAT, the Bill be amended by deleting clause 7 and substituting therefor with the following new clause—

Functions of the
Service.

7. The functions of the Service shall be to —

- (a) conserve, protect and manage all public forests in accordance with the provisions of this Act;
- (b) prepare and implement management plans for all public forests and, where requested, assist in preparation of management plans for community forests or private forests in consultation with the relevant owners;
- (c) receive and consider applications for licenses or permits in relation to forest resources or management of forests or any other relevant matter in accordance with this Act;
- (d) establish and implement benefit sharing arrangements in accordance with the provisions of this Act;
- (e) assist county governments to build capacity in forestry and forest management in the counties;
- (f) in consultation with relevant stakeholders, develop programmes for tourism and for recreational and ceremonial use of national forests;
- (g) promote forestry education and training;
- (h) register and maintain a register of all forest management plans prepared for public forests;
- (i) collaborate with relevant persons in identifying research needs and applying research findings in relation to forests and forestry;

- (j) manage water catchment areas in relation to soil and water conservation, carbon sequestration and other environmental services in collaboration with relevant stakeholders;
- (k) prepare-
 - (i) a Forest Status Report for the Cabinet Secretary once in every two years;
 - (ii) a Resource Assessment Report for the Cabinet Secretary once in every five years;
- (l) consider and recommend to the Cabinet Secretary the establishment of public forests on un-alienated public land or any other public land;
- (m) consider and recommend to the Cabinet Secretary the determination and alteration of boundaries of public forests;
- (n) establish forest conservancy areas for purposes of conservation and management;
- (o) approve the provision of credit facilities and technical training for community-based forest industries, and the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products;
- (p) implement and enforce rules and regulations governing importation, exportation and trade in forest produce; and
- (q) develop, maintain and regularly update a geographic information system database of all forests in Kenya.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 – as amended agreed to

Clause 8 – amendment proposed –

THAT, clause 8 of the Bill be amended—

(a) in sub clause (1)—

- (i) by deleting the words “from among the members of the Board” appearing in paragraph (a);
- (ii) by inserting the following new paragraphs immediately after paragraph (c)—

“(ca) the Inspector-General of the National Police Service or a designated representative;

(cb) the Director of the Kenya Forestry Research Institute or a designated representative; and

(b) by inserting the following new sub clause immediately after sub clause (1)—

“(1A) A person shall be qualified for appointment as chairperson to the Board if such person—

(a) holds a minimum of a bachelors degree from a university recognized in Kenya;

(b) has knowledge and experience of at least ten years in matters relating to any of the following—

(i) management of natural resources;

(ii) forest conservation and management; or

(iii) public administration and planning.

(c) satisfies the requirements of Chapter six of the Constitution.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to

Clauses 9, 10, 11, 12, 13, 14 & 15 - agreed to

Clause 16 - amendment proposed –

THAT, clause 16 of the Bill be amended by deleting sub clause (4) and substituting therefor the following new sub clause—

“(4) The Board shall formulate policies for the administration and management of the College.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to

Clause 17 - amendment proposed –

THAT, clause 17 of the Bill be amended in sub clause (2) by —

(a) deleting paragraph (d);

(b) deleting paragraph (e); and

(c) deleting paragraph (f).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 17 – as amended agreed to

Clauses 18 & 19 – agreed to

Clause 20 – amendment proposed –

THAT, the Bill be amended by deleting clause 20 and substituting therefor with the following new clause—

Forestry
functions of
County
Governments.

20. (1) Each County Government—

- (a) shall implement national policies on forest management and conservation;
- (b) shall manage all forests on public land defined under Article 62(2) of the Constitution;
- (c) shall prepare an annual report, with the approval of the County Assembly, for the Service on the activities of the county government in relation to this Act and any national policies on forest management and conservation;
- (d) shall promote afforestation activities in the county;
- (e) shall advice and assist communities and individuals in the management of community forests or private forests; and
- (f) may enter into joint management agreements with communities or individuals for the management of community forests or private forests.

(2) A county assembly may enact legislation for the better carrying into effect of the provisions of this section.

(3) The Service may if requested, collaborate, partner or offer assistance to the County Government for the better carry out the provisions of this Act.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 – as amended agreed to

Clauses 21, 22 & 23 – agreed to

Clause 24 – amendment proposed –

THAT, clause 24 of the Bill be amended in sub clause (2) by —

- (a) deleting the word “national” appearing in paragraph (a) and substituting therefor the word “public”; and
- (b) deleting the word “national” appearing in paragraph (b) and substituting therefor the word “public”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 – as amended agreed to

Clause 25 – amendment proposed –

THAT, clause 25 of the Bill be amended in sub clause (3) by deleting the words “Public Audit Act, 2003” and substituting therefor the words “law relating to public audit.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 – as amended agreed to

Clause 26 – amendment proposed –

THAT, clause 26 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clauses —

“(2) The objects of the Trust Fund shall be to nurture, promote and support innovations and best practices in forest conservation and development including the support of—

- (a) community forestry programmes;
- (b) reforestation and afforestation programmes;
- (c) forestry extension programmes;
- (d) apprenticeships and vocational training; and
- (e) programmes for payment for ecosystem services,

(3) The Cabinet Secretary shall make rules for the management of the Trust Fund.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 26 – as amended agreed to

Clause 27 – amendment proposed –

THAT, clause 27 of the Bill be amended by inserting the words “and the Kenya Forest Service Board” immediately after words “Board of Trustees” appearing in paragraph (b).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 – as amended agreed to

Clause 28 – amendment proposed –

THAT, clause 28 of the Bill be amended by —

(a) deleting sub clause (2) and substituting therefor the following new sub clause—

(2) The Board of Trustees shall comprise of—

- (a) a chairperson and four other members appointed by the Cabinet Secretary in an open and competitive process;
- (b) the Director General or a designated representative, who shall be an ex-officio member of the Board;
- (c) the principal Secretary responsible for forestry who shall be an ex-officio member of the Board; and

(b) inserting the following new sub clause immediately after sub clause (3)—

“(4) The Cabinet Secretary shall make regulations for the management and administration of the Fund.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 – as amended agreed to

Clause 29 – amendment proposed –

THAT, clause 29 of the Bill be amended by renumbering sub clause (5) as sub clause (4).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 – as amended agreed to

Clause 30 – amendment proposed –

THAT, clause 30 of the Bill be amended by in sub clause (2) inserting the words “through a *Gazette* notice” immediately after the word “declare”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 30 – as amended agreed to

Clause 31 – amendment proposed –

THAT, clause 31 of the Bill be amended in sub clause (4) by deleting the words “to the county government for” appearing immediately after the words “the community may apply”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 31 – as amended agreed to

Clause 32 – amendment proposed –

THAT, clause 32 of the Bill be amended in sub clause (4) by inserting the words “of the land on which the forest is established” immediately after the words “levied in respect”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 32 – as amended agreed to

Clause 33 – amendment proposed –

THAT, the Bill be amended by deleting clause 33 and substituting therefor the following new clause—

Variation of
boundaries or
revocation of
public forests.

33. (1) Any person may petition the National Assembly or the Senate, for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest.

(2) A petition under subsection (1) shall demonstrate that the variation of boundaries or revocation of the registration of a public forest or a portion of a public forest does not—

- (a) endanger any rare, threatened or endangered species; or
- (b) adversely affect its value as a water catchment area; and prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research purposes.

No.22 of 2012.

(3) A petition made under subsection (1) shall be considered in accordance with the provisions of the Petitions to Parliament (Procedure) Act and the Standing Orders of the relevant House.

(4) The Cabinet Secretary shall, within thirty days of the petition being committed to the relevant Committee, submit a recommendation on whether the petition should be approved subject to—

- (a) the petition being subjected to an independent Environmental Impact Assessment; and
- (b) public consultation being undertaken in accordance with the Second Schedule.

(5) If the relevant Committee, reports that it finds that the petition—

- (a) does not disclose a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, no further proceedings shall be taken; or
- (b) discloses a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, the National Assembly or the Senate shall vote on whether to approve the recommendation.

(6) If the resolution under subsection (5) (b) is supported by a majority of the members of the National Assembly or the Senate, present and voting, the Cabinet Secretary shall publish a notice in the *Gazette*.

(Hon. Ali Wario)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 33 of the Bill be amended-

- (a) by deleting the word "Service" and substituting therefor the word "Board"; and
- (b) by deleting sub clause (5).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Proposed amendment withdrawn;

Further amendment proposed –

THAT, clause 33 be amended by inserting the following new sub clause immediately after sub clause (4)—

"(4A) Where the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest causes a forest community to be displaced from the forest, the community shall be entitled to—

- (a) relocation by the government to other areas or provision of alternative land for settlement;
- (b) compensation for the inconveniences suffered or for any damage caused by such variation or revocation".

(Hon. Alois Lentoimanga)

Proposed amendment withdrawn;

Clause 33 – as amended agreed to

Clauses 34, 35, 36, 37, 38, 39, 40, 41 & 42 – agreed to

Clause 43 – amendment proposed –

THAT, clause 43 of the Bill be amended —

- (a) in the marginal note by deleting the words “national and county” and substituting therefor the word “public”;
- (b) in sub clause (4) by deleting the word “licence” and substituting therefor the word “concession”; and
- (c) by inserting the following new sub clause immediately after sub clause (7)—

“(7) A grantee of a concession shall provide a bond or some other form of financial security in this section referred to as “an Environmental Protection Bond”.

(8) An Environmental Protection Bond shall be of an amount sufficient to cover the costs associated with the implementation of the environmental obligations of the holder under this Act.

(9) An Environmental Protection Bond shall be in a form and for an amount as may be determined by the Cabinet Secretary having regard to the particular characteristics of the concession.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 – as amended agreed to

Clause 44 - amendment proposed –

THAT, clause 44 be amended by inserting the following new subclauses immediately after subclause (2)—

“(2A) Without prejudice to the generality of subsection (1), the Service may enter into a management agreement with any person who has acquired customary rights with respect to a public forest.

(2B) In entering into an agreement under this section, the Service shall give priority to applicants from the forest community associated with the public forest concerned, or persons residing in areas bordering the forest”.

(Hon. Alois Letoimanga)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 44 – agreed to

Clause 45 - amendment proposed –

THAT, clause 45 be amended—

(a) in subclause (1) by inserting the following new paragraph immediately after paragraph (d)—

“(da) the operations shall not infringe the customary rights of a forest community or interfere with their way of life”;

(b) by inserting the following new subclause immediately after subclause (1)—

“(1A) Before giving consent under subsection (1), the Service shall conduct public consultation with the concerned forest community, the relevant community forest association and other persons residing in areas bordering the forest concerned”.

(Hon. Alois Letoimanga)

Proposed amendment withdrawn;

Clause 45 - agreed to

Clauses 46 & 47 - agreed to

Clause 48 - amendment proposed –

THAT, clause 48 of the Bill be amended—

(a) in sub clause (1) by inserting the word “Service” immediately after the words “inform the” appearing in paragraph (f); and

(b) by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) The management agreement between the Service and the community forest association shall confer on the association all or any of the following forest user rights—

- (a) collection of medicinal herbs;
- (b) harvesting of honey;
- (c) harvesting of timber or fuel wood;
- (d) grass harvesting and grazing;
- (e) collection of forest produce for community based industries;
- (f) ecotourism and recreational activities;
- (g) scientific and education activities;
- (h) plantation establishment through non-resident cultivation;
- (i) contracts to assist in carrying out specified forestry operations;
- (j) development of community wood and non-wood forest based industries; and
- (k) other benefits which may from time to time be agreed upon between an association and the Service.

(3) Subject to sub section (1) –

- (a) none of the activities specified in this section shall be carried out so as to conflict with the conservation of biodiversity; and

(b) the Director-General may, in consultation with the association, prescribe rules for the conduct of the activities specified in this section.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 48 – as amended agreed to

Clause 49 – amendment proposed –

THAT, clause 49 of the Bill be amended in sub clause (1) by inserting the words “association” immediately after the words “community forest”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 49 – as amended agreed to

Clauses 50 & 51 – agreed to

Clause 52 – amendment proposed –

THAT, clause 52 of the Bill be amended by inserting the words “, and in accordance with rules made under this act or other relevant laws” immediately after the words “social amenities”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 52 – as amended agreed to

Clause 53 – amendment proposed –

THAT, clause 53 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) The Cabinet Secretary for the National Treasury, may on the recommendation by the Cabinet Secretary, propose tax and other fiscal incentives to increase investments in forest land use and forest resource utilization in order to promote forest conservation and management, and to prevent or abate forest degradation.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 53 – as amended agreed to

Clauses 54 & 55 – agreed to

Clause 56 – amendment proposed –

THAT, clause 56 of the Bill be amended in sub clause (3) by deleting the words “provisions of the Public Procurement and Asset Disposal Act, 2005” and substituting therefor the words “public procurement and asset disposal laws”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 56 – as amended agreed to

Clauses 57 & 58 – agreed to

Clause 59 – amendment proposed –

THAT, clause 59 of the Bill be amended in sub clause (2) by deleting the word “may” and substituting therefor the word “shall”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 59 – as amended agreed to

Clauses 60 & 61 – agreed to

Clause 62 – amendment proposed –

THAT, clause 62 of the Bill be amended in sub clause (2) by inserting the words “uniformed and disciplined” immediately after the word “Any”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 62 – as amended agreed to

Clause 63 – amendment proposed –

THAT, clause 63 of the Bill be amended in sub clause (1) –

- (a) by deleting the words “national, county” and substituting therefor the word “public”; and
- (b) by deleting the words “or is in occupation of a building authorised by the Director General or the County public officer responsible for forestry,” appearing in paragraph (b).

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 63 – as amended agreed to

Clauses 64 – agreed to

Clause 65 – amendment proposed –

THAT, clause 65 of the Bill be amended by deleting the words “two hundred thousand shillings or to imprisonment for a term not exceeding one year” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding two years”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 65 – as amended agreed to

Clause 66 – amendment proposed –

THAT, clause 66 of the Bill be amended—

(a) in sub clause (2) by deleting the words “national, provisional, county” and substituting therefor the words “public, provisional”;

(b) in sub clause (8) —

(i) by deleting the words “Service or County Department responsible forestry” appearing in paragraph (a) and substituting therefor the words “forest manager”; and

(ii) by deleting the words “Service or County Department responsible forestry” appearing in paragraph (b) and substituting therefor the words “forest manager”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 66 – as amended agreed to

Clauses 67, 68 & 69 – agreed to

Clause 70 – amendment proposed –

THAT, clause 70 of the Bill be amended in sub clause (2) by deleting the words “national forests, county forests” appearing in paragraph (c) and substituting therefor the words “public forests”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 70 – as amended agreed to

Clauses 71, 72, 73, 74 & 75 – agreed to

Clause 76 – amendment proposed –

THAT, clause 76 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) any land which immediately before the commencement of this Act, was gazetted or registered as a forest reserve as set out in the Third Schedule to this Act, or under any other relevant law shall be deemed to be a public forest under this Act; and

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 76 be amended by inserting the words “and subject to any variations as may be specified in the Third Schedule to this Act” immediately after the words “Forests Act, 2005—”.

(Hon. Ali Wario)

Proposed amendment withdrawn;

Further amendment proposed –

THAT, clause of the Bill be amended by inserting the following subclause immediately after subclause (a) —

- “(aa) forest land degazetted for a public purpose shall not be deemed to be a national forest under this Act and the Cabinet Secretary shall, within six months of the commencement of this Act, grant titles to the allottees or intended allottees of such land;”

(Hon. Samuel Chepkonga)

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Clause 76 – agreed to

New Clause 5A proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 5 –

National Forest
Strategy.

5A. (1) The Cabinet Secretary shall, within one year of the commencement of this Act and every five years thereafter, following public participation, formulate a national forest strategy.

(2) The object of the Forest Strategy shall be to provide the Government's plans and programs for the protection, conservation and management of forests and forest resources.

(3) The Forest Strategy shall contain, among other things, details of –

- (a) existing forests and forest resources;
- (i) measures for the protection, conservation, and management of forests and forest resources;
- (ii) minimum forest reserve areas at national and county levels;
- (iii) programmes for achievement and maintenance of tree cover of at least ten per cent of the land area of Kenya;
- (iv) institutional capacity for forest research and technological development;
- (v) functional responsibility for national and county governments in relation to forest resources management and
- (vi) any other matters the Cabinet Secretary considers necessary.

(4) The Cabinet Secretary shall—

- (a) prepare and issue an annual report on the state of forests and forest resource strategies in Kenya; and
- (b) may direct any lead agency to prepare and submit to it, a report on the state of forests and forest resources under the administration of that lead agency.

(5) The Cabinet Secretary shall review the Forest Strategy every three years.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Motion made and Question proposed –

THAT, the New Clause 5A be read a Second Time

Question put and agreed to:

Motion made and Question proposed –

THAT, the New Clause 5A be part of the Bill

Question put and agreed to;

New Clause 36A proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Establishment
of sanctuaries
within public
forests

36A. (1) The Service may, on its own motion or upon request by a County Wildlife Conservation and Compensation Committee, establish a sanctuary within a public forest in the County, in accordance with the law relating to wildlife

(2) The Kenya Wildlife Service shall be responsible for the administration and management of sanctuaries established under subsection (1).

No. 47 of
2013

(3) Without prejudice to section 34 of the Wildlife Conservation and Management Act, 2013, the provisions of this Act on the variation or revocation of boundaries of a public forest shall apply with regard to the conversion of the use of a sanctuary established under subsection (1).

(4) For the purpose of this section the terms-

(a) "sanctuary"; and

(b) "County Wildlife Conservation and Compensation Committee"

has the meaning assigned to them by the Wildlife Conservation and Management Act, 2013;

(Hon. John Walukhe)

Proposed amendment dropped.

First Schedule - agreed to

Second Schedule - amendment proposed –

THAT, the Second Schedule be amended in paragraph 1(1) by inserting the following new subparagraph immediately after subparagraph (d)—

"(e) through the area chief, village administrators and community forest association, if any".

(Hon. Alois Letoimanga)

Proposed amendment withdrawn;

Second Schedule - agreed to

Third Schedule - amendment proposed

THAT, the Third Schedule of the Bill be amended by—

- (a) deleting the title "GAZETTED NATIONAL FOREST RESERVES" and substituting therefor the word "GAZETTED PUBLIC FORESTS"; and
- (b) deleting the expression "(s.30)" and substituting therefor the expression "(s.76(a))";

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, the third schedule be amended by—

- (a) deleting the expression "(s.30)" and substituting therefor the expression "(s.76(a))";
- (b) deleting the expression "29. Bangali 39/2/2013"; and
- (c) deleting the expression "31. Mbalambala 40/2/2013".

(Hon. Ali Wario)

Question of the amendment proposed;

Debate arising;

Part (a) of the proposed amendment withdrawn;

Question put and agreed to;

Progress report

Motion made and Question proposed –

THAT, the Committee do report progress and seek leave to sit again

(The Leader of the Majority Party)

Question put and agreed to;

12. **HOUSE RESUMED** - The Third Chairperson in the Chair

The Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015)

Progress reported

Motion made and Question proposed –

THAT, the Committee of the whole House has considered the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015) and seeks leave to sit again

(The Leader of the Majority Party)

Question put and agreed to;

And the time being twenty-two minutes to Seven O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. HOUSE ROSE - at twenty-two minutes to Seven O'clock
-

MEMORANDUM

The Speaker will take the Chair on
Thursday, March 17, 2016 at 2.30 p.m.

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