



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 24, 2015

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Deputy Speaker
4. **MESSAGE ON THE NOMINATION OF THE CHAIRPERSON AND MEMBERS OF THE ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)**

The Deputy Speaker conveyed the following Message–

“Honourable Members, pursuant to Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, I wish to notify the House that I have received a Message from His Excellency the President of the Republic of Kenya regarding nomination of the Chairperson and Members of the Ethics and Anti-Corruption Commission. In the Message dated 10th November 2015, the President conveys that, in exercise of powers conferred upon him under the Constitution of Kenya, 2010 and the Ethics and Anti-Corruption (Amendment) Act, 2015 he has nominated the following persons to the Ethics and Anti-Corruption Commission:-

- | | |
|--------------------------------|---------------|
| (i) Philip K.B. Kinusu | - Chairperson |
| (ii) Dabar Abdi Maalim | - Member |
| (iii) Paul Mwaniki Gachoka | - Member |
| (iv) Sophia Lepuchirit | - Member |
| (v) Rose Mghoi Mtambo Macharia | - Member |

Honourable Members, Section 10(3) of the Ethics and Anti-Corruption Commission Act as amended provides, and I quote:

“That the National Assembly shall, within twenty- one days of the day it next sits after receipt of the name of an applicant under subsection (2), vet and consider the applicant, and may approve or reject applicants for any or all vacancies in the Commission.”

Honourable Members, I hereby refer the names of the nominees, including the *curriculum vitae* of the nominees, to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings. I wish to guide the Committee and the House as follows:-

- (i) The Committee should notify the nominees and the general public of the time and place for holding the approval hearings, in good time. The notification should therefore be made immediately; and
- (ii) The Committee should thereafter commence the necessary approval hearings and prepare their Report for submission to the House within the required timelines.

Honourable Members, since the 21 days period accorded to the House for consideration of the proposed appointments will expire on Tuesday 15th December 2015, the House Business Committee will be guiding the House, at a later stage, on when the House will sit to consider the approvals Motion.

The House is accordingly guided. Thank you"

5. PETITIONS

- (i) The Deputy Speaker conveyed the following Petition –

"Honourable Members,

Pursuant to the provisions of Standing Order 225(2)(b), I wish to convey to the House that I am in receipt of a petition, signed by one Moses Wanjala and Wenceslaus Wakhungu regarding alleged forceful eviction of the Kiboroo land owners from their ancestral land. The two Petitioners have petitioned on behalf of twenty one thousand two hundred and ninety seven members of Kiboroo Squatters Alliance of Trans Nzoia County.

The Petitioners claim that they were forcefully evicted from Olingadongo and Swabwani Farms in Trans Nzoia County by the Government. The Petitioners further claim that the land in question was converted to Agriculture Development Corporation (ADC) Farms and that they have been denied the right and access to said land.

The Petitioners are therefore praying that the National Assembly, through the Departmental Committee on Lands:-

- (a) inquires into the circumstances under which the Kiboroo Squatters were forcefully evicted from their ancestral land;
- (b) causes the National Land Commission to validate the list of over twenty one thousand Squatters as they appear on the register submitted by the Petitioners, and finds ways of resettling them at the said land; and
- (c) makes any other order or direction that it deems fit in the circumstances of the prayers sought.

Honourable Members,

Pursuant to the provisions of Standing Order 227(1), this Petition stands committed to the Departmental Committee on Lands for consideration. The Committee is required to engage the Petitioners, the National Land Commission and the Ministry of Lands and Urban Settlement with a view to arriving at a lasting solution to the issues raised in the petition.

Thank you".

- (i) The Member for Chuka/Igamba Ng'ombe) (Hon. Muthomi Njuki) presented a Petition on the alleged mismanagement and misappropriation of funds by the Kenya Swimming Federation.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1)

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Report of the Auditor-General on the Financial Statements of Tea Board of Kenya for the year ended 31st July, 2014 and the certificate therein;
- (ii) The Report of the Auditor-General on the Financial Statements of Small Enterprises Finance Company Limited for the year ended 31st December, 2013 and the certificate therein;
- (iii) The Report of the Auditor-General on the Financial Statements of Moi Teaching and Referral Hospital for the year ended 30th June, 2014 and the certificate therein;
- (iv) The Report of the Auditor-General on the Financial Statements of Agro-Chemical and Food Company Limited for the year ended 30th June, 2014 and the certificate therein;
- (v) The Report of the Auditor-General on the Financial Statements of Kenya Ordinance Factories Corporation for the year ended 30th June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements of Karatina University for the year ended 30th June, 2014 and the certificate therein;
- (vii) The Report of the Auditor General on the Kenya National Audit Office (KENAO) for the period from 1st July, 2012 to 30th June, 2013;
- (viii) The Reports of the Auditor-General on the Financial Statements of the Constituencies Development Fund for the ended 30th June, 2014 and the certificates therein, in respect of the following constituencies:-
 - a) Mwatate;
 - b) Voi;
 - c) Kasipul Kabondo;
 - d) Uriri;
 - e) Mbita; and
 - f) Narok West.
- (ix) The Consolidated National Government Investment Report for the year 2014/2015 from the National Treasury;
- (x) The Constituencies Development Fund Board Report for the Month of September and October, 2015;
- (xi) The Annual Reports and Financial Statements of Kenyatta University the years ended 30th June, 2008, 2009, 2010, 2011, 2012, 2013 and 2014;

(Hon. Jamleck Kamau on behalf of the Leader of the Majority Party)

(xii) The Reports on the –

- a) 37th Session of the ACP-EU Parliamentary Assembly and the Inter-Sessional meetings of the ACP-EU Joint Parliamentary Assembly in Brussels, Belgium from 17th to 20th March, 2015; and
- b) 38th Session of the ACP-EU Parliamentary Assembly and the 29th Session of the ACP-EU Joint Parliamentary Assembly at Suva, Fiji from 10th to 17th June 2015.

(Hon Abdikadir Omar - Member, Kenya Delegation to the ACP-EU, Joint Parliamentary Assembly)

(xiii) The Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Government Proceedings (Amendment) Bill (Senate Bill No. 10 of 2014);

(Vice Chairperson, Departmental Committee on Justice and Legal Affairs)

(xiv) The Report of the Select Committee on the Constituencies Development Fund on its consideration of the National Government Constituencies Development Fund Bill, 2015;

(Chairperson, Select Committee on the Constituency Development Fund)

(xv) The Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the inquiry into the impoundment by the Kenya Bureau of Standards (KEBS) of a consignment of fertilizer imported by the Ministry of Agriculture, Livestock and Fisheries through the National Cereal and Produce Board (NCPB);

(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

(xvi) Reports of the Departmental Committee on Health of the Delegations to the -

- (a) 20th International HIV/AIDS Conference held in Melbourne Australia from 20th to 25th July, 2015;
- (b) HIV/TB Global Fund Consultative Meeting held in Addis Ababa, Ethiopia from 6th to 10th May, 2015;
- (c) 45th Union World Conference on Lung Health and TB held in Barcelona, Spain from 28th October, to 1st November, 2014;
- (d) High Level Panel Meeting on expansion of Health in low and middle income countries held in Washington DC, USA from 4th to 7th November, 2015.

(Hon Stephen Mule, Member, Departmental Committee on Health)

(xvii) The Reports on the Departmental Committee on Lands on the –

- a) State House Crescent Land;
- b) Petition by the residents of Chuka-Igambang'ombe on alleged grabbing of public land belonging to Township Primary School; and

c) Ownership of Mombasa Cement Limited Land in Kilifi County.

(Chairperson, Departmental Committee on Lands)

7. **NOTICES OF MOTION**

The following Notices of Motion were given–

(a) **NOTICE OF MOTION – ADOPTION OF REPORTS OF THE 37TH AND 38TH SESSIONS OF THE ACP-EU PARLIAMENTARY ASSEMBLY**

(Hon. Abdikadir Omar, Member, Kenya Delegation to the ACP-EU, Joint Parliamentary Assembly)

THAT, this House adopts the Reports of the –

- (i) 37th Session of the ACP-EU Parliamentary Assembly and the Inter-Sessional meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 17th to 20th March, 2015; and
- (ii) 38th Session of the ACP-EU Parliamentary Assembly and the 29th Session of the ACP-EU Joint Parliamentary Assembly held in Suva, Fiji from 10th to 17th June 2015,

laid on the Table of the House today, Tuesday, November 24, 2015

(b) **NOTICE OF MOTION – ADOPTION OF THE REPORT ON IMPORTATION OF FERTILIZER**

(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the inquiry into the impoundment of a consignment of fertilizer imported by the Ministry of Agriculture, Livestock and Fisheries through the National Cereal and Produce Board (NCPB), laid on the Table of the House today, Tuesday, November 24, 2015

(c) **NOTICE OF MOTION – ADOPTION OF THE REPORT ON STATE HOUSE CRESCENT LAND**

(Chairperson, Departmental Committee of Lands)

THAT, this House adopts the Report of the Departmental Committee on Lands on the State House Crescent Land, laid on the Table of the House today, Tuesday, November 24, 2015.

(d) **NOTICE OF MOTION – ADOPTION OF THE REPORT ON OWNERSHIP OF MOMBASA CEMENT LIMITED LAND**

(Chairperson, Committee of Lands)

THAT, this House adopts the Report of the Departmental Committee on Lands on the ownership of Mombasa Cement Limited Land in Kilifi County, laid on the Table of the House today, Tuesday, November 24, 2015.

8. **STATEMENT ON THE VISIT TO THE COUNTRY BY HIS HOLINESS POPE FRANCIS**

The Minority Party Whip issued a Statement regarding the invitations to Members to attend the State Reception in honour of His Holiness Pope Francis as well the Mass that was to be presided over by Pope Francis;

Thereupon, the Whip informed the House on the various logistical preparations that had been put in place towards facilitating Members attendance of the two functions.
on behalf of the Leader of the Majority Party)

9. **PERSONAL STATEMENT PURSUANT TO STANDING ORDER 84**

Pursuant to the provisions of Standing Order 84, the Member for Mwingi North (Hon. John Munuve) issued a statement regarding an incident in which a funds drive (*harambee*) in his constituency was disrupted and youths attacked by hired goons;

Thereupon, the Member informed the House that his life was in danger since some people had been hired to kill him. He therefore asked the Chair for personal protection.

10. **THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO.36 OF 2014)**

Order for Second Reading read;

THAT, the Access to Information Bill (National Assembly Bill No.36 of 2014) be now read a Second Time

(Hon. Priscilla Nyokabi – 19.11.2015 (AM))

Debate on the Second Reading having been concluded on Thursday, November 19, 2015 (Morning Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow;

11. **THE GOVERNMENT PROCEEDINGS (AMENDMENT) BILL (SENATE BILL NO.10 OF 2014)**

Order for Second Reading read;

THAT, the Government Proceedings (Amendment) Bill (Senate Bill No.10 of 2014) be now read a Second Time

*(Vice-Chairperson, Departmental Committee on Justice and Legal Affairs –
19.11.2015 (PM))*

Debate on the Second Reading having been concluded on Thursday, November 19, 2015 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow;

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

Order for Second Reading read;

Motion made and Question proposed –

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

(Majority Party Whip – 12.11.2015)

Debate interrupted on Thursday, November 12, 2015 resumed;

Rising on a Point of Order pursuant to Standing Order 95, the Member for Machakos Town (Hon. (Dr.) Victor Munyaka) claimed to move that “the Mover be now called upon to reply”

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow;

13. **THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Health Bill (National Assembly Bill No.14 of 2015) be now read a Second Time

(Deputy Leader of the Majority Party – 29.10.2015)

Debate interrupted on Thursday, November 12, 2015 resumed;

Rising on a Point of Order pursuant to Standing Order 95, the Member for Machakos Town (Hon. (Dr.) Victor Munyaka) claimed to move that “the Mover be now called upon to reply”

And the Speaker not acceding to the claim;

Debate continued;

Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow;

14. **THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO.46 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Physical Planning Bill (National Assembly Bill No.46 of 2015) be now read a Second Time

(The Majority Party Whip – 19.11.2015 (PM))

Debate interrupted on Thursday, November 19, 2015 (PM) resumed;

Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow;

15. **THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND BILL
(NATIONAL ASSEMBLY BILL NO. 59 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Government Constituencies Development Fund Bill (National Assembly Bill No.59 of 2015) be now read a Second Time

(Chairperson, Constituencies Development Fund)

Debate arise

(Change of Chair from the Deputy Speaker to the Second Chairperson)

Debate continued;

(Change of Chair from the Deputy Speaker to the Second Chairperson)

Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow;

16. **MOTION – ADJOURNMENT OF THE HOUSE TO A SPECIFIC DAY**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 31, this House adjourns until Tuesday, 1st December, 2015 at 2.30 p.m.

(The Majority Party Whip)

Debate arising;

Question put and agreed to.

And the time being thirty minutes past Six O'clock, the Fourt Chairperson adjourned the House without Question put pursuant to the Standing Orders.

17. 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, December 01, 2015 at 2.30 p.m.

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