



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 28, 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) Delegation from Parliament of Zimbabwe

“Honourable Members,

I wish to introduce to you a delegation of Members of Parliament from the Parliament of Zimbabwe who are Members of the Committee on Legal Affairs. The delegation is seated at the Speaker's Row and comprise of the following:-

- | | | |
|-------------------------------------|---|--------------------------|
| (1) The Hon. Jonathan Samukange, MP | - | Leader of the Delegation |
| (2) The Hon. Ziyambi Ziyambi, MP | - | Member |
| (3) The Hon. Fortune Chasi, MP | - | Member |
| (4) The Hon. Innocent Gonese, MP | - | Member |
| (5) The Hon. Funganyi Jessie, MP | - | Member |
| (6) Ms. Gladys Pise | - | Staff of Parliament |
| (7) Mrs. Nosizi Khumalo | - | Staff of Parliament |

Honourable Members,

The Delegation is in the country to share experiences and broaden its understanding and knowledge on the workings of our Parliament. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful deliberations during their stay in the country.

I thank you”.

(ii) Guide on Presentation and Reporting of Petitions in the House

“Honourable Members,

One of the core functions of legislators is to deliberate on and resolve issues of concern to the people, as envisaged in Article 95(2) of the Constitution. As you may be aware, our constitutional dispensation bestows to the people the right to petition public authorities, including Parliament and indeed this House, as contemplated under Article 37 of the Constitution. For the case of Petitions to Parliament, this provision is actualized through the Petitions to Parliament (Procedure) Act, 2012, read together with Part XXIII of the Standing Orders on Petitions.

Honourable Members,

My office has noted the steep increase in the number of Public Petitions being presented to the House on various matters. Indeed, a reflection on the weekly reports to this House by various Departmental Committees regarding business pending before them reveals that an overwhelming bulk of that business constitutes Petitions. As at Wednesday, July 27, 2016, the number of Petitions that were before this House stood at one hundred and eight (108).

Unfortunately, some of these petitions have been pending before the relevant Committees for far too long, with some since 2013, oblivious of the sixty (60) calendar days prescribed by Standing Order 227. This is partly because some Committees have not been according them due attention. I wish to remind the House that the core reason for citizens opting to present their prayers to this House for intervention on various matters is informed by the failure by relevant authorities to address these concerns. The unprecedented increase in Petitions and delays in consideration of the same by Committees thus invites the Speaker to guide this House on how best it may handle Petitions. I therefore wish to guide the House as follows;

For predictability and harmony in processing of Petitions, I have designated certain days for presentation and reporting as follows:-

- (i) Tuesdays and Wednesday Afternoon Sittings shall be designated for presentation of Petitions received, while
- (ii) Wednesday Mornings and Thursday Sittings shall be designated for Committees to report to the House on the consideration of Petitions referred to them.

I therefore direct that, pursuant to the provisions of Standing Order 225(1), a schedule of all Petitions to be presented or reported to the House on a particular day be appended to the Order Paper of that Day. As you may have noticed from the Order Papers as from Tuesday, 26th July, 2016, this requirement has already taken effect.

Honourable Members,

Upon tabling reports on Petitions, Chairpersons of the relevant Committees shall be required to apprise the House on the contents of the said reports. For clarity, the brief by Chairpersons shall be confined to the *subject of the petition, the prayers sought by petitioners, summary of the views and evidence gathered and the findings or recommendations thereof*. Thereafter, honourable Members interested in the Petition may make brief comments on the report. Such comments by the Chairperson shall be limited to a maximum of ten (10) minutes and the total time shall not exceed thirty (30) minutes. This guidance is meant to breathe life to the provisions of Standing Order 226.

Honourable Members,

To keep the petitioners' prayers in abeyance is against the Constitution and our own Standing Orders and tantamount to denying them justice. In this regard, Committees that have not reported to the House on Petitions referred to them within the requisite time and have not sought leave of the House to have that prescribed time extended for justifiable reasons are in breach of the provisions of Standing Order 227.

I am also aware that most Committees are unable to timeously dispose of their business because they have elected to operate without delegating some business to sub-committees, yet the Standing Orders permit them to do so. For avoidance of doubt, Standing 183 provides that –

“A select committee may establish such sub-committees as it may consider necessary for the proper discharge of its functions.”

Chairpersons of Committees are therefore encouraged to embrace the spirit of this provision and utilize the window for establishing sub-committees with a view to expediting transaction of business, particularly business with timelines.

Thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table -

- (i) The Legal Education (Accreditation and Quality Assurance) Regulations, 2015 and the Explanatory Memorandum;
- (ii) The Report of the Auditor-General and Summary on the Appropriation Accounts, Public Accounts and the Fund Accounts of the Republic of Kenya for the year 2014/2015; and,
- (iii) Report of the Auditor-General on the Financial Statements of the State Department of East African Affairs for the year ended 30th June, 2015 and the Certificate therein.

(The Leader of the Majority Party)

- (iv) The Reports of the Mediation Committees on –

- (a) The Community Land Bill (National Assembly Bill No.45 of 2015); and
 - (b) The Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015).

(Hon. Moses Ole Sakuda, Member, Mediation Committees)

- (v) The Report of the Departmental Committee on Education, Research and Technology on its consideration of the Universities (Amendment) Bill (National Assembly Bill No.67 of 2015).

(Vice Chairperson, Departmental Committee Education, Research and Technology)

- (vi) The Report of the Mediation Committee on the Water Bill (National Assembly Bill No.8 of 2014); and

(Chairperson, Mediation Committee)

- (vii) The Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Petition regarding dumping of soil in Ngong River on Ruben side opposite St. Elizabeth Primary School, presented by the Member for Embakasi

North (Hon. James Gakuya) residents of Lunga Lunga Village in Nairobi County and St. Elizabeth Primary School.

(Chairperson, Departmental Committee Environment and Natural Resources)

6. **NOTICES OF MOTION**

The following Notices were given –

(i) **Adoption of the Report of the Mediation Committee on the Community Land Bill, 2015**

(Hon. Moses Ole Sakuda, Member, Mediation Committee)

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 Community Land Bill, laid on the Table of the House today, Tuesday 28th July 2016 and approves the Mediated Version of the Community Land Bill, National Assembly Bill No. 45 of 2015.

(ii) **Adoption of the Report of the Mediation Committee on the Land Laws (Amendment) Bill, 2015**

(Hon. Moses Ole Sakuda, Member, Mediation Committee)

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

(iii) **Adoption of the Report of the Mediation Committee on the Water Bill, 2014**

(Chairperson, Mediation Committee)

THAT, pursuant to the provision of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Water Bill, National Assembly Bill No. 8 of 2014, laid on the Table of the House today, Thursday 28th July 2016 and approves the Mediated Version of the Water Bill, 2014.

7. **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 02, 2016.

8. **MOTION – PROVISION OF HONORARIUM FOR VILLAGE ELDERS**

Motion made and Question proposed –

THAT, aware that Village Elders play a critical role in facilitating the work undertaken by Chiefs and Assistant Chiefs namely 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.

(Hon. Malulu Injendi – 20.07.2016)

Debate on the Motion having been concluded on Wednesday, July 27, 2016 (Morning Sitting);

Question put and agreed to.

9. **THE BANKING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.62 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Banking (Amendment) Bill (National Assembly Bill No.62 of 2015) be now read a Third Time

(Hon. Jude Njomo – 27.07.2016 (AM))

Debate on the Third Reading having been concluded on Wednesday, July 27, 2016 (Morning Sitting);

Question put and agreed to;

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

10. **THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL) BILL (SENATE BILL NO.20 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Public Appointments (County Assemblies Approval) Bill (Senate Bill No.20 of 2014) be now read a Second Time

(Hon. John Waiganjo, Member, Departmental Committee on Justice & Legal Affairs – 27.07.2016)

Debate on Bill having been concluded on Wednesday, July 27, 2016 (Afternoon Sitting);

Mover replied;

Question put and agreed to;

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

11. **MOTION - REPLACEMENT OF A MEMBER OF THE CHAIRPERSON'S PANEL**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Orders 17 and further to the resolution of the House on April 23, 2016 on appointment of Members of the Chairperson's Panel, this

House **approves** the replacement of Hon. T.J. Kajwang', M.P. with the Hon. Christopher Omulele, M.P. as a Member of the Chairperson's Panel.

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

12. **THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2015)**

Order for Second Reading read;

Order deferred under Standing Order 40(2).

13. **THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Kenya Defence Forces (Amendment) Bill (National Assembly Bill No.41 of 2015) be now read a Second Time

(The Leader of the Majority Party)

Debate arising;

(Change of Chair from the Hon. Speaker to the First Chairperson)

Rising in his place pursuant to Standing Order 95, the Member for Nakuru Town East (Hon. David Gikaria) moved that the mover be called to reply;

And the First Chairperson acceding to the claim;

Question put and agreed to;

Mover Replied;

Question of the Second Reading deferred to another day.

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

14. **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 02, 2016 at 2.30 p.m.

--X--