



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**SUPPLEMENTARY**

**TUESDAY, AUGUST 30, 2016 AT 2.30 P.M**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8\*. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF BILLS**

(The Leader of Majority Party and the Leader of Minority Party)

**THAT**, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Election Laws (Amendment) Bill (National Assembly Bill No. 37 of 2016), and the Election Offences Bill (National Assembly Bill No. 39 of 2016) and from fourteen (14) to six (5) days.

**9\*. THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2016)**

(The Leader of Majority Party and the Leader of Minority Party)

First Reading

*(Bills sponsored by Majority Party and Minority Party)*

**10\*. THE ELECTION OFFENCES BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2016)**

(The Leader of Majority Party and the Leader of Minority Party)

First Reading

*(Bills sponsored by Majority Party and Minority Party)*

**11\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Finance Bill (National Assembly Bill No. 20 of 2016)  
(The Chairperson, Departmental Committee on Finance, Planning and Trade)
- (ii) The Warehouse Receipts System Bill (National Assembly Bill No. 12 of 2015)  
(The Leader of the Majority Party)

**12\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**13\*. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)**

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

Second Reading

**14\*. THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

**15\*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL CHILDREN POLICY**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

**THAT**, this House adopts Sessional Paper No. 6 of 2014 on the National Children Policy, laid on the Table of the House on Tuesday, August 25, 2015.

**16\*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL POLICY ON ELIMINATION OF CHILD LABOUR**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

**THAT**, this House adopts Sessional Paper No. 1 of 2015 on the National Policy on Elimination of Child Labour, laid on the Table of the House on Wednesday, August 19, 2015.

17\*. **MOTION – ADOPTION OF THE TWENTIETH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

(The Chairperson, Public Investments Committee)

**THAT**, this House adopts the Twentieth Report of the Public Investments Committee on the Accounts of State Corporations, laid on the Table of the House on Thursday December 03, 2015.

18\*. **THE NATIONAL YOUTH SERVICE BILL (SENATE BILL NO. 26 OF 2014)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

19\*. **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 23 OF 2014)**

(The Chairperson, Departmental Committee on Education, Research and Technology)

Second Reading

20\*. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2014)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

21\*. **THE WITNESS PROTECTION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2016)**

(The Leader of the Majority Party)

Second Reading

22\*. **MOTION - RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation, laid on the Table of the House on Wednesday, 6<sup>th</sup> July, 2016, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation.

*(Resumption of debate interrupted on Tuesday, July 19, 2016)*

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**\* Denotes Orders of the Day**

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...../Notices

# N O T I C E S

## I. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2016)

1. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Finance Bill, 2016 at the Committee Stage—

### NEW CLAUSE 3A

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of  
section 10 of Cap.  
470.

**3A.** Section 10 of the Income Tax Act is amended by deleting paragraph (g).

### NEW CLAUSE 4A

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4 –

Amendment of  
section 15 of  
Cap. 470.

**4A.** Section 15 of the Income Tax Act is amended in -

- (a) subsection (2) by inserting the following new paragraph immediately after paragraph (y)–  
“(z) expenditure incurred in that year of income by a person sponsoring sports, with the prior approval of the Cabinet Secretary responsible for sports”;
- (b) subsection (3) (b) by deleting the words “one hundred and fifty” and substituting therefor the words “three hundred”.

### NEW CLAUSE 5A

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

Amendment of  
section 34 of  
Cap. 470.

**5A.** Section 34 of the Income Tax Act is amended–

- (a) in subsection (1) by deleting paragraph (m); and
- (b) in subsection (2) by deleting the following paragraph
  - (i) –
  - (i) winnings payable by bookmakers to punters (players).

**CLAUSE 6**

**THAT**, clause 6 of the Bill be deleted and substituted therefor the following new clause –

Amendment  
of section 35  
of Cap. 470.

**6.** Section 35 of the Income Tax Act is amended –

- (a) in subsection (1) by deleting paragraph (j);
- (b) in subsection (3) –
  - (i) by inserting the words “subject to subsection (3A)” at the beginning thereof;
  - (ii) by deleting paragraph (i);
  - (iii) by inserting the following new paragraph immediately after paragraph (i) –
    - (j) rent, premium or similar consideration for the use or occupation of immovable property;
- (c) by inserting the following new subsection immediately after subsection (3) –

“**3A.** Notwithstanding the provisions of subsection (3), only a person appointed for that purpose by the Commissioner, in writing, shall deduct tax under paragraph (j) of that subsection.
- (d) by deleting subsection (6).

**CLAUSE 14**

**THAT**, clause 14 of the Bill be amended –

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph –
  - (c) in paragraph (2) by inserting the following new subparagraph immediately after paragraph (h)–
    - (i) in the case of a company that constructed at least four hundred residential units annually, fifteen percent for that year of income subject to approval by the Cabinet Secretary responsible for housing:

provided that where a company is engaged in multiple activities which include the ones specified in subparagraph (i), the rate of twenty percent shall be applied proportionately to the extent of the turnover arising from the housing activity.
- (b) by inserting the following new paragraph immediately after paragraph (d)–
  - (e) Head B of the Third Schedule to the Income Tax Act is amended–
    - (i) in paragraph 3 by deleting subparagraph (m);
    - (ii) in paragraph 5 by deleting subparagraph (j).

**NEW CLAUSE 18A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 18—

Amendment of  
section 7 of No. 23  
of 2015.

**"18A.** Section 7 of the Excise Duty Act, 2015 is amended in subsection (3) by—

- (a) deleting sub-section (2);
- (b) deleting sub-section (3).

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended –

- (a) in paragraph (d) by inserting the words "excluding locally assembled motor vehicles" immediately after the words "motor vehicles";
- (b) by inserting the following new paragraph immediately after paragraph (d)—
  - "(da) by inserting the words "and locally assembled motor cycles" immediately after the words "motor cycles ambulances" appearing in item titled "Motor cycles of tariff 87.11 other than motor cycle ambulances";
- (c) by deleting paragraph (e);
- (d) by inserting the following new paragraph after paragraph (e) –
  - "(f) by deleting the formula "**AxB**" in paragraph 2 (2) and substituting therefor with the formula "**A(1+B)**".

**CLAUSE 22**

**THAT**, clause 22 of the Bill be deleted and substituted therefor the following new clause –

Amendme  
nt of the  
Second  
Schedule  
to No. 23  
of 2015.

**22.** The Second Schedule to the Excise Duty Act, 2015 is amended –

- (a) in Part A by inserting the following new paragraphs immediately after paragraph 8 –
  - "9. Excisable goods imported or purchased locally for direct and exclusive use in the implementation of an Official Aid-Funded Project, to the extent provided for under the financing agreement.
  - 10. Excisable goods imported for direct use in the manufacture of sanitary towels.
  - 11. Excisable goods to the national carrier and local airlines for both local and international supplies upon recommendation by the Cabinet Secretary responsible for transport.
  - 12. Excisable kerosene for industrial use.
  - 13. All goods including materials supplies,

equipment, machinery and motor vehicles for the official use by the Kenya Defence Forces and the National Police Service.

(b) in Part B by inserting the following new paragraph immediately after paragraph (1) (b) –

“(c) Excisable services supplied to the national carrier and local airlines for both local and international supplies upon approval by the Cabinet Secretary responsible for transport”.

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended –

(a) in paragraph (a) -

(i) by deleting subparagraph (i) and substituting therefor the following subparagraph –

(i) by inserting the tariff numbers 2302.10.00, 2302.30.00, 2303.30.00, 2304.00.00, 2306.10.00, 2306.20.00, 2306.30.00, 2306.41.00, 2306.49.00, 2306.50.00, 2306.60.00, 2306.90.00, 2835.25.00 and 2835.26.00 at the end of paragraph 43;

(ii) by deleting subparagraph (iv) and substituting therefor the following new subparagraph-

(iv) by deleting the words “and recreational parks of one hundred acres or more approved by the Cabinet Secretary for the National Treasury upon recommendation by the Cabinet Secretary responsible for Industrialization” appearing in paragraph 55 and substituting therefor the words “parks of one hundred acres or more including those outside special economic zones approved by the Cabinet Secretary for the National Treasury”;

(iii) by deleting subparagraph (v) and substituting therefor the following new subparagraph–

(v) by deleting paragraph 57 and substituting therefor the following new paragraph-

57. All goods including material supplies, equipment, machinery and motor vehicles for official use by the Kenya Defence Forces and the National Police Service.

(iv) in subparagraph (vi) by deleting paragraph 59 ;

(v) in subparagraph (vi) by deleting the word “recreational parks” appearing in the proposed paragraph 63 and substituting therefor the words “tourism,

- (vi) recreational parks of fifty acres or more , convention and conference facilities”
- (v) in subparagraph (vi) by inserting the following new paragraphs immediately after the proposed paragraph 65 -

“66. Taxable goods locally purchased or imported by manufacturers or importers of clean cook stoves for direct and exclusive use in the assembly, manufacture or repair of clean cook stoves approved by the Cabinet Secretary upon recommendation by the Cabinet Secretary for the time being responsible for matters relating to energy.

67. Inputs or raw materials locally purchased or imported by manufacturers of clean cook stoves approved by the Cabinet Secretary upon recommendation by the Cabinet Secretary for the time being responsible for energy.

68. Stoves, ranges, grates, cookers (including those with subsidiary boilers for central heating) barbeques, braziers, gas-rings, plate warmers and similar non-electric domestic appliances, and parts thereof, or iron or steel of tariff numbers 7321.11.00, 7321.12.00, 7321.19.00, 7321.81.00, 7321.82.00, 7321.83.00 and 7321.90.00.

69. Super absorbent polymer (SAP) of tariff number 39.06.90.0.

70. Carrier tissue white, 1 ply 14.5 GSM of tariff number 4703.21.00.

71. IP super soft fluff pulp – fr-fluff 310 treated pulp 488\*125mm (cellose) of tariff number 4703.21.0.

72. Perforated PE film 15-22 gsm of tariff number 3921.190.0.

73. Spunbound non-woven 15-25 gsm of tariff number 56.03.1190.8.

74. Airlid paper with super absorbent polymer 180gsm/67 of tariff number 48.03.00.0.

75. Airlid paper with super absorbent polymer 80gsm/67 of tariff number 48.03.00.0.

76. Airlid paper without super absorbent polymer 180gsm/67 of tariff number 48.03.00.0.

77. Airlid paper without super absorbent polymer 80gsm/67 of tariff number 48.03.00.0.

78. Pressure sensitive adhesive of tariff number 3506.91.90.

79. Plain polythene film/LPDE of tariff number 39.21.190.0.

80. Plain polythene film/PE of tariff number 39.21.190.0.

81. PE white 25-40gsm/release paper of tariff number 48.44.51.10.0.

82. ADL – 25-40gsm of tariff number 56.03.1190.8.



83. Elasticized side tape of tariff number 5402.4410.

84. 12-16 gsm spunbound piyropnonwoven coverstock/12gsm spunbound PP non-woven SMS hydrophobic leg cuffs of tariff number 56.03.1190.8.

85. Polymetric elastic 2/3 strands of tariff number 3919.90.90.10.

86. Plain polythene film/PE of tariff number 39.20.10.10.

87. PE white 25-40gsm/release paper of tariff number 48.10.99.00

88.12-16 gsm spunbound piyropnonwoven coverstock/15gsm spunbound PP non-woven SSMMS hydrophobic leg cuffs of tariff number 56.03.1190.

89. Taxable supplies to the national carrier and local airlines for both local and international purchases upon recommendation by the Cabinet Secretary responsible for transport.

(b) in paragraph (b) –

(i) by deleting subparagraph (ii) and substituting therefor the following new subparagraph-

(vii) by deleting the words “and recreational parks of one hundred acres or more approved by the Cabinet Secretary for the National Treasury upon recommendation by the Cabinet Secretary responsible for Industrialization” appearing in paragraph 22 and substituting therefor the words “parks of one hundred acres or more including those outside special economic zones approved by the Cabinet Secretary for the National Treasury”;

(ii) by inserting the words “and national reserve” immediately after the word “parks” in the proposed paragraph 24 appearing in subparagraph (iii);

(iii) in subparagraph (iv) –

(a) by deleting the proposed paragraph 25 and substituting therefor the following new paragraph –

“25. The brokerage services of tour operators, excluding in-house supplies”;

(b) in subparagraph (iv) by deleting the word “recreational parks” appearing in the proposed paragraph 26 and substituting therefor the words “tourism, recreational parks of fifty acres or more, convention and conference facilities”

(c) by inserting the following new paragraph immediately after the proposed paragraph 27 –

28. Taxable supplies to the national carrier and local airlines for both local and international purchases upon recommendation by the Cabinet Secretary responsible for transport

(c) by inserting the following new paragraph immediately after paragraph (b) -

(c) Section B of Part I of the First Schedule is amended by–

(i) renumbering the existing provision in section B of Part I as paragraph (1);

(ii) inserting the following new paragraph immediately after paragraph (1)–

(2) Notwithstanding paragraph (1), the exemption shall be extended by a further two years from 1<sup>st</sup> September, 2016.

### **CLAUSE 28**

**THAT**, clause 28 of the Bill be amended in paragraph (a) by inserting the following new paragraph immediately after the proposed new paragraph 12.

13. The supply of liquefied petroleum gas.

### **CLAUSE 38**

**THAT**, clause 38 be amended in the proposed section 42A, by inserting the following new subsection immediately after subsection (4) –

(5) A person who, prior to the commencement of this section, was appointed to withhold tax under section 25A of the Value Added Tax Act, 2013 shall, notwithstanding the repeal of that section, be deemed to be a person appointed under subsection (1):

provided that this provision shall not be construed to impose any penalty whatsoever on any such person who ceased to withhold tax for any period following the repeal of that section up to the 8th June, 2016.

### **CLAUSE 39**

**THAT**, clause 39 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) –

“(c) by inserting the following new subsection after subsection (4) –

(5) The Commissioner shall repay the overpaid tax within a period of two years from the date of application, failure which the amount due shall attract an interest of 1% per month or part thereof of such unpaid amount after the period of two years.

### **NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 39 –

Amendment of  
section 48 of  
No. 29 of 2015.

**39A.** The Tax Procedures Act, 2015 is amended by deleting section 48 and substituting therefor the following new section –

Erroneous  
refund of  
tax.

48 (1) Where any tax has been refunded in error, the person to whom the refund has been erroneously made shall, on demand by the Commissioner, pay the amount erroneously refunded.

(2) Where a demand has been made for any amount of tax under subsection (1), that amount shall be deemed to be due from the person liable to pay the tax on the date upon which the demand is served upon him or her and if payment is not made within thirty days of the date of service, an interest equal to 1% per month or part thereof of such unpaid amount shall forthwith be due and payable,

provided that the interest chargeable under this subsection shall not exceed one hundred percent of the tax originally due.

Amendment of  
section 89 of  
No. 29 of 2015.

**39B.** Section 89 of the Tax Procedures Act, 2015 is amended –

- (a) in subsection (6) by inserting the words “or interest” immediately after the word “penalty” wherever it appears;
- (b) by deleting subsection (7) and substituting therefor with the following new subsection –  
“(7) The Commissioner may, upon an application under subsection (6) or on the Commissioner’s own motion and with the approval of the Cabinet Secretary, remit, in whole or in part, any penalty or interest payable by a person except a penalty imposed under section 85,

Provided that the remission of interest is by reason of –

- (a) uncertainty as to any question of law or fact;
- (b) consideration of hardship or equity; or
- (c) impossibility or undue difficulty or expense, of recovery of tax.

Amendment of  
the Second  
Schedule to No.  
29 of 2015.

**39C.** The Second Schedule to the Tax Procedures Act, 2015 is amended –

- (a) in paragraph 2 by deleting the words “section 51 A (a)” and substituting therefor the words “sections 35 (6B), 37 (6) and 51A (a)”;
- (b) in paragraph 3 by deleting the words “section 56” and substituting therefor the words “sections 55 and 56”.

## **CLAUSE 45**

**THAT**, clause 45 of the Bill be amended –

- (a) in paragraph (a) by inserting the words “institutions registered under the Co-operative Societies Act, Cap. 490” immediately after the words “SACCO Societies Act, 2008”;
- (b) in paragraph (c) (i) by inserting the words “institutions registered under the Co-operative Societies Act, Cap. 490” immediately after the words “SACCO Societies Act, 2008”; and
- (c) in paragraph (c) (ii) by inserting the following new sub-subparagraph immediately after subparagraph (da) –

“(daa) institutions registered under the Co-operative Societies Act, Cap. 490”.

#### **CLAUSE 46**

**THAT**, clause 46 of the Bill be deleted.

#### **CLAUSE 48**

**THAT**, clause 48 of the Bill be deleted.

#### **CLAUSE 51**

**THAT**, clause 51 of the Bill be deleted.

#### **NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 58-

Amendment of  
section 4 of No. 6 of  
2015.

“58A. Section 4 of the Special Economic Zones Act, 2015 is amended in paragraph (6) by inserting the following new subparagraph immediately after subparagraph (i)-  
(j) convention and conference facilities.

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 59—

Amendment of  
section 2 of Cap.  
485A.

**60.** Section 2 of the Capital Markets Act, is amended—

- (a) by inserting the following new definitions in their proper alphabetical sequence—

“commodity” means—

- (a) agricultural, livestock, fishery, forestry, mining or energy goods or any product that is manufactured or processed from any such goods;
- (b) financial instruments;
- (c) an index, right, or interest in any such commodity;
- (d) such other thing as the Cabinet Secretary may, by notice in the *Gazette*, determine to be the subject of a commodity contract;

“commodity contract” includes—

- (a) spot commodity contract;
- (b) commodity futures contract; and

(c) such other contract or class of contracts as the Authority may, by regulations prescribe;

“commodity market” means a market or facility licensed by the Authority or a facility, whether electronic or otherwise at which, offers or invitations to sell, purchase or exchange commodity contracts are regularly made on a centralized basis, being offers or invitations that are intended or may reasonably be expected to result directly or indirectly in the acceptance or making, respectively of offers to sell, purchase or exchange of commodity contracts but does not include—

(a) the office or facilities of a commodity dealer or broker;

(b) the office or facilities of a clearing house.

“spot commodity trading” means the purchase or sale of a commodity at its current market or spot price, where it is intended that such transaction results in the physical delivery of the commodity, and “spot commodity contract” shall be construed accordingly.

Amendment of  
section 11 of Cap.  
485A.

**61.** Section 11 of the Capital Markets Act is amended—

(a) in subsection (1) by inserting the word “commodities” immediately after the word “securities” wherever it appears in paragraph (b);

(b) in subsection (3)—

(i) by inserting the words “commodity exchange” immediately after the words “securities exchange” appearing in paragraph (f);

(ii) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) regulate spot commodity markets”;

Amendment of  
section 12 of Cap.  
485A.

**62.** Section 12 of the Capital Markets Act is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (k)—

(ka) spot commodity trading and commodity markets.

Amendment to Part  
III of Cap. 485A.

**63.** The heading to Part III of the Capital Markets Act is amended by deleting the word “securities”.

Amendment of  
section 19 of Cap.  
485A.

**64.** The Capital Markets Act is amended by inserting the words “commodities exchange” immediately after the words “securities exchange” wherever they appear.

Amendment of  
section 19A of Cap.  
485A.

**65.** The Capital Markets Act is amended by –

- (a) inserting the words “commodities exchange” immediately after the words “securities exchange”;
- (b) deleting the words “a securities exchange licence” and substituting therefor the words “an exchange licence”.

Amendments of  
section 20 of Cap.  
485A.

**66.** Section 20 of the Capital Markets Act is amended by inserting the words “commodities exchange” immediately after the words “securities exchange” wherever they appear.

Amendment of  
section 21 of Cap.  
485A.

**67.** Section 21 of the Capital Markets Act is amended by inserting the words “commodities exchange” immediately after the words “securities exchange” wherever they appear.

Amendment of  
section 22A of Cap.  
485A.

**68.** Section 22A of the Capital Markets Act is amended—

- (a) by inserting the words “commodities exchange” immediately after the words “securities exchange” wherever they appear;
- (b) by inserting the words “commodities markets” immediately after the words “securities markets” wherever they appear.

Amendment of  
section 23 of Cap.  
485A.

**69.** Section 23 of the Capital Markets Act is amended—

- (a) in subsection (1) by inserting the words “commodity dealer”, “commodity broker” immediately after the words “authorized depository”;
- (b) in subsection (2) by inserting the words “commodities exchange” immediately after the words “securities exchange”.

Amendment of  
section 25A of Cap.  
485A.

**70.** Section 25A of the Capital Markets Act is amended in subsection (1) by inserting the words “commodities or derivatives” immediately after the word “securities” wherever it appears.

Amendment of  
section 2 of Cap.  
131.

**71.** Section 2 of the Betting, Lotteries and Gaming Act is amended by inserting the following new definitions in their proper alphabetical sequence –

“Collector” means the Commissioner-General appointed under the Kenya Revenue Authority Act;

“gaming revenue” means gross turnover less the amount paid out to customers as winnings;

Insertion of new  
section 29A in Cap.  
131.

**72.** The Betting, Lotteries and Gaming Act is amended by inserting the following new section immediately after section 29–

**29A.**(1) There shall be a tax to be known as betting tax chargeable at the rate of seven point five per cent of the gaming revenue.

(2) The tax shall be paid to the Collector by the licensed bookmaker on the 20<sup>th</sup> day of the month following the month of collection.

Amendment of  
section 37 of Cap.  
131.

**73.** Section 37 of the Betting, Lotteries and Gaming Act is amended–

(a) in subsection (2) by deleting paragraph (a);

(b) by deleting subsection 3.

Insertion of section  
new 44A in Cap.  
131.

**74.** The Betting, Lotteries and Gaming Act is amended by inserting the following new section immediately after section 44–

**44A.** (1) There shall be a tax to be known as lottery tax chargeable at the rate of five per cent of the lottery turnover.

(2) The tax shall be paid to the Collector by a person authorized to promote the lottery on the 20<sup>th</sup> day of the month following the month of collection.

Insertion of section  
55A in Cap. 131.

**75.** The Betting, Lotteries and Gaming Act is amended by inserting the following new section immediately after section 55–

**55A.** (1) There shall be a tax to be known as gaming tax chargeable at the rate of twelve per cent of the gaming revenue.

(2) The tax shall be paid to the Collector by a person carrying on a gaming business on the 20<sup>th</sup> day of the month following the month of collection.

Insertion of new  
section 59B in Cap.  
131.

**76.** The Betting, Lotteries and Gaming Act is amended by inserting the following new section immediately after section 59A–

**59B.**(1) There shall be a tax to be known as prize competition tax chargeable on the cost of entry to a competition which is premium rated at the rate of fifteen per cent of the total gross turnover.

(2) The tax shall be paid to the Collector by the licensed person on the 20<sup>th</sup> day of the month following the month of collection.

Amendment of  
section 975 of No.  
17 of 2015.

**77.** Section 975 of the Companies Act is amended in subsection (2) by deleting paragraph (b).

Amendment of  
section 62 of No. 46  
of 2012.

**78.** Section 62 of the Consumer Protection Act is amended by inserting the words "or where the lender is either a bilateral or multilateral foreign financial institution" at the end of subsection (5)

**2. Notice is given that the Leader of Majority Party intends to move the following amendments to the Finance Bill, 2016 (National Assembly Bills No. 19) at the Committee Stage—**

**NEW CLAUSES**

**THAT**, the Bill be amended by inserting the following new clauses immediately after clause 51—

Amendment of  
section 37 of No. 18  
of 2012.

**"51B.**Section 37 of the Public Finance Management Act, 2012 is amended

(a) in subsection (3) by deleting the word "officer" and substituting therefor the words "officers";

(b) in subsection (5) by deleting the words " officer" and substituting therefor the words "officers".

Amendment of  
section 66 of No. 18  
of 2012.

**"51C.** Section 66 of the Public Finance Management Act, 2012 is amended in subsection (1) by deleting the words " officer" and substituting therefor the words " officers";



3. Notice is given that the Member for Kiambu Town (Hon. Jude Njomo), intends to move the following amendments to the Finance Bill, 2016 (National Assembly Bills No. 19) at the Committee Stage—

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended-

- (i) by deleting subparagraph (iv) and substituting therefor the following new subparagraph-

(iv) by deleting the words “and recreational parks of one hundred acres or more approved by the Cabinet Secretary for the National Treasury upon recommendation by the Cabinet Secretary responsible for Industrialization” appearing in paragraph 55 and substituting therefor the words “parks of one hundred acres or more including those outside special economic zones approved by the Cabinet Secretary for the National Treasury”;

- (ii) in subparagraph (vi) by deleting the word “recreational parks” appearing in the proposed paragraph 63 and substituting therefor the words “tourism, recreational parks of fifty acres or more , convention and conference facilities”

- (iii) in paragraph (b) by deleting subparagraph (ii) and substituting therefor the following new subparagraph-

(ii) by deleting the words “and recreational parks of one hundred acres or more approved by the Cabinet Secretary for the National Treasury upon recommendation by the Cabinet Secretary responsible for Industrialization” appearing in paragraph 22 and substituting therefor the words “parks of one hundred acres or more including those outside special economic zones approved by the Cabinet Secretary for the National Treasury”;

**CLAUSE 28**

**THAT**, clause 28 of the Bill be amended in paragraph (a) by inserting the following new paragraph immediately after the proposed new paragraph 12.

13. The supply of liquefied petroleum gas.

**NEW CLAUSE 18A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 18—

Amendment of  
section 7 of No. 23  
of 2015.

**"18A.** Section 7 of the Excise Duty Act, 2015 is amended in subsection (3) by—

- (c) deleting sub-section (2);
- (d) deleting sub-section (3).

**NEW CLAUSE 51A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 51—

Amendment of  
section 77 of No. 18  
of 2012.

**"51A.** Section 77 of the Public Finance Management Act, 2012 is amended by inserting the following new paragraph immediately after paragraph (c) —

- (d) the waiver or variation is approved by a resolution of the National Assembly where the waiver or variation relates to taxation or tariff agreements under the East African Community Treaty.

**NEW CLAUSE 58A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 58-

Amendment of  
section 4 of No. 6 of  
2015.

**"58A.** Section 4 of the Special Economic Zones Act, 2015 is amended in paragraph (6) by inserting the following new subparagraph immediately after subparagraph (i)-  
(j) convention and conference facilities.

4. **Notice is given that the Member for Awendo (Hon. Jared Opiyo), intends to move the following amendments to the Finance Bill, 2016 at the Committee Stage-**

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended in paragraph (f) by inserting the following new definition in the proper alphabetical sequence –

"computer" has the meaning assigned to it under section 2 of the Kenya Information and Communications Act;

**CLAUSE 27**

**THAT**, clause 27 of the Bill be amended in paragraph (a) by inserting the following new paragraph immediately after the proposed paragraph 65 appearing in subparagraph (vi) –  
"66. Computer".

## II. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

Notice is given that the Chairperson of the Departmental Committee on Agriculture, Livestock and Co-operatives, intends to move the following amendments to the Warehouse Receipts System Bill, 2015 at the Committee Stage—

### CLAUSE 1

**THAT**, clause 1 of the Bill be amended by deleting the words “on such date as the Cabinet Secretary may, by notice in the *Gazette* may appoint”.

### CLAUSE 2

**THAT**, clause 2 of the Bill be amended by inserting the following new definition its proper alphabetical sequence—

“warehouse receipt system” means part or the whole of the process of depositing commodities in a licensed warehouse, the issuance of a warehouse receipt reflecting the quantity and quality of the deposited commodity, the management of the transfer of the receipts as a document of title and includes but not limited to, the regulation of warehouses and actors associated in the processes.

### CLAUSE 3

**THAT**, clause 3 of the Bill be amended by—

(a) deleting sub-clause 3 and substituting therefor the following new sub-clause —

“(3) The Council shall consist of—

- (a) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
- (b) the Principal Secretary for the time being responsible for matters related to finance or a representative;
- (c) one person nominated by Council of Governors;
- (d) the Director General of Agriculture, Food and Fisheries Authority or a representative;
- (e) the chief executive officer of the Council;
- (f) one person nominated by Financial Sectors Regulators Forum;
- (g) one person nominated by Kenya Farmers Association;
- (h) one person nominated by Kenyan members of the East African Grain Council ;  
and
- (i) one person nominated by Consumer Federation of Kenya.

- (b) inserting the following sub-clauses immediately after sub-clause (3)—
- “(3A) A person appointed as a member of the Council by the Cabinet Secretary under subsection (a) to (i) shall be—
- (a) persons who have the relevant expertise qualification and experience in the agricultural sector and any other relevant sector; and
- (b) appointed through a competitive and transparent process.”
- (3B) The Council shall at its first sitting elect a chairperson and vice-chairperson from amongst its members.
- (3C) The Chairperson and Vice-Chairperson shall be of the opposite gender.
- (3D) A decision of the Council shall not be invalid by reason of a vacancy in the Council.”
- (c) inserting the following phrase “ to (i)” immediately after the phrase “under subsection (3) (e)” in subsection (4).

**CLAUSE 4**

**THAT**, clause 4 of the Bill be amended in sub-clause (1) by—

- (a) renumbering the second paragraph (a) as (b);
- (b) deleting paragraph (b) and substituting therefor the following new paragraph—
- “(b) establish and maintain a warehouse receipts system that contributes towards structured trading in agricultural commodities;”
- (c) deleting paragraph (c) and substituting therefor the following new paragraph—
- “(c) establish and maintain a central registry for management of warehouse receipt transactions under the Act;”
- (d) deleting the word “licenced” appearing in paragraph (e ) and substituting therefor the word “operating”;
- (e) deleting paragraph (h) and substituting therefor the following new paragraph—
- “(h) may issue, suspend or revoke registration or licenses issued under this Act; ”
- (f) renumbering the existing clause 4(1) as clause (4); and
- (g) renumbering the existing paragraphs.

**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended by inserting the words “in consultation with the Salaries and Remuneration Commission” immediately after the word “Secretary”.

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended—

- (a) in sub-clause (4) by deleting the word “five” wherever it appears and substituting therefor the word “three”.

(b) in sub-clause (5) by deleting paragraph (c) subparagraph (v) and substituting therefor the following new sub paragraph—

“(v) conducts himself in a manner deemed to be inconsistent with this Act.”

#### **CLAUSE 9**

**THAT**, the Bill be amended by deleting clause 9.

#### **CLAUSE 10**

**THAT**, clause 10 of the Bill be amended by deleting the words “, with the approval of the Cabinet Secretary,”

#### **CLAUSE 12**

**THAT**, clause 12 of the Bill be amended in paragraph (b) by deleting the word “Service” and substituting therefor the word “Council”.

#### **PART III**

**THAT**, the title to Part III of the Bill be amended by inserting the word “Registration” immediately before the word “Licensing”.

#### **CLAUSE 17**

**THAT**, clause 17 of the Bill be amended in sub clause (1) by deleting the word “may” and substituting therefor the word “shall”.

#### **CLAUSE 18**

**THAT**, clause 18 of the Bill be amended—

(i) in sub-clause 1 by deleting paragraph (c);

(ii) by inserting the following new sub- clause immediately after sub-clause (5)—

“(5A) Where a license has been suspended or revoked, the Council shall appoint an independent warehouse manager to operate the warehouse in the interim until the matter is resolved.”

(iii) by inserting the following new sub-clause immediately after sub-clause (6)—

“(7) The Cabinet Secretary shall in consultation with the Council make regulations to provide for management of a warehouse whose license has been suspended or revoked and commodities stored therein.”

#### **CLAUSE 20**

**THAT**, clause 20 of the Bill be amended by —

(i) deleting the words “the Chairperson, Chief Executive Officer, and one other member of the Council selected by the Council” appearing in subsection (1).

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

“(1A) The Warehouse Receipts Appeals Committee shall consist of—

(a) the Chairperson of the Council; and

(b) two other persons appointed by the Cabinet Secretary with experience in dispute adjudication”.

(2B) The term of office of the Warehouse Receipts Appeals Committee shall be for a period of three years.”

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by deleting the word “calibrated” appearing in sub-clause (1) and substituting therefor the word “certified”.

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended by—

- (a) deleting the words “and bonded”; and
- (b) deleting the word “persons” and substituting therefor the word “operators”

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended by deleting the word “of” and substituting therefor the word “for”.

**CLAUSE 26**

**THAT**, clause 26 of the Bill be amended in sub-clause (3) by inserting the words “crop year and season” immediately after the word “grade” appearing in paragraph (h).

**CLAUSE 41**

**THAT**, clause 41 of the Bill be amended by deleting the words “or bonded” appearing after the word “licensed”.

**CLAUSE 42**

**THAT**, clause 42 of the Bill be amended by inserting the word “of” immediately after the word “issuing”.

**CLAUSE 43**

**THAT**, clause 43 of the Bill be amended by deleting the words “such fine and imprisonment” appearing after the words “or to both”.

**CLAUSE 44**

**THAT**, clause 44 of the Bill be amended in sub-clause (1) by deleting the word “relevant” and substituting therefor the word “the”.

**SCHEDULE**

**PARAGRAPH 1**

**THAT**, paragraph 1 of the Schedule be amended by—

- (a) inserting the words “or any other designated venue” immediately after the word “offices” appearing in sub-paragraph (1);
- (b) deleting the words “three quarters” appearing in sub-paragraph (3) and substituting therefor the words “two thirds”
- (c) deleting the word “one-third” and substituting therefor the words “two thirds” appearing in sub paragraph (5) .

**TITLE**

**THAT**, the title of the Bill be amended by deleting the word “receipts” and substituting therefor the word “receipt”.

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The House resolved on Wednesday, February 10, 2016 as follows:-

- III.THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
- IV.THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- V.THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
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# **NOTICE PAPER I**

Tentative business for  
Wednesday (Morning), August 31, 2016

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***(Published pursuant to Standing Order 38(1))***

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Morning), August 31, 2016:-

**A. PROCEDURAL MOTION - EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

(The Leader of the Majority Party)

**B. THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2016)**

(The Hon. Ferdinard Waititu, M.P.)

First Reading

**C. COMMITTEE OF THE WHOLE HOUSE**

(i) The National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No. 34 of 2016)

(ii) The Civil Aviation (Amendment) Bill (National Assembly Bill No. 14 of 2016)  
(The Leader of the Majority Party)

**D. THE KENYATTA MAUSOLEUM BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2016)**

(The Hon. Muthomi Njuki, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, August 17, 2016 – Morning Sitting)*  
*(Balance of time – 2 hours)*

**E. MOTION - DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS**

(The Hon. Geoffrey Odanga, M.P.)

*(Resumption of debate interrupted on Wednesday, August 10, 2016 – Morning Sitting)*  
*(Balance of time – 2 hours)*

**F. MOTION - FREE ISSUANCE OF KENYA POLICE MEDICAL EXAMINATION (P3) FORMS**

(The Hon. Omar Mwinyi, M.P.)



**G. MOTION – SUPPORT FOR YOUTH INNOVATION BY THE GOVERNMENT**

(The Hon. Isaac Mwaura, M.P.)

**H. MOTION – ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE MATTERS RELATING TO GMOs**

(The Hon. (Dr.) Wilber Ottichilo, M.P.)

**I. MOTION – RECRUITMENT OF SCHOOL BURSARS TO ENSURE PRUDENT UTILIZATION/MANAGEMENT OF FREE PRIMARY EDUCATION FUNDS**

(The Hon. James Lusweti, M.P.)

**J. MOTION – FORMULATION OF A POLICY TO GUARANTEE CAREER ADVANCEMENT, PROMOTIONS AND SECURITY OF TENURE FOR PUBLIC SERVANTS**

(The Hon. Joyce Emanikor, M.P.)

**K. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2016)**

(The Hon. Mithika Linturi, M.P.)

Second Reading

**L. THE KENYA UWEZO FUND BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)**

(The Hon. David Kangogo, M.P.)

Second Reading

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# NOTICE PAPER II

Tentative business for  
Wednesday (Afternoon), August 31, 2016

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Afternoon), August 31, 2016:-

**A. THE PUBLIC SERVICE COMMISSION BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2015)**

(The Leader of the Majority Party)

First Reading

**B. MOTION – ADOPTION OF THE REPORT OF THE KENYA DELEGATIONS TO THE 131<sup>ST</sup>, 130<sup>TH</sup> AND 129<sup>TH</sup> IPU AND RELATED MEETINGS**

(The Hon. Kabando wa Kabando, M.P.)

**C. MOTION - REPORT ON THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE**

(The Leader of the Majority Party)

**D. MOTION - REPORT ON THE FULFILLMENT OF THE INTERNATIONAL OBLIGATIONS**

(The Leader of the Majority Party)

**E. MOTION - ANNUAL REPORT ON THE STATE OF THE SECURITY**

(The Leader of the Majority Party)

**F. THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

*(If not concluded on Tuesday, August 30, 2016)*

**G. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL CHILDREN POLICY**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

*(If not concluded on Tuesday, August 30, 2016)*

**H. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL POLICY ON ELIMINATION OF CHILD LABOUR**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

*(If not concluded on Tuesday, August 30, 2016)*

**I. MOTION - ADOPTION OF THE TWENTIETH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

(The Chairperson, Public Investments Committee)

*(If not concluded on Tuesday, August 30, 2016)*

**J. THE NATIONAL YOUTH SERVICE BILL (SENATE BILL NO. 26 OF 2014)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

*(If not concluded on Tuesday, August 30, 2016)*

**K. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 23 OF 2014)**

(The Chairperson, Departmental Committee on Education, Research and Technology)

Second Reading

*(If not concluded on Tuesday, August 30, 2016)*

**L. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2014)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

*(If not concluded on Tuesday, August 30, 2016)*

**M. THE WITNESS PROTECTION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2016)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, August 30, 2016)*

**N. MOTION - RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

*(If not concluded on Tuesday, August 30, 2016)*

# NOTICE PAPER III

Status of Business before Committees

Wednesday (Afternoon) August 31, 2016

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In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday, August 31, 2016 (Afternoon)***, the Chairpersons of the following Committees will be called upon to apprise the House on the Status of the Business pending before their respective Committees:-

**A. Departmental Committee on Labour and Social Welfare**

**B. Departmental Committee on Lands**

# APPENDIX I

PETITIONS to be presented on

Tuesday, August 30, 2016

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It is notified that, pursuant to Standing Orders 225, the following Petitions will be presented to the House **today Tuesday, August 30, 2016:-**

NO.	PETITION TO BE PRESENTED BY	SUBJECT	PETITIONER(S)
001	The Member for Wajir East (The Hon. Abass Mohamed, M.P.) <i>Pursuant to Standing Order 225(2)(a)</i>	Delays in the issuance of National Identity Cards in Wajir County	Residents of Wajir County
002	The Member for Moyale (The Hon. Roba Duba, M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Construction and rehabilitation of Turbi-Sololo-Moyale Road	Residents of Moyale Constituency
003	The Member for Kiharu (The Hon. Irungu Kangata, M.P.) <i>Pursuant to Standing Order 225(2)(a)</i>	Elimination of usage of counterfeit KRA stamps in Alcoholic Industry	James Maina Mugo of Nyeri County

# APPENDIX II

## THE NATIONAL ASSEMBLY

### SCHEDULE of Questions for

Tuesday, August 30, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Interior and Coordination of National Government; Land and Physical Planning; and Education, Science and Technology* will appear before the following Departmental Committees on Tuesday, August 30, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Administration and National Security	<i>Cabinet Secretary for Interior and Coordination of National Government</i>	10.00 am – 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Lands	<i>Cabinet Secretary for Land and Physical Planning</i>	10.00 am – 11.10 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Education, Research and Technology	<i>Cabinet Secretary for Science and Technology</i>	11.00am – 12.30pm	<i>The Mini Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

### **AGENDA**

*(Published pursuant to Standing Order 170E (2))*

1. Prayers
2. Communication from the Chairperson(s)

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#### **I. Questions under the Departmental Committee on Administration and National Security**

##### **Questions to the Cabinet Secretary for Interior and Coordination of National Government**

- (i) **Question by PVT/11/2016 by the Member for Moyale (The Hon. Roba S. Duba, M.P.):**  
Following the mysterious murders of two former Members of Parliament for Moyale Constituency, namely Hon. Guyo Halakha Liban who was shot in his residence in

Moyale Town on October 22, 2014 and Hon. Philip Galm Godana who was likewise shot in his residence in Syokimau on February 14, 2015, could the Cabinet Secretary apprise the Committee on the circumstances surrounding these cold blood murders, the status of investigations into these acts of lawlessness, and further indicate if there are any suspect(s) arrested and arraigned in court in connection with the killings?

**(ii) Question No. 082/2015 by the Member for Sirisia (The Hon. John Waluke Koyi, M.P.):**

Could the Cabinet Secretary inform the Committee the circumstances that have led to recent jail-breaks through which dozens of hardcore criminals have escaped custody with no reports of their recapture; the facts that most of the daring escapes have been committed outside the precincts of correctional facilities; circumstances by which a robber sentenced to life imprisonment escaped from Kenyatta National Hospital and whether or not he has been recaptured; address the allegation that some prison officers are in collusion with the escapees since they are always being caught off-guard even during prisoners' transportation; the number of escapees rearrested within the last one year; and the long-term measures being pursued to tackle this disturbing and dangerous menace once and for all?

**(iii) Question No. 133/2015 by the Member for Turkana North (The Hon. Christopher Nakuleu, M.P.):**

No	Date	Name	Place	Circumstances
1	December 2013	Hassan Suleiman Mwayuyu	Tiwi	Shot while in a bus
2	18/12/13	Hamadi Juma Boga	-	Shot in the neck
3	25/12/13	Said Salim Mwasalim	Mwamanga	Shot close range
4	02/01/14	10 Injured no fatalities	Tandoori Disco	Grenade Attack
5	05/01/13	Police Vehicle	Kona ya Musa	Grenade Attack
6	13/01/13	Police Injured		Night shootout
7	31/01/13	Swalehe Kombo Mvumbo	Bongwe	Shot at night coming from Mosque
8	20/02/14	Traffic Police who survived	Kombani	AK47 taken by shooters
9	15/02/14	Omar Maarifa & Sudi Omar	Diani	Shot outside their house
10	20/02/14	Hamis Salim Likongo	-	Hijacked, yet to be found
11	13/04/14	Swaled R. Mwakuyumba	Mbuani	Shot
12	25/04/14	Rashid T. Kufungwa	Tiwi	Shot
13	02/09/14	Salim Bakari & Hamisi Bakari	Ukunda	Shot by a gang
14	23/09/14	Suleiman A. Mwamtsumi	Matuga	Burnt with wife and two grandchildren
15	13/10/14	Rashid Ali Mwaenzi	Mbuwani	Shot
16	10/12/14	Ali Mwakubo	-	Shot but survived
17	30/01/15	Omar Salim Vumbi	Bongwe	

Considering that the presence of government personnel at all levels of administration enhances efficient service delivery and close monitoring of security in various parts of the country, could the Cabinet Secretary apprise the Committee on measures being implemented to address the challenge caused by the fact that various locations and

sub-locations do not have substantive Chiefs and Assistant Chiefs on account of deaths by predecessors or and shifts to other well-paying jobs; and in particular, explain the reasons behind the two-year delay in releasing of results and appointments letters in time for the successful candidates of the Year 2013 interviews; and plans at hand to release letters of appointments for Assistant Chiefs for Kokuro sub-location (Kibish Sub-county) and Natoo and Riokomor sub-locations (Turkana North Sub-County) to the successful candidates of the Year 2013 Interviews?

**(iv) Question No. 134/2015 by Nominated Member (The Hon. Zuleikha Juma Hassan, M.P.):**

Could the Cabinet Secretary apprise Members on measures being implemented by the Government in protecting its citizens from internal threats, and in particular, explain to the Committee the culprits behind the terrifying and constant murder of innocent civilians and police officers in Kwale County especially around Ukunda town; whether the killers have been captured or identified; and action being taken to stem this worrying spate of crime that has resulted in the untimely and regrettable death of the following citizens:

**(v) Question No. 135/2015 by Nominated Member (The Hon. Sunjeev K. Birdi, M.P.):**

Considering the recent reported cases of mysterious deaths of university students attributable to suicide, kidnapping, accidents, violent robberies, homicides, being mistakenly gunned down by police and even murders by estranged lovers all of which rob our nation its young and energetic generation; further considering that specific examples in 2014 include Maureen Chepkemei Kakuko of Kenyatta University who died mysteriously, Newborn Musomi Majani of Kenyatta University who was brutally murdered in Kahawa Estate, Peris Ashley Agumbi who died under mysterious circumstances at the flat she lived in, Felix Magomere and Dennis Nyagena of Egerton University who were mistakenly shot dead by police, a Masinde Muliro University student who was found dead in his room and a Strathmore University student who was shot dead four times in an attempted robbery; could the Cabinet secretary apprise the Committee on measures being pursued by the Government in ensuring that students are protected within learning institutions; the action, if any, that the Ministry has pursued in compelling university administrations to protect students and offer effective psychological counselling to them?

**(vi) Question No. 136/2015 by the Member for Nakuru Town East (The Hon. David Gikaria, M.P.):**

Could the Cabinet Secretary inform the Committee whether there's a provision for risk allowance and any other special allowance to officers deployed to serve as bodyguards to Members of Parliament and other VIPs owing to the nature of their work and if not, what plans does the Ministry have to provide the same?

**(vii) Question No. 137/2015 by the Member for Juja Constituency (The Hon. Francis Waititu, M.P.):**

Could the Cabinet Secretary inform the Committee what the Ministry is doing to tackle insecurity in Juja Constituency following the recent mysterious murders that have occurred



in the Constituency with the most recent incident being the disappearance of the Juja Ward Member of County Assembly?

## **II. Questions under the Departmental Committee on Lands**

### **Questions to the Cabinet Secretary for Land and Physical Planning**

**(i) Question No. 068/2016 by the Member for Endebess (The Hon. Robert Pukose, M.P.):**

Considering that Kingena Farmers Cooperative Society (formerly known as Ndiema Cherungut & Partners) bought the farm registered as L.R. 1112 in Trans-Nzoia County from the Agricultural Development Corporation (ADC) after a public advertisement dated 3<sup>rd</sup> August 1971 at a cost of Ksh. 200,000/= and as they prepared to occupy the land, the Agricultural Development Corporation (ADC) arbitrarily allocated it to the Ministry of Natural Resources without any explanations or refund; could the Cabinet Secretary explain the reasons behind the irregular allocation, the failure by ADC to either refund the Cooperative's money or give it alternative land and the failure by the National Land Commission to sufficiently act on Hon. Gonzi Rai's report of October 2009, and further facilitate the revocation of Gazette Notice No. 2479 of 25<sup>th</sup> August 1978?

**(ii) Question No. 069/2016 by the Member for Kabete (The Hon. Ferdinand Waititu, M.P.):**

Could the Cabinet Secretary inform this Committee when the Lake Kenyatta Settlement Scheme in Lamu County was established; the number of land titles issued and the list of owners of the said Scheme; provide the outcome, if at all, of the survey works done between 2013-2015 in the same area and in particular give details of F/R No. 399/29, 566/49, 554/39, 554/83 and 560/130 among others; state what plans the Ministry has in place to revoke any titles irregularly allocated and gazette the same?

**(iii) Question No. 071/2016 by the Member for Kitui Rural (The Hon. Charles M. Nyamai M.P.):**

Could the Cabinet Secretary inform the Committee the position of Ukamba Agricultural Institute assets after the same was transferred to South Eastern Kenya University under Gazette Notice No. 102 of July 15, 2008 by H.E Mwai Kibaki; the current legal status of Ukamba Agricultural Institute in relation to South Eastern Kenya University; whether the Cabinet Secretary is aware that former Ukamba Agricultural Institute Directors in conspiracy with land officials, the University management and the Attorney General's Office have used the said assets as collaterals to acquire a 38 million loan from Dubai Bank (criminal case 2021/2015); and what is the Ministry doing to ensure that the University does not lose its property/assets?

**(iv) Question No. 072/2016 by the Member for Embakasi South (The Hon. Irshadali M. Sumra, M.P.):**

Considering that H.E the President gave a directive for the processing and issuance of title deeds for the Mukuru Kwa Njenga land occupied by Obi Chemicals, and in view of the fact that survey of the land has stalled since mid-2015 with the Surveyor citing lack

of funds are reasons for the stalemate, could the Cabinet Secretary inform the Committee the reasons behind the inordinate delay in completion of survey of the said land particularly in light of the fact that the title processing exercise at Waitiki Area started after the presidential directive on Mukuru Kwa Njenga but finished much earlier; and further give timelines within which the exercise will be completed?

**(v) Question No.090/2016 by the Member for Lamu County (The Hon. Shakila Abdalla, M.P.):**

Could the Cabinet Secretary provide the full list of the Project Affected Persons (PAPs) within the land for the first three berths of Lamu Port and access road indicating acreages and amount of money paid to each beneficial; state whether there are any PAPS who have not yet been compensated, their respective acreages, amounts owed and the timelines within which their due payments shall be honoured; outline measures in place to ensure that land near the Port area is not grabbed; and further provide timelines within which the land owners at and near the Port shall be issued with title deeds?

**III. Questions under the Departmental Committee on Education, Research and Technology**

**Questions to the Cabinet Secretary for Education, science and Technology**

**(i) Question by PVT/10/16 by the Member for Wajir South (The Hon. Abdullahi M. Diriye, M.P.):**

Considering that the Kenyan Government through Sessional Paper No. 1 of 2005 put up low cost boarding schools in Arid and Semi-Arid (ASAL) districts as a way of implementing Totally Integrated Quality Education and Training (TIQET) so as to increase access to education and enrolment in the said areas, could the Cabinet Secretary explain to the Committee why the Ministry has not given capitation support cost to cover for food and other facilities such as dormitories, dining halls, toilets and purchase of beds and mattresses to Wajir South's Sarif, Kursin, Madahlibah, Burder and Dadajabulla boarding Primary Schools; outline the remedial measures the Government is putting in place to address massive drop-outs by pupils considering that these five schools are located in areas mainly inhabited by pastoralist communities; state the reasons why the capitation of low cost boarding schools has not been reviewed unlike the Free Primary Education (FPE) cost input together with the Special Needs Education Grants despite the Lawrie Green Report's proposal that capitation for boarding schools be set at Ksh 15,000 per year; and further state the timelines within which these five schools can start receiving capitation support costs?

**(ii) Question No.095/2016 by the Member for Homa Bay Town (The Hon Peter Kaluma, M.P.):**

Considering that Article 43 of the Constitution provides every person with the right to education; and further that the Basic Education Act requires the registration by the Ministry of Education, Science and Technology of all institutions offering basic education after application for such registration in the prescribed form; could the Cabinet Secretary inform the Committee why the following schools in Homa Bay Town Constituency have

not been registered bearing in mind that some of these schools will be presenting students for national examination next year:-

- (1) *Raila Odinga Secondary School;*
- (2) *Ojunge Secondary School;*
- (3) *Nyakahia Secondary School;*
- (4) *Nyagidha Secondary School;*
- (5) *Rabuor Masawa Secondary School; and*
- (6) *Riwa Secondary School.*

**(iii) Question No.096/2016 by the Member for Mukurweini (The Hon. Kabando wa Kabando, M.P.):**

Considering that children have a right to access to education, and are constantly advised that if they excel in school, they stand a chance to attain their full potential; could the Cabinet Secretary apprise the Committee on why there is a random increase of school fees above the stipulated Ministry of Education ceiling, thus limiting access to education?

**(iv) Question No.097/2016 by the Member for Kathiani (The Hon. Robert Mbui, M.P.):**

Considering that Education is a basic right as provided for in Article 43 of the Constitution, adding that the Government of Kenya continues to remit activity fees for public primary and secondary schools through Free Primary Education (FPE) and subsidized Secondary Education funding respectively; and further considering that PTA teachers hired by School Committees are paid using funds raised by the parents; could the Cabinet Secretary apprise the Committee the reasons why schools especially in Kathiani Constituency continue to impose numerous charges such as Activity and Examination fees on children and what the Ministry is doing about the shortage of teachers which leads to PTA levies on parents?

**(v) Question No.106/2016 by the Member for Bomet Central (The Hon. Ronald K. Tonui, M.P.):**

Considering that funds for the construction of Bomet Technical Training Institute in Bomet Town were released through Eldoret Polytechnic, could the Cabinet Secretary state the total amount of money allocated for the construction project; confirm the Contractor who was formally awarded the tender; provide a List of Quotations by other bidders inclusive of their respective tendered amounts; provide current status of work done so far by the Contractor; state the amount of money paid to the Contractor so far, together with any balances due; and confirm whether formal handing over of the Project has been undertaken from the Contractor to Eldoret Polytechnic and from Eldoret Polytechnic to Moi University which is currently using the buildings as part of the proposed Bomet University College?

**(vi) Question No.107/2016 by the Member for Bomet Central (The Hon. Ronald K. Tonui, M.P.):**

Could the Cabinet Secretary state the official Teachers Shortage Status in the country; list the Teachers Shortage situation per County; and provide a list of Overstaffed Schools (per County) considering that the Cabinet Secretary is on record as having stated that the

key problem in the education system is not Teachers Shortage but poor Teachers' Distribution?

**(vii) Question No.108/2016 by the Member for Bomet Central (The Hon. Ronald K. Tonui, M.P.):**

Considering that funding of Ksh 7.9 billion was allocated to the Teachers Service Commission (TSC) in April 2016 under Supplementary Appropriation for teachers' management expenditure, could the Cabinet Secretary provide a breakdown of how the funding was utilized; state whether the entire funding has been utilized, and if not, provide the reasons thereof; and explain how the TSC intends to use the Ksh 6.3 billion allocated to the Commission in the 2016/2017 Budget?

**(viii) Question No.109/2016 by the Member for Matayos Central (The Hon. Geoffrey Odanga, M.P.):**

Considering that Article 43(1)(f) states that every citizen has right to education, and in view of the fact that Article 56(b) requires the State to put in place affirmative action programmes designed to ensure that minorities and marginalized groups are provided special opportunities in educational fields, could the Cabinet Secretary apprise the Committee on the distribution of funds for infrastructural development in learning institutions for the fiscal years 2012/2013, 2013/2014, 2014/2015 and 2015/2016, with details on the amounts allocated and the beneficiary institutions in each county per financial year?

**(ix) Question No.110/2016 by the Member for Matayos Central (The Hon. Geoffrey Odanga, M.P.):**

Considering that the Teachers Service Commission is an independent commission created under Article 237 of the Constitution with an expectation of serving the entire country, could the Cabinet Secretary apprise the Committee on the employment status of the TSC, including details on the number of employees under the Commission, the positions/designations they hold, the communities they hail from, as well as their distribution in terms of counties of origin?

**(x) Question No.111/2016 by the Member for Matayos Central (The Hon. Geoffrey Odanga, M.P.):**

Could the Cabinet Secretary apprise the Committee on the staffing status of the Teachers' Service Commission, including details on the number of teachers/ tutors in primary schools, secondary schools, technical training institutes and teachers training colleges in each of the forty-seven counties of the Republic?

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