



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 23, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Third Chairperson
4. **PETITION**

Removal from office of the Chairman of the National Land Commission

Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition regarding removal of the Chairman of the National Land Commission.

Honourable Members,

The Petition is signed by one Mr. Mugo Njeru of P.O. Box 37930-00100, Nairobi, stating that Mr. Muhammad Swazuri, the Chairman of the National Land Commission, is in violation of the Constitution and other laws in the Republic. The Petitioner contends that the Chairman has, *inter alia*, violated the following provisions of the Constitution and various laws:-

- i. Article 201 (d) and (e) of the Constitution by failing to practice prudent, responsible and clear use of public funds;
- ii. Sections 7(1) and 12(1) of the Leadership and Integrity Act, by failing to uphold a high level of integrity in his conduct during his tenure in office, and allegedly using his influence to have land compensation monies paid to him through a conduit; and
- iii. Section 19(1) and Paragraph 3(1) of the Fourth Schedule to the National Land Commission Act, by delivering determinations on behalf of the Commission without requisite quorum.

Honourable Members,

The petitioner further avers that the Chairman has used his position to enrich himself, defraud the petitioner's wife of the amount she had been awarded as compensation by the National Land Commission and revoke her land title in favour of another company, thus violating her rights as enshrined in Article 40 of the Constitution.

Honourable Members,

In this regard, the Petitioner prays that:-

- i. The National Assembly resolves that this petition discloses ground for the removal of the Chairman of the National Land Commission as provided for under Article 251 (1) of the Constitution of Kenya; and
- ii. The National Assembly recommends to H.E. the President the appointment of a tribunal to investigate the Chairman of the National Land Commission in accordance with the provisions of Article 251 of the Constitution.

Honourable Members,

As is the practice with similar petitions, allow me therefore to guide the House on the process hereafter. Pursuant to Standing Order 230, this Petition stands committed to the Departmental Committee on Lands. The Committee should guide the House, by a way of a report, on whether the Petition satisfies the requirements of Article 251 of the Constitution and any other relevant laws relating to the grounds for removal of a holder of an independent office. The Committee has **fourteen (14) days** within which to submit a report to the House as required under Standing Order 230 (4), which in this case, is **on or before April 07, 2017**. I implore upon the Committee to exhaustively examine each of the grounds and particulars claimed by the Petitioner as the process of removal of persons from office is *quasi-judicial*, requiring judicious attention and sobriety.

For avoidance of doubt, once the Committee tables its report, the House will have **ten (10) days** within which to consider the report and decide whether or not the Petition discloses grounds for removal of the Chairman of the National Land Commission.

I thank you”.

5. PAPERS LAID

The following Papers were laid on the Table of the House –

- (a) The Ministry of Defence Report to the National Assembly on the deployment of the Kenya Defence Forces to Laikipia, Samburu, Turkana, Baringo and West Pokot Counties and the Gazette Notice attached therein;
- (b) The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing together with the Memorandum to Parliament
- (c) Performance Audit Reports of the Auditor-General on –

- (i) Administration of Civil Servants Group Accidents Claims, Estates and Trusts by the Public Trustee;
- (ii) Enforcement of Environmental Laws in Kenya;
- (iii) Delivery of Health Care Services to Spinal Injury Patients;
- (iv) Implementation of National Optic Fibre Backbone Infrastructure Project (NOFBI);
- (v) Waiting Time in Payment of Value Added - Tax Refund Claims;
- (vi) Implementation of Measures to Combat Illegal, Unregulated and Unreported fishing and Post-Harvest Losses in Lake Victoria;
- (vii) Specialized Health Care Delivery at Kenyatta National Hospital Waiting Time for Cancer, Renal and Heart Patients;
- (viii) Waiting Time in Registration of Land Titles;
- (ix) Management of Cash Transfer to Orphans and Vulnerable Children;
- (x) Management of Roads Projects;
- (xi) Integrated Urban Surveillance System for Nairobi Metropolitan Area;
- (xii) Rehabilitation and Re-Integration of Child Offenders and Children in Need of Care and Protection; and
- (xiii) The Effectiveness in Management of Public Debt in Kenya.

(The Deputy Majority Whip)

(d) Reports of the Budget and Appropriations Committee on –

- (i) The Estimates of Revenue and Expenditure for the Financial Year 2017/2018 and the Medium Term;
- (ii) The Consultative Meeting on the Priorities for the Financial Year 2017/2018 Budget and the Medium Term; and
- (iii) The Compendium of Departmental Committees Recommendations on the Financial Year 2017/2018 Budget Estimates.

(Chairperson, Budget and Appropriations Committee)

6. **NOTICE OF MOTION**

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Estimates of Revenue and Expenditure for the Financial Year 2017/2018 and the Medium Term laid on the Table of the House today Thursday, March 23, 2017.

(Chairperson, Budget and Appropriations Committee)

7. **STATEMENT**

Pursuant to the provisions of Standing Order 44(2), the Deputy Majority Whip gave a statement on the business of the House for the week commencing Tuesday, March 21, 2017.

8. **MOTION – DEBATE ON THE PRESIDENT’S ADDRESS- (DAY 4)**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the *Address of H.E. the President delivered in Parliament* on Wednesday, March 15, 2017 and further **notes** the following Reports submitted by the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the House on Thursday, March 16, 2017-

- (a) Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (b) Report on the Progress made in fulfillment of the International Obligations of the Republic; and,
- (c) The Fourth Annual Report to Parliament on the State of National Security.

(The Leader of the Majority Party – 21.03.2017)

Debate on the Motion having been concluded on Wednesday, March 22, 2017 (Afternoon Sitting);

Question put and agreed to;

9. **THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.11 OF 2017)**

Order for First Reading read;

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

(Change of Chair from the Third Chairperson to the First Chairperson)

10. **MOTION - THE VETTING OF NOMINEE FOR APPOINTMENT AS THE CHIEF
EXECUTIVE OFFICER OF THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND**

Motion made and Question proposed –

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the Vetting of Nominee for Appointment as the Chief Executive Officer of the National Government Constituencies Development Fund, laid on the Table of the House on Tuesday, March 21, 2017, and in furtherance to the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011 and Section 20(1) of the National Government Constituencies Development Fund Act 2015, **rejects** the proposed appointment of Mr. Wilfred Buyema as Chief Executive Officer of the National Government Constituencies Development Fund.

*(Chairperson - Select Committee on National Government Constituencies
Development Fund – 22.03.2017)*

Debate interrupted on Wednesday, March 22, 2017 (Afternoon Sitting) resumed;

Question that the Mover be now called upon to reply *(as proposed by the Member for Subukia (Hon. Nelson Gacuhie) on March 22, 2017 (Afternoon Sitting))* put and agreed to

Thereupon the Mover replied;

Question put and agreed to.

11. **MOTION-CONSIDERATION OF SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL, 2017**

Motion made and Question proposed –

THAT, the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) be now considered.

(Chairperson, Budget and Appropriations Committee)

Debate arising;

Mover replied;

Question deferred to another day.

12. **MOTION –REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE MARRAKESH TREATY**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, laid on the Table of the House on Thursday, December 1, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act, **approves** the ratification of the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled.

(Chairperson, Defence & Foreign Relations Committee – 22.03.2017)

Debate interrupted on Thursday, March 16, 2017 (Afternoon Sitting) resumed;

There being no other Member willing to contribute;

Mover to reply.

13. **THE OFFICE OF THE ATTORNEY GENERAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.1 OF 2017)**

Order for Second Reading read;

Order deferred to another day

14. **THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL (NATIONAL ASSEMBLY BILL NO.5 OF 2017)**

Order for Second Reading read;

Order deferred to another day

15. **THE PRESIDENT'S AWARD BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2017)**

Order for Second Reading read;

Order deferred to another day

(No.30)

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(227)

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

16. **HOUSE ROSE** - at nine minutes past Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, March 28, 2017 at 2.30 p.m.

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