



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, NOVEMBER 6, 2018**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **PAPERS LAID**

The following Paper was laid on the Table of the House–

- a) The Retirement Benefits (Post-Retirement Medical Funds) Guidelines, 2018 (Legal Notice No. 192 of 2018) and the Explanatory Memorandum - *(to be referred to the Committee on Delegated Legislation)*;
- b) The Retirement Benefits (Good Governance Practices) Guidelines, 2018 (legal Notice No. 193 of 2018) and the Explanatory Memorandum – *(to be referred to the Committee on Delegated Legislation)*; and
- c) The Public Finance Management (Sports, Arts and Social Development) Regulations, 2018 (Legal Notice No. 194 of 2018) and the Explanatory Memorandum - *(to be referred to the Committee on Delegated Legislation)*.
- d) Report of the Board of the National Government Constituencies Development Fund on Project Proposals Approvals, Disbursement Status and Restrictions imposed on Constituency Account for the First Quarter of 2018/19 Financial Year for the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2018.
- e) The Reports of the Auditor-General and Financial Statements in respect of the following **Constituencies** for the year ended 30<sup>th</sup> June, 2017 and the certificates therein: -
  - i). Juja;
  - ii). Igembe North;
  - iii). Kiharu;
  - iv). Kigumo;
  - v). North Imenti;
  - vi). Fafi;
  - vii). Kirinyaga Central;
  - viii). Kandara;
  - ix). Ndia;
  - x). Kitui West;
  - xi). Lafey;
  - xii). Githunguri.

*(The Leader of the Majority Party)*

- (f) Report of the National Conference of State Legislatures 2018 Legislative Summit held in Los Angeles, California, from 30<sup>th</sup> July to 2<sup>nd</sup> August, 2018.

*(Leader of the Delegation, Hon. Amos Kimunyah)*

- (g) The Twenty-Second Report of the Public Investments Committee on the Audited Financial Statements of State Corporations.

*(Chairperson, Public Investments Committee)*

5. **NOTICE OF MOTION**

The Chairperson of the Public Investments Committee (Hon. Abdulswamad Sheriff Nassir) gave the following Notice of Motion:-

THAT, this House adopts the Twenty-Second Report of the Public Investments Committee on the Audited Financial Statements of State Corporations laid on the Table of the House on Tuesday, 6<sup>th</sup> November 2018.

6. **QUESTIONS**

The following Questions were made to various Ministries-

- (i) Question 105/2018 by the Member for Lafey (Hon. Abdi Ibrahim) regarding recruitment of teachers from counties in the North Eastern region; Question referred to the Departmental Committee on Education and Research.
- (ii) Question 110/2018 by the Member for Wundanyi (Hon. Danson Mwashako) regarding payment to TVETs for training of National Youth Service recruits; Question referred to the Departmental Committee on Labour and Social Welfare.
- (iii) Question 115/2018 by the Member for Bonchari (Hon. John Oyioka) regarding construction of Suneka Airstrip Question referred to the Departmental Committee on Transport, Public Works and Housing.
- (iv) Question 117/2018 by the Member for Kajiado North (Hon. Joseph Manje) regarding fertilizer for flower farming; Question referred to the Departmental Committee on Agriculture and Livestock.
- (v) Question 118/2018 by the Member for Westlands (Hon. Timothy Wanyonyi) regarding free primary education programme; Question referred to the Departmental Committee on Education and Research.
- (vi) Question 119/2018 by the Member for Westlands (Hon. Timothy Wanyonyi) regarding stalling of construction of the Northern Bypass; Question referred to the Departmental Committee on Transport, Public Works and Housing.
- (vii) Question 123/2018 by the Member for Makeni (Hon. Danie Maanzo) regarding implementation of the new education system; Question referred to the Departmental Committee on Education and Research.

The following Question was dropped:-

- (i) Question 116/2018 by the Member for Kathiani (Hon. Robert Mbui) regarding implementation of the new education curriculum.

7. **STATEMENTS**

- a. Pursuant to Standing Order 43, the Member for Mumias East Constituency (Hon. Benjamin Washiali) made a Statement regarding funds for the elderly. Statement to be debated under *Zero Hour* at 6.30pm.
- b. The Member for Butere Constituency (Hon. Tindi Mwale) made a Statement regarding insecurity in Butere Sub-County. Statement initially made under Standing Order 43 but upon the request of the Member, the Statement is to be re-issued under Standing Order 44(2)(c).
- c. The Chairperson of the Budget and Appropriations Committee (Hon. Kimani Ichung'wa) made a Statement on the amendments by the Committee to the Urban Areas and Cities (Amendment) Bill, 2017.

8. **APPLICATION OF THE SPEAKER'S RULES ON ATTIRE**

The Member for Endebess Constituency (Hon. Robert Pukose) rose on a Point of Order drawing the attention of the Chair that the Member for Lungalunga Constituency (Hon. Khatib Mwashetani) was allegedly improperly dressed.

The Chair accorded Hon. Mwashetani opportunity to justify his attire and thereafter referred the House to provisions of the Speaker's Rules regarding dressing within Parliamentary precincts. The Member for Lungalunga withdrew from the Chamber.

9. **MOTION – REPORT ON THE COMMITTEE OF THE WHOLE HOUSE ON THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)**

Order for Adoption of Report read

Order deferred to another day.

10. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) be now read a Second Time;

*(The Leader of the Majority Party)*

Debate arising;

Mover replied; and thereafter the Mover requested the Chair under Standing Order No. 53(3) for deferment of putting of the Question.

Putting of Question deferred.

11. **THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)**

Order for the Second Reading read;

Order deferred to another day.

12. **THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)**

Order for the Second Reading read;

Order deferred to another day.

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Third Chairperson in the Chair

**The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017)**

Clause 3 - agreed to.

Clause 4 - amendment proposed

*Moved in amended form:*

**THAT, Clause 4** of the Bill be amended in **the proposed new section 4A(3)** by inserting the words “not being a member of the Independent Electoral and Boundaries Commission” immediately after the word “Commission” in paragraph (a);

*(Hon. Godfrey Osotsi)*

Amendment withdrawn;

Clause 4 - agreed to.

Clause 5 - amendment proposed

**THAT**, Clause 5 of the Bill be amended by—

- (a) inserting the following new paragraph immediately before paragraph (a) —  
(a) by deleting paragraph (a) and substituting therefor the following new paragraph (a) —

“(a) either has—

- (i) a population of at least two hundred and fifty thousand residents according to the final gazetted results of the last population census carried out by an institution authorized

under any written law, preceding the application for grant of city status; or

(ii) has the capacity to effectively and efficiently provide specialised or unique essential services to its residents and visitors including but not limited to services relating to high technology, innovation, diplomacy, health, manufacturing, finance, banking, tourism or such other specialised services as may be approved by the *ad hoc* committee under section 8 of this Act; ”

(b) renumbering the existing paragraph (a) of clause 5 as (aa).

*(Hon. Godfrey Osotsi)*

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 5 - agreed to.

Clauses 6, 7, 8 and 9 - agreed to.

Clause 10 - amendment proposed

**THAT**, the Bill be amended in Clause 10 in the proposed new clause 13A by inserting the words “within two years from the date of commencement of this section” immediately before the words “through a competitive process” appearing in sub-clause (1).

*(Chairperson, Departmental Committee on Transport, Public Works and Housing)*

Amendment withdrawn;

Clause 10 - agreed to.

Clauses 11, 12, 13, 14, 15, 16 and 17 - agreed to.

Clause 18 - amendment proposed

**THAT**, the Bill be amended in Clause 18 in the proposed new clause 31B by inserting the words “within two years from the date of commencement of this section” immediately before the words “be appointed” appearing in sub-clause (1).

*(Chairperson, Departmental Committee on Transport, Public Works and Housing)*

Amendment withdrawn;

Clause 18 - agreed to.

Clause 19 - amendment proposed

*Moved in amended form:*

**THAT, Clause 19 of the Bill** be amended **in the proposed new FIRST SCHEDULE** under the heading marked “City” by inserting the following new services immediately after “Organised Public Transport” —

“Information, Communication and Technology services”

“Telecommunication services”

*(Hon. Godfrey Osotsi)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to.

### **New Clauses**

New Clauses 18A & 18B - Amendment Proposed

**THAT**, the Bill be amended by inserting the following new clauses immediately after Clause 18-

Amendment **18A.**Section 49 of the principal Act is amended by inserting the following new sections immediately after section 49-  
of section 49 of the principal Act.

Establishment of the Fund. **49A.** (1) There is established a Fund to be known as the National Urban Development Fund.

(2) The Fund shall be applied for the purposes of improving the enabling environment for sustainable and inclusive urban development and to enhance infrastructural service delivery in urban areas including-

(a) urban and metropolitan infrastructure, upgrading informal settlements ,urban regeneration and other human settlements ;

(b) high priority capital expenditure projects in urban areas including storm water, solid waste landfills, and urban planning and development;

(c) development and maintenance of a national

urban observatory;

- (d) Providing county governments with capacity development support in urban planning, management, and development of urban areas;
- (e) urban disaster risk mitigation and human settlement safety including urban resilience to climate change and urban integrated flood protection;
- (f) research, documentation and dissemination of information on the state of urbanization in Kenya;
- (g) management and administration of towns and municipalities that cut across two counties; and
- (h) any other purpose that would enhance the development and promotion of urban development programmes that may be determined by the Directorate of Urban Development and Management.

(2) The Fund shall complement donor funding for urban development programmes.

(3) The Fund may be used to provide conditional grants to the county governments.

Sources of the Fund. **49B.** The sources of the Fund shall be—

- (a) such monies as may be appropriated by the National Assembly for the purposes of urban development;
- (b) any funds provided by bilateral or multilateral donors, for the purposes of the Fund;
- (c) gifts, grants, donations or endowments as may be given to the Fund; and
- (d) monies borrowed by the National Treasury for the purposes of the Fund.

Administration of the Fund. **49C.** The Fund shall be administered in accordance with the provisions relating to public funds under the Public Finance Management Act, 2012.

Amendment of section 60 of the principal Act. **18B.**Section 60 of the principal Act is amended by inserting the following new section immediately after section 60-

Designated towns and county headquarters.

**61.** (1) All towns which are designated and gazetted as county headquarters shall be conferred the status of municipalities by the county governor.

(2) All towns which have a population of between fifty thousand and two hundred and forty-nine thousand, nine hundred and ninety-nine residents according to the final *gazette* results of the latest population census carried out by an institution authorized under any written law shall be conferred the status of municipalities by the county governor.

(3) All towns with a population of between ten thousand to forty nine thousand, nine hundred and ninety-nine residents according to the final *gazette* results of the latest population census carried out by an institution authorized under any written law shall be conferred the status of a town by a town committee.

(4) Notwithstanding the provisions of subsections (1), (2) and (3), the national government in consultation with the Council of Governors may appoint a multi-disciplinary committee to manage all cross-county urban areas and cities which do not meet the set criteria.

*(Chairperson, Departmental Committee on Transport, Public Works and Housing)*

New Clauses 18A & 18B withdrawn;

Clause 2 - agreed to.

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

14. **HOUSE RESUMED** - Third Chairperson in the Chair

**The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017)**

Bill reported with amendments;

Motion made and Question proposed -



**THAT**, the House doth agree with the Committee of the whole House in the said report;

*(Leader of the Majority Party)*

Question deferred to the following day pursuant to the Standing Orders.

15. **STATEMENT (ZERO HOUR) PURSUANT TO STANDING ORDER 43**

Pursuant to the Standing Order 43, the Third Chairperson interrupted the House to allow Members to discuss the Statement by the Hon. Benjamin Washiali regarding disbursement of funds for the elderly.

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

16. **HOUSE ROSE** - at Two minutes past Seven O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, November 07, 2018 at 9.30 a.m.

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