



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 26, 2019

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

The Honourable Speaker conveyed the following Petition:-

“Honourable Members, Standing Order 225(2) (b) requires the Speaker to report 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 submitted by one Mrs. Florence Njeri on behalf of the edible oil manufacturers requesting this House to amend relevant sections of the Tax Procedures Act 2015 in order to compel the Kenya Revenue Authority to refund overpaid taxes within thirty (30) days and to reduce withholding Value Added Tax from 6% to 2%.

Honourable Members, the citizen has submitted the public petition in exercise of her **“right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation”**. The Petitioner avers that edible oil manufacturers have invested over Ksh. 1.6 trillion in the economy, but are facing serious cash flow challenges owing to the fact that the Kenya Revenue Authority has a backlog of billions of shillings in unpaid Value Added Tax refunds, of which a substantial part is owed to the edible oil industry.

Honourable Members, on account of these frustrations which are deemed to be delaying much needed funds for business growth and expansion, Mrs. Florence Njeri proposes that this House considers amending Section 47(5) of the Tax Procedures Act 2015 to have overpaid taxes refunded within thirty (30) days failure to which the amount due shall attract interest at

a rate of 2% per month. In addition, the Petitioner seeks for amendment of Section 42A(1) of the same Act so as to reduce withholding Value Added Tax from 6% to 2% due to the distortions it causes in the pricing of taxable supplies.

Honourable Members, pursuant to the provisions of Standing Order 227, this petition therefore stands committed to the Departmental Committee on Finance and National Planning. The Committee is requested to consider the petition and report its findings to the House and the petitioner in accordance with Standing Order 227(2).

I thank you!"

5. **PAPERS**

The following Papers were laid on the Table –

- (i) Reports of the Auditor General on the financial statements in respect of the following institutions for the year ending 30th June, 2018 and the certificates therein: -
- a) Higher Education Loans Board;
 - b) State Department of Vocational and Technical Training;
 - c) National Commission for Science, Technology and Innovation;
 - d) State Department for University Education;
 - e) Jomo Kenyatta University of Agriculture and Technology Enterprises Limited;
 - f) Witness Protection Agency;
 - g) Agri and Cooperative Training and Consultancy Services Limited;
 - h) Judicial Performance Improvement Project;
 - i) Small Scale Horticulture Development Project by the Ministry of Agriculture, Livestock, Fisheries and Irrigation; and
 - j) Subscription by Kenya Government to International Organizations.

(The Leader of the Majority Party)

- (ii) Reports of the Departmental Committee on Lands on its consideration of the Senate Amendments to: -
- a) The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018); and,
 - b) The Physical Planning Bill (National Assembly Bill No. 34 of 2017).

(Hon. Rachel Nyamai, Chairperson, Departmental Committee on Lands)

6. **QUESTIONS**

The following Questions were asked –

- (i) Question No.129/2019 by the Member for West Mugirango (Hon. Vincent Mogaka Kemosi) to the Cabinet Secretary for Interior and Coordination of National Government regarding increased cases of insecurity in Bogichora Ward and other areas of West Mugirango.

Question referred for response before the Departmental Committee on Administration and National Security.

- (ii) Question No.137/2019 by the Member for Tharaka Nithi County (Hon. Beatrice Nyagah) to the Cabinet Secretary for Education regarding high student drop-out rate in Vocational training Institutes on account of high fees. Question referred for response before the Departmental Committee on Education and Research.
- (iii) Question No.143/2019 by the Member for Kanduyi (Hon. Wafula Wamunyinyi) to the Cabinet Secretary for Interior and Coordination of National Government regarding inmates population status and financial costs of prisons in the country. Question referred for response before the Departmental Committee on Administration and National Security.
- (iv) Question No.133/2019 by the Member for Central Imenti (Hon. Moses Kirima) to the Cabinet Secretary for Education regarding nonpayment of hardship allowances to teachers in Kiagu and Makandanu Locations of Central Imenti Constituency. Question deferred.

The following Questions was deferred on the request of the Members –

- (i) Question No.138/2019 by the Member for Ganze (Hon. Teddy Ngumbao) to the Cabinet Secretary for Interior and Coordination of National Government regarding structures for the newly-established Kauma Sub-County headquarters in Kilifi County. Question deferred.
- (ii) Question No.142/2019 by the Member for Nairobi County (Hon. Esther Rossana Passaris) to the Cabinet Secretary for Energy regarding power consumption bills owed to Kenya Power by institutions housing street children in Nairobi County. Question deferred.

7. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COUNTY GOVERNMENTS (AMENDMENT)(No.2) BILL (SENATE BILL NO. 7 OF 2017)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the County Governments (Amendment) (No.2) Bill (Senate Bill No. 7 of 2017).

(Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the County Governments (Amendment) (No.2) Bill (Senate Bill No. 7 of 2017) be now read a Third Time.

Leader of the Majority Party)

Question put and agreed to.

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

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2019)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Division of Revenue Bill (National Assembly Bill No. 11 of 2019).

(Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Division of Revenue Bill (National Assembly Bill No. 11 of 2019) be now read a Third Time.

(Leader of the Majority Party)

Question put and agreed to.

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

9. **MOTION – RATIFICATION OF THE REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION**

Motion made and Question proposed –

THAT, this House **adopts** the Report of Departmental Committee on Transport, Public Works and Housing on its consideration of the Revised Constitution of the African Civil Aviation Commission (AFCAC) for Ratification, *laid on the Table of House on Tuesday, March 12, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Revised Constitution of the African Civil Aviation Commission.

(Chairperson, Departmental Committee on Transport, Public Works & Housing – 21.03.2019)

Debate on the Motion having been concluded on Thursday, March 21, 2019;

Question put and agreed to.

10. **MOTION - ALTERATION OF THE 2019 CALENDAR OF THE ASSEMBLY (REGULAR SESSIONS)**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 28(4), this House resolves to alter its Calendar for the Third Session of the Assembly (2019) as adopted on February 13, 2019 as follows:

- (i) by proceeding for the short recess on **Friday, April 5, 2019** and resuming its regular sittings on **Tuesday, April 23, 2019**; and
- (ii) by commencing the long recess on **Friday, May 10, 2019** instead of Friday, May 3, 2019.

(The Leader of the Majority Party)

No debate arising;

Question put and agreed to.

11. **MOTION – SENATE AMENDMENTS TO THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)**

Motion made and Question proposed –

THAT, the Senate amendments to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) be now considered.

(Leader of the Majority Party)

Debate arising;

Rising in his place pursuant to Standing Order 95, the Member for Mwea (Hon. Wachira Kabinga) claimed to move that the Mover be Called Upon to Reply;

The Speaker acceded to the request;

Question that the Mover be Called Upon to Reply put and agreed to;

Mover Replied;

Question on the Motion deferred.

12. **MOTION – SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2017)**

Motion made and Question proposed –

THAT, the Senate amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017) be now considered.

(The Leader of the Majority Party)

Debate arising;

[Change of Chair from the Speaker to the Fourth Chairperson]

Mover Replied;

Question on the Motion deferred.

13. **COMMITTEE OF THE WHOLE HOUSE**

- (i) Consideration of **Senate amendments** to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)
(The Leader of the Majority Party)
- (ii) Consideration of **Senate amendments** to the Physical Planning Bill (National Assembly Bill No. 34 of 2017)
(The Leader of the Majority Party)

Order deferred to another day.

14. **MOTION- REPORT ON AN INSPECTION VISIT TO THE NAMANGA ONE STOP BORDER POST IN KAJIADO COUNTY**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Committee on Regional Integration on Inspection Visit of the Namanga One Stop Border Post, Kajiado County held from 7th to 10th April 2018, *laid on the Table of the House on Tuesday, November 13, 2018.*

(Chairperson, Committee on Regional Integration)

Debate arising;

Mover Replied;

Question on the Motion deferred.

15. **THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

Order for the Second Reading read;

Order deferred to another day.

16. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

Order for the Second Reading read;

Order deferred to another day.

17. **MOTION- REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR FY 2017/2018 AND 2018/2019**

Motion made and Question proposed –

THAT, this House **notes** the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY

2018/2019 & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC Appropriation Bill, 2018, *laid on the Table of the House on Tuesday, November 27, 2018.*

(Chairperson, Committee on Regional Integration)

Debate to resume.

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

18. **HOUSE ROSE** - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, March 27, 2019 at 9.30 a.m.

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