



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 11, 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication –

BUDGET HIGHLIGHTS STATEMENT FOR THE 2019/2020 FINANCIAL YEAR

“Honourable Members,

I wish to inform the House that, pursuant to the provisions of Standing Order 244C regarding “*Pronouncement of Budget highlights and revenue raising measures,*’ the Cabinet Secretary for the National Treasury will present the **Budget Policy Highlights and Revenue raising measures for the National Government for the Fiscal Year 2019/2020** to the National Assembly on **Thursday, June 13, 2019 at 3.00 pm.**

Honourable Members,

You are encouraged to be present in the House during this important event, that is synchronized with all other countries in the East Africa Community,

and which has now become a significant part of our Budget cycle. It is envisaged that the Budget Highlights will focus mainly on the Ways and Means of financing the budget in 2019/2020 and in the Medium-Term even as we await the House to conclude with the Committee of Supply.

I thank you!"

5. **PETITIONS**

The Speaker conveyed the following Petition –

PETITION REGARDING RENEWAL OF LEASES OF LAND LEASED BY DEL MONTE KENYA LIMITED

“Honourable Members, Standing Order 225(2) (b) requires the Speaker to report to the House any Petition, other than those presented by a Member. I therefore wish to report to the House that my office has received a Petition, submitted by Mr. Philip Njuguna on behalf of Kandara Residents Association, which draws its members from Murang’a and Kiambu counties. The Petitioners claim to be the original owners of land presently occupied by Del Monte Kenya Limited but were illegally displaced and the land was leased to Del Monte Kenya Limited.

The Petitioners aver that, in anticipation of expiry of the Lease, the County Government of Murang’a has irregularly renewed the Lease in favour of Del Monte Kenya Limited, contrary to the provisions of section 13 of the Lands Act, 2012, which provides that, at the expiry of a leasehold tenure, the National Land Commission shall inform the lessee of his or her pre-emptive right to allocation of the land upon application, provided that-

- a) such lessee is a Kenyan citizen; and
- b) the land is not required by the National or County Government for public purposes.

Honourable Members, the Petitioners opine that, by proceeding to unilaterally renew the Lease, the County Government of Murang’a not only usurped the exclusive power vested in the National Land Commission to renew leases but also side-stepped the constitutional principle of public participation to determine whether the public also had an interest in the land. This is in total disregard of the resolutions of Kandara residents made in February 2017 that the public interest of the residents be upheld. The Petitioners also allege that the National Land Commission intends to renew the Lease despite recommending on 7th February 2017 that, to address the historical land

injustice, the County Government of Murang'a should retain adequate amounts of land for settlement of claimants and public purpose, when the leases expire in May 2019.

Honourable Members, given the said developments, the Petitioners are concerned that their hope of reclaiming ancestral land at the expiry of the lease held by Del Monte Kenya Limited will be permanently curtailed. They are therefore praying that, the National Assembly, through the Departmental Committee on Lands, inquires into the matter with a view to ensuring that the process of renewing the Lease of land held by Del Monte Kenya Limited is conducted within the law and in a transparent and participatory process that takes into account the rights and interests of members of Kandara Residents Association over the said land are safeguarded.

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

I thank you!"

6. **PAPERS LAID**

The following Papers were laid on the Table –

- a) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2018 and the certificates therein:
- i. Eldoret National Polytechnic;
 - ii. Coast Development Authority;
 - iii. Kenya Ports Authority;
 - iv. Kenya National Trading Corporation;
 - v. Kenya Law Reform Commission;
 - vi. Karatina University;
 - vii. Office of the Attorney General and Department of Justice;
 - viii. Water Services Regulatory Board;
 - ix. University of Embu;
 - x. Kenya Academy of Sports and FC Talanta;
 - xi. Occupational safety and Health Fund; and
 - xii. Nairobi Centre for International Arbitration.

(Hon. Aden Duale, Leader of the Majority Party)

- b) Report of the Committee on Parliamentary Broadcasting and Library on a Visit to the National Broadcasters Show held in Las Vegas, Nevada from 6th to 12th April 2019.

(Hon. Nyamoko Nyamache, MP, Chairperson, Committee on Parliamentary Broadcasting and Library)

7. **QUESTIONS**

The following Questions were asked –

a) Question by Private Notice

- (i) Question by Private Notice No.15/2019 by the Member for Pokot South (Hon. David Pkosing) regarding abduction and murder of several Kenyan citizens by persons believed to be police officers.

(To be prioritized for reply by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

b) Ordinary Questions

- (ii) Question No.237/2019 by the Member for Bura (Hon. Ali Wario) regarding Bura Irrigation and Settlement Scheme Rehabilitation Project and capacity building of farmers in Bura.

(To be replied to by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation before the Departmental Committee on Agriculture and Livestock)

- (iii) Question No.247/2019 by the Member for Sabatia (Hon. Alfred Agoi Masadia) regarding Government's position on use of the Boeing 737 MAX aircraft.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)

- (iv) Question No.248/2019 by the Member for Yatta (Hon. Charles Kilonzo) regarding Status of the Report on Persons Living as Squatters in Ndalani Location.

(To be replied to by the Cabinet Secretary for Lands before the Departmental Committee on Lands)

- (v) Question No.250/2019 by the Member for Nyaribari Masaba (Hon. Ezekiel Machogu Ombaki) regarding tarmacking of the Ekona-Nyamasibi-Nyanturago and Keroka-Ibacho-Kiamokama Roads.

(To be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)

8. **STATEMENT**

The Member for Teso North (Hon. Oku Kaunya) made a Statement on the demise of the Late Hon. Oduya Oprong, former Member for Amagoro Constituency.

9. **PROCEDURAL MOTION – EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES FOR APPOINTMENT TO DIPLOMATIC MISSIONS**

Motion made and Question proposed: -

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to *extension of period for consideration of nominees for appointment to a public office*, this House resolves to extend the period for consideration of the nominees submitted by H.E. the President for appointment to the Accra, Berlin, Bern, Dakar, Rome, and Kuwait City Missions by a **period of fourteen (14) days** from 12th June, 2019.

(Hon. Memusi Kanchory, Member, Departmental Committee on Defence and Foreign Relations)

No Debate arising;

Question put and agreed to.

10. **THE GAMING BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2019)**
(Chairperson, Departmental Committee on Sports, Tourism and Culture)

Order for First Reading read;

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

11. **THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 26 OF 2018)**
(Chairperson, Departmental Committee on Education and Research)

Order for First Reading read;

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

12. **THE PUBLIC PARTICIPATION BILL (SENATE BILL NO. 4 OF 2018)**
(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

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

13. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**
(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

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

14. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 23 OF 2018)**
(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

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

15. **MOTION - EXEMPTION OF CERTAIN PETITIONS FROM STANDING ORDERS 223(k) and 227(2)**

Motion made and Question proposed: -

THAT, pursuant to the provisions of Standing Order 256 (*Exemption of Business from the Standing Orders*), this House resolves to exempt all petitions under **section 34 of the Forest Conservation and Management Act (No. 34 of 2016)**(*Petitions for variation of boundaries or revocation of public forests*) from the

provisions of Standing Orders 223(k) (*exclusion of annexures*) and 227(2) (*sixty-day limitation and exclusion of petitions from debate*) in order to allow relevant documentary annexures, accommodate time for **public participation** and provide for the compulsory **resolution of the House** in approving or rejecting petitions for variation of boundaries or revocation of the registration of public forests or a portion of a public forest as contemplated under section 34 of the Forest Conservation and Management Act (No. 34 of 2016) and that this exemption is deemed to have taken effect at the commencement of the Second Session of the 12th Parliament.

(Hon. Moses Cheboi, Procedure and House Rules Committee)

16. **MOTION – REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE SECOND SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2018/2019**

Motion made and Question proposed: -

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Second Supplementary Estimates for the Financial Year 2018/2019, *laid on the Table of the House on Thursday, June 6, 2019*, and pursuant to the provisions of Article 223 of the Constitution of Kenya and Standing Order 243, approves: -

- (i) an **increment** of the **total recurrent expenditure** for Financial Year 2018/2019 by **Kshs. 79.39 Billion** in respect of the Votes as contained in the Third Schedule of the Order Paper;
- (ii) an **increment** of the **total development budget** for Financial Year 2018/2019 by **Kshs. 1.24 Billion** in respect of the Votes as contained in the Third Schedule;
- (iii) an overall **increase** in the total budget for Financial Year 2018/2019 by **Kshs. 80.63 Billion** in respect of the Votes as contained in the Third Schedule; and,
- (iv) further makes the policy resolutions contained in the Fourth Schedule in the Order Paper.

(Hon. Kimani Ichung'wah, Chairperson, Budget and Appropriations Committee)

[Third and Fourth Schedules of Supplementary Estimates II were attached to the Order Paper]

Debate arising;

Motion made and Question proposed: -

That, the Motion be amended by inserting the following immediately after the words "Order Paper" in paragraph (iv)-

"subject to:

(i) insertion of the following new paragraph (f) on page 4 under the Policy Recommendations:

"f. That, the National Treasury should authorize the Kenya Wildlife Service to spend the additional Appropriation-in-Aid of **Kshs 222.632 million** to cater for

running costs such as aerial patrols, wild crime investigation and prosecution, intelligence gathering, management at animal sanctuaries and other administrative costs for the month of June 2019."

(ii) Insertion of a new paragraph (a)(i) under Financial Recommendations on Reallocation on page 4 of the Report:

a. (i) That, the donor allocation for the Water and Sewerage Infrastructure Programme under the Water and Sanitation Development project in the Ministry of Water and Sanitation, be decreased by **Kshs 2.298 billion**, and re-allocated as follows: **Kshs 803.15 million** to the Rift Valley water Works Agency and **Kshs 1.495 billion** to the TANA Water Works Development Agency.

(Hon. Kareke Mbiuki, Chairperson, Departmental Committee on Environment and Natural Resources)

No Debate arising;

Question on Hon. Mbiuki's Amendment put and agreed to.

Motion made and Question proposed: -

That, the Motion be amended by inserting the following changes in the Third Schedule as contained in the Order Paper-

Vote 1202: State Department for Tourism

1. Programme 0306000: Tourism Development and Promotion-

- (i) THAT, the proposed allocation under the Programme in respect of Capital Estimates, **Kshs. (200,000,000)** be deleted and substituted thereof with the figure **Kshs (700,000,000):**
- (ii) That, the proposed total allocation for the Programme, **Kshs. 473,000,000** be deleted and substituted thereof with the figure **Kshs. (27,000,000):**
- (iii) That, the allocation for Vote 1202 (State Department for Tourism), in respect of Capital Estimates, **Kshs (200,000,000)** be deleted and substituted with **Kshs (700,000,000);** and
- (iv) That, the proposed allocation for **Vote 1202 (State Department for Tourism)** in respect of Gross Estimates, **Kshs 437,965,000** be deleted, and replaced with **Kshs (62,035,000).**

Vote 2031: The Independent Electoral and Boundaries Commission

1. Programme 0617000: Management of Electoral Processes Services-

- (i) THAT, the proposed allocation under the Programme in respect of Recurrent Estimates, **Kshs. 333,000,000** be deleted and substituted thereof with the figure **Kshs 833,000,000:**
- (ii) That, the proposed Gross Estimates for the Programme, **Kshs 290,000,000** be deleted and substituted thereof with the figure **Kshs 790,000,000;**
- (iii) That, the allocation for **Vote 2031 (The Independent Electoral and Boundaries Commission)**, in respect of Recurrent Estimates, **Kshs 203,000,000** be deleted and substituted with **Kshs 703,000,000;**
- (iv) That, the proposed allocation for **Vote 2031 (The Independent Electoral and Boundaries Commission)** in respect of Gross Estimates, **Kshs 160,000,000** be deleted, and replaced with **Kshs 660,000,000.**

(Hon. William Cheptumo, Chairperson, Departmental Committee on Justice and Legal Affairs)

No Debate arising;

Question on Hon. Cheptumo's Amendment put and agreed to.

Debate on the Motion as amended commenced;

Debate on the Motion as amended concluded;

Rising in his place on a point of order under Standing Order 95, the Member for Kilifi North Constituency (Hon. Owen Baya) claimed to move "that the Mover be now called upon to reply";

And the Speaker acceding to his request called upon the Mover to reply;

Thereupon, Mover replied;

Question on the Motion as amended put and agreed to.

17. **MOTION – REPORT OF THE BUDGET & APPROPRIATIONS COMMITTEE ON THE BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2019/2020 (General debate – 2nd Allotted Day)**

(The Chairperson, Budget and Appropriations Committee)

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Executive, the Judiciary and Parliament for the Financial Year 2019/2020, *laid on the Table of the House on Tuesday, June 4, 2019*, and pursuant to the provisions of Article 221 of the Constitution of Kenya, section 39 of the Public Finance Management Act, 2012 and Standing Orders 235 and 239, **approves** the issuance of a sum of **Kshs.1,928,865,282,319** from the Consolidated Fund to meet the expenditure during the year ending 30thJune 2020 in respect of the Votes contained in the First Schedule, and further makes the policy resolutions contained in the Second Schedule in the Order Paper.

(Resumption of debate interrupted on Thursday, June 6, 2019)

(First and Second Schedules of Budget Estimates are attached to the Order Paper)

(Change of Chair from the Speaker to the Third Chairperson of Committees)

And the time being Seven O'clock, the 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, June 12, 2019 at 9.30 am.

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