



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 23, 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 issued the following Communications: -

i) **COMMUNICATION REGARDING A VISITING DELEGATION FROM THE EGYPTIAN HOUSE OF REPRESENTATIVES**

“Honourable Members, I wish to introduce to you a delegation of Members of Parliament from the Egyptian House of Representatives seated in the Speaker’s Row. The delegation comprises of the following: -

1. H.E. Dr. Ali Abdel Aal - Speaker of the Egyptian House of Representatives and Head of Delegation;
2. H.E. Mr. Tarek Abdel Hamed Radwan - Chair of the African Affairs Committee of the Egyptian House of Representatives;
3. H.E. Mr. Hassan Ahmed Mohamed Hassan - Member;
4. H.E. Mr. Alaa ElDin Hasan Mazen - Member;
5. H.E. Mr. Ismail Aly Nasr ElDin - Member; and
6. H.E. Ms. Mona Mounir Rizq - Member.

The delegation is accompanied by Dr. Alaa ElDin Nagy and Dr. Ashraf Abdel Aziz Abdel Kader.

Honourable Members, the Honourable Speaker is on an official visit to Kenya and has been in the country since 21st July, 2019.

On my own behalf and that of the House, I wish to once again welcome H.E. Speaker Ali Abdel and his distinguished delegation to the National Assembly and wish them fruitful engagements and a pleasant stay in the country.

I thank you!”

ii) **GUIDANCE ON CONSIDERATION OF FIVE BILLS FROM THE SENATE**

Honourable Members, As you may recall, on June 25, 2019, I conveyed to the House a Message from the Senate regarding the passage of the *Impeachment Procedure Bill (Senate Bill No. 15 of 2018)*; the *Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018)*; the *Prevention of Terrorism (Amendment) Bill (Senate Bill No. 20 of 2018)*; the *Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 27 of 2018)*, and the *Tea Bill (Senate Bill No. 36 Of 2018)*.

Honourable Members, Following First Reading of the five Bills on June 26, 2019, I did undertake to pronounce my opinion with respect to the Money Bill effects of the Bills pursuant to Standing Order 143(2) which provides that-

*“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her **opinion** contemplated under Article 114(2) of the Constitution.”*

Now therefore, I have made the following determination on the said Senate Bills: -

- (i) The Impeachment Procedure Bill (Senate Bill No. 15 of 2018); the Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018); the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 27 of 2018), and the Tea Bill (Senate Bill No. 36 Of 2018), **do not** fall within the meaning of a “Money Bill.” As such, they may proceed for Second Reading in the same manner as a Bill originating in the National Assembly as provided for under Standing Order 143(3). Consequently, the Impeachment Procedure Bill (Senate Bill No. 15 of 2018) and the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 27 of 2018) stand referred to the Departmental Committee on Justice and Legal Affairs; the Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018) stands referred to the Departmental Committee on Labour and Social Welfare and the Tea Bill (Senate Bill No. 36 Of 2018) stands committed to the Departmental Committee on Agriculture and Livestock for consideration.
- (ii) The Prevention of Terrorism (Amendment) Bill (Senate Bill No. 20 of 2018) **is a “Money Bill”** within the meaning of Article 114 of the Constitution. The Bill therefore stands referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with it, pursuant to provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order 143.

Honourable Members, the House is thus accordingly guided.

I thank you!”

iii) **APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

“Honourable Members, you will recall that on Thursday, 4th July 2019, I communicated to the House that the Senate had rejected a Motion to consider the National Assembly amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017). The consequence of the Senate’s decision is that the Bill now stands referred to a

Mediation process as contemplated under Articles 112 and 113 of the Constitution and Standing Order 149 of the National Assembly Standing Orders.

Honourable Members, in accordance with the provisions of Article 113 of the Constitution, I wish to notify the House that I have appointed the following Members to represent the National Assembly in the Mediation Committee on the said Bill -

- (i) The Hon. Amos Kimunya, EGH, MP;
- (ii) The Hon. George Peter Kaluma, MP;
- (iii) The Hon. Didmus Barasa, MP;
- (iv) The Hon. Edward Oku Kaunya, MP; and,
- (v) The Hon. Halima Mucheke, MP.

Honourable Members, the Members are advised to liaise with their Senate counterparts so as to expeditiously embark on the process of developing a version of the Bill that may be agreeable to the two Houses within the timelines set out in Article 113(4) of the Constitution.

I thank you!"

5. MESSAGES

The Speaker conveyed the following Messages: -

i) MESSAGE ON NOMINATION OF PERSON FOR APPOINTMENT AS CHAIRPERSON OF BOARD OF DIRECTORS OF THE KENYA FISH MARKETING AUTHORITY

“Honourable Members,

Pursuant to the provisions of Standing Order No. 42, I wish to convey a Message from His Excellency The President relating to nomination of person for appointment as Chairperson of the Board of Directors of the Kenya Fish Marketing Authority.

In the Message, H.E. The President conveys that, in exercise of powers conferred by Section 201(1)(a) and Sub-section (2) of the Fisheries Management and Development Act (No.35 of 2016), as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, nominates **Mr. Ochieng Mbeo** for appointment as the Chairperson to the Board of Directors of the Kenya Fish Marketing Authority.

Honourable Members, H.E. The President therefore seeks the approval of this House on the nominee for appointment to the aforementioned position.

Honourable Members, Standing Order 45 requires that, upon receipt of notification of nomination for appointments, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration. Pursuant to the provisions of the said Standing Order therefore, and paragraph (3) of Standing Order 42 (*Messages from the President*), I hereby refer the Message to the Departmental Committee on Agriculture and Livestock to undertake the necessary approval hearings.

Honourable Members, The Committee is required to table its report in the House within fourteen (14) days from the date on which the notification was given. Consequently, I wish to guide the Committee and the House as follows: -

- (i) That the Committee should notify the nominee and the general public of the time and place for holding the approval hearings, in good time. The notification should therefore be made on Wednesday, July 24, 2019; and,
- (ii) That the Committee should thereafter commence the necessary approval hearings and submit its report to the House on or before Thursday, August 1, 2019.

I thank you!”

ii) **MESSAGE ON APPROVAL OF THE MEDIATED VERSION OF THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017) AND THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)**

“Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report that I have received two Messages from the Senate conveying its approval of the Mediated versions of the Irrigation Bill (National Assembly Bill No. 46 of 2017) and the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018), respectively.

Honourable Members,

The first Message reads in part, and I quote, “The Senate, by a resolution passed on Wednesday, 10th July, 2019, APPROVED the mediated version of the Irrigation Bill (National Assembly Bill No. 46 of 2017).” The second Message states that, “The Senate, by a resolution passed on Wednesday, 17th July, 2019, APPROVED the mediated version of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) in the form developed by the Mediation Committee.”

Honourable Members,

You will recall that this House had approved the Mediated versions of the Irrigation Bill, 2017 and the Land Value Index Laws (Amendment) Bill, 2018 on Wednesday, 3rd July, 2019. This therefore concludes the bicameral approval of the Bills and paves way for me to present them to the President for assent, in accordance with the provisions of Article 113(3) of the Constitution.

I thank you!”

6. **PAPERS LAID**

The following Papers were laid on the Table of the House: -

- a) Special Report of the Auditor General on Pending Bills of the 47 County Governments as at 30th June, 2018.
- b) Legal Notice No. 102 of 2019 relating to the Crop (Coffee) (General) Regulations and the Explanatory Memorandum from the Ministry of Agriculture, Livestock, Fisheries and Irrigation (*to be referred to Committee on Delegated Legislation*).

- c) Legal Notice No. 103 of 2019 relating to the Public Finance Management (Parliamentary Catering Fund) Regulations, 2019 from the Parliamentary Service Commission (*referred to the Committee on Delegated Legislation*).
- d) Legal Notice No. 108 of 2019 relating to the Private Security (General) Regulations and the Explanatory Memorandum from Ministry of Interior and Co-ordination of National Government (*referred to Committee on Delegated Legislation*).
- e) Legal Notice No. 109 of 2019 relating to Adjustment of Excise Duty Rates and the Explanatory Memorandum from the Kenya Revenue Authority (*referred to Committee on Delegated Legislation*).
- f) The Reports of the Auditor-General and the Financial Statements in respect of the following **Institutions** for the year ended 30th June, 2018 and the certificates therein: -
- a) Kenya Vision 2030 Delivery Secretariat;
 - b) Kenya Leather Development Council;
 - c) State Department for Interior;
 - d) Local Authorities Provident Fund;
 - e) National Aids Control Council;
 - f) Youth enterprise Development Fund;
 - g) Machakos University;
 - h) Western Kenya Rice Mills Limited;
 - i) Mwea Rice Mills Limited;
 - j) Kipchabo Tea Factory;
 - k) State Department of Early Learning and Basic Education Vote 1063;
 - l) School Equipment Production Unit; and
 - m) Equalization Fund.
- g) The Report of the Auditor-General and the Financial Statements of the Youth Enterprise Development Fund for the year ended 31st December, 2017 and the certificates therein.

(The Majority Whip)

7. QUESTIONS

The following Questions were asked –

- (i) Question No.324/2019 by the Member for Homa Bay Town (Hon. Peter Kaluma) regarding the criteria used by the Salaries and Remuneration Commission to review remuneration and benefits of state and public officers.

(Question for Written Reply from the Salaries and Remuneration Commission)

- (ii) Question No.326/2019 by the Member for Kasipul (Hon. Charles Ong'ondo Were) regarding construction of the Rachuonyo Technical Training Institute.

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

(iii) Question No.327/2019 by the Member for Kangema (Hon. Muturi Kigano) regarding implementation of the Ramsar Convention and intrusion of wetlands in various parts of the country.

(To be replied by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Forestry)

(iv) Question No.326/2019 by the Member for North Horr (Hon. Francis Chachu Ganya) regarding supply of electric power and industrialization in Marsabit County.

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

The following Questions were deferred –

(i) Question No.310/2019 by the Member for Kesses (Hon. (Dr.) Swarup Mishra) regarding inspection of imports at the Port of Mombasa.

(ii) Question No.328/2019 by the Member for Kirinyaga County (Hon. Purity Ngirici) regarding wrangles related to South Ngariama land in Mwea Subcounty, Kirinyaga County.

8. **MOTION – REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS’ PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY**

Motion made and Question proposed: -

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the proposed Kenya Airways’ Privately Initiated Investment Proposal to Kenya Airports Authority, laid on the Table of the House on Tuesday, June 18, 2019.

(Chairperson, Departmental Committee on Transport, Public Works & Housing -03.07.2019)

Debate on the Motion having been concluded on Thursday, July 4, 2019;

Question put and Agreed to.

9. **THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2019)**

(Chairperson, Budget & Appropriations Committee)

Order for First Reading read;

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

10. **THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2019)**
(The Leader of the Majority Party)
- 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 INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2019)**
(The Leader of the Majority Party)
- 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 FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2019)**
(Chairperson, Departmental Committee, on Finance and National Planning)
- 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 DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2019)**
- Order dropped.
14. **COMMITTEE OF THE WHOLE HOUSE**
- The Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019)**
- Order dropped.
15. **MOTION – INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**
- Motion made and Question proposed –
- THAT**, this House **adopts** the Report of the Committee on Lands on the Inquiry into a Complaint by Kamiti Anmer Forest Squatters Association regarding allocation of Land L.R. No. 8390 in Kamiti Anmer Forest, laid on the Table of the House on Tuesday, June 18, 2019

(Chairperson, Departmental Committee on Lands – 27.6.2019)

Debate interrupted on Thursday, June 27, 2019 resumed;

[Change of Chair from the Honourable Speaker to Hon. Jessica Mbalu, Third Chairperson]

The Member for Mosop (Hon. Vincent Kipkurui Tuwei) rose on a Point of Order under Standing Order 95 and sought to claim that the Mover be Called Upon to Reply;

The Chair acceded to the Request;

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

Mover Replied;

Question on the Motion deferred to another day.

16. **MOTION - REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

Motion made and Question proposed –

THAT, this House **notes** the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, laid *on the Table of the House on Wednesday, November 21, 2018.*

(Chairperson, Departmental Committee on Defence and Foreign Relations – 19.3.2019)

Debate interrupted on Tuesday, March 19, 2019 resumed;

Mover replied;

Question on the Motion deferred to another day.

17. **MOTION – SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

(The Leader of the Majority Party)

THAT, the Senate amendments to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) be now considered.

Motion deferred to another day.

18. **MOTION – REPORT ON THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC ON THE LUIGI BROGLIO-MALINDI SPACE CENTRE**

Motion made and Question proposed –

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 Italian Republic on the Luigi Broglio-Malindi Space Centre, *laid on the Table of the House on Wednesday, 26 June, 2019.*

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

Debate arising.

[Change of Chair from the Third Chairperson to Hon. Christopher Omulele, Fourth Chairperson]

Debate interrupted.

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

Pursuant to the Standing Order No. 43, the Fourth Chairperson interrupted the House to allow Members to discuss a Statement by the Hon. Janet Nangabo, MP, regarding the need to streamline the pension system in the country.

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.

20. **HOUSE ROSE** - at 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, July 24, 2019 at 9.30 a.m.

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