



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 03, 2020

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

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

a) Leader of Majority Party

- i) Report to Parliament on all new loans contracted by the Government of Kenya from 1st May 2020 to 31st August, 2020
- ii) List of Nominees to four (4) National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board for the following Constituencies:
 - a) Aitinkoi;
 - b) Chepalungu;
 - c) Kasarani; and
 - d) Buuri.
- iii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2019 and the certificates therein
 - a) Kenya Youth Employment and Opportunities Project Credit No. 58120-KE
 - b) Higher Education Loans Board;
 - c) State Department for Housing and Urban Development; and
 - d) State Department for Shipping and Maritime.

b) Chairperson, Departmental Committee on Lands

Reports of the Departmental Committee on Lands on its consideration of:

- a) A petition by Stakeholders of Chenze Ranching Cooperative Society Limited regarding irregular transfer of the ownership of Chenze Ranch; and
The Senate Amendment to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019).

5. NOTICES OF MOTION

The following notice of Motion was given:

“**THAT**, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following four (4) Constituency Committees of the National Government Constituency Development Fund, laid on the table of the House on Thursday, December 3, 2020 –

1. Ainabkoi Constituency
2. Chepalungu Constituency
3. Kasarani Constituency; and
4. Buuri Constituency

(Hn. Fred Kapondi, Member, Select Committee on National Government Constituencies Development Fund)

6. QUESTIONS

(a) The following Questions were asked –

- (i) **Ordinary Question No. 352/2020** by the Nominated Member (Hn. Geoffrey Osotsi) on behalf of the Member for Nyando (Hn. Jared Okelo, MP) regarding the status of disbursement of school infrastructure funds since 2013 and the circumstances that led to the loss of over Ksh 1 billion for the Basic Education capitation programme.

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

- (ii) **Ordinary Question No. 365/2020** by the Member for Subukia (Hn. Samuel Gachobe) on recruitment of a chief for Wei Location of Subukia Sub-County.

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

- (iii) **Ordinary Question No. 366/2020** by the Member for Ganze (Hn. Teddy Mwangi) about the status of Primary School Head and Deputy Head teachers in Kilifi County who are serving in acting capacity.

(To be replied to by the Teachers Service Commission by written reply)

- (iv) **Ordinary Question No. 370/2020** by the Member for Sirisia (Hn. Maj. (Rtd) John Waluke) on the measures being implemented by Government to develop and promote Small and Medium Enterprises to enable them compete internationally.

(To be replied to by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Trade, Industry and Cooperatives)

- (v) **Ordinary Question No. 376/2020** by the Member for Kilifi South (Hn. Ken Chonga) on the blockage of the Mtangori-Muapa Road (D556) by a private developer.

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

(b) The following Question was deferred –

- (i) **Ordinary Question No. 384/2020** by the Member for Laikipia County (Hon. Catherine Waruguru) the status of the progress of construction to bitumen standards of the *Nanyuki – Gwa Kungú – Rumuruti* Road in Laikipia County

7. STATEMENTS PURSUANT TO STANDING ORDER 44(2)(C)

- (a) The Chairperson for the Budget and Appropriations Committee (Hon. Kaniro Kega) made a statement on the Additional Expenditure Granted under Article 223 of the Constitution in FY 2020/2021
- (b) The Chairperson of the Departmental Committee on Administration and National Security (Hon. Paul Koinange) issued a response to a request for Statement by the Member for Teso North (Hon. Edward Kaunya) on the alleged shooting to death of Ezekiel Odera by a Police Officer on November 27, 2020.

8. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM A RESOLUTION OF THE HOUSE

Motion made and Question proposed -

THAT, this House orders that the business appearing in the Order Paper as Order Nos. 10, 11, 12, 13 and 14 be exempted from the Resolution of the House of November 3, 2020 regarding *prioritization of Business during the period November 3 to December 3, 2020*, being a Thursday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(The Leader of the Majority Party)

There being no debate arising;
Question put and agreed to.

9. ESTABLISHMENT OF DATABASE CENTRES IN ALL CIVIL REGISTRATION CENTRES IN THE COUNTRY

Motion made and Question proposed -

THAT, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result of missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; **this House urges** the Government to establish database centres in all Civil Registration Centres for purposes of storing all the necessary information required

for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

(Ibn Mary Wamaua)

Debate on the Motion having being concluded on Thursday, November 26, 2020;

Question put and agreed to.

10. REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO 15 OF 2020)

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 Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020).

(The Leader of the Majority Party)

Debate on the Motion having being concluded on Tuesday, December 01, 2020;

Question put and agreed to.

Motion made and Question proposed –

THAT, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020) be now read a Third Time.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

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

11. REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE TEA BILL (SENATE BILL NO 36 OF 2018)

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 Tea Bill (Senate Bill No. 36 of 2018), subject to the recommittal of New Clause 32A

(Chairperson, Departmental Committee on Agriculture & Livestock)

Debate on the Motion having being concluded on Tuesday, December 01, 2020;

Question put and agreed to.

Bill to be recommitted to a Committee of the Whole House.

12. SENATE AMENDMENTS TO THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO 23 OF 2019)

Motion made and Question proposed –

THAT, the Senate amendments to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019) be now considered.

(The Chairperson, Departmental Committee on Lands)

There being no debate arising,

Question put and agreed to.

13. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i) **The Tea Bill (Senate Bill No. 36 of 2018)**

Recommendation of New Clause 32A

New Clause 32A - amendment proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 32 —

Offences relating to
body corporate.

32A (1) Where an offence under this Act is committed by a body corporate or any other association, the offence shall be deemed to have been committed by a director, a partner or any other person involved in, or acting or purporting to act in the management of affairs of the body corporate or association.

(2) It shall be a defence to a charge under this section where the court is satisfied that —

(a) the act or omission constituting the offence took place without the person's knowledge; or

(b) the person took reasonable steps to prevent the commission of the offence.

(Chairperson, Departmental Committee on Agriculture & Livestock)

Motion made and Question proposed —

THAT, New Clause 32A be read a Second Time;

Debate arising

Question put and agreed to;

Motion made and Question proposed —

THAT, New Clause 32A be part of the Bill;

Question put and agreed to;

New Clause 32A - agreed to.

Bill to be reported with a mēndmēnt.

- (ii) **Consideration of Senate Amendments to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019)**

CLAUSE 12

Senate a mēndmēnt proposed -

THAT, clause 12 of the Bill be a mēnded by delēting sub-clause (5) and substituti ng therēfor thē fdllo wng nēw sub-clause - (5) Bēforē regi stering a proposēd sectionāl plān of sub-di vision or consoli dation, thē Registrar shall a mēnd, in thē mannēr prescri bēd by thē regulati ons, thē origināl sectionāl plān as endorsed by a surveyor.

(The Leader of the Majority Party)

Question of thē Senatē a mēndmēnt proposēd;

Question put and agreed to.

Senate a mēndmēnt to Clause 12 - approved.

Consi dēration to bē reportēd witho ut a mēndmēnts.

14. HOUSE RESUMED - thē Third Chairperson in thē Chair

- (a) **The Tea Bill (Senate Bill No. 36 of 2018)**

Bill reportēd with a mēndmēnt;

Motion madē and Question proposēd -

THAT, thē Housē do agrēe with thē Committēe in its Rēport.

(Chairperson, Depart mēnt d Committēe on Agriculture and Livestock)

Question put and agreed to.

Motion madē and Question proposēd -

THAT, thē Tea Bill (Senatē Bill No. 36 of 2018) bē now rēad a Third Timē.

(Chairperson, Depart mēnt d Committēe on Agriculture and Livestock)

Debatē arisi ng;

Question put and agreed to.

Bill rēad a **third timē** and **passēd**

- (b) **The Sectional Properties Bill (National Assembly Bill No. 23 of 2019)**

Bill reportēd witho ut a mēndmēnt;

Motion madē and Question proposēd -

THAT, thē Housē do agrēe with thē Committēe of thē Wholē Housē in its Rēport on its consi dēration of thē Senatē a mēndmēnts to thē Sectionāl Propertie s Bill (National

Assembly Bill No. 23 of 2019).

(The Leader of the Majority Party)

Question put and agreed to.

Senate amendments to the Sectional Properties Bill (National Assembly Bill No. 23 of 2019) approved.

15. APPROVAL OF THE ACCESSION TO THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relation on its consideration of the Accession to the African Charter on Democracy, Elections and Governance, *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** the Accession to the African Charter on Democracy, Elections and Governance by the Republic of Kenya.

(Chairperson, Departmental Committee on Defence and Foreign Relations)

Debate arising

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Senge (Hon. Dr. James Nyikal) claimed to move “that the Mover be now called upon to reply”;

And the Speaker having acceded to the claim;

Question put and agreed to;

Thereupon, Hon. Charles Kilonzo replied on behalf of the Mover;

Question on the Motion deferred to another day.

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

16. HOUSE ROSE - at One O'clock

MEMORANDUM

The Speaker will take the Chair on Thursday, December 03, 2020 at 2.30 p.m