



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, OCTOBER 19, 2021**

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

The following Petitions were presented -

(a) The Speaker presented the following Petitions –

(i) **Unprecedented rise in prices of animal feeds in the country**

“Hon. Members, as you know, Standing Order No. 225 (2) (b) requires the Speaker to report to the House any Petition other than those presented by a Member. Further, Article 119 of the Constitution defines for the rights of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation. In this regard, I wish to report to the House that my Office has received a Petition signed by five representatives of livestock producers and animal feed manufactures on behalf of the Broiler World Co-operative Society Limited, the Association of Kenya Animal Feed Manufacturers, Kiambu Poultry Co-operative Society, Pig Producers and Githunguri Co-operative Society Limited, among other stakeholders.

The Petitioners have raised concerns regarding what they describe as unprecedented rise in prices of animal feeds in the country. They claim that the increase has been occasioned by policy gaps that have resulted in low production of plant-based animal feed components extracted from soya beans, sunflower and cotton, among others in the country. Also, the regulated exportation of locally produced animal feeds additives, high dependency on imports from neighboring Tanzania, Uganda, Zambia and Malawi; high taxation of imports used in manufacture of animal feeds and the ban on importation of genetically modified components that would have supplemented local production.

The Petitioners lament at the sharp price increase of products used to manufacture animal feeds which has adversely affected the sector, including causing closure of the one thriving farming enterprises and animal feeds and in turn resulting in loss of many jobs in the agriculture subsector. They are also concerned that high cost of livestock farming and unregulated exportation of food products is a threat to the country's food security. They further aver that over-reliance on agricultural imports from neighboring countries is reducing Kenya's competitiveness in the sector and negatively affecting production due to high prices of imports and irregular supplies from across the borders due to COVID-19 restrictions.

The Petitioners are, therefore, praying for the intervention of this House to look into the issues raised and -

- a) Recommend to the relevant Government ministries to consider lifting the ban on genetically modified agricultural materials that are vital raw materials in the manufacture of animal feeds in order to lower the cost of production and prices of animal feeds hence revitalizing the livestock sub-sector in the country.
- b) Recommend immediate ban on exportation of milling by products especially wheat bran, wheat pollard and maize germ to improve the quantities supplied to the local manufacturers of animal feeds so as to stabilize the market prices for animal feeds.
- c) Amend the relevant provisions of VAT Act, 2013 and any other relevant tax laws by lowering or abolishing the taxes imposed on vitamin and mineral premixes and additives used in producing animal feeds in order to reduce their price.
- d) Make any other recommendations that deems appropriated in remedying the situation decried by the petitioners.

Hon. Members, having determined that the matters raised by the Petitioners are well within the authority of this House, I order that pursuant to the provisions of Standing Order No. 227(1), that the Petition be committed to the Departmental Committee on Agriculture and Livestock. The Committee is required to consider the Petition and report its findings to the House and to the Petitioners in accordance with Standing Order No.227 (2).

Thank you.

(ii) **Urgent resolution of the Kwa Kadzengo Land Dispute**

Honourable Members, I have received a Petition from a Member of County Assembly (MCA) Victor Mwanganda Gogo of P.O. Box 332 Malindi, on behalf of the residents of Kwa Kadzengo Village in Mtepeni Ward of Kilifi County, calling for urgent resolution of the Kwa Kadzengo land dispute to save residents from impending eviction.

The Petitioner elucidates that the Kwa Kadzengo land, registered as Kilifi/Kikambala Block 285/3, was initially owned by Ms. Sheila Norton who divested her interests in 1968 and gave instructions to have the land subdivided and transferred to her ex-employees whose families currently reside on the land. Subsequently, for over 50 years, the families constructed houses, built churches, mosques and schools and cultivated the land for sustenance and commercial purposes.

Additionally, they claimed that their ancestors are buried on the parcel of land. The land was later converted to become part of the Kikambala Settlement Scheme for purposes of settling squatters residing thereon but, unbeknown to the Petitioners, Francis Kinuthia was irregularly allocated the parcel of land in unclear circumstances and later sold it to the Railway Housing Co- operative Society in April 2006.

The Petitioners aver that the fact that the Railway Housing Co-operative Society has for over 15 years never attempted to develop the said parcel of land confirms that its management is fully aware that the land legally belong to the residents of Kwa Kadzengo Village currently residing on it. However, the management of the Society is said to be currently using illegal unorthodox avenues in attempts to evict residents from the land such as resorting to harassment, threats, brutal force and a host of other inhumane treatments. The Petitioners, who constitute over 100 households comprised of about 600 men, women, children and the elderly, now risk being unjustly and illegally evicted out of the land that has been their home for over 50 years, thereby condemning them to an anticipated life of homelessness, poverty and misery.

It is on account of that concern that they seek the intervention of the House in urgently intervening to forestall the impending eviction, the investigation into the circumstances by which the Railway Housing Corporation Society ostensibly purchased the land despite knowing that its bonafide owners were already in occupation. The said parcel of land was secured by the Government through direct purchase from the Railway Housing Co-operative Society or through provision of alternative land for settling the residents of Kwa Kadzengo Village.

Having determined that the matters raised herein are well within the authority of this House, I order that, pursuant to the provisions of Standing Order No.227 (1), the Petition be committed to the Departmental Committee on Lands to look into and report its findings to the House and the Petitioner, in accordance with Standing Order No.227 (2).

(iii) The Member for Likoni (Hon. Mishi Mboko) on behalf of residents of Mwananguvuze area regarding securing land ownership rights;

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(2).

5. **PAPER LAID**

The following Paper was laid on the Table -

Reports of the Auditor-General and financial statements in respect to the following constituencies for the year ended 30th June 2019 and the certificates therein -

- (i) Narok South Constituency
- (ii) Kilgoris Constituency.

*(The Leader of the Majority Party)*

6. **NOTICES OF MOTION**

The following Notice was given –

THAT, aware that most pupils in primary and secondary schools are currently facing ethical behavioural challenges manifested in the rampant cases of drug and substance abuse, socially unacceptable sexual misadventures and antisocial behaviour that has contributed to their poor study habits, academic and underachievement and increased conflict with parents, teachers and guardians; noting that there have been increased case of violence in the form of school strikes and burning of schools; cognizant of the fact that a break up from cultural norms, rising unemployment rates and stress from parents among other factors has patent and negatively affected the students behaviour in schools leading to increased suspensions or expulsions and drop outs; deeply concerned that students from families experiencing domestic violence, separation, single parenthood, terminal illness and the recent COVID-19 Pandemic among other myriad of problems are prone to depression; appreciating that there is need of guidance of teenagers at their formative stages in life, this House therefore urges that the Government through the Ministry of Education introduces mandatory weekly guidance and counselling to all students in primary and secondary schools in Kenya by definition of counsellor roles, restructuring curriculum programmes, implementation of comprehensive school counselling programmes and development of system support.

*(Hon. Rahabe Mukami)*

7. **QUESTIONS**

(a) The following Questions by Private Notice was asked –

- (i) Question No. QPN 007/2021 by the Member for Nyando (Hon. Jared Okello, MP) to the Cabinet Secretary for the National Treasury and Planning regarding reasons why Kenya Revenue Authority (KRA) has been penalizing Constituency and County offices for delays in the remission of taxes due for the staff emoluments and operational expenses in these offices, yet the delays are occasioned by the fact that the Parliamentary Service Commission always receives exchequer releases from the National Treasury late.

***(To be replied to by the Cabinet Secretary for National Treasury and Planning before the Departmental Committee on Finance and National Planning)***

(b) The following Ordinary Questions were asked –

- (ii) Question No.375/2021 by the Member for Ainabkoi (Hon. William Chepkut, MP) to the Cabinet Secretary for Education regarding the rationale for the recent increase in fees and student hostel accommodation cost by the University of Nairobi?

*(Asked by the Hon. Robert Pukose on behalf of the member)*

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

- (iii) Question No. 405/2021 by the Member for Meru County (Hon. Bishop Kawira Mwangaza, MP) to the Cabinet Secretary for Public Service, Gender and ASALs: regarding the steps taken by the Ministry ensuring food security in Meru County, particularly during natural disasters such as floods, drought and famine.

*(To be replied to by the Cabinet Secretary for Public Service, Gender and ASALs: before the Departmental Committee on Administration and National Security)*

- (iv) Question No. 407/2021 by the Member for Rarieda (Hon. (Dr.) Otiende Amollo, MP) to the Cabinet Secretary for Foreign Affairs regarding failure to resolve the long outstanding dispute regarding the ownership of Migingo Island in Lake Victoria between Kenya and Uganda.

***(To be replied to by the Cabinet Secretary for Foreign Affairs before the Departmental Committee on Defence and Foreign Relations)***

- (v) Question No. 411/2021 by the Member for Nyeri County (Hon. Rahab Mukami, MP) to the Cabinet Secretary for Lands and Physical Planning regarding the progress made in the realization of the “The Big Four Agenda” with respect to affordable housing?

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

- (vi) Question No. 418/2021 by the Member for Kabete (Hon. Githua Wamacukuru, MP) to the Cabinet Secretary for Foreign Affairs regarding measures put in place in all Kenya Missions abroad to ensure that Kenyans in the diaspora receive all the necessary services promptly.

***(To be replied to by the Cabinet Secretary for Foreign Affairs before the Departmental Committee on Defence and Foreign Relations)***

8. **PROCEDURAL MOTION – EXTENSION OF TIME FOR CONSIDERATION OF EACC NOMINEES**

Motion made and Question proposed –

THAT, notwithstanding the provisions of section 10(3) of the Ethics and Anti-Corruption Commission Act, 2011, and 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 His Excellency the President for appointment as members of the Ethics and Anti-Corruption Commission by a period of fourteen (14) days from 26th October, 2021

*(Chairperson, Departmental Committee on Finance and National Planning)*

Debate arising;

Question put and agreed to.

9. **THE CENTRAL BANK OF KENYA (AMENDMENT) BILL**

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 Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 10 of 2021).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question put and agreed to;

Motion made and Question proposed –

THAT, this Central Bank of Kenya (Amendment) Bill (National Assembly Bill No.10 of 2021) be now read a Third Time

Question put and agreed to.

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

10. **REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE TRUSTEES (PERPETUAL SUCCESSION) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.23 OF 2021)**

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 Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No.23 of 2021).

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question put and agreed to;

Motion made and Question proposed –

THAT, this Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No.23 of 2021) be now read a Third Time.

Question put and agreed to.

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

11. **PROGRESS REPORT ON VARIANCE IN COST OF PURCHASING POWER BY KENYA POWER FROM KENGEN AND INDEPENDENT POWER PRODUCERS**

The member for Nakuru Town East (Hon. David Gikaria) gave a progress report into the inquiry of the various variants in cost of purchasing power by Kenya Power (KP) from KenGen and Independent Power Producers (IPPs).

12. **RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF BOTSWANA**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreements between the Republic of Kenya and the Republic of South Africa; and between the Republic of Kenya and the Republic of Botswana, laid on the Table of the House on Tuesday, 28th September, 2021, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of: -

(i) The Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and,

(ii) The Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Botswana.

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

Debate arising;

*(Change of Chair from the Hon. Speaker to the Fourth Chairperson)*

Mover replied;

Question deferred.

13. **ADOPTION OF REPORT ON RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN KENYA AND THE RUSSIAN FEDERATION**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation, laid on the Table of the House on Thursday, 30th September 2021 and, pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation.

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

Debate arising;

Mover replied;

Question deferred.

14. THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.1 OF 2020)

Order deferred to another day

15. COMMITTEE OF THE WHOLE HOUSE

The Waqf Bill (National Assembly Bill No.73 of 2019)

Order deferred to another day

16. THE MEDIATION BILL (NATIONAL ASSEMBLY BILL NO.17 OF 2020)

Order deferred to another day

17. THE COMMUNITY GROUPS REGISTRATION BILL NO.17 OF 2020)

Order deferred to another day

And the time being twenty-two minutes to 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 twenty-two minutes to Seven O'clock

-----  
The Speaker will take the Chair on  
Thursday, October 21, 2021 at 2.30 p.m.

---XX---