



THIRTEENTH PARLIAMENT – FIRST SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 16, 2022

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. Presiding – Hon. Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication –

Guidance on processing of the Legislative Proposal to amend the Constitution by the Hon Gichimu Githinji, MP and Hon. Stephen Mule, MP

“Honourable Members, You will recall that on **Wednesday, 2nd November, 2022** I accorded an opportunity to the Hon. Gichimu Githinji, MP and the Hon. Stephen Mule, MP to make statements on the legislative proposal to amend the Constitution to entrench the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution pursuant to the Provisions of Standing Orders 114 (7A).

Honourable Members, you will also recall that I allowed members to make general comments on the legislative proposal. It is worth noting that this matter has attracted immense interest from members. Indeed, I am happy to inform the House that over one hundred and twenty (120) members have contributed to this debate.

Honourable Members, The Chair has taken the view that majority of members have had an opportunity to make their general comments on the legislative proposal. In this regard Honourable Members, the debate on this matter will come to a close at the rise of the House. Just to remind the House: upon closure of discussion on this matter, the House will not make any decision.

Honourable Members, Pursuant to the provisions of Standing Orders 114 (7A) (iii) I will facilitate collation of the views from the comments of members in an appropriate forum.

As your Speaker, I have noted that the legislative proposal touches on the functions of County Governments in terms of Article 110 of the Constitution necessitating a bicameral consideration of the matter. In this regard, I urge the Leader of the Majority Party to propose five names and the Leader of the Minority four names to be submitted to the House Business Committee for consideration. Further, I would like to urge the leadership of the House in nominating members to the Forum to consider incorporating the two sponsors of the Legislative Proposal. To allow for speedy consideration of the matter, I will

encourage the Leadership to forward the names of members to the Clerk of the National Assembly by close of business on Monday, 21st November, 2022.
The House is accordingly guided. I thank you.”

5. MESSAGE FROM THE SENATE

The Speaker conveyed the following Message from the Senate –

On the approval of the appointment of Eng. Japheth Koome Nchebere as the Inspector-General of the National Police Service

Honourable Members, pursuant to the provisions of Standing Order 41 of the National Assembly, I wish to convey to the House a Message from the Senate regarding the approval of Eng. Japheth Koome Nchebere for appointment to the position of Inspector General of the National Police Service.

Honourable Members, the Message conveys that the Senate on Wednesday, 9th November, 2022, considered and adopted the Report of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations in its Report on the vetting of Eng. Japheth Koome Nchebere for approval as Inspector-General of the National Police Service, laid on the Table of the House on Wednesday, November 9, 2022.

Honourable Members, you will recall that on Thursday, 10th November, 2022, this House also considered and approved the appointment of the Eng. Japheth Koome Nchebere as the Inspector-General of the National Police Service.

Now therefore, **Honourable Members**, the aforementioned approval by the two Houses has since been conveyed to H.E. the President by the Speakers of both Houses of Parliament, which then concluded the bicameral approval process. Eng. Japheth Koome Nchebere has since been appointed as the Inspector-General of the National Police Service. The House is accordingly informed. I thank you.”

6. PETITIONS

- (i) Pursuant to the provisions of Standing Order 225(2)(b), the Hon. Speaker conveyed following petition regarding amendment to the Universities Act, 2012

“**Honourable Members**, Standing Order 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 provides for the right 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, **Honourable Members**, I wish to report to the House that my office has received a petition from Mr. Patrick Kaberia of Identity Card Number 22319488 calling for “*amendment to the Universities Act, 2012 in order to provide for the engagement of Alumni Associations and other stakeholders in resuscitating, rejuvenating and supporting public universities in Kenya.*”

The Petitioner, who introduces himself as the Executive Director of PAWA Africa, a Civil Society Organization specializing in socio-economic development and governance, bemoans what he terms as the sad state of public universities in the country. He highlights poor leadership, mismanagement, deteriorating debt levels, lack of inclusivity, lack of accountability, failure to comply with gender and regional balance, and inadequate public participation as some of the ills facing these institutions of higher learning.

In particular, he views the exclusion of Alumni Associations and other stakeholders in decision-making as a root cause of this ongoing concern, which has led some universities to face near-collapse, auction of university property as well as public ridicule. He is thus

convinced that involvement of Alumni Associations would go a long way in addressing the aforementioned challenges as well as in securing support, national pride, prosperity, and global competitiveness of universities through the resultant improvement in quality standards and management.

Consequently, **Honourable Members**, the Petitioner seeks the intervention of this House in amending the Universities Act, 2012 in order to, among other provisions –

- a) replace the word ‘*may*’ in Section 42 of the Act with the word ‘*shall*’ in order to compel universities to establish Alumni Associations, and
- b) empower University Alumni Associations to nominate representatives to the respective University Council, University Senate, Management Board, Committees, and other organs in addition to managing an Endowment Fund.

Honourable Members, having determined that the matters raised by the Petitioner are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this petition be committed to the Public Petitions Committee. The Committee is required to consider the petition and report its findings to the House and the Petitioner in accordance with Standing Order 227(2). I thank you.”

- (ii) The Member for Alego Usonga (Hon. Samuel Atandi) presented a petition on behalf of Mrs. (Amb.) Josephine Awuor, Mrs. Caroline Atieno & Mr. Omondi Abonyo regarding probable loss of investments in Cytonn High Yield Solutions.

- *The petitions were referred to the Public Petitions Committee for consideration pursuant to the Standing Orders.*

7. PAPERS LAID

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

- a) Report to Parliament on all new loans contracted by Government from 1st May, 2022 to 31st August, 2022 from the National Treasury and Planning.
- b) Quarterly economic and Budgetary Review for the First Quarter of the FY 2022/2023 from the National Treasury.
- c) Annual Statutory Report of the Council of Governors for the FY2021/2022.
- d) Annual Report and Financial Statements of the National Land Commission for the FY 2021/2022.
- e) The Seventh Batch of Nominees to Seven (7) National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board for the following Constituencies: -
 - (i) Alego Usonga;
 - (ii) Karachuonyo;
 - (iii) Lungalunga;
 - (iv) Machakos Town;
 - (v) Matuga;
 - (vi) Mwingi Central; and
 - (vii) Seme.
- f) Reports of the Auditor General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein: -
 - (i) Pyrethrum Processing Company of Kenya;
 - (ii) Masai Technical Training Institute;
 - (iii) Kipsoen Technical and Vocational College;
 - (iv) Kajiado West Technical and Vocational College;
 - (v) Kajiado East Technical and Vocational College;
 - (vi) Chipsirei Technical and Vocational College;

- (vii) Kapcherop Technical and Vocational College;
- (viii) Kenya Airports Authority;
- (ix) Kenya Civil Aviation Authority;
- (x) National Drought Management Authority;
- (xi) National Youth Service;
- (xii) Assets Recovery Agency;
- (xiii) Water Services Regulatory Board;
- (xiv) Universities Fund;
- (xv) National Commission for Science, Technology and Innovation;
- (xvi) National Council for Nomadic Education in Kenya;
- (xvii) National Industrial Training Authority;
- (xviii) National Museums of Kenya;
- (xix) Kenya Rural Roads Authority - Rural Maintenance Levy Fund;
- (xx) Veterinary Medicines Directorate Council;
- (xxi) Kenya Fisheries Service;
- (xxii) Kenya Plant Health Inspectorate Service;
- (xxiii) National Cereals and Produce Board;
- (xxiv) Numerical Machining Complex Limited;
- (xxv) New Partnership for Africa's Development / Africa Peer Review Mechanism (NEPAD / APRM) Kenya Secretariat;
- (xxvi) Kenya Bureau of Standards;
- (xxvii) Export Processing Zones Authority;
- (xxviii) Michuki Technical Training Institute;
- (xxix) Pharmacy and Poisons Board; and
- (xxx) Mukurwe-ini Technical Training Institute.

(The Leader of the Majority Party)

(Change of Chair from the Speaker to the Fourth Chairperson)

8. QUESTIONS

a) The following questions were asked: -

- (i) Question No. 003/2022 by the Member for Kabuchai (Hon. Majimbo Kalasinga) regarding robbery at Ushirika Bank Branch in Kabuchai Constituency.

(To be replied to before the Cabinet Secretary or Cooperatives and Micro, Small & Medium Enterprises Development)

- (ii) Question No. 007/2022 by the Member for Mandera South (Hon. Abdul Haro) regarding measures that the Government has put in place to ensure that residents of Mandera County acquire important government documents including national identification cards and passports without undue delays.

(To be replied to before the Cabinet Secretary for Interior & National Administration)

- (iii) Question No. 009/2022 by the Member for Teso North (Hon. Oku Kaunya) regarding dismissal of Mr. Gabriel Akimwanary Obasie, holder of Identity Card No. 7230285 from the National Industrial Training Authority on 19th February 2018.

(To be replied to before the Cabinet Secretary for Labour & Social Protection)

- (iv) Question No. 011/2022 by the Member for Malava (Hon. Malulu Injendi) regarding the list of constituencies that benefited from the disbursement of Ksh. 4.9 billion by the National Government Constituency Development Fund through the Second Supplementary Estimates during the 2021/2022 financial year.

(To be replied to before the Cabinet Secretary for National Treasury & Economic Planning)

- (v) Question No. 013/2022 by the Member for Keiyo South (Hon. Gideon Kimaiyo) regarding details of persons and organizations that surrendered land to M/s Fluorspar Mining Company Limited in 1974 to pave way for mining in Keiyo South Constituency, Elgeyo-Marakwet County.

(To be replied to before the Cabinet Secretary for Mining, Blue Economy & Maritime Affairs)

- (vi) Question No. 014/2022 by the Member for Funyula (Hon. (Dr.) Ojiambo Oundo) regarding difficulty in obtaining official searches by registered land and property owners and their agents as required under section 34 of the Land Registration Act No. 3 of 2012 and the Land Registration (General) Regulations, 2017.

(To be replied to by the Cabinet Secretary for Lands, Public Works, Housing & Urban Development)

b) The following questions were dropped –

- (i) Question No. 005/2022 by the Member for Machakos County (Hon. Joyce Kamene) to the Cabinet Secretary for Roads and Transport regarding measures taken to ensure the safety of pedestrians using the section between Kappa Industries and Mastermind areas along Mombasa Road; and
- (ii) Question No. 012/2022 by the Member for Imenti North (Hon. Abdul Dawood) to the Cabinet Secretary for National Treasury and Economic Planning regarding inordinate delays in paying pension dues to retired employees of the Kenya Broadcasting Corporation (KBC).

9. RESPONSE TO STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to Standing Order 44, the Leader of the Majority issued a Statement on the status of disbursement of National Constituencies Development Fund (NG-CDF) for the FY2022/2023 in response to a request by the Leader of the Minority Party.

10. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2022)

(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(2).

11. MOTION – TREE PLANTING ALONG THE ROADSIDES AND ROAD RESERVES

Motion Made and Question Proposed –

THAT, aware that Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69 (1)(d) also mandates the State to encourage public participation in the management, protection and conservation of the environment; further aware that, deforestation is one of the main contributors to climate change; noting that, Kenya has not been spared by the effects of global warming and climate change as a result of deforestation amongst other aspects; also aware that, the road network in the country currently stands at approximately 177,800 kilometres with a development rate of 600km per annum; deeply concerned that, there has been persistent destruction of trees and vegetation along the road reserves and roadsides during road construction leading to adverse effects on the ecosystem; cognizant that, studies have shown that the benefits accumulated from roadside tree planting include better soil formation due to shedding of dead leaves, increased water quality by reducing sediment flow, reduced erosion, road beautification, flood control as the trees

slow and absorb water runoff, wind-breaking, providing important pollinator, habitats, improving peoples' health, and protecting crops; now therefore, this House resolves that the Government includes a component of tree planting in all road network designs and also makes it compulsory for road contractors to replace any tree harvested during road construction upon completion of the project.

(Hon. John Kiarie)

Debate interrupted on Thursday, November 10, 2022 resumed;

Mover replied;

Question deferred pursuant to Standing Order 53(3).

12. MOTION – PUBLISHING OF THE RULES AND REGULATIONS FOR PRIVATE LAND USE AND MANAGEMENT IN REGARD TO THE MINIMUM AND MAXIMUM LAND HOLDINGS IN KENYA

Motion made and question proposed –

THAT, aware that Article 68(c)(i) of the Constitution of Kenya provides for minimum and maximum land holding acreages in respect to private land; deeply concerned that with high population growth and the demand for land have resulted in excessive fragmentation of land into uneconomic units; noting that at the same time, a number of people own large tracts of land which are not utilized optimally; noting further that cognizant of the fact that the Constitution in Article 60(1) sets out the principles of land policy which among other things requires that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable; this House therefore resolves that the Government enforces compliance of Article 68 (c) (i) of the Constitution, section 159 of the Land Act, 2012 and the National Land Policy (Sessional Paper No. 3 of 2009 - on maximum and minimum land holdings in Kenya) through publishing of the rules and regulations for private land use and management in regard to the minimum and maximum land holdings in Kenya.

(Hon. Ferdinand Wanyonyi)

Debate Arising;

(Change of Chair from Fourth to Fifth Chairperson)

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

13. HOUSE ROSE - at Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, November 17, 2022 at 10.00 a.m.

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