



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 20, 2018

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 –

“Honourable Members,

The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 37 of 2017) and the Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No. 44 of 2017)

The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 37 of 2017) and the Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No. 44 of 2017) were published on 27th September, 2017, and 13th November, 2017 respectively. The two Bills are to effect minor amendments that do not warrant the publication of separate Bills. The Bills are sponsored by the Leader of the Majority Party.

Honourable Members, the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 37 of 2017) proposes amendments to the following statutes–

- (i) The Betting and Lotteries and Gaming Act (Cap 131);
- (ii) The Pensions Act (Cap.189);
- (iii) The Daily Industry Act (Cap.336);
- (iv) The Clinical Officers (Training, Registration and Licensing Act, 1988 (No. 9 of 1988);
- (v) The Kenya Roads Board Act, 1999 (No. 7 of 1999);
- (vi) The Employment Act, 2007 (No. 11 of 2007);
- (vii) The Alcoholic Drinks Control Act (No. 4 of 2010);
- (viii) The Kenya Institute of Curriculum Development Act, 2013 (No. 4 of 2013);
- (ix) The Crops Act, 2013 (No 16 of 2013);
- (x) The Technical and Vocational Education and Training Act, 2013 (No. 29 of 2013);

- (xi) The Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015); and
- (xii) The National Employment Authority Act, 2016 (No.3 of 2016).

Honourable Members, I wish to inform the House that I have received a letter from the Leader of the Majority Party, requesting to withdraw the Bill from the House as some of the statutes the Bill intended to amend, namely the Children Act and the Civil Procedure Act were erroneously omitted. Further, some of the statutes the Bill proposes to amend are also contained in Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No. 44 of 2017). In this regard, the mover intends to republish the Bill. I therefore direct that the Statute Law (Miscellaneous Amendments (No.2) Bill (National Assembly Bill No. 37 of 2017) be withdrawn from the House forthwith.

Honourable Members, the Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No. 44 of 2017) on the other hand contains amendments to following statutes –

- (i) The Pensions Act (Cap 189);
- (ii) The Pharmacy and Poisons Act (Cap 244);
- (iii) The Clinical Officers (Training, Registration and Licensing) Act, 1988 (No.9 of 1988);
- (iv) The Environmental Management and Co-ordination Act, 1999 (No. 8 of 1999);
- (v) The Salaries and Remuneration Commission Act (No. 10 of 2011);
- (vi) The Statutory Instruments Act (No.23 of 2013); and
- (vii) The Occupational Therapist's Training Registration and Licensing Act 2017 (No.31 of 2017).

Honourable Members, I wish to inform the House that I have received a letter from the Leader of the Majority Party, making a correction with regard to the Clinical Officers (Training, Registration and Licensing) Act, 1988 (No.9 of 1988). The Statute Law (Miscellaneous Amendments) (No.3) Bill (National Assembly Bill No. 44 of 2017) erroneously makes reference to the Clinical Officers (Training, Registration and Licensing) Act, 1988 (No.9 of 1988) instead of the Clinical Officers (Training, Registration and Licensing Act, 2017. I direct the relevant Committee to take note of the correction during the consideration of the Bill.

Being an *omnibus* Bill, the Bill is therefore referred to the relevant Committees to consider amendments to the statutes under their mandates as follows:

- (i) The Departmental Committee on Finance and National Planning -
 - a. The Pensions Act (Cap 189); and
 - b. The Salaries and Remuneration Commission Act (No. 10 of 2011).
- (ii) The Departmental Committee on Health -
 - a. The Pharmacy and Poisons Act (Cap 244);
 - b. The Clinical Officers (Training, Registration and Licensing Act, 2017; and
 - c. The Occupational Therapist's Training Registration and Licensing Act 2017 (No.31 of 2017).
- (iii) The Departmental Committee on Environment and Natural Resources -
The Environmental Management and Co-ordination Act, 1999 (No. 8 of 1999)
- (iv) The Committee on Delegated Legislation -
The Statutory Instruments Act (No.23 of 2013)

The above Committees should move with speed to consider the Bill and table their Report to the House with the Departmental Committee on Finance and National Planning as the lead Committee on the Bill.

Honourable Members, I wish to remind Committees that our Standing Order 127(4) require Committees to present their Reports to the House on Bills before them so as to inform debate within twenty-one calendar days after Bills are referred to them. I therefore urge Chairpersons of Committees to prioritize and conclude consideration of Bills before them and present their Reports on the same to inform the debate on the Second Reading of those Bills.

I also wish to remind Committees that the House already concluded the Second Reading of the following four Bills during the First Session –

- i. The Public Trustee (Amendment) Bill (National Assembly Bill No. 32 of 2017);
- ii. The Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017);
- iii. The Physical Planning Bill (National Assembly Bill No. 34 of 2017); and
- iv. The Building Surveyors Bill (National Assembly Bill No. 35 of 2017).

The Chairpersons of the relevant Committees should therefore urgently table their reports, or report progress in line with the provisions of Standing Order 127 (4) and (5) to enable the House proceed with the Bills at the Committee of the whole House. The House is accordingly informed.

Thank you”.

5. **PETITION**

The Speaker conveyed the following Petition –

Excision of The Mt. Kenya Forest pursuant to Legal No. 68/75 and 107/1977 measuring 384 hectares for settlement of squatters

“Honourable Members,

Pursuant to the provisions of standing Order 225(2) (b), I wish to convey to the House that my office is in receipt of a Petition, signed by three persons namely Patrick Muriuki Kirigia, Robert Wanjau Gichohi and Joseph Mwangi Maina on behalf of members of Mt. Kenya Forest Squatters and residents of Meru County. The petitioners allege that there have been instances of irregular allocation of land set aside for settlement of squatters in Meru County.

The petitioners contend that a total of nine hundred and thirty hectares (930 ha) of land was excised from the Mt. Kenya Forest in Ontulili area in Meru for settlement of squatters. Further, the petitioners allege that the conveyance process the title deed of the Ontulili Block of Mt. Kenya was irregularly issued to an individual instead being issued in favour of the squatters.

Honourable Members, the petitioners are, therefore, praying that the National Assembly investigates the allocation and ownership of Ontulili block of Mount Kenya L.R No. 12234

and inquires into the matter of Ontulili Squatters with a view of having the over one thousand four hundred (1,435) families currently living in deplorable and inhuman condition settled on excisions in Ontulili Block of Mount Kenya L.R. 12234 gazetted as Legal Notices No. 68/1975 and 107/1977.

Honourable Members, pursuant to the provision of Standing Order 227, the Petition stands committed to the Departmental Committee on Lands for consideration. In considering the petition, the Committee is encouraged to engage the petitioners.

Thank you”.

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) List of Nominees to one (1) National Government Constituencies Development Fund Committee from the National Government Constituencies Development Fund Board.
- (ii) Annual Report and Financial Statements of the Public Procurement Oversight Authority (PPOA) for the year ended 30th June, 2016.
- (iii) The Report of the Auditor-General on the Financial Statements of the National Water Conservation and Pipeline Corporation for the year ended 30th June, 2016 and the certificate therein.
- (iv) The Report of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein: -
 - a) Kenya Pipeline Company Limited; and
 - b) National Oil Corporation of Kenya Limited.
- (v) The Reports of the Auditor-General on the Financial Statements in respect of the following Constituencies for the year ended 30th June, 2016 and the certificates therein: -
 - a) Embakasi Central Constituency;
 - b) Matungulu Constituency;
 - c) Kilgoris Constituency;
 - d) Mandera West Constituency;
 - e) Gem Constituency;
 - f) Rarieda Constituency;
 - g) Rongo Constituency;
 - h) Kangundo Constituency;
 - i) Mavoko Constituency;
 - j) Sigowet/Soin Constituency;
 - k) Seme Constituency;
 - l) Kisumu Central Constituency;
 - m) Rongai Constituency;
 - n) Ugenya Constituency; and
 - o) Alego Usonga Constituency.

(The Leader of the Majority Party)

- (vi) Reports of the 129th, 130th, 131st, 133rd and 134th Assemblies of the Inter-Parliamentary Union (IPU) and related Meetings held between October 2013 and March 2016.

(Hon. David Pkosing , MP- Member of Kenya's Delegation to IPU)

- (vii) Report of the Departmental Committee on Transport, Public Works and Housing on the Kenya Roads Bill, 2017.

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

7. **NOTICES OF MOTION**

The following Notices were given –

- (i) THAT, this House adopts Sessional Paper No.3 of 2016 on National Housing Policy, laid on the Table of the House today, Tuesday, February 20, 2018; and,

(The Leader of the Majority Party)

- (ii) THAT, this House notes the reports of the 129th, 130th, 131st, 133rd and 134th Assemblies of the Inter-Parliamentary Union (IPU) and related Meetings held in Geneva, Switzerland on October 7-9, 2013; March 16-20, 2014; October 12-16, 2014; October 15-21, 2015; and in Lusaka, Zambia from March 17-23, 2016 respectively, laid on the Table of the House on Tuesday, February 20, 2018.

(Hon. David Pkosing, MP)

8. **MOTION**

Motion made and Question proposed-

THAT, notwithstanding the provisions of Standing Order 97(4), and the House resolution of February 14, 2018 limiting speech in a debate on any Sessional Paper, debate on Sessional Paper No. 3 of 2016 on the National Housing Policy; and Sessional Paper No. 3 of 2017 on the National Policy on Climate Finance be limited as follows:- A maximum of three (3) hours, with not more than twenty (20) minutes for the Mover in moving and ten (10) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

(The Leader of the Majority Party)

Debate arising;

Question put and Agreed to.

9. **ADOPTION OF SESSIONAL PAPER NO.3 OF 2017 ON THE NATIONAL POLICY ON CLIMATE FINANCE**

Motion made and Question proposed –

THAT, this House adopts Sessional Paper No.3 of 2017 on the National Policy on Climate Finance, laid on the Table of the House on Thursday, February 15, 2018

(The Leader of the Majority Party)

Debate arising;

[Change of Chair from the Speaker to the Fourth Chairperson (Hon. Christopher Omulele)]

[(Change of Chair from the Fourth Chairperson to the First Chairperson (Hon. Soipan Tuyu)]

Mover Replied;

Question deferred.

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

10. **HOUSE ROSE-** at seven minutes to Seven O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, February 21, 2018 at 9.30 a.m.

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