



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, JUNE 21, 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. **PETITION – IRREGULARITIES SURROUNDING TATU ESTATE LAND AND FRAUD AGAINST CITIZENS OF THE REPUBLIC OF KENYA**

I, the UNDERSIGNED on behalf of the residents of Kiambu County, DRAW the attention of the House to the following: -

1. THAT, the Tatu Estate and Kofinaf comprises of land estimate to be more than 10,000 acres of land located in Kiambu County with proposed mixed-use development which will consist of residential areas and public utilities such as schools among others;
2. THAT, on diverse dates in the year 2007, the residents of Kiambu County were invited to acquire and own land in the industrial park through the form of acquisition of shares with the belief and knowledge that the shares would eventually translate into ownership of the land equivalent to the shares being held by each individual;
3. THAT, the private placement and arrangement of acquisition of shares was eventually withdrawn for unclear reasons and the residents of Kiambu County were informed of the proposed establishment of special purpose vehicle in the form of a limited liability company through which the residents of Kiambu County would eventually acquire shares and own land in the Tatu City and Kofinaf;
4. THAT, over two thousand people in the local communities where the land is situated proceeded to set aside their hard-earned money with some even liquidating and closing up their existing businesses and invested their funds into the project by acquiring shares;
5. THAT, thereafter the Tatu Estate and Kofinaf Company Limited were taken over by foreigners and the two companies have to date been illegally disposing off land owned

by the local residents to unknown persons with the help of public officers in the Ministry of Lands;

6. THAT, the two companies through their directors have also been engaging in tax evasion in the form of stamp duty which stands at an estimated Kshs. 185, 287,002 and income tax which stands at estimated at Kshs. 1,389, 652, 512 further defrauding Kenyans of revenue necessary for use by the government to provide services to its people;
7. THAT, in the year 2016 a multi-agency taskforce comprising of representation from the Ethic and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations, the office of the Director of Public Prosecutions, amongst others was formed to investigate the matter, but the report of its findings is yet to be made public, or even availed to the genuine owners of part of the land;
8. THAT, the foreign interests, who own part of the land and who have been using clandestine and illegal means to disposes the citizens of the Republic of Kenya of their land, through unknown means, been using police officers to intimidate local owners;
9. THAT, the petitioners are fearful and conscious that part of the foreign interests in the Tatu Estate located in Kiambu County may be part of global fraudsters targeting large chunks of land in African countries, given their similar trend in Congo, Nigeria, Zambia and Ghana.

THEREFORE, the Petitioners PRAY that the National Assembly through the relevant Departmental Committee investigates and inquires into all matters raised in this Petition with a view to: -

- (i) lawfully assisting the genuine citizens of the Republic of Kenya who own part of the land to resolve the falsified intrigues on the land, which are largely and deliberately perpetrated and financed by foreign interests;
- (ii) resolving issues and intrigues ensuring that the genuine citizens of the Republic of Kenya access, take possession and control of their land situated at Tatu City;
- (iii) causing the relevant state agencies, particularly the Director of Public Prosecutions to make public or avail the report of the Multi-Agency Investigation taskforce on the said matter; and
- (iv) investigating the tax evasion issues and immigration status of the foreign interest in the land.

And your PETITIONERS will ever pray.

*(Hon. Jude Njomo, MP)*

5. **PAPERS LAID**

The following papers were laid on the Table of the House-

- (i) By the Majority Whip (Hon. Benjamin Washiali, MP)
  - a) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2017 and the certificates therein:-
    - i) State Department of Housing and Urban Development;
    - ii) State Department of Public Works (Vote 1095);
    - iii) The Receiver of Revenue - State Department of Housing and Urban Development;
    - iv) Office of the Controller of Budget;
    - v) Kenya Urban Roads Authority;
    - vi) National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA);
    - vii) NGOs Coordination Board;
    - viii) Western Kenya Rice Mills Limited; and
    - ix) Stores and Service Fund.
  - b) Annual Report and Financial Statements of the State Department of East African Community Integration for the financial year ended 30<sup>th</sup> June, 2017.
  - c) The Report of the Auditor-General and Financial Statements of the Kenyatta International Convention Centre for the year ended 30<sup>th</sup> June, 2016 and the certificate therein.
  - d) The Report of the Auditor-General and Financial Statements of Hamisi Constituency for the year ended 30<sup>th</sup> June, 2016 and the certificate therein.

- (ii) By Hon. Shakeel Shabbir, MP

Report of the Kenyan Delegation to the Africa Parliamentarian's Network Against Corruption (APNAC) Biennial General Meeting held in Accra, Ghana from 17<sup>th</sup> to 18<sup>th</sup> March, 2018.

## 6. **STATEMENTS**

- (i) Business of the House for the week commencing on 25<sup>th</sup> June 2018

The Majority Whip (Hon. Benjamin Washiali, MP) made a Statement concerning the business of the House for the week commencing 25<sup>th</sup> June 2018.

- (ii) Statement on the Mismanagement of the Wildlife Sector in Kenya

Honourable Speaker, Pursuant to Standing Order 43, I wish to make a statement regarding the challenges currently facing Kenya Wildlife Service in the Country.

Honourable Speaker, The socio-economic importance of the wildlife sector remains central to the economic sustainability of our country for instance. Besides being a

major foreign exchange earner through varied wildlife, the sector contributes to the positive growth of hotel industry, curios, transport industry and other interlinking private service sectors thereby acting as direct source of the source of employment opportunities to thousands of Kenyans.

Honourable Speaker, It is worrying, that despite the many benefits we get through wildlife, sector is currently facing many challenges due to mismanagement of the service by the policy makers and implementers, corruption and interference arising from some NGOs/sector brokers, alleged low morale amongst its workers leading to high rate of exodus staff to seek for greener pastures, coupled conflicts with rural communities having failed to protect people and their property against wildlife attacks.

Mr. Speaker, these challenges have largely been associated with inadequate facilitation of the KWS personnel levels at County and County Wildlife Conservation and Compensation Committees, since decision making on key matters such as financial and procurement are centralized at the national level without the input of crucial services providers at the Counties and Sub-Counties hampering efficient service delivery.

Honourable Speaker, Even after Wildlife Conservation and Management Act, 2013 came into force, the wildlife sector-management functions are still overly centralized at the national level with its authority and operational resources still retained at Langata headquarters, thus greatly hampering service delivery in the counties. Honourable Speaker; Arising from this is an urgent need for the National Assembly to expeditiously intervene in addressing the challenges faced by KWS with a view to restoring its lost glory.

*(Hon. (Capt.) Ruweida Mohamed Obo, MP)*

(iii) Statement on the Suspension of the Mumias Sugar Company Chief Executive Officer

Honourable Speaker, Pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson, Departmental Committee on Agriculture and Livestock regarding suspension of the Mumias Sugar Company Chief Executive Officer.

Honourable Speaker, On 5<sup>th</sup> June, 2018, the Board of Directors of Mumias Sugar Company Limited through a special Board meeting resolved to suspend Mr. Nashon Aseka, the CEO of the Company with immediate effect, and later appointed Mr. Patrick Chebosi, the Head of Agriculture to act in the position of the CEO until further notice.

Honourable Speaker, I wish to inquire about the circumstances under which the CEO was suspended since he only served for a short period. The Company's Board

said Aseka's suspension would pave way for further investigation but it did not say how long the suspension would last.

It is against this background Mr. Speaker that I seek a Statement from the Chair of the Committee.

Thank you, Mr. Speaker.

*(Hon. Tindi Mwale, MP)*

(iv) Statement on Working Relations between the Legislature and the Judiciary

The Minority Party Whip (Hon. Junet Sheikh, MP) sought guidance from the Chair on the seeming interference on the work and independence of the Legislature by the Judiciary.

7. **THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2018)**

Motion for Second Reading having been Made;

Debate on Second Reading having been concluded;

*(The Leader of Majority Party)*

Question for Second Reading Put and agreed to.

8. **MOTION - REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE COMMUNITY LAND REGULATIONS, 2017**

Motion made and Question proposed-

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Community Land Regulations, 2017, laid on the Table of the House on Thursday, April 26, 2018, and pursuant to the provisions of Section 15 of the Statutory Instruments Act and Standing Order 210 (4)(b), ***annuls Regulations 23 and 24*** of the said Regulations.

*(The Chairperson, Committee on Delegated Legislation [Hon. Gladys Shollei, MP])*

Debate arising;

Mover replied;

Question deferred to another day.

9. **MOTION - REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE PUBLIC FINANCE MANAGEMENT (SENATE MONITORING AND EVALUATION) REGULATIONS, 2018**

Motion made and Question proposed-

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Senate Monitoring and Evaluation) Regulations 2018, laid on the Table of the House on Thursday, April 26, 2018, and pursuant to the provisions of Section 18 of the Statutory Instruments Act and Standing Order 210 (4)(b), **annuls in entirety** the said Regulations.

*(The Chairperson, Committee on Delegated Legislation [Hon. Gladys Shollei, MP])*

*[Change of Chair from the Honourable Speaker to the Deputy Speaker (Hon. Moses Cheboi)]*

Debate arising;

*Hon. Maanzo Kitonga replied for the Mover;*

Question deferred to another day.

10. **MOTION - REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE CIVIL AVIATION (REMOTE PILOTED AIRCRAFT SYSTEMS) REGULATIONS, 2017**

Motion made and Question proposed –

THAT, this House adopts the Report of the Committee on Delegated Legislation on the Civil Aviation (Remote Piloted Aircraft Systems) Regulations, 2017, laid on the Table of the House on Wednesday, June 06, 2018, and pursuant to the provisions of Section 15 of the Statutory Instruments Act and Standing Order 210 (4)(b), **annuls in entirety** the said Regulations.

*(Hon. Maanzo Kitonga for Chairperson, Committee on Delegated Legislation)*  
Debate arising;

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

*Hon. Maanzo Kitonga replied for the Mover;*

Question deferred to another day.

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.

11. **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 Tuesday, June 26, 2018 at 2.30 p.m.