



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 16, 2018 AT 2.30 P.M

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

The following papers were laid on the table of the House –

- (a) Quarterly Economic and Budgetary Review for the financial Year 2017/2018 for the period ending 30<sup>th</sup> June 2018 from the National Treasury;
- (b) The Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June 2017 and the certificates therein –
  - (i) Kibwezi west Constituency;
  - (ii) Matungulu Constituency;
  - (iii) Mwingi North Constituency; and
  - (iv) Wajir East Constituency.
- (c) The Report of the Auditor-General on Financial Statements of National Government Constituencies Development Fund for Banisa Constituency for the year ended 30<sup>th</sup> June 2016 and the certificates therein;

*(The Leader of the Majority Party)*

- (d) The Report of the Departmental Committee on Communication, Information and Innovation on the Petition regarding the Enactment of Legislation to govern the Registration, regulation and Licensing of Digital Security and Forensic Professionals.

*(Chairperson, Departmental Committee on Committee on Communication,  
Information and Innovation)*

5. **STATEMENTS**

Pursuant to the provisions of Standing Order 44(2) the Leader of the Majority Party made a Statement regarding business of the House for the week commencing Tuesday 21, August 2018.

6. **MOTION – REPORT ON IMPROVEMENT OF SERVICES AND FACILITIES FOR MEMBERS**

Motion having been made and question proposed on Wednesday, August 15, 2018;

**THAT**, this House adopts the Report of the Committee on Members' Services and Facilities on the Improvement of Services and Facilities for Members, laid on the Table of the House on Tuesday, April 24, 2018

*(The Chairperson, Committee on Members' Services and Facilities – 15.8.2018)*

Debate on the motion having been concluded on Wednesday, August 15, 2018 (Afternoon Sitting);

Question put and agreed to.

7. **COMMITTEE OF THE WHOLE HOUSE**

**IN THE COMMITTEE**

(The Fourth Chairperson in the Chair)

**The Building Surveyors Bill (National Assembly Bill No. 35 of 2017)**

Clause 3 - agreed to.

Clause 4 - amendment proposed –

**THAT**, Clause 4 of the Bill be amended–

- (a) by re-numbering the existing clause 4 as 4(1);
- (b) by inserting the words "registering and" immediately before the word "regulating" appearing in the renumbered new sub-clause (1); and
- (c) by inserting the following new sub-clause immediately after the renumbered new sub-clause (1) –

(2) Without prejudice to the generality of sub-section (1), the Board shall–

- (a) promote the practice of building surveying that complies with universally accepted norms and values;
- (b) prescribe the minimum requirements and consider and approve the qualifications of persons wishing to be registered as building surveyors under this Act;
- (c) maintain a register of all persons or firms registered under this Act;

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- (d) review and designate categories within the building surveying profession under which a person or firm may be registered;
- (e) issue registration certificates and annual practicing license certificates to persons and firms qualified under this Act;
- (e) levy such fees as it may determine for registration and grant of the annual practicing license including, other fees that the Board may consider necessary for the furtherance of its objectives;
- (f) regulate the activities and conduct of registered persons and firms;
- (g) establish and maintain a professional code of conduct for persons and firms registered to practice under this Act;
- (h) establish, approve and accredit continuing professional educational programs for building surveyors;
- (i) prescribe and conduct examinations for purposes of registration under this Act in collaboration with approved institutions;
- (j) produce and disseminate material information in connection with the works and activities of the Board;
- (k) publish and circulate any material in connection with the building surveying profession and related matters;
- (l) promote awareness and educate the public on the professional duties and responsibilities of a building surveyor;
- (m) publish annually in the Kenya Gazette a list of persons and firms practicing building surveying in Kenya;
- (n) determine the fees to be charged by building surveyors and firms for professional services rendered from time to time;
- (o) hear and determine such disputes relating to the professional conduct of building surveyors; and
- (p) undertake any other activity that may be necessary for the fulfillment of any of its functions under this Act.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed –

**THAT**, Clause 5 of the Bill be amended in sub-clause (1) by–

(a) deleting paragraph (a) and substituting therefor the following new paragraph–

(a) a chairperson, who shall be in private practice and a member of the Institution of Surveyors of Kenya (Building Surveyors Chapter);

(b) deleting paragraph (b) and substituting therefor the following new paragraph–

“(b) four persons who shall be public officers and members of the Institution of Surveyors of Kenya (Building Surveyors Chapter);”

(c) deleting paragraph (c) ;

(d) by inserting the words “full” immediately before the words “members” appearing in paragraph (d); and

(e) by deleting the words “recognized University” appearing in paragraph “(e) and substituting therefor the words “recognized institution”.

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

Question of the amendment proposed;

Debate arising;

Proposed amendment in paragraph (e) withdrawn by the Chairperson;

Question put and agreed to;

Clause 5 - as amended agreed to.

Clause 6 - agreed to.

Clause 7 - amendment proposed;

**THAT**, Clause 7 of the Bill be amended in sub-clause (3) by deleting the word “the” appearing immediately after the word “where”;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to.

Clauses 8 and 9 - agreed to.

Clause 10 - amendment proposed –

**THAT**, Clause 10 of the Bill be amended by renumbering the existing sub-clauses in their correct chronological order.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clauses 11, 12, 13 and 14 - agreed to.

Clause 15 - amendment proposed -

**THAT**, Clause 15 of the Bill be amended-

- (a) in sub-clause (1) by inserting the words "as provided for in this Act" at the end of the sub-clause; and
- (b) in sub-clause (4) by deleting the words "not exceeding five thousand shillings" appearing at the end of the sub-clause and substituting therefor the words "not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months or to both.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed -

**THAT**, Clause 16 of the Bill be amended in sub-clause (2) by inserting the words "the license number and" appearing immediately after the words "shall bear";

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

Question of the amendment proposed;

Debate arising;

Amendment to amendment proposed -

**THAT**, Clause 15 of the Bill be further amended in the proposed amendment to sub-clause (4) by deleting the words "two hundred thousand shillings" and substitute therefor the words "five hundred thousand shillings"

Question of the further amendment proposed;

Debate arising;

Question of the further amendment put and agreed to;

Clause 16 - as amended agreed to;

Clause 17 - agreed to.

Clause 18 - amendment proposed -

**THAT**, Clause 18 of the Bill be amended by deleting the words "section 19" and substituting therefor the words "section 17".

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clauses 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 - agreed to.

Clause 29 - amendment proposed -

**THAT**, Clause 29 of the Bill be amended-

by deleting paragraph (a); and

- (a) by inserting the words "membership, practicing or other fees" immediately after the word "such" appearing at the beginning of paragraph (b);

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

Question of the amendment proposed;

Debate arising;

Proposed amendment in paragraph (a) withdrawn;

Question put and agreed to;

Clause 29 - as amended agreed to.

Clauses 30, 31, 32, 33, 34, 35, 36 and 37 - agreed to.

Clauses - agreed to;

Clause 38 - amendment proposed -

**THAT**, Clause 38 of the Bill be amended by deleting the word "or" appearing at the end of paragraph (a).

*Chairperson of the Departmental Committee on Transport, Public Works and Housing)*

Question of the amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 38 - agreed to.

Clause 39 - agreed to.

Clause 2 - agreed to.

Long title - amendment proposed -

**THAT**, the Bill be amended by deleting the long title and substituting therefor the following new long title -

AN ACT of Parliament to provide for the registration and licencing of building surveyors, to regulate their practice and for connected purposes.

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Long title - as amended agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

**8. HOUSE RESUMED – The Third Chairperson in the Chair**

Bill reported with amendments;

Motion made and question proposed;

**THAT**, this House does agree with the Report of the Committee of the whole House on its consideration of the Building Surveyors Bill (National Assembly Bill No. 35 of 2017).

*(The Leader of the Majority Party)*

Putting of the Question of agreement with the Committee of the Whole House deferred.

**9. MOTION- REPORT OF THE DELEGATION TO THE 62<sup>ND</sup> SESSION OF THE COMMISSION ON STATUS OF WOMEN (CSW62)**

Motion made and question proposed;

**THAT**, this House **notes** the Report of the Delegation to the 62<sup>nd</sup> Session of the Commission on Status of Women (CSW62) held in New York, United States of America (USA) from 12<sup>th</sup> to 23<sup>rd</sup> March, 2018, laid on the Table of the House on Tuesday, June 19, 2018.

*(Hon. Alice Wahome - Leader of Delegation to the CSW62)*

Debate arising;

Mover replied;

Putting of the Question deferred.

**10. MOTION- REPORT ON FOUR EAST AFRICAN COMMUNITY BILLS AND RATIFICATION OF THE PROTOCOL ON COOPERATION OF METEOROLOGICAL SERVICES**

Motion made and question proposed;

**THAT**, this House adopts the Report of the Select Committee on Regional Integration on Consideration of the East African Community Counter-Trafficking in Persons Bill, 2016; the East African Community Cross Border Trade in Professional Services Bill, 2017; the East African Community Prohibition of Female Genital Mutilation Bill, 2016; the East African Community Retirement Benefits for Specified

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Heads of Organs Bill, 2015; and the East African Community Youth Council Bill, 2017, and the Protocol on Cooperation of Meteorological Services, laid on the Table of the House on Thursday, June 14, 2018 and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the East African Community Protocol on Cooperation of Meteorological Services.

*(The Chairperson, Select Committee on Regional Integration)*

Debate arising,

Mover replied;

Putting of the Question deferred.

**11. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)**

Order deferred.

**12. THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2017)**

Order deferred.

**13. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2018)**

Order deferred.

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

**14. HOUSE ROSE** - at four minutes to 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, August 21, 2018 at 2.30 p.m.

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