



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – SECOND SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS
TUESDAY, OCTOBER 02, 2018

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

The Speaker conveyed the following Communication –

Speaker's Round-Table with KEPSA

“Honourable Members,

As you are aware the National Assembly has since 2009 engaged the Kenya Private Sector Alliance (KEPSA) in an annual consultative forum dubbed the Speaker's Roundtable. The forum has provided an important platform for the two institutions to engage and build synergies vital for the creation of an enabling environment to not only spur the economic growth of our country but also to create employment for the youth.

Honourable Members, this year's Speaker's Roundtable is scheduled to take place at the Leisure Lodge, Diani, Kwale County on Friday 5th and Saturday 6th October, 2018.

The main Objective of the Roundtable is to define the role of the National Assembly in the “Big Four Agenda”. Some of the topics to be covered include: Re-Imagining Kenya: Focus on Revenue, Taxation and Political Economy to Stimulate Growth; The Role of Parliament, Private Sector and Partners in Achieving “The Big Four” for Sustainable and Inclusive Growth; Collective Actualization of the Big Four Agenda: The Role of the Private Sector and the National Assembly among others. The budget of the conference is co-funded by Kenya Private Sector Alliance (KEPSA) and the National Assembly.

Honourable Members, this is therefore to remind you of the scheduled event whose invitations have already been dispatched through Chairpersons of Departmental Committees as well as the Chairperson of the Budget and Appropriations Committee. Members will depart for Mombasa on Thursday 4th, and return back to Nairobi on Saturday 6th October, 2018.

I thank you!”

5. PETITIONS

Pursuant to Standing Order 225(2)(b), the Speaker conveyed the following Petition –

Licensing of Oil Marketing companies by the Energy Regulatory Commission

“Honourable Members, Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office has received a Petition signed by Messrs. Pius Omollo and Mr. Agoi Vedell on behalf of Oil Marketers in the Country regarding licensing of oil marketing companies by the Energy Regulatory Commission (ERC).

Honourable Members, the Petitioner avers that for the past years, ERC has been licensing Oil Marketing Companies prior to engaging in the business of supplying fuel and it has emerged that unlicensed and illegal agents have stormed oil markets occasioning distortion of market prices and massive losses. The Petitioner further avers that Oil Marketing Companies have incurred massive losses due to the fact that the local oil marketers have invested in infrastructure and the pricing of the jet fuels is based on Open tender System as stipulated in the law.

Honourable Members, the Petitioner therefore prays that the National Assembly investigates the massive influx of illegal oil marketers in the country with a view to eliminate them or cause them to be licensed in order to operate lawfully.

Honourable Members, this Petition therefore stands committed to the Departmental Committee on Energy for consideration. The Committee is requested to consider the Petition and report its findings to the House and petitioners in accordance with Standing Order 227(2).

I thank you!”

6. PAPERS LAID

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

- a) Ratification of the revised Constitution of the African Civil Aviation Commission;
- b) Ratification (accession) of the Agreement for the establishment of the international Anti-Corruption Academy as an International Organization from the Office of the Attorney General and Department of Justice;
- c) The Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein: -
 - (i) Kenya Cereal Enhancement Programme (IFAD Grant No. 2000000623, IFAD Loan No. 2000001121, ASAP Trust Grant No. 2000001122) from the Department of Agriculture;
 - (ii) Kenya Veterinary Board;
 - (iii) Standards and Market Access Programme (EU Credit No. KE/FED/023-566) from the Ministry of Livestock;
 - (iv) State Department of Livestock;
 - (v) Kenya Tsetse and Trypanosomiasis Eradication Council;
 - (vi) Tom Mboya University College;

- (vii) Rice Based Market Oriented Agriculture Promotion Project from the State Department of Agriculture;
- (viii) Strengthening Fertilizer Quality and Regulatory Standards in Kenya Project (AGRA grant No. 2113 SHIP 001) from the State Department of Agriculture;
- (ix) Kenya Meat Commission; and
- (x) Pest Control Products Board.

(The Majority Party Whip)

- (d) The Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bill No. 4 of 2017).

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

7. NOTICE OF MOTION

The following Notice of Motion was given –

THAT, aware that land is one of the most important resource in Kenya from which the country generates goods and services, and a source of livelihood for many people; further aware that land is a scarce resource which is highly sought for various economic and commercial purposes, leaving little or no space for establishment of social amenities, including learning institutions; cognizant of the Ministry of Education guidelines which provides that the amount of school land should be sufficient with minimum amounts of land required being determined by enrolment; concerned that the increasing number of students in learning institutions puts a lot of strain on the available infrastructure especially those institutions which are established on limited space with no space for future expansion; this House urges the Government to establish policy guidelines on land expansion for public schools and sets aside a fund for acquisition of such land.

(The Hon. Caleb Kositany, MP)

8. STATEMENT PURSUANT TO STANDING ORDER 44

The Chairperson, Departmental Committee on Lands issued a statement from the Ministry of Interior and Coordination of National Government regarding allocation of land in the Mwea Settlement Scheme in Mbeere South Constituency. The Statement highlighted measures the Ministry had put in place to ensure resolve the matter of allocation of land in the in the Mwea Settlement Scheme.

9. QUESTIONS

The following Questions were asked –

- (i) Question No. 001/2018 by the Member for Ndhiwa Constituency (Hon. Martin Peters Owino) regarding resurgence of tsetse flies in Ndhiwa constituency. Question *referred to the Departmental Committee on Environment and Natural Resources.*
- (ii) Question No.002/2018 by the Member for Turkana North Constituency (Hon. Christopher Nakuleu Doye) regarding harassment of fishermen by KWS officers in lake Turkana Waters. *Question referred to the Departmental Committee on Environment and Natural Resources.*

- (iii) Question No.003/2018 by the Member for Teso South Constituency (Hon. Geoffrey Omuse) regarding beneficiaries of the cash transfer programme for the older persons in Teso South Constituency. *Question referred to the Departmental Committee on Labour and Social Welfare for consideration)*
- (iv) Question No.004/2018 by the Member for Rarieda Constituency (Hon. (Dr) Otiende Amollo) regarding the status of Luanda Ko'tieno Fish Banda in Rarieda Constituency. *Question referred to the Departmental Committee on Agriculture and Livestock.*
- (v) Question No.005/2018 by the Member for Moyale Constituency (Hon. Qalicha Gufu Wario) regarding the Kenya National Agricultural Insurance Program. *Question referred to the Departmental Committee on Agriculture and Livestock.*
- (vi) Question No.006/2018 by the Member for Moiben Constituency (Hon. Silas Kipkoech Tiren) concerning the status of Maputu Declaration (2003). *Question referred to the Departmental Committee on Agriculture and Livestock.*
- (vii) Question No.007/2018 by the Member for Bonchari Constituency (Hon. John Oroo Oyioka) regarding operationalization of the Pension Management Information System (PMIS) and the status of pension payments for retired civil servants. *Question referred to the Departmental Committee on Finance and National Planning.*

Rising in his place on a Point of Order pursuant to Standing Order 40(2), the Majority party Whip (Hon. Benjamin Washiali, M.P.) sought the leave of the Speaker to reorganize sequence of disposing of business so as to commence with disposing of business appearing under Order No. 10 (the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018) and proceed with other business in as listed n the Order Paper.

And the Speaker acceding to the request;

Thereupon reorganized the sequence.

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Urban Areas and Cities (Amendment) Bill (Senate Bill No.4 of 2017) be now read a Second Time

(The Leader of the Majority Party)

Debate arising;

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

Mover replied;

Question deferred to another day pursuant to Standing Order 53(3)

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

Order for Second Reading read;

Order deferred to another day.

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

Order for Second Reading read;
Order deferred to another day.

13. THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.19 OF 2018)

Order for Second Reading read;
Order deferred to another day.

14. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.21 OF 2018)

Order for Second Reading read;
Order deferred to another day.

15. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.11 OF 2017)

Order for Second Reading read;
Order deferred to another day.

And the time being twenty-five minutes past Six O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at twenty-five minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, October 03, 2018 at 9.30 a.m.