



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 24, 2019

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

The Speaker conveyed the following Message –

“Honourable Members, pursuant to the provisions of Standing Order 41 (4), I wish to report to the House that I have received five (5) Messages from the Senate regarding its decision on the following Bills:-

- (i) The Personal Data Protection Bill (Senate Bill No.16 of 2018);
- (ii) The County Statutory Bill (Senate Bill No.21 of 2018);
- (iii) The Determination of the Nature of Bill (Procedure) Bill (Senate Bill No. 30 of 2018);
- (iv) The County Oversight and Accountability Bill (Senate Bill No. 28 of 2018); and
- (v) The Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018).

Honourable Members, the first Message is in respect of the Personal Data Protection Bill (Senate Bills No.16 of 2018). The Bill seeks “to give effect to Article 31(c) and (d) of the Constitution; to promote the protection of personal data; regulate the manner in which personal data may be processed; provide persons with rights and remedies to protect their personal data; and to regulate the flow of personal information across the borders of the country.”

The second Message is in respect of the County Statutory Bill (Senate Bill No.21 of 2018) which seeks “to provide for the making, scrutiny, publication and operation of county statutory instruments.”

Honourable Members,

The third Message is in respect of the Determination of the Nature of Bills (Procedure) Bill (Senate Bill No. 30 of 2018) which seeks “to give effect to Articles 109(5), 110(3) and 114 of the

Constitution; to provide the procedure for the Speakers of the National Assembly and the Senate to determine the nature of a Bill.” The fourth Message is in respect of the County Oversight and Accountability Bill (Senate Bill No. 28 of 2018) which seeks “*to give effect to Article 96(1) and (3) of the Constitution, and to enhance public financial accountability by the county governments.*”

Further, the fifth Message is in respect of the Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018) which seeks “*to amend the Statutory Instruments Act in order to expressly include the Senate in the scrutiny process of statutory instruments.*”

Honourable Members, the five Messages read “that the Senate considered and passed the Bills on Wednesday, July 10, 2019 and now seeks the concurrence of the National Assembly.” Three of the Bills were passed with amendments and two Bills were passed without amendments.

Honourable Members, Standing Order 143(1)(a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the Senate. Accordingly, I direct that the five (5) Bills be read a First Time during the next sitting.

Honourable Members, Paragraph (2) of Standing Order 143 provides that –

“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution”.

The opinion envisioned under Standing Order 143(2) is a pronouncement, by the Speaker, as to whether a Bill originating in the Senate is a ‘*Money Bill*’ in the terms of Article 114 of the Constitution. In this regard, I direct that, after First Reading, the Bills be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form the opinion as contemplated under Standing Order 143(2). Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the said Bills.

I thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table -

The Reports of the Auditor-General and the Financial Statements in respect of the following constituencies for the year ended 30th June, 2018 and the certificates therein -

- (i) Igembe South;
- (ii) Isiolo South;
- (iii) Central Imenti;
- (iv) Moiben;
- (v) Turkana South;
- (vi) Tharaka;
- (vii) Igembe North;
- (viii) Mbeere North;
- (ix) Moyale;
- (x) Makadara;
- (xi) Kinango;

- (xii) Isiolo North;
- (xiii) Kitui Rural;
- (xiv) Laisamis;
- (xv) Tigania East;
- (xvi) Kacheliba;
- (xvii) Seme;
- (xviii) Kisumu Central;
- (xix) Gatundu North; and
- (xx) Laikipia East.

(Leader of the Majority Party)

6. **NOTICE OF MOTION**

The following Notice was given –

THAT aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenya Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittance from Kenya Diaspora account for over 3% of the country's GDP channeled by an estimated three million Kenyans; **NOTING THAT**, contribution by the Kenyan Diaspora to the Country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, diaspora investments funds, knowledge exchange among other enormous potential benefits; **ACKNOWLEDGING THAT**, the diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; **CONCERNED THAT**, Kenya ought to formulate practical and incentive-driven policy to harness existing and future diaspora resources for social-economic development; **COGNIZANT THAT** the Kenya has an obligation to counter the challenges hindering diaspora contribution to national development; This House resolves that the Government reviews and formulates a comprehensive policy and structure to harness the ever increasing diaspora resources for national development and that the said policy be presented to National Assembly within one year for consideration.

(Hon.Osotsi Geoffrey)

7. **QUESTIONS**

The following Questions were asked –

- (i) Question No.328/2019 by the Member for Kirinyaga County (Hon. Purity Ngirichi) regarding the long standing conflict surrounding South *Ngariama* 17,000 hectares of land in Mwea Sub County, Kiringwa County; When will the occupants be issued with title deeds; measures by the Ministry to expedite compensation of the 6,000 people who face the risk of eviction;

(To be answered by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- (ii) Question No.340/2019 by the Member for Teso North (Hon. Oku Kaunya) regarding measures the Ministry has put in place to ensure that the high number of students admitted or set to join universities and who have not attained 18 years in age will obtain funding from the Higher Education Loans Board (HELB) even without the National Identification Card which is a prerequisite to loan applications; could the Ministry

consider the use of birth certificates as an alternative for the Identification Cards for students who wish to apply for HELB loans but have not attained the age of majority

(To be answered by the Cabinet Secretary for Education replied before the Departmental Committee on Education and Research)

- (iii) Question No.341/2019 by the Member for Kilome (Hon. Thuddeus Nzambi) regarding plans to construct transmission line and power sub-station within *Konza Technopolis* and its environs; the measures the Ministry has put in place to ensure that the expected development of the *Konza Technopolis* including the development of the projected auxiliary industries and institutions is realized without further delays;

(To be answered by the Cabinet Secretary for Energy before the Departmental Committee on Energy)

- (iv) Question No.343/2019 by the Member for Mwea (Hon. Wachira Kabinga) regarding the size of South Ngariama Rnching Scheme land and its original subdivision plans; What has caused the delays in the issuance of title deeds to beneficiaries following the subdivisions of the Scheme in respect of the part of the scheme falling within Mwea Constituency

(To be answered by the Cabinet Secretary for Lands before the Departmental Committee on Lands)

8. **MOTION – INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Lands on the Inquiry into a Complaint by *Kamiti Anmer Forest Squatters Association* regarding allocation of Land LR. No. 8390 in *Kamiti Anmer Forest*, *laid on the Table of the House on Tuesday, June 18, 2019.*

(The Chairperson, Departmental Committee on Lands)

Debate interrupted on Tuesday, July 23, 2019 resumed;

Debate having being concluded and mover have being replied

Putting of the Question **deferred** – to allow for the opinion of the Cabinet Secretary responsible for matters relating to forestry, pursuant to Forest Conservation and Management Act, No. 34 of 2016.

9. **MOTION - REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

Motion made and Question proposed –

THAT, this House **notes** the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, *laid on the Table of the House on Wednesday, November 21, 2018.*

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

Debate interrupted on Tuesday, July 23, 2019 resumed;

Debate having being concluded and mover have being replied;

Question put and **agreed to**

10. **MOTION - REPORT ON AN INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES FOR ESTABLISHMENT OF A FORWARD OPERATING BASE (FOB) IN NAROK COUNTY**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry Into Land Acquisition by the Kenya Defence Forces for the Establishment of Forward Operating Base (FOB) in Narok County, laid on the Table of the House on Tuesday, April 2, 2019.

(Chairperson, Defence & Foreign Relations – 23.7.2019)

Debate arising;

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

Mover replied;

Question deferred to another day.

11. **MOTION - RATIFICATION OF THE AGREEMENT FOR THE SETTING UP OF A REGIONAL MARITIME INFORMATION EXCHANGE AND SHARING MECHANISM AND THE CO-ORDINATION OF OPERATIONS AT SEA**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean, *laid on the Table of the House on Wednesday, June 26, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the *Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean*.

(The Hon. Raso Ali, Member, Departmental Committee on Defence and Foreign Relations)

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

Debate arising;

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

12. HOUSE ROSE - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, July 25, 2019 at 2.30 p.m.

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