



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 31, 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Message –

Guide on consideration of proposed amendments to the report on the inquiry into allocation of land in Kamiti Anmer Forest

“Honourable Members,

Before we proceed to the next order, being the Motion on the Report of the Departmental Committee on Lands on the *Inquiry into allocation of land in Kamiti Anmer Forest*, I wish to issue the following guidance which relates to its consideration.

As you are aware, debate on this Motion had been concluded, and all that remained was putting of the question. However, concerns were raised by Members regarding the difficulties that could be experienced by the relevant Government institutions in implementing the recommendations as currently contained in the Report.

In this regard, Honourable Members, conscious that the House does not act in vain, I have since perused the Report and confirmed that there is need for the House to amend the recommendations part of the Report so as to align it with our Standing Orders and the Forest Conservation and Management Act, 2016.

I have also received proposed amendments from a Member of the Departmental Committee on Lands, addressing this concern. A notice of the proposed amendments is in the Order Paper for your reference.

Honourable Members, I therefore wish to invoke the provisions of Standing Order 1 to allow for the amendment to be moved to the Report's recommendations. I wish to clarify that debate will only be reopened for purposes of addressing the concerns raised, and will not be fresh debate on the rest of the Report.

Honourable Members, once the House concludes with the proposed amendment, I shall proceed to put the question on the Motion. I also urge all Committees to be vigilant and ensure that their proceedings stay within the requirements of the Standing Orders.

I thank you”.

5. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Message –

Passage of the National Cohesion and Peace Building Bill (Senate Bill No.35 of 2018)

“Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the passage of the National Cohesion and Peace Building Bill (Senate Bill No. 35 of 2018).

Honourable Members, the Message reads in part, and I quote, “...*the Senate on Wednesday, 10th July, 2019 considered and passed the said Bill with amendments*”. The Senate now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 110(4) of the Constitution.

Honourable Members, The National Cohesion and Peace Building Bill (Senate Bill No. 35 of 2018) seeks to provide for establishment of the National Cohesion and Peace Building Commission; outlaw discrimination on ethnic grounds; provide for the establishment of an institutional framework for national cohesion; and peace building and other relevant amendments.

Honourable Members, Standing Order 143(1) 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 referring Bills to the National Assembly. Accordingly, I direct that the Bill be read a First Time at 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 Bill be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form the opinion contemplated under Standing Order 143(2). Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the said Bill.

Thank you”.

6. **PAPERS LAID**

The following Papers were laid on the Table –

- i. Annual Report of the National Intelligence Service for the year ended 31st December, 2018

- ii. 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

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- (a) Ikolomani;
- (b) Mt. Elgon;
- (c) Malindi;
- (d) Garissa Township;
- (e) Bobasi;
- (f) Bomachoge Borabu;
- (g) Bomachoge Chache;
- (h) Bonchari;
- (i) Rongo;
- (j) Konoin;
- (k) Embakasi North;
- (l) Githunguri;
- (m) Kapenguria;
- (n) Turkana West;
- (o) Turkana North;
- (p) Loima;
- (q) Ainabkoi;
- (r) Turkana Central;
- (s) Marakwet East; and
- (t) Marakwet West.

(Majority Party Whip)

- iii. Report of the Budget and Appropriations Committee on its consideration of the Division of Revenue Bill (Senate Bill No. 13 of 2019)

(Chairperson, Budget and Appropriations Committee)

- iv. The Report of the Departmental Committee on Lands on its consideration of: -

- (a) The Sectional Properties Bill (National Assembly Bill No. 23 of 2019); and
- (b) A petition by residents of Sabaki Ward Magarini Constituency regarding dispossession of Ancestral Land.

(Chairperson, Departmental Committee on Lands)

- (v) Report on the 140th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings Held in Doha, State of Qatar from 6th – 10th April, 2019.

(Leader of the Delegation (Hon. Patrick Mariru))

7. **QUESTIONS**

The following Questions were asked –

1. Question No. 310/2019 by the Member for Kesses (Hon. (Dr.) Swarup Mishra, MP) regarding inspection of goods agencies operating at the port of Mombasa possess the requisite expertise to carry out inspection of goods; why was the period for the mandatory inspection of goods recently increased from four (4) days to over four (4) weeks; measures are in place to ensure there are no inordinate delays in physical inspection of goods especially those belonging to blue-chip and multinational

companies which also possess internationally recognised certification, such as C.E. (*Conformité Européenne*) and F.D.A (*Food and Drug Administration*)?

(To be answered by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Trade, Industry and Cooperatives)

2. Question No. 356/2019 by the Member (Hon. Nasri Sahal Ibrahim, MP) regarding the reasons persons from Wajir, Garissa, Mandera and Lamu Counties face challenges including selective issuance and long delays in acquiring important government documents among them Identification Cards and Passports; measures the Ministry has put in place to address the challenges and to facilitate issuance of important Government documents among them Identification Cards and passports to persons from the affected counties;

(To be answered by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

3. Question No. 356/2019 by the Member for Suna West (Hon. Peter Francis Masara, MP) regarding appointment of substantive Assistant County Commissioners to the four newly established divisions in Suna West Constituency to enhance delivery of critical government services to the public;

(To be answered the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

The following Question was deferred –

4. Question No. 355/2019 by the Member for Matayos (Hon. Geoffrey Makokha Odanga, MP) regarding details regarding the adult education programme in the country including funding, administration and the number of persons enrolled in the programme per county; measures the Ministry put in place to popularize adult education in the counties in order to give a second chance to the Kenyans who have dropped out of school for various reasons and wish to improve their literacy levels;
(Question deferred)

8. **MOTION – APPOINTMENT OF ACCOUNTANT TO AUDIT THE ACCOUNTS OF THE OFFICE OF THE AUDITOR-GENERAL**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor-General, *laid on the Table of the House on Thursday, July 25, 2019*, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act (No. 35 of 2015), **appoints** M/s. PKF Kenya to audit the accounts of the Office of the Auditor-General for the financial years 2014/15, 2015/16, 2016/17 and 2017/18.

(Chairperson, Public Accounts Committee – 30.7.2019)

Debate on the Motion having been concluded on Tuesday, July 30,, 2019;

Question put and agreed to.

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

Motion made and Question proposed –

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

(Chairperson, Departmental Committee on Lands – 27.6.2019)

Debate on the Motion having been concluded on Wednesday July 24, 2019;

Amendment Proposed;

THAT, the Motion be amended by inserting the following words after the figure “2019”-

“subject to deletion of recommendation 1 on page 16 of the Report and substitution thereof with the following –

1. **THAT, within sixty (60) days of adoption of this Report by the House and in furtherance to the provisions of section 34 of the Forest Conservation and Management Act, No. 34 of 2016 (regarding variation of boundaries or revocation of public forests), the Cabinet Secretary responsible for Forestry initiates the process of degazettment and excision of land L.R. No. 8390/Kamiti/Anmer from Kamiti Forest, measuring 169.7 hectares, for the purposes of settlement of the members of the Kamiti Forest Squatters Association, Kamiti Anmer Development Association, Muungano wa Kamiti Group and Kamiti Anmer Development Welfare Group.”**

Motion on the amendment made and Question proposed;

Question of the amendment Put and agreed to;

Motion as amended resumed;

Question on the Motion as amended put and agreed to.

10. **MOTION – SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

Motion made and Question proposed –

THAT, the Senate amendments to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) be now considered.

(The Leader of the Majority Party)

Debate arising;

Question put and negatived;

Bill to proceed to Mediation Committee.

11. **THE INDEPENDENT ELECTORAL AND BOUNDARIES (AMENDMENT) (NO.3) BILL**
(NATIONAL ASSEMBLY BILL NO. 35 OF 2019)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Independent Electoral and Boundaries (Amendment) (No.3) Bill (National Assembly Bill No. 35 of 2019) be now read a Second Time

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate arising;

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

Mover Replied;

Question deferred Pursuant to Standing Order 53 (3).

And the time being Seven O'clock, the 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, August 01, 2019 at 2.30 p.m.

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