



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, OCTOBER 08, 2019

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**

The Speaker conveyed the following Petition –

Acquisition of land and compensation of Keiyo North constituency residents

“Honourable Members,

“Standing Order 225(2) (b) requires the Speaker to report to the House any petition, other than those presented by a Member. I therefore wish to report to the House that my office has received a petition submitted by residents of Keiyo North Constituency represented by Messrs. Francis Cheplaiti, Josphat Maiyo, John Bundotich and Cosmas Cheptum of P.O. Box 44 Tambach.

The petitioners wish to draw the attention of the House to the compulsory acquisition of land by government in Keiyo North Constituency. In 1985, the Government received funds from donors for the construction of a teachers training college in Keiyo after which it gazetted the area and the land owners were notified of impending compulsory acquisition through Gazette Notices Number 4260 and 4261 of 1985.

Honourable Members, the petitioners claim that their land was acquired by the government after which they duly vacated the parcels to allow for the construction of Tambach Teachers College and awaited compensation by means of allocation of alternative land. The aforementioned compensation was afforded to other persons who were not original land owners and the legitimate beneficiaries have not received any form of compensation to date.

Honourable Members, the petitioners have averred that the matter raised in this petition have been brought before the relevant legal and constitutional bodies but remain unsolved. Further, they have stated that the matter is not pending before any court of law or any other legal bodies.

The petitioners are therefore praying that the National Assembly, through the Departmental Committee on Lands investigates the matters raised in this Petition with a view to ensuring that their property rights are upheld by being paid full, fair and timely compensation for their land.

Thank you”.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Annual Report of the Kenya Law Reform Commission for the Financial Year 2018/2019
- (ii) The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June, 2018 and the certificates therein-
 - a. Chesumei
 - b. Nyakach

(The Majority Whip)

- (iii) Report of the Committee on its consideration of the Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

6. **QUESTIONS**

The following Question were asked –

- (i) Question by Private Notice No.36/2019 by the Nominated Member (Hon. Halima Mucheke) regarding update on the prevalence of *Helicobacter Pylori (H. Pylori)* in the country;
(To be replied by the Cabinet Secretary for Health before the Departmental Committee on Health)
- (ii) Question No.422/2019 by the Nominated Member (Hon. Denitah Ghati) regarding number, operations and finances of special needs schools in the country.
(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

The following Question were deferred –

- (i) Question No.435/2019 by the Member for Kipkelion West (Hon. Hillary Kosgey) regarding suspension of Police Constable Rebecca Moraa.
- (ii) Question No.422/2019 by the Member for Kisii County (Hon. Janet Ong’era) regarding interdiction of 41 primary school headteachers in Kisii County.

7. **STATEMENTS**

- a) Pursuant to Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Education and Research (Hon Julius Melly) made an update regarding the

Statement sought by the Member for Homa Bay Town (Hon. Peter Kaluma) on the welfare of teachers. The Chairperson reported that the Committee had received an unsatisfactory report from the Teachers Service Commission, and had thus requested the Commission to provide more details to facilitate onward transmission of the feedback to the Member within two weeks.

- b) The Chairperson of the Departmental Committee on Sports, Culture and Tourism (Hon. (Dr.) Victor Munyaka) congratulated and commended the Kenyan Team to the 2019 IAAF Athletic Championships held in Doha, Qatar in October 2019.
- c) The Member for Kimilili (Hon. Didmus Mutua Barasa) voiced his misgivings with regard to appearance of the Chief Administrative Secretary for Health before the Departmental Committee on Health to respond to his Question instead of the Cabinet Secretary herself. Various Members ventilated on the Statement, and the Speaker undertook to issue guidance on the matter in due course.

8. **MOTION - RATIFICATION OF THE AGREEMENT FOR THE ESTABLISHMENT OF THE INTERNATIONAL ANTI-CORRUPTION ACADEMY AS AN INTERNATIONAL ORGANIZATION**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Instrument for Ratification of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization, *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 Establishment of the International Anti-Corruption Academy as an International Organization.

(Chairperson, Departmental Committee on Justice & Legal Affairs – 02.10.2019)

Debate on the Motion having been concluded on Thursday, October 03, 2019;

Question put and agreed to.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

- (i) **The Sacco Societies (Amendment) Bill (National Assembly Bill No.1 of 2018)**

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended by deleting subsection (4) of the proposed new section 27A and substituting therefor the following subsection—

(4) A deposit-taking Sacco society licensed under this Act shall notify the Authority prior to amending its registered by-laws or any provisions thereof.
(Member, Departmental Committee on Trade, Industry and Cooperatives)

Question put and agreed to;

Clause 2 - as amended agreed to

Clause 3 - amendment proposed -

THAT, clause 3 of the Bill be amended by deleting subsection (1) of the proposed new section 48A and substituting therefor the following new subsection—

48A (1) The Authority shall determine the suitability and propriety of every person seeking to serve as Board member, Chief Executive Officer or other officer of a Sacco society, and may bar a person from serving in a Sacco society as a Board member, Chief Executive Officer or an officer pursuant to its determination.

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - amendment proposed -

THAT, clause 4 of the Bill be amended by deleting the proposed new subsection (8) and substituting therefor the following—

(8) The Authority may impose minimum standards on significant members and officers of a Sacco society as prescribed, including a mandatory continuous or minimum professional development course, training and certification which every Board member, Chief Executive Officer or an officer of a Sacco Society shall undertake or attain before serving or seeking to serve as a Board member, Chief Executive Officer or an officer of a Sacco Society.

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 by deleting paragraph (b) of the proposed new section 54 subsection (5) and substituting therefor the following—

(b) A Sacco society shall, in the ordinary course of business exchange information on performing and non-performing loans as may be specified by the Authority and to such extent as may be prescribed through regulations made under the Act. Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments

(i) **The Sectional Properties Bill (National Assembly Bill No.23 of 2019)**

Clauses 2 - agreed to

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended by deleting the definition of the term “landlord”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clauses 4, 5, 6, 7, 8, 9 & 10 - agreed to

Clause 11 - amendment proposed –

THAT clause 11 of the Bill be amended in sub-clause (3) by inserting the words “and approved building plan” immediately after the words “existing structure”.

(Chairperson, Departmental Committee on Lands)

Mover absent from the Chamber;

Proposed amendment **dropped.**

Clause 11 - further amendment proposed –

THAT, clause 11 of the Bill be amended in sub-clause (4) by deleting the words “building permit was issued” and substituting therefor the words “building plan was approved”.

(The Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to

Clause 12 - amendment proposed –

THAT, clause 12 of the Bill be amended in sub-clause (1) by deleting the words “local authority” and substituting therefor the words “county government”.

(The Leader of the Majority Party AND Chairperson of the Departmental Committee on Lands)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 12 - as amended agreed to

Clause 13 - amendment proposed –

THAT, **clause** 13 of the Bill be amended—

(a) in sub-clause (1)(a) by inserting the word “or commercial” immediately after the word “residential”;

(b) by inserting the word “or commercial” immediately after the word “residential” appearing in the closing statement.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to

Clauses 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 25 & 26 - agreed to

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be amended—

(a) in paragraph (a) by deleting the word “residential”;

(b) in paragraph (b) by deleting the word “residential”;

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to

Clauses 28, 29, 30, 31, 32, 33, 34, 35 & 36 - agreed to

Clause 37 - amendment proposed -

THAT, clause 37 of the Bill be amended in sub-clause (1) by deleting the words “local authority” appearing in paragraph (f) and substituting therefor the words “county government”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 37 - as amended agreed to

Clauses 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 & 50 - agreed to

Clause 51 - amendment proposed -

THAT, clause 51 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “ground rent” immediately after the word “charges”;
- (b) in sub-clause (2) by inserting the words “and ground rent” immediately after the word “rates”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 51 - as amended agreed to

Clause 52 - amendment proposed -

THAT, clause 52 of the Bill be amended by inserting the words “ground rent” immediately after the word “rate”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 52 - as amended agreed to

Clauses 53, 54, 55, 56, 57, 58, 59 & 60 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

10. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

(a) **The Sacco Societies (Amendment) Bill (National Assembly Bill No.1 of 2018)**

Bill reported with amendment;

Motion made and Question proposed –

THAT, the House do agree with the Committee in its Report.

(The Majority Whip)

Question deferred.

(b) **The Sectional Properties Bill (National Assembly Bill No.23 of 2019)**

Bill reported with amendment;

Motion made and Question proposed –

THAT, the House do agree with the Committee in its Report.

(The Leader of the Majority Party)

Question deferred.

11. **MOTION - REPORT ON A FACT-FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Labour and Social Welfare on the visit to Riyadh, Saudi Arabia on a Fact-Finding Mission on the Welfare of Migrant Kenyan Workers in the Kingdom of Saudi Arabia from February 27 to March 3, 2019, laid on the Table of the House on Thursday, August 8, 2019.

(Chairperson, Departmental Committee on Labour & Social Welfare – 03.10.2019)

Debate interrupted on Thursday, October 03, 2019 resumed;

(Change of Chair from Fourth Chairperson of Committees to First Chairperson of Committees)

And the time being one minute past 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

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, October 09, 2019 at 9.30 a.m.

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