



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, DECEMBER 22, 2020 (MORNING) (SPECIAL SITTING)

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

The following Communications were issued:

(i) Special Sittings of the House of Tuesday, December 22, 2020

“Honourable Members, I wish to welcome you to today’s Special Sittings of the House, which have been convened pursuant to the provisions of Standing Order 29 and duly *Gazetted* vide *Kenya Gazette Notice No. 10690* of 16thDecember, 2020. The business to be transacted is as published in the *Gazette*. The notification of the Special Sittings was also made to all Members by the Clerk of the National Assembly in the usual manner, including publication in two newspapers of national circulation.

Having said that **Hon. Members,** with regard to processing of priority Bills and Statutory Instruments during the recess period, you will recall that, on 3rd December, 2020, the House **ordered** as follows-

- (i) Should a Bill be published during the recess period, or a published Bill becomes due for First Reading during the period, the Speaker shall, upon lapse of at least three days following the publication of the Bill and following a determination that such Bill is of priority, forthwith refer such Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) and upon resumption of the House, cause the Bill to be read a

First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;

- (ii) Should any statutory instrument be transmitted for tabling before the House during the recess period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House at its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013).

Hon. Members, In furtherance to this Order of the House, I wish to report as follows-

1. The Tax Laws (Amendment) (No.2) Bill (National Assembly Bill No. 48 of 2020) was published on 27th November 2020 and determined to be of priority. I therefore referred the Bill to the Departmental Committee on Finance and National Planning for consideration. The Committee is expected to Table its Report this morning to pave way for consideration of the Bill in other stages later in this Sitting and during the afternoon Sitting;
2. The Anti-Doping (Amendment) Bill, (National Assembly Bill No. 51 of 2020) was published on 7th December 2020 and having determined to be a priority Bill, I referred the same to the Departmental Committee on Sports, Culture and Tourism for consideration. I also expect the Committee to Table its Report this morning to pave way for consideration of the Bill in other stages; and,
3. The Value Added Tax (Amendment of the Rate of Tax) Order, 2020, (*Legal Notice No. 206 of 2020*) was submitted by the Cabinet Secretary for The National Treasury and Planning for Tabling and consideration by the National Assembly. Having determined the statutory instrument to be of priority, I referred it to the Committee on Delegated Legislation for consideration. I also expect the Committee to Table its report in the House today morning, so as to inform the consideration of the statutory instrument later in the day in keeping with the requirements of the law.

The House is accordingly informed and guided.

I thank you!"

(ii) **Demise of the Member for Kabuchai Constituency, the Late Hon. James Lusweti Mukwe, MP**

“Honourable Members, as you are aware, I did notify Members of the National Assembly and the entire parliamentary fraternity of the untimely passing on of the Member for Kabuchai Constituency, the Hon. James Lusweti Mukwe, MP on 4th December 2020. Upon receiving the sudden news of the death of the Member, I constituted an *Ad-Hoc* Committee under the chairmanship of the Member for Kwanza Constituency, the Hon. Ferdinand Wanyonyi, MP to assist the family with funeral and related arrangements on behalf of the National Assembly in line with the Parliamentary Service Commission Bereavement Policy.

Honourable Members, the late Hon. James Lusweti made his first attempt into elective national politics as a Ford-Kenya youth winger in mid 1990s. In 2002 he successfully vied for and won the seat of Councillor for Chwele Ward in the then Bungoma County Council. He was re-elected in 2007.

During his tenure as Councillor, Hon. Lusweti earned the trust of his fellow councillors and got elected as the Chairman for Bungoma County Council in 2004, a position he held until 2007.

The late Hon. Lusweti was known for his servant leadership approach as a Councillor and the Chairman of Bungoma County Council, which catapulted him to the National Assembly when he successfully vied for the Kabuchai Constituency Parliamentary seat on a Ford Kenya Party ticket in 2013. He was re-elected in 2017 and continued to diligently serve the people until his untimely death on 4th December 2020. The Parliamentary community knew him as a humble, sociable and hardworking person. Until his death, he actively served as a Member of the Select Committee on National Cohesion and Equal Opportunities. Before then, he served as a Member of the Select Committee on National Government Constituencies Development Fund and the Departmental Committee on Trade, Industry and Cooperatives in the 12th Parliament and the Budget and Appropriations Committee and Departmental Committee on Transport, Public Works and Housing in the 11th Parliament.

We will all remember the late Hon. Lusweti for his passionate advocacy for the education rights of children and entrenchment of sound fiscal management of public funds allocated to ensure universal access to basic education.

Honourable Members, I take this opportunity to sincerely thank the Ad-Hoc Committee lead by the Member for Kwanza Constituency, the Hon. Ferdinand Wanyonyi, MP, all Members and the entire Parliamentary fraternity for the support extended to the family during the funeral of our departed colleague, who was interred at his home in Chwele location, Kabuchai Constituency on Saturday, December 19, 2020.

Honourable Members, On behalf of all Members and staff of the National Assembly, and indeed on my own behalf, I once again convey the heartfelt condolences of the National Assembly and that of the entire parliamentary fraternity to the family of the late Hon. James Mukwe, his relatives, friends and the people of Kabuchai Constituency.

Honourable Members, **In tribute and honour to our departed colleague the Late Hon. James Mukwe Lusweti, MP, I request that we all stand to observe a minute of silence.”**

5. PETITION

The Member for Langata Constituency (Hon. Nixon Korir, MP) presented a Petition on Variation of Boundaries on Ngong Road Forest.

(Petition referred to the Departmental Committee on Environment and Natural Resources)

6. PAPERS LAID

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

- 1) Memorandum on Economic Partnership Agreement Between the Republic of Kenya, and the United Kingdom of Great Britain and Northern Ireland;
- 2) *Legal Notice No.206 of 2020* on the Value Added Tax (Amendment of the Rate) Order, 2020 from the National Treasury;
- 3) Annual Report for the year 2018/2019 for the East African Portland Cement PLC;
- 4) Performance Audit Report on Installation and Maintenance of Road Furniture by the Kenya National Highways Authority, Kenya Urban Roads Authority and Kenya Rural Roads Authority;
- 5) Report of the Auditor-General and Financial Statements on Ethics and Anti-Corruption Authority Commission – Staff House Mortgage and Car Loan Scheme for the year ended 30th June, 2020 and the certificates therein;
- 6) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein: -
 - i) The State Department for Post Training and Skills Development;
 - ii) Brand Kenya Board;
 - iii) National Humanitarian Fund;
 - iv) Government Press Fund;
 - v) Land Settlement Fund;
 - vi) National Environment Trust Fund;
 - vii) The Judicial Performance Improvement Project – IDA Credit No.5181-KE;
 - viii) Kenya Airport Authority; and
 - ix) National Construction Authority.

(The Hon. (Dr.) Amos Kimunya, M.P. - Leader of the Majority Party)

- 7) Report of the Committee on Delegated Legislation on its Consideration of the Value Added Tax (Amendment of the Rate Of Tax) Order, 2020 (Legal Notice No. 206 Of 2020)

(Chairperson, Select Committee on Delegated Legislation)

- 8) Report of the Departmental Committee on Finance & National Planning on its Consideration of the Tax Laws (Amendment) (No.2) Bill (National Assembly Bill No. 48 Of 2020)

(Chairperson, Departmental Committee on Finance and National Planning)

- 9) Report Of The Departmental Committee On Sports, Culture And Tourism On Its Consideration Of The Anti-Doping (Amendment) Bill (National Assembly Bill No. 51 Of 2020)

(Chairperson, Department Committee on Sports, Culture and Tourism)

7. NOTICE OF MOTION

The following notice of Motion was given:

Adoption of the Report of the Committee on Delegated Legislation on its Consideration of the Value Added Tax (Amendment of the Rate Of Tax) Order, 2020 (Legal Notice No. 206 Of 2020)

THAT, this House adopts the Report of the Committee on Delegated Legislation on its Consideration of the Value Added Tax (Amendment of the Rate of Tax) Order, 2020 (Legal Notice No. 206 Of 2020), *laid on the Table of the House on Tuesday, December 22, 2020*, and pursuant to the provisions of sections 6 and 7 of the Value Added Tax, 2013, **approves** the Value Added Tax (Amendment of the Rate of Tax) Order, 2020 published under Legal Notice No. 206 Of 2020.

(Chairperson, Select Committee on Delegated Legislation)

8. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF A SPECIFIED BILL

Motion made and Question proposed:-

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Business Laws (Amendment)(No.2) Bill (National Assembly Bill No. 50 of 2020) from **14 days to 8 days**.

(Leader of the Majority Party)

No debate arising;

Question put and agreed to.

9. MOTION – APPROVAL OF AGREEMENT FOR THE AVOIDANCE OF DOUBLE TAXATION BETWEEN KENYA AND MAURITIUS

Motion made and Question proposed:-

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of the Agreement for the Avoidance of Double Taxation between the Government of the Republic of Kenya and the Government of the Republic of Mauritius, *laid on the Table of the House on Tuesday, December 1, 2020* and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** the Agreement for the Avoidance of Double Taxation between the Government of the Republic of Kenya and the Government of the Republic of Mauritius. *(Chairperson, Committee on Delegated Legislation)*

(Chairperson, Departmental Committee on Finance and National Planning -03.12.20)

Debate on the Motion having been concluded on Thursday, December 03, 2020 (Afternoon);

Question put and agreed to.

10. MOTION – APPROVAL OF THE ACCESSION TO THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

Motion made and Question proposed:-

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of Kenya's Accession to the African Charter on Democracy, Elections and Governance, *laid on the Table of the House on Tuesday, November 17, 2020*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 **approves** Kenya's Accession to the African Charter on Democracy, Elections and Governance..

(Chairperson, Departmental Committee on Defence and Foreign Relations -03.12.20)

Debate on the Motion having been concluded on Thursday, December 03, 2020 (Morning);

Question put and agreed to.

11. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

(Hon. Martin Peters Owino, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

12. THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2020)

(Hon. Joshua Kivinda Kimilu, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

13. THE BIRTH AND REGISTRATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2020)

(Hon. Martha Wangari, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

14. THE JUDICIAL SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2020)

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

15. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2020)

(Hon. Richard Tongi, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

16. THE ALCOHOLICS DRINKS CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2020)

(Hon. Danson Mwakuwona, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

17. THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2020)

(Hon. Sakwa Bunyasi, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

18. THE INFORMATION COMMUNICATIONS TECHNOLOGY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)

(Hon. Godfrey Osotsi, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

19. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2020)

(Hon. Jeremiah Kioni, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

20. THE CHILDREN (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2020)
(Hon. Peter Kaluma, MP)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

21. THE TAX LAWS (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2020)
(Chairperson, Departmental Committee on Finance and National Planning)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

22. THE BUSINESS LAWS (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2020)
(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

23. THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2020)
(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

24. THE TAX LAWS (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2020)

Motion made and Question proposed:-

THAT, the Tax Laws (Amendment) (No.2) Bill (National Assembly Bill No. 48 of 2020) be read a Second Time.

(Chairperson, Departmental Committee on Finance and National Planning)

[Change of Chair from the Honourable Speaker to the Deputy Speaker]

Debate arising;

[Change of Chair from the Deputy Speaker to the Third Chairperson]

Debate to resume;

And the time being one minute past One O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

25. HOUSE ROSE – at one minute past One O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, December 22, 2020 at 2.30pm

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