



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 08, 2023

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 Hon. Speaker conveyed following petition -

Illegal acquisition of private land by the defunct Awendo Town Council

“Honourable Members,

1. Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
2. In this regard, Honourable Members, I wish to report to the House that my office has received a petition from one *Mr. Boniface Otieno Opere of Identification Number No. 4238636* and four others representing members of *Tim Kinda Self - Help Group* in Awendo Town, Migori County.
3. The Petitioners state that in 1988 the allocation of plots to various persons was halted by the then South Nyanza District Plot Allocation Committee on grounds that the government had not acquired the said pieces of land. The Petitioners claim to have lodged a complaint with the Ministry of Lands and were confirmed to be the legal owners of the said land.
4. The Petitioners further aver that, in 2003, the Awendo Township Council embarked on evicting land owners without any notice or orders from any court on grounds that the said parcels of land had been compulsory acquired by government.
5. Honourable Members, the Petitioners consequently took legal action in 2005 by suing the Awendo Town Council at the High Court in Kisii, which ruled in their favour. Unfortunately, the Council failed to produce acquisition and compensation documents to the court as directed.
6. Honourable Members, further efforts by the petitioners to compel Awendo Town Council to produce acquisition and compensation documents were

7. thwarted as the appeal was dismissed and directed to the District Land Registrar to issue title deeds to the original land owners.
8. Honourable Members, the petitioners further state that the Awendo Town Council having been dissatisfied by the judgement of Court of Appeal, applied for a certificate to appeal its decision at the Supreme Court which was dismissed by the Supreme Court.
9. Honourable Members, the Petitioners therefore pray that the National Assembly engages the Ministry of Lands, Housing & Urban Development to ensure that the Petitioners are duly compensated for the lands they lost due to illegal allocation by the defunct Awendo Town Council.
10. Honourable Members, having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
11. The Committee is required to consider the Petition and report its findings to the House and to the Petitioners in accordance with Standing Order 227(2).
I thank you.”

5. PAPERS LAID

The following Papers were laid on the Table -

- (i) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein: -
 - a) Cooperative University of Kenya;
 - b) Kenya Railways Corporation; and
 - c) Dr. Daniel Wako Murende Technical and Vocational College.
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2021 and the certificates therein: -
 - a) Sotik;
 - b) Kanduyi;
 - c) Kisumu West;
 - d) Rarieda;
 - e) Emuhaya;
 - f) Kinango;
 - g) Garsen;
 - h) Luanda;
 - i) Bureti;
 - j) Ainamoi;
 - k) Belgut;
 - l) Gem;
 - m) Sabatia;
 - n) Vihiga;
 - o) Nyando;
 - p) Kisumu Central;
 - q) Lamu East; and
 - r) Galole.

(iii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2022 and the certificates therein:-

- a) New Partnership for Africa Development/Africa Peer Review Mechanism (NEPAD/APRM) Kenya Secretariat;
- b) Anti-Counterfeit Authority;
- c) Local Authorities Provident Fund;
- d) Kenya Industrial Property Institute;
- e) Railway Development Levy Fund (Holding Account) – State Department for Transport;
- f) Technical assistance to enhance the capacity of the president’s Delivery Unit (ADB Grant No. 5500155012902) project – State Department for Interior and Citizen Services;
- g) National Police Service Commission Staff Car Loan and Mortgage Scheme Fund; and
- h) Kenya Youth Employment and Opportunities Project (Credit No. IDA 5812-KE) – Micro and Small Enterprises Authority.

(Deputy Leader of the Majority Party)

(iv) The Report of the Procedure and House Rules Committee on amendments to the Standing Orders.

(Vice-Chairperson, Procedure and House Rules Committee)

6. NOTICES OF MOTION

The following Notice of Motion was given –

Amendments to the Standing Orders

THAT, this House adopts the Sixth Report of the Procedure and House Rules Committee on Amendments to the Standing Orders, *laid on the Table of the House on Wednesday, 8th March, 2023* and pursuant to the provisions of Article 124(1) of the Constitution and Standing Order 265 –

- (i) **approves** the proposed amendments to the Standing Orders as contained in Annex 3 of the Report;
- (ii) **resolves** that the amendments agreed to in Committee of the Whole House and approved by the House shall take effect on Thursday, 23rd March 2023; and
- (iii) **further resolves** that Questions pending Reply before Committees as at the commencement date shall be disposed of by the respective Committees.

(Vice-Chairperson, Procedure and House Rules Committee)

7. QUESTIONS

The following Questions were asked –

- (i) Question No. 026/2023 by the Member for Buuri (Hon. Rindikiri Murwithania, MP) regarding the criteria used by the Ministry to categorize some regions in the country as Arid and Semi-Arid Lands (ASALs) specifically Buuri Constituency.

(To be replied by the Cabinet Secretary for East African Community, the Arid and Semi-Arid Lands (ASALs) and Regional Development before the Departmental Committee on Regional Development)

- (ii) Question No. 027/2023 by the Member for Nyakach (Hon. Aduma Owuor, MP) regarding human-wildlife conflict in Nyakach Constituency specifically the fatal injury of Meshack Otieno Oloo and death of Silvance Oluoch

Otieno, a minor, in February, 2023 following an attack by stray hippopotamuses, compensation plans of the victims and mitigation measures by the relevant Ministries and Agencies.

(To be replied by the Cabinet Secretary for Tourism, Wildlife & Heritage before the Departmental Committee on Tourism and Wildlife)

- (iii) Question No. 028/2023 by the Member for Matungulu (Hon. Stephen Mule, MP) regarding circumstances that led to the payout of over USD 2.8 million in legal fees between the year 2014 and 2020, by the East African Development Bank (EADB) of which the Republic of Kenya is a shareholder under the EAC Treaty, reasons for non-payment of dividends to Kenya and measures being taken by the Ministry to safeguard Kenyan taxpayers' money held at the EADB Bank.

(To be replied by the Cabinet Secretary for the National Treasury & Economic Planning before the Departmental Committee on Finance & National Planning)

- (iv) Question No. 029/2023 by the Member for Mathare (Hon. Anthony Oluoch, MP) regarding steps taken by the Ministry to expedite the posting of medical interns who graduated in 2022 and have not been furnished with posting letters considering that medical licenses are a pre-requisite for employment and plans by the Ministry address the shortage of doctors in the Country.

(To be replied by the Cabinet Secretary for Health before the Departmental Committee on Health)

- (v) Question No. 030/2023 by the Member for Nyando (Hon. Jared Okello, MP) regarding the interventions that the Ministry has instituted to mitigate and end the huge losses suffered by rice farmers in West Kano and Ahero Irrigation Schemes due to long periods of drought and invasions by *Qualia Qualia* birds and compensation to farmers who have incurred losses because of the menace.

(To be replied by the Cabinet Secretary for Agriculture & Livestock before the Departmental Committee on Agriculture & Livestock)

8. REQUEST FOR STATEMENT PURSUANT TO THE PROVISIONS OF STANDING ORDER 44(2) (c)

The Member for Embakasi Central (Hon. Benjamin Gathiru) requested for a statement regarding unfair trading practices by foreign investors in Kenya.

(Statement referred to the Departmental Committee on Trade, Industry & Cooperatives)

9. PROCEDURAL MOTION – EXTENSION OF PERIOD FOR CONSIDERATION OF CERTAIN PUBLIC PETITIONS

Motion made and Question proposed-

THAT, notwithstanding the provisions of Standing Order 227(2) (*Committal of Petitions*), this House **resolves** to extend the period for consideration of the public petitions specified hereunder by the Public Petitions Committee by a **further period of forty-five (45) days** with effect from 8th March, 2023 –

- (i) Completion of House Units for Kibera Residents funded by the World Bank;
- (ii) Degazettement of Hola Irrigation Scheme land presented by the Hon. Said Hiribae, MP; and
- (iii) Funds spent by National Government contrary to provisions of Article 223 of the Constitution.

(The Vice-Chairperson, Public Petitions Committee)

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

There being no member wishing to contribute;

Question put and agreed to.

10. THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2022)
(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).

11. SPECIAL MOTION – CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE DEPUTY GOVERNOR OF THE CENTRAL BANK OF KENYA

Motion made and Question proposed-

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and Senate Standing Committee on Finance and Budget in its Report on vetting of **Dr. Susan Jemtai Koech** for approval as Deputy Governor of the Central Bank of Kenya, *laid on the Table of the House on Tuesday, 7th March, 2023* and pursuant to Section 13B(1) and 13C(1) of the Central Bank of Kenya Act, Section 8(2) of the Public Appointments (Parliamentary Approval) Act 2011 and Standing Order 216(5)(f) of the National Assembly Standing Orders, this House **approves** the appointment of **Dr. Susan Jemtai Koech** as Deputy Governor of the Central Bank of Kenya.

(The Chairperson, Departmental Committee on Finance & National Planning)

There being no Member wishing to contribute;

Question put and agreed to.

12. MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

Motion having been made and Question proposed-

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; Acknowledging that, actualization of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; Further acknowledging that, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the Departmental Committee on Justice and Legal Affairs with regard to proposals relating to the implementation of the Two-Thirds Gender principle and the establishment of the Office of the Leader of Official Opposition; *The Joint Parliamentary Ad Hoc Committee* with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and *The Procedure & House Rules Committee* with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; NOW THEREFORE, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House notes, considers and makes general comments on the proposals contained in the Memorandum by His Excellency the President.

(The Leader of the Majority Party – 15.02.2023)

Debate interrupted on Tuesday March 07, 2023 resumed;

13. QUORUM IN THE HOUSE

Rising on a Point of Order pursuant to Standing Order 35, the Member for Vihiga County (Hon. Beatrice Adagala) objected that there was no Quorum present in the House;

And the Third Chairperson, having ascertained that there was no Quorum, present in the House, ordered that the Division Bell be rung for Ten minutes;

And Quorum not being present at the expiration of ten minutes;

And the time being fourteen minutes to Six O'clock, the Third Chairperson adjourned the House without Question put pursuant to Standing Order 35(2)(2)(a).

14. HOUSE ROSE - at fourteen minutes to Six O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, March 09, 2023 at 2.30pm