

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday, 24<sup>th</sup> October, 2018**

The House met at 2.45 p.m.

*[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]*

**PRAYERS**

**COMMUNICATIONS FROM THE CHAIR**  
**UPTAKE OF INFORMATION AT THE ASSEMBLY LIBRARY**

**Hon. Speaker:** Hon. Members, under this Order, I have the following communication. The first one is from the Broadcasting and Library Services Committee.

Hon. Members, you are being informed about library and information uptake in the library by yourselves. Hon. Members, access to reliable and timely information is essential to proper functioning of legislative functions all over the world. Hon. Members, you are required to be actively and continuously improving your knowledge particularly in the participation of the mandate that you are supposed to discharge as Hon. Members of this House; legislation, representation and oversight.

Hon. Members, you have facilities that can enable you discharge your functions better in the library and this is a resource center which is only for you of course and the members of the Assembly and it includes information materials which you can access and even research on reports. Do you do not have to do the research yourselves Hon. Members and please make sure that you can approach the librarian, if you have any matter that you want to bring to the House so that you do not make any mistake and so that there is substance in your business. Talk to the librarian, tell them you want to do 1-2-3 and you ask them to do the research for you.

They are supposed to be doing that for you. May be you did not know. So that, Hon. Members, when you bring your business on the floor of this House, you are well informed and remember we distributed iPads and one particular time we said that you will be making use of the iPads so that even if you do not make it to go personally to the library, the librarian will show you how to access the material in the library from the comfort of your home, if you are not in the Assembly. So, Hon. Members, please make sure that you make use of the library.

On a lighter touch, I said just like in a classroom, the best performing student gets an incentive to do even better. I task the librarian in particular to see which way they can make you more interested in going to the library by giving rewards to those who are faithful users of the library services, Hon. Members.

## NOMINATION OF A MEMBER TO THE COUNTY ASSEMBLY SERVICE BOARD

**Hon. Speaker:** Hon. Members, another communication is on nomination of a member to serve in the County Assembly Service Board; I have received communication from the Majority Chief Whip, Hon. Tariq Mulatya communicating nomination of Hon. Grace Munini Mutwiwa to the Machakos County Assembly Service Board. This nomination is to take effect immediately, Hon. Members.

*(Applause)*

## MEETING OF COMMITTEES WITH THE CHAIRPERSON OF COMMITTEES

Finally Hon. Members, I have a communication from the Chair of Committees about the following Committees that are requested to meet immediately after the plenary. I presume the meeting will be in this Chamber and the following are the Committees; Ward Development Fund, the Justice and Legal Affairs Committee, the Devolution Committee, the Health Committee, I know the names are long but when we mention health you know the full names. The Labour Committee and finally the Implementation Committee. Thank you, Hon. Members. Mr. Clerk, proceed.

## MOTION

**Hon. Speaker:** Hon. Members, under this order, we have three businesses. First is by Hon. Museku, second is by Hon. Katumo and third is by Hon. Majority Leader Hon. Mark Muendo or his representative Hon. Kiteng'u. Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker.

## REPORT ON PROPOSED AMENDMENTS TO STANDING ORDERS

**Hon. Museku:**

Madam Speaker, that aware that pursuant to Standing Order 187(3) and (4), the Procedure and House Rules Committee is mandated to consider, report and also propose amendments to the Standing Orders;

Further aware that the current Standing Orders, while they address majority of concerns of the Assembly's way of conducting business, they fail in some instances, to capture circumstances that are unique to the County Assembly of Machakos.

Informed that Standing Order 228 provides for periodic review of Standing Orders where at least once in every term of the Assembly, not later than six Months to the end of the term, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the Assembly recommending amendments to the Standing Orders.

Remembering that in the course of this year, the Committee held several meetings to propose amendments to the current Standing Orders pursuant to Standing Order 226.

Madam Speaker, I wish to move the Motion that this Hon. House discusses and approves the report of Procedure and House Rules Committee on proposed amendments to Standing Orders.

I request Hon. Nyawira to second my Motion.

**Hon. Speaker:** Hon. Nyawira.

**Hon. (Ms.) Nyawira:** Thank you, Madam Speaker. I second the Motion.

**Hon. Speaker:** Thank you, Hon. Nyawira. Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker. I hope the Members have the report on the Procedure and House Rules Committee; report on proposed amendments to standing orders dated October, 2018

#### *Introduction*

Madam Speaker, Parliamentary procedure and rules is a body of rules, ethics, and customs governing meetings and other operations of clubs, organizations, legislative bodies, and other deliberative assemblies. Standing Orders are the written rules under which a Parliament conducts its business. They regulate the way Hon. Members behave and how debates are organized in the Assembly.

Standing Orders are unique to the legislative body they govern and that legislative body is free to amend or repeal any rule, and create new ones.

Madam Speaker, it is true that the Standing Orders address majority of concerns of the Assembly's way of conducting business but in some instances they fail to capture circumstances that are unique to the County Assembly of Machakos.

It is because of these challenges that the committee on Procedure and House Rules resolved to study and analyse the current Standing Orders with a view of recommending appropriate amendments thereto in order to address the unique circumstances of the County Assembly of Machakos.

**Hon. Speaker:** Hon. Museku, just a moment. We do not have any Serjent at Arms this afternoon? Okay. Hon. Museku, proceed.

#### *Mandate of the Committee*

Madam Speaker, the Procedure and House Rules Committee is established pursuant to Standing Order 187 and is mandated to consider and report on all matters relating to the Standing Orders. The Committee may propose amendments to the Standing Orders and any such amendments shall upon approval by the Assembly, take effect at the time appointed by the Assembly.

#### *Membership*

This Committee comprises of the following Hon. Members;

1. Hon. Florence M. Mwangangi – Chairperson
2. Hon. Paul Nyanzi – V/Chair
3. Hon. Paul Museku – Member
4. Hon. Constance Nzioki – Member
5. Hon. Jane Nyawira - Member

### *Legal Framework*

Madam Speaker, Articles 124(1) and (2) of the Constitution mandates Parliament to establish committees for each House of and joint committees for both Houses.

Further Section 14(1)(a) and (b) of the County Government Act, 2012 provides that;

- (a) A County Assembly may make Standing Orders consistent with the Constitution and this Act regulating the procedure of the County Assembly including, in particular, orders for the proper conduct of proceedings.
- (b) Subject to Standing Orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

Madam Speaker, Standing Order 226 provides that the Procedure and House Rules Committee may at any time propose amendments to these Standing Orders. Further, Standing Order 227(1) provides that for amendments to Standing Orders, ‘a Member may, with the support of at least two other Members, request the Procedure and House Rules Committee to consider amendments to the Standing Orders.’

Madam Speaker, Standing Order 227(3) and (4) states that ‘if the Speaker is satisfied that the requirements have been met, he or she may forward the request to the Procedure and House Rules Committee which shall, within twenty-one days of receipt of the request, consider the request and table a report in the Assembly containing the amendments proposed in the request and the recommendations of the Committee on each proposal.’

Madam Speaker, Pursuant to Standing order 227(5), the Assembly shall consider the proposed amendments to the Standing Orders as reported from the Procedure and House Rules Committee on a Motion that ‘the report of the Procedure and House Rules Committee be approved.’

Standing Order 228 provides for periodic review of Standing Orders where at least once in every term of the Assembly, not later than six months to the end of the term, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the Assembly recommending the Standing Orders, if any, to be amended. The amendments to the Standing Orders, upon approval by the Assembly, take effect at the time appointed by the Assembly.

### *Committee Sitting*

Madam Speaker, On 4<sup>th</sup> July, 2018, 17<sup>th</sup> and 25<sup>th</sup> September, 2018 and on 19<sup>th</sup> October, 2018 the committee on Procedure and House Rules met and the substantive agenda of the meetings was amendments to various Standing Orders which in the course of usage, gaps and deficiencies have been witnessed. The rationale of considering those proposed amendments was to recommend for approval by the Assembly so that we can curb the dilemma that occurs on matters that we occasionally face and which are not well covered by the current Standing Order.

*Proposed Amendments*

Madam Speaker, in the course of its sittings the committee considered the following Standing Orders for amendments;

- Standing Order No. 2 on Interpretation for “The Table” and ‘The Mace.’
- Standing Order No. 23 on Location of the First Sitting of a new Assembly.
- Standing Order No. 26 on Special Sitting of the House.
- Standing Order No. 27 on Hours of meeting and Sitting day.
- Standing Order No. 42 on Committal to Committees (Approval of Public Appointments).
- Standing Order No. 59 on Procedure for removal of the Governor on grounds of incapacity.
- Standing Order No. 62 on Procedure for removal of member of County Executive Committee Member.

Omitted on that list is Standing Order No. 60 which is procedure for removal of the Governor on ground on impeachment. That you need to add to your report

*Recommendations*

Madam Speaker, the Committee recommended the following amendments;

**Standing Order No. 2 on Interpretation**

Standing Order No. 2 be amended by inserting the following new definition— “Table” means the Table of the House;

Standing Order No. 2 be amended by inserting the following new definition--“Broadcast” – It includes the live transmission of the proceedings of the House by radio, television or webcast.’

Standing Order No. 2 be amended by inserting the following new paragraph—

**2 (3). The Mace**

The Mace of the House is a symbol of the authority of the House and shall always be guarded and kept in safe custody by the Serjeant-at-Arms.

**Standing Order 23 on location of the first sitting-**

At the end of the paragraph insert the words; .... after the publication in the Gazette of all the members provided for under paragraphs (b) and (c) of article 177(1) of the Constitution.

**Standing Order 26 on Special Sitting-**

Insert a new paragraph 26A to read – 26A Notwithstanding the provisions of paragraph (1) and (2), in the case of an emergency, the Speaker may call a special sitting at any time and at such place as he or she considers expedient, giving reasonable notice.

The rationale is to take care of a situation when there is a critical business that needs urgency and that time the majority and minority leadership may not be in agreement to call a special sitting.

**Standing Order 27 on hours of meeting and Sitting Day**

Redraft Standing Order 27(1) to read; 27(1) Unless the Speaker, for the convenience of the Assembly otherwise directs, the Assembly shall meet at 10.00 a.m. in the morning and 2.30 p.m. in the afternoon on Tuesdays and Wednesdays and morning and afternoon sittings shall constitute one sitting day.

Delete Standing Order 27(2) from where we have the words .....or if it is an allotted day. This is because allotted days relate to the committee on Supply which has been deleted from the Standing Orders.

**Standing Order No. 42 on Committal to Committees (Approval of Public Appointments)**

Delete the whole Standing Order and redraft as follows:

- 42(1) An appointment under the Constitution or any other law for which the approval of a County Assembly is required, shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act.
- 2) Upon receipt of a notification of nomination for appointment to an office under the Constitution or any other law that requires the approval of the Assembly, the Speaker shall report the receipt of the notification to the Assembly, following which the notification shall be committed to the relevant committee of the Assembly.
  - 3) Despite paragraph (2), appointments under Article 179 (2) (b) of the Constitution shall stand committed to the Committee on Appointments.
  - 4) The chairperson of the committee shall determine the time and place for the holding of the approval hearing which shall not be later than fourteen days from the date of the committal of the notification to the committee.
  - 5) The approval hearings shall be held in a public place and shall be conducted during working hours between 8.00 a.m. and 5.00 p.m. but the hearing can be extended with agreement of the committee.
  - 6) The Clerk shall notify a candidate of the time and place for the holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and such other form of communication as the Clerk shall consider appropriate.
  - 7) The committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.
  - 8) Subject to the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, all committee proceedings on public appointments shall be open and transparent.
  - 9) Despite paragraph (8) a committee may, on its own motion or on the application of a candidate or any other concerned person, determine that the whole or part of its sittings shall be held in camera.
  - 10) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

- 11) The criteria specified in Schedule One and the assessment form specified in Schedule Two of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 shall be used by a committee during an approval hearing for the purposes of vetting a candidate.
- 12) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.
- 13) A candidate shall have a right to be heard on any statement or evidence submitted to the Clerk contesting the suitability of the candidate to hold the office to which the candidate has been nominated.
- 14) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.
- 15) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the House within twenty one sitting days from the date the committee first sits to consider the nomination on which the notification was received by the committee under paragraph (2).
- 16) The decision of the Assembly shall be communicated to the Governor within 14 days.

### **Standing Order 59 on Procedure for removal of the Governor on grounds of Incapacity**

Standing Order No. 59 is amended by deleting the whole Standing Order and substituting therefore the following new Standing Order

#### **59**

- (1) Before giving a notice of Motion under section 33(1) of the County Governments Act, 2012 as read with Article 181(1)(d), the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made for the removal of the Governor on grounds of physical or mental incapacity to perform his functions.
- 2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, National Identification Number and Postal Address of the member
- 3) The motion shall be supported by at least one third of all the members, who shall append their full names, National Identification numbers, signatures and date in support of the motion as endorsed on the motion.
- 4) The Clerk shall submit the proposed Motion to the Speaker for approval.
- 5) The Motion shall be tabled in the immediate next committee meeting of House Business committee for balloting

- 6) The House Business committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly.
- 7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered.
- 8) If the Motion is supported by at least two-thirds of all the members of the Assembly, the County Assembly Speaker shall inform the Speaker of the Senate of that resolution within two days.

**Standing Order No. 60 on Procedure for removal of the Governor by Impeachment.**

Standing Order No. 60 is amended by deleting the whole Standing Order and substituting therefore the following new Standing Order;

**60. Procedure on Removal of Governor by Impeachment**

- (1) Before giving a notice of Motion under section 33(1) of the County Governments Act, 2012 as read with Article 181(1)(a), (b), (c) and (d) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for the impeachment of the Governor on any of the following grounds—
  - a) Gross violation of the Constitution or any other law.
  - b) Where there are serious reasons for believing that the Governor has committed a crime under national or international law.
  - c) Abuse of office or gross misconduct.
  - d) Physical or mental incapacity to perform his functions.
- 2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, National Identification Number and Postal Address of the member.
- 3) The Motion shall be supported by at least one third of all the members, who shall append their full names, National Identification numbers, signatures and date in support of the motion as endorsed on the motion.
- 4) The Clerk shall submit the proposed Motion to the Speaker for approval.
- 5) The Motion shall be tabled in the immediate next committee meeting of the House Business committee for balloting.
- 6) The House Business committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly.
- 7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next Assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered.
- 8) If the Motion is supported by at least two-thirds of all the Members of the Assembly, the County Assembly Speaker shall inform the Speaker of the Senate of that resolution within two days.

**Standing Order No. 62 on Procedure for removal of Member of County Executive Committee**

Standing Order No. 62 is amended by deleting the whole Standing Order and substituting therefore the following new Standing Order:

62(1) A Member may give Notice of Motion in writing to the Clerk under Section 40 of the County Governments Act, 2012, requiring the Governor to remove from office a Member of County Executive Committee on any of the following grounds—

- (a) Incompetence;
  - (b) Abuse of office;
  - (c) Gross misconduct;
  - (d) Failure, without reasonable excuse, or written authority of the Governor, to attend three consecutive meetings of the county executive committee.
  - (e) Physical or mental incapacity rendering the executive committee member incapable of performing the duties of that office; or
  - (f) Gross violation of the Constitution or any other law.
- 2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, National Identification Number and Postal Address of the Member.
  - 3) The Motion shall be supported by at least one third of all the members, who shall append their full names, National Identification numbers, signatures and date in support of the motion as endorsed on the motion.
  - 4) The Clerk shall submit the proposed Motion to the Speaker for approval.
  - 5) The Motion shall be tabled in the immediate next committee meeting of House Business committee for balloting.
  - 6) The House Business committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly.
  - 7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered.
  - 8) If the motion is supported by at least one third of all the members, the Assembly shall in the same sitting;
    - a. Appoint a Select Committee comprising of five members appointed on the basis of relative majorities of the seats held by each of the Assembly parties, to investigate on the matter.
    - b. The Select Committee shall within 10 days report to the Assembly whether the allegations against the Member of County Executive Committee are substantiated.
  - 9) The Clerk shall immediately in writing inform the affected member of County Executive Committee the resolutions of the Assembly.
  - 10) The county executive committee member has the right to appear and be represented before the select committee during its investigations.
  - (11) If the select committee reports that it finds the allegations—
    - (a) Unsubstantiated, no further proceedings shall be taken; or

(b) Substantiated, the County Assembly shall vote whether to approve the resolution requiring the county executive committee member to be dismissed.

(12) If a resolution under subsection (11)(b) is supported by a majority of the members of the County Assembly—

(a) The Speaker of the County Assembly shall promptly deliver the resolution to the Governor; and

b) The Governor shall dismiss the county executive committee member forthwith.

### *Conclusion*

Madam Speaker, the Committee on Procedure and House Rules wishes to acknowledge the office of the Speaker and that of the Clerk for facilitating the Committee to amend the Standing Orders to suit well the operations of the Assembly and in line with the Constitution. Credit also goes to the members of the committee for their participation in the discussion of the proposed amendments and in preparation of this report.

It is therefore my pleasant duty and privilege to table before this Hon. House the report on Proposed Amendments to Standing Orders for discussion and adoption. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you Hon. Museku. Hon. Members, I just want to give you guidelines on the process that you have started undertaking on the amendment of Standing Orders; you notice that under Standing Order 227(6) you are required to apply Standing Order 128 to a motion on proposed amendments to the Standing Orders. Standing Order 128 is about the procedure on Bills and so what we are going to do Hon. Members, I will invite some comments at this moment on the motion and then we shall go into a committee of the Whole shortly after that.

So, Hon. Members, on comments; I am not proposing the question, I am not putting the question now because you will have to go to the committee of the Whole. Hon. Constance.

**Hon. (Ms.) C. Nzioki:** Thank you, Madam Speaker. I know I belong to this committee and I think I have an issue before we go far; the paper reads I proposed all the Standing Orders. Madam Speaker, I do not remember proposing any of these Standing Orders before we come to them. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Constance, you were present in the committee sitting?

**Hon. (Ms.) C. Nzioki:** I was, Madam Speaker.

**Hon. Speaker:** Thank you.

**Hon. (Ms.) C. Nzioki:** I did not propose any of them, Madam Speaker.

**Hon. Speaker:** Hold on, Hon. Members. Hon. Constance, I hear you. We proceed with the comments on the motion. Hon. Mulatya.

**Hon. Mulatya:** Thank you, Madam Speaker. First and foremost, I applaud the committee for job well done. Madam Speaker, if you look at our Standing Orders, they bar this House from performing a lot of its duties but with these new amendments, I fully support because it is touching every Standing Order which was not in orders.

Madam Speaker, I know some of us may be feeling so bad when you touch the impeachment of the Governor and I am sorry to them because this should be the procedure. Madam Speaker, I would like also---

*(Hon. Kaloki spoke off record)*

**Hon. Speaker:** Hon. Kaloki, why are you responding to a member without coming through the Chair? I heard you say shame; is that being in order in the House? It is not being in order. I just want to warn you and any other members that if you want to address the House, come through the Speaker; let us maintain order and decorum in the House. Proceed, Hon. Tariq.

**Hon. Mulatya:** Thank you for your protection, Madam Speaker---

**Hon. Speaker:** Proceed Hon. Mulatya; no you were not under grave threat,. Actually, it is the dignity of the House that is at threat.

**Hon. Mulatya:** Yes, it is good because if he has issues he can bring them outside not here.

**Hon. Speaker:** Hon. Mulatya.

**Hon. Mulatya:** I withdraw; I withdraw my statement, Madam Speaker.

**Hon. Speaker:** Proceed.

**Hon. Mulatya:** Madam Speaker, as I was saying, you know it is also good for us to act as Hon. Members because I do not see how we have never had complaint in any of our committees. If a Hon. Member went ahead and seconded or proposed something in the committees not knowing what they are doing, let them not bring those issues in this Hon. House. So, Madam Speaker, I support this report and I urge the whole House to support this motion.

**Hon. Museku:** Point of information, Madam Speaker, as the mover of the motion please?

**Hon. Speaker:** The Hon. Member has finished?

**Hon. Member:** Yes, I have not finished. I can get the point of information.

*(Laughter)*

**Hon. Speaker:** Hon. Museku.

**Hon. Museku:** Thank you, Madam Speaker. I think the House is being misled, Madam Speaker. What she is referring to---

**Hon. Speaker:** Who is she now?

**Hon. Museku:** Hon. Constance is referring to, is that the Clerk has inadvertently put her in the committee of the whole House as a proposer not anywhere else and he neither consulted the Chair nor consulted us when he was putting and we have since made that rectification which was supposed to be done when we come to the committee of the whole house that she is not the one who is going to move the proposed amendments in the committee of the whole House. So, that is the confusion, Madam Speaker.

**Hon. Speaker:** So, there is a mistake on the indication that Hon. Constance and I do not know even.....just one name, Hon. Constance; you are referring to Hon. Constance Mbula. So, you indicate it is a mistake?

**Hon. Museku:** It is a mistake; it is supposed to be Hon. Nyawira but he inadvertently put Hon. Constance which we are going to correct in the committee of the Whole House.

**Hon. Speaker:** The correction will be done accordingly so that you do not carry the record with the mistakes. Hon. Ndawa.

**Hon. Ndawa:** Thank you, Madam Speaker. I want to propose and say this report or this matter is a weighty issue and I would request if we would set another day to discuss the same so that we can have time to go through all the standing orders quoted here because we cannot have this thing here and just rush to pass it.

*(Applause)*

So, I propose we adjourn and maybe propose another day so that we can be able to go through these Standing Orders. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Ndawa, have you finished?

**Hon. Ndawa:** I am through, Madam Speaker.

*(Laughter)*

**Hon. Speaker:** Hon. Ndawa has finished. Hon. Cosmus Masesi.

**Hon. Masesi:** Thank you, Madam Speaker. I stand to support fully and appreciate the report by the procedure and rules committee, Madam Speaker. Madam Speaker, this motion came on notice in the morning sitting so we had plenty of time to look at it and again Madam Speaker, the issue of making laws is among our key roles as an Assembly.

The role of legislation, Madam Speaker; we have to keep each and every member of the County Government in touch. We are not supposed to keep on waltzing when the County Government is being messed due to reasons we can correct within our mandate---

**Hon. Speaker:** Hon. Cosmus Masesi, do we have on the table a motion for correcting mess? Where is such a motion? Can you address the House on the motion that is on the Table.

**Hon. Masesi:** Thank you, Madam Speaker. My input was that I support fully the amendment of the Standing Orders to keep us all the employees of Machakos County Government in touch and on watch, Madam Speaker. And also as a key role in the oversight side, Madam Speaker. Thank you.

**Hon. Speaker:** Hon. Majority Leader, Mark Muendo.

**Hon. Muendo:** Thank you, Madam Speaker. Let me support this motion; for one, Madam Speaker, some of the Standing Orders which were made by the First Assembly really need to be changed. As you know when we move on things also change. I do not see why Hon. Member of this House, Hon. Ndawa is suggesting that we go for another day. When we came to this House we were given the Standing Orders and I think Ndawa should be...I understand he is a law student---

**Hon. Speaker:** Now who is Ndawa here?

**Hon. Muendo:** Hon. Ndawa, I understand is a law student and should have gone through the Standing Orders. Madam Speaker, when we talk of correcting the Standing Orders it is not, we are not targeting anybody; we are not targeting the Governor himself, the office of the Governor. Governor Mutua cannot be a Governor forever. His term is ending and there is another Governor coming

*(Applause)*

So, I am telling the members of the other side that we are not doing it for the sake; we are not doing it for the sake of impeaching anybody. Madam Speaker, Standing Orders are changed periodically and every time the House feels they are not functioning well. Thank you, Madam Speaker; I fully support.

**Hon. Speaker:** Hon. Caleb.

**Hon. Mule:** Thank you, Madam Speaker. I stand to echo the sentiments of Ndawa---

**Hon. Speaker:** There is no Ndawa here.

**Hon. Mule:** Hon. Ndawa, Madam Speaker. As Hon. Ndawa said this is a weighty and---

**Hon. Speaker:** Hon. Caleb can you assist the Chair by telling us under what Standing Order you are supporting Hon. Ndawa.

**Hon. Mule:** Madam Speaker, I am just making a contribution; you said we just make contributions.

**Hon. Speaker:** Yes, but even then. You see, the request is that this motion be deferred, be adjourned. So, under what Standing Order because I also need to make a decision.

**Hon. Mule:** Madam Speaker, given sometime, I will refer to the Standing Orders and I will let you know, Madam Speaker but what I am saying is that for us to have a meaningful discussion on this, we heard that the mover of the motion said we remove the entire Standing Order and replace it with this one. We want to know what led to the removal of this Standing Order.

What was the Standing Order saying before it was removed, what made the reason of the Standing Order be amended. Madam Speaker, we need some time to look at this and then we---

**Hon. Speaker:** Point of order. Hon. Caleb, just a moment. Hon. Masesi, point of information.

**Hon. Masesi:** Yes, thank you, Madam Speaker. Madam Speaker, I want to inform the Hon. Member that Standing Orders were issued to every member of this House and I want to believe all of us have the Standing Order---

**Hon. Speaker:** When were they issued?

**Hon. Masesi:** Once we came to this Assembly.

**Hon. Speaker:** When did you come to the Assembly?

**Hon. Masesi:** After the , 8th August, 2017 elections, Madam Speaker, all members who are within this House came to this House and were issued with the Standing Orders. Madam Speaker, I want also to believe we have the Constitution of Kenya with us and every member can have a look at the Standing Orders while we are debating, Madam Speaker. Thank you.

**Hon. Mule:** Madam Speaker.

**Hon. Speaker:** Hon. Caleb, was on his feet.

**Hon. Mule:** Thank you, Madam Speaker. The Constitution of Kenya is voluminous and the Hon. Member is pretending to know each and every word and paragraph in that---

**Hon. Speaker:** Hon. Caleb, the Hon. Member, is not pretending; are you aware of the maxim that ignorance of the law is no defense? You are supposed to know the constitution.

**Hon. Mule:** Madam Speaker, I still insist that we need to be given sometime so that we can consult our Standing Orders and the Constitution of Kenya so that we can know why we are

amending this to this because if..... and in details Madam Speaker. Can the mover tell us why is he removing the entire Standing Order; why not tell us we are removing this sentence because it reads this so that we are familiar with this. Right now, we are not having meaningful debate in this House. We do not know, Madam Speaker, I do not want to be informed, Madam Speaker---

**Hon. Speaker:** Hon. Caleb, what about allowing yourself to be informed; maybe it will assist you in advancing the position you are making. Point of information from Hon. Steve Mwanthi.

**Hon. Mwanthi:** Yes, Thank you, Madam Speaker. I just wanted to inform the Hon. Member that the debate we are having is meaningful for others because he has always insisted that we do not have any meaningful debate and again we are ready, Madam Speaker to debate the motion. I do not know, maybe he is the only one who is not ready. We have been having the Standing Orders and the constitution. Thank you, Madam Speaker.

**Hon. Speaker:** I just want to understand the position of Hon. Caleb and Hon. Ndawa; was a notice of the motion given? To the mover; was the notice of the motion given?

**Hon. Museku:** Yes, Madam Speaker, the notice of the motion was issued yesterday.

**Hon. Speaker:** So it was issued yesterday.

**Hon. Museku:** Yes, Madam Speaker.

**Hon. Speaker:** What was the date yesterday?

**Hon. Museku:** On the 23rd October, Madam Speaker.

**Hon. Speaker:** Hon. Caleb you were in the Assembly that time? So you see the purpose Hon. Caleb and Hon. Members, the House Business Committee, I directed it that we are not going to be debating motions on the same day a notice is issued and the reasoning is that a member is not caught by surprise because the minute you are given a notice of motion, then you need to be on alert and to appreciate what it is.

Otherwise, if it was just a matter that is coming now a notice of motion is given now and the motion is being moved now then even the Speaker, of course will be bent to thinking and allowing the time. So, the notice of motion was given and you proceed. In any event, in this sitting we are in now, there is not going to be voting. This is a matter that is due to go to the committee of the Whole. So, let us go on with the comments at this stage. Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Madam Speaker. I support the motion by saying that Standing Orders keep on changing. So there is nothing wrong by changing the Standing Orders this time. In the last regime, I think we changed them three times and there was nothing wrong with that.

*(Applause)*

So, the boiling of the members of impeaching whatever, nothing is going to be impeached. Nobody is going to be impeached, Madam Speaker, so they just relax and we keep on the motion and we pass it. So, the changing of the Standing Orders is normal. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Members, I call upon the mover of the motion to reply.

**Hon. Museku:** Thank you, Madam Speaker, for giving me this chance to reply. Madam Speaker, I would like to make a few comments on both sides of the divide in as far as this motion is concerned. This Assembly or this Hon. House does not make partisan decisions; this Assembly does not make changes to a Standing Order to become partisan. There are going to be changes which are going to be guiding this House in the performance of its duty going forward.

If you look at the amendments and the changes which have been proposed since the notice of motion was given yesterday, if you had the chance to go and look at the Standing Orders which had been proposed to be changed, you will be able to see that there is nothing personal or nothing which is being directed at a specific person. We are basically changing Standing Orders to adhere with the law.

Madam Speaker, it is important for members to realize that Standing Orders are premised on the law and if we find a Standing Order which is contrary to a written law, then the house rules and procedure committee has no choice another than to change that Standing Order to be in tandem with the law. So, the Standing Orders you are seeing here have been amended so that they are in tandem with the law and they read exactly what the law says so that we can be held accountable. If we are---

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, I hear some members are consulting loudly. Please do not do that because there is a member who is on the floor and it is also disorderly conduct.

**Hon. Museku:** Thank you, Madam Speaker. So if you look at the Standing Orders, the changes which have been made they are in tandem with the law. We cannot do anything in this House or a committee cannot do anything which is unconstitutional or which is against the law. So, we refer to the law in making those amendments and that is what we are doing.

Thank you, Madam Speaker, and I urge all members to support these changes in our Standing Orders so that the Standing Orders can become more effective to the activities of the House. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Museku. Mr. Clerk, proceed. Hon. Members, this is committee of the whole House.

**(Then)**

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Hon. Speaker left the Chair]*

IN THE COMMITTEE

*[Mr. Chairman (Hon. Museku) took the Chair]*

REPORT ON PROPOSED AMENDMENTS TO STANDING ORDERS

**Mr. Chairman:** Thank you, Hon. Members. I would like us to.....Hon. Members just a minute please? Hon. Members, I would like us to proceed immediately with the committee of the Whole House because we still have another motion to go after this one so I would like us to quickly make sure we go through this and finalize.

*(Several Hon. Members withdrew from the House)*

Hon. Members please; could I have the door closed we continue? Hon. Pauline, let us continue with the meeting. We are ready members, we may proceed. Mr. Clerk, proceed. Hon. Members, we shall start with the clauses or with the proposed amendments with the Standing Orders with amendments and we are starting Standing Order 23.

*Standing Order 23*

Hon. Nyawira, you may read as you are seated please.

**Hon. (Ms.) Nyawira:** I move that Standing Order be amended as proposed. Standing Order 23 on location of the first sitting be amended by inserting the words 'after the publication in the Gazette of all the members provided for under paragraphs (b) and (c) of article 177(1) of the Constitution' at the end of the paragraph.

*(Question of amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*Standing Order 27*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I move that Standing Order 27(1) be redrafted to read; 27(1) Unless the Speaker for the convenience of the Assembly otherwise directs, the Assembly shall meet at 10.00 a.m. in the morning and 2.30 p.m. in the afternoon on Tuesdays and Wednesdays and morning and afternoon sittings shall constitute one sitting day.

*(Question of amendment proposed)*

*(Question put and agreed to)*

Delete Standing Order 27(2) from where we have the words .....or if it is an allotted day. This is because allotted days relate to the committee on Supply which has been deleted from the Standing Orders.

*(Question of amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

#### *Standing Order 42*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I move that the whole Standing Order 42 be redrafted as follows:

42(1) An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act.

2) Upon receipt of a notification of nomination for appointment to an office under the Constitution or any other law that requires the approval of the Assembly, the Speaker shall report the receipt of the notification to the Assembly, following which the notification shall be committed to the relevant committee of the Assembly.

3) Despite paragraph (2), appointments under Article 179(2)(b) of the Constitution shall stand committed to the Committee on Appointments.

4) The chairperson of the committee shall determine the time and place for the holding of the approval hearing which shall not be later than fourteen days from the date of the committal of the notification to the committee.

5) The approval hearings shall be held in a public place and shall be conducted during working hours between 8.00 am and 5.00 pm but the hearing can be extended with agreement of the committee.

6) The Clerk shall notify a candidate of the time and place for the holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and such other form of communication as the Clerk shall consider appropriate.

7) The committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

8) Subject to the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, all committee proceedings on public appointments shall be open and transparent.

9) Despite paragraph (8) a committee may, on its own motion or on the application of a candidate or any other concerned person, determine that the whole or part of its sittings shall be held in camera.

10) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

11) The criteria specified in Schedule one and the assessment form specified in Schedule two of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 shall be used by a committee during an approval hearing for the purposes of vetting a candidate.

12) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

13) A candidate shall have a right to be heard on any statement or evidence submitted to the Clerk contesting the suitability of the candidate to hold the office to which the candidate has been nominated.

14) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.

15) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the House within twenty one sitting days from the date the committee first sits to consider the nomination on which the notification was received by the committee under paragraph (2).

16) The decision of the Assembly shall be communicated to the Governor within 14 days.

*(Question of amendment proposed)*

*(Question put and agreed to)*

#### *Standing Order 59*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I move that the Standing Order 59 be amended by deleting the whole Standing Order and substituting therefore with the following new Standing Order.

**59** (1) Before giving a notice of Motion under section 33 (1) of the County Governments Act, 2012 as read with Article 181 (1) (d), the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made for the removal of the Governor on grounds of Physical or mental incapacity to perform his functions.

2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, National Identification Number and Postal Address of the member

3) The motion shall be supported by at least one third of all the members, who shall append their full names, National Identification numbers, signatures and date in support of the motion as endorsement on the motion.

4) The Clerk shall submit the proposed Motion to the Speaker for approval.

5) The Motion shall be tabled in the immediate next committee meeting of House Business committee for balloting

- 6) The House Business committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly
- 7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered.
- 8) If the Motion is supported by at least two-thirds of all the members of the Assembly, the County Assembly Speaker shall inform the Speaker of the Senate of that resolution within two days.

*(Question of amendment proposed)*

*(Question put and agreed to)*

*Standing Order 60*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I move that the Standing Order 60 is amended by deleting the whole Standing Order and substituting therefore with the following new Standing Order;

**60. Procedure for Removal of Governor by Impeachment**

- (1) Before giving a notice of Motion under section 33 (1) of the County Governments Act, 2012 as read with Article 181 (1) (a), (b), (c) and (d) of the Constitution, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for the impeachment of the Governor on any of the following grounds—
  - a) gross violation of the Constitution or any other law or
  - b) where there are serious reasons for believing that the Governor has committed a crime under national or international law; or
  - c) abuse of office or gross misconduct or
  - d) Physical or mental incapacity to perform his functions
- 2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, National Identification Number and Postal Address of the member
- 3) The motion shall be supported by at least one third of all the members, who shall append their full names, National Identification numbers, signatures and date in support of the motion as endorsement on the motion.
- 4) The Clerk shall submit the proposed Motion to the Speaker for approval.
- 5) The Motion shall be tabled in the immediate next committee meeting of House Business committee for balloting
- 6) The House Business committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly
- 7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered.

8) If the Motion is supported by at least two-thirds of all the members of the Assembly, the County Assembly Speaker shall inform the Speaker of the Senate of that resolution within two days.

*(Question of amendment proposed)*

*(Question put and agreed to)*

*Standing Order 62*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I move that the Standing Order; Standing Order No. 62 is amended by deleting the whole Standing Order and substituting therefore with the following new Standing Order-

62(1) A Member may give Notice of Motion in writing to the Clerk under Section 40 of the County Governments Act, 2012, requiring the Governor to remove from office a member of County Executive Committee on any of the following grounds—

- (a) incompetence;
  - (b) abuse of office;
  - (c) gross misconduct;
  - (d) failure, without reasonable excuse, or written authority of the governor, to attend three consecutive meetings of the county executive committee
  - (e) physical or mental incapacity rendering the executive committee member incapable of performing the duties of that office; or
  - (f) gross violation of the Constitution or any other law
- 2) The notice of Motion shall be signed by the Member and shall be accompanied by a statutory declaration by the member affirming that the particulars contained in the motion are true to his or her knowledge and the declaration shall contain full names, National Identification Number and Postal Address of the member
- 3) The motion shall be supported by at least one third of all the members, who shall append their full names, National Identification numbers, signatures and date in support of the motion as endorsed on the motion.
- 4) The Clerk shall submit the proposed Motion to the Speaker for approval.
- 5) The Motion shall be tabled in the immediate next committee meeting of House Business committee for balloting
- 6) The House Business committee, shall ballot Notice of the Motion which shall be given in the next sitting of the Assembly
- 7) After the Notice of Motion is given, the Motion shall be placed in the Assembly Order Paper for the next assembly sitting; provided that if the Assembly is not then sitting, the Speaker shall call a special sitting for the motion to be considered
- 8) If the motion is supported by at least one third of all the members, the Assembly shall in the same sitting;
- a) Appoint a Select committee comprising of five (5) members appointed on the basis of relative majorities of the seats held by each of the Assembly parties, to investigate on the matter.

b) The Select committee shall within ten (10) days report to the Assembly whether the allegations against the member of County Executive Committee are substantiated

9) The Clerk shall immediately in writing inform the affected member of County Executive Committee the resolutions of the Assembly

10) The county executive committee member has the right to appear and be represented before the select committee during its investigations.

(11) If the select committee reports that it finds the allegations—

(a) Unsubstantiated, no further proceedings shall be taken; or

(b) Substantiated, the county assembly shall vote whether to approve the resolution requiring the county executive committee member to be dismissed.

(12) If a resolution under subsection (11) (b) is supported by a majority of the members of the County Assembly—

(a) The speaker of the county assembly shall promptly deliver the resolution to the Governor; and

b) The Governor shall dismiss the county executive committee member.

*(Question of amendment proposed)*

*(Question put and agreed to)*

### *Standing Order 2*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I move that the Standing Order No. 2 on Interpretation be amended by inserting the following new definition—“Table” means the Table of the House; “Broadcast” – It includes the live transmission of the proceedings of the House by radio, television or webcast’ and inserting the following new paragraph—

2 (3) the Mace; the Mace of the House is a symbol of the authority of the House and shall always be guarded and kept in safe custody by the Serjeant-at-Arms.

*(Question for amendment proposed)*

*(Question put and agreed to)*

### *New Clause to the Standing Order 26(A)*

**Hon. (Ms.) Nyawira:** I propose that the New Standing Order 26(A) notwithstanding the provisions of paragraph (1) and (2), in the case of an emergency, the Speaker may call a special sitting at any time and at such place as he or she considers expedient, giving reasonable notice.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the amendments, put and agreed to)*

**Hon. (Ms.) Nyawira:** Thank you, Mr. Chair. I wish to move the motion that the committee do report its considerations of the report of procedure and rules committee and its approval thereof with the amendments.

*(Question proposed)*

*(Question put and agreed to)*

**Mr. Chairman:** Thank you, Hon. Members, we are through with the session; the Speaker will come back so that we can the report back to the plenary for it to be approved and that will bring the new Standing Orders in to effect. Thank you, Hon. Members.

*(The House resumed)*

*[Hon. Speaker (Mrs. Mwangangi) in the Chair]*

**Hon. Museku:** Hon. Speaker, I beg to report that the Committee of the whole House has considered the report of Procedure and Rules Committee and approved it with amendments.

**Hon. (Ms.) Nyawira:** Hon. Speaker, I beg to move that the House do agree with the committee in the said report and I request Hon. Mark Muendo to second.

**Hon. Muendo:** Thank you, Madam Speaker. I wish to second that the House do agree with the committee in the said report.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Thank you, Hon. Members.

*(Hon. Speaker left the Chair)*

*(Hon. Deputy Speaker (Hon. Museku) took the Chair)*

### **MOTION**

#### **RENOVATION OF RESIDENTIAL HOUSES IN MACHAKOS AND MAVOKO**

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one motion by the Hon. Justus Katumo.

**Hon. (Ms.) Nyawira:** Thank you, Mr. Speaker. I want to lay the motion on behalf of Hon. Justus Katumo.

Aware that the Universal declaration of Human rights recognizes the right to housing as part of the right to an adequate standard of living;

Aware that Part 2(8) of the Fourth Schedule of the Constitution of Kenya provides for housing as a devolved function;

Noting that Article 43 of the Constitution of Kenya explicitly provides that every person has the right to accessible and adequate housing and to reasonable standards of sanitation;

Aware that before devolution, the defunct County Council of Machakos owned residential rental houses which were later inherited by the County Government of Machakos after devolution;

Acknowledging that the rental houses are a source of revenue for the County Government; and aware that the houses are in pathetic conditions and are in need of major make over as an effort to facelift them;

Mr. Speaker, I wish to give notice of the motion that the County Government of Machakos renovates the County residential houses in Machakos and Mavoko and redistributes them to its staff.

Thank you, Mr. Speaker. I ask Hon. Irene to second the motion.

**Hon. Deputy Speaker.** Hon. Irene Mbivya.

**Hon. (Ms.) Mwende:** Thank you, Mr. Speaker. I wish to second the motion. Thank you

*(Applause)*

**Hon. Deputy Speaker:**

*(Question proposed)*

Hon. Members, you may debate the motion. Hon. Dominic.

**Hon. Ndambuki:** Thank you Mr. Speaker for giving me opportunity to contribute to the motion. Hon. Speaker, this motion is very noble and very timely and I wish to thank Hon. Katumo for bringing the motion and Hon. Speaker, it is my prayer that since the benefits of the

motion outweigh any negative opinion, which might be brought by anyone, you go ahead and put the question.

*(Applause)*

**Hon. Deputy Speaker:** Hon. Dominic, I hear your sentiment but everybody has a right to be heard. Hon. Mueni first.

**Hon. (Ms.) Mueni:** Thank you, Mr. Speaker. I support the words of Mheshimiwa Dominic that you know the members have been tired today; you can pass the motion because Hon. Katumo had done his best the motion and you know the status of the houses in Machakos which belong to the county need to have something done. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Mueni. Hon. Majority Leader, Mark Muendo.

**Hon. Muendo:** Thank you, Hon. Speaker. Let me support the motion which is on the floor of the House. Hon. Speaker, this is a noble motion because when you look at our housing system in our Machakos County, there are some houses which were actually built back 1950s; like in Athi River we have an estate which was built in 1949 and the houses actually when you go there, you find they are in bad shape.

What I also comment on this motion, Hon. Speaker is also the county government, when they are renovating also to look at those houses which are condemned which cannot be used and are a danger to our people. So, Mr. Speaker, I think this motion it is.....actually, you don't need to debate much on it because this is what our voice has observed and is correct. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Peter Mutiso.

**Hon. P.J. Mutiso:** Thank you, Mr. Speaker. Mr. Speaker, I support the motion and I would like to ask, through your authority, if you can direct the committee of planning to visit Ngei Estate because Ngei Estate is an estate which was condemned during the time of when the county government was a municipal council but up to now there are people who are living there and they are not supposed to be there, Mr. Speaker.

So, with your authority, I request you whether you can direct the planning committee to visit that area and see what is happening there because since then it has taken almost eight years since those houses were condemned. I was a member that time as a councillor so I don't have the records now but that was the state of that area now as we are talking.

So, I support the motion and also I think there are also other areas which we need, if possible, the same committee to visit to know what is happening and the status of houses in those estates and also Muthini, St. Mary's; those houses were built a long time ago as Majority Leader has said. Some were constructed I think back in 1970s so I support the motion. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Peter Mutiso. Hon. Katumo.

**Hon. Katumo:** Thank you, Mr. Speaker, Sir, for the opportunity. I begin to thank the mover for her confidence of moving this motion very important motion. I want to say our

Machakos County Staff and others need to live comfortable lives and on daily basis, I do pass through Athi River and other areas where we have these houses and have experienced and witnessed some of the houses have cracks from the roof to the ground.

I also saw the other time, a house with missing stones and you can see inside; then I saw another house without a law and then I was asking myself whether we love our people to let them leave inside. Actually, the genesis or the theme of this motion came out of that deplorable state I saw and members are leaving there with their children sometimes they leave their children there and it might be very dangerous for them and therefore it is upon us as Hon. House and the eyes and representatives of the residents of Machakos to make our stand known.

Of course, we cannot let our residents and our staff stay in those houses unless something is done. Now when you look behind here where we have the Ngei Estate, where Hon. Mutiso is talking about, I visited one of my constituents there; the roof is leaking, the drainage system has collapsed and so you keep on jumping from one stream to another stream and you don't know whether it is water or something and you know of course because of our condition we move sometimes you find yourself with your falling down.

That is something that is not nice and therefore I think it is nice for members to support this motion so that the county government, which is responsible for its staff, to make sure these houses are in habitable conditions and that it distributes.....I am told, of course, I did observe a case where somebody has been staying for the last 30 years and is no longer a staff of this Machakos County ; a staff nowhere and people continue to enjoy while others are commuting as far as Nairobi, Mlolongo, Umoja and houses are been inhabited by people who are not working or staff of this Machakos County.

So, I think an audit should be done, renovation should be done; those houses of course have been condemned should not be inhabited by our people. Thank you, Mr. Speaker Sir. I support.

**Hon. Deputy Speaker:** Hon. Cosmas.

**Hon. Masesi:** Thank you, Mr. Speaker. Mr. Speaker, first and foremost let me appreciate the mover of the motion. Again, Mr. Speaker, I say that this motion makes sense to abide ourselves to the Big Four Agenda of National Government in giving affordable housing and so it is our duty as the county government to make sure that our people access the same.

Mr. Speaker, as we look at the renovations, it is also good for us to revisit the rates which those people were paying as rent. I want to believe it is long gone when the rates were reviewed and so it is good as we renovate and uplift the living standards, also we look at the rates.

**Hon. Deputy Speaker:** Thank you, Hon. Member.

*(Question put and agreed to)*

This motion or this report is now committed to the committee on transport, housing and public works to report back to this house on or before the 25th of February, 2019. I would like to urge the committee, now that it has been approved, to ensure that they do a sample and visit these houses, check on them and also as all Hon. Members have said, check with relevant authorities to see whether the houses are in good and habitable conditions before they are renovated or painted.

It is important for them to be certified to be in good condition. Thank you, Members. Mr. Clerk proceed.

### PROCEDURAL MOTION

ADJOURNMENT OF SITTINGS FROM 24TH OCTOBER, 2018 TO 6TH NOVEMBER, 2018

**Hon. Deputy Speaker:** Hon. Members, under this Order, we have one motion by our Majority Leader Hon. Mark Muendo.

**Hon. Muendo:** Thank you, Hon. Speaker.

Hon. Speaker, aware that this Second Assembly commenced its second session on 13 February, 2018;

Aware that the House has transacted crucial business including approval of various committee reports, meeting with officers from county executive arm as provided in section 39(2) of the County Governments Act 2012;

Facilitation of public participation on various regulative documents for approval by the County Assembly pursuant to Articles 196(1)(b) and 201(a) of the constitution of Kenya;

Noting that the House approved an Assembly calendar which guides the house when to have a break and when to resume sittings;

Aware that the House is scheduled to go on short recess from 25 October to 5th November, 2018, Hon. Speaker, I wish to move the motion that this Hon. House adjourns its sittings from today Wednesday, 24th October, 2018 and resumes on Tuesday, 6th November, 2018 as stipulated in the House calendar.

Thank you, Hon. Speaker. I call upon Hon. Steve Mwanthi to second my motion.

**Hon. Mwanthi:** Thank you, Mr. Speaker. I do second the motion, Mr. Speaker. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Steve. Hon. Members, this is a procedural motion and there will be no question proposed or put but I can allow one or two members to say something on it before we make the decision. Anybody who would like to comment on this? Hon. Moses.

**Hon. Mitaa:** Thank you, Mr. Speaker. I stand to support the motion by Hon. Majority Leader Mark Muendo that we need this break especially to prepare ourselves for the oncoming public participation and also we will be able to be on the ground working for our people. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Moses. Hon. Members, I do agree with the motion.

### ADJOURNMENT

**Hon. Deputy Speaker:** This House stands adjourned to Tuesday, 6th November, 2018 at 10.00 a.m. Enjoy your short recess.

The House rose at 4.17 p.m.