

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 27th August, 2013**

The House met at 2.30 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR
WOMEN LEGISLATORS FORUM**

Hon. Speaker: Hon members there is a communication that the office has received through a letter dated 16th of August, 2013. This is a request to hold a forum with women in Machakos County Assembly and all our women legislators are invited for the conference on the 6th September, 2013 here in Machakos. Details will be obtained from the office of the Clerk. So our ladies, you are fully invited. The venue will be at Garden Hotel on 6th of September, 2013.

**NOTICES OF MOTIONS
UPLIFT OF IMAGE OF MACHAKOS TOWN**

Hon. Manyolo: Thank you Mr. Speaker, Sir. I beg to give a notice of the following motion that this house discusses the image uplift of Machakos Town and surrounding markets.

Hon. Speaker: Thank you. Proceed. Sorry, there is another motion, we can have---

CONVERSION OF GRATUITY PROVIDENT FUND

Hon. Kitheka: Hon Speaker, I beg to give notice of the following motion, that this honorable House discusses the computation and conversion of gratuity to a provident fund. Thank you, Mr. Speaker.

Hon. Speaker: Ok thank you.... Hon. Kitheka, do I have a copy of that? Let me have a copy of that.

Hon. Kyuli: If you allow me Mr. Speaker, our Standing Orders number 228 and if you allow me to read it and you allow me to invoke it, and I raise a motion today we discuss our rules. A rule that I state here are both from the law of the land and the Standing Orders that we use. So Mr. Speaker, allow me to move a motion....allow me to invoke the standing order no 228 that I raise a motion of the rule of law and the way to follow our laws and even the Standing Orders that we have and laws that were made by the first Parliament. So allow me to move that motion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, we will look at it once we reach there. Proceed. Any other motion? No we will look at that later, proceed.

STATEMENTS

ATTENDANCE OF CASB MEETING 27TH AUGUST, 2013

Hon. Speaker: Statements, no statements proceed. Ok, statement.

Hon. Ndeto: Mr. Speaker Sir, Hon members, my statement is a statement in question. I tend to understand this morning there was a committee of the Assembly that is the Assembly Service Board met this morning. I need a statement, stating the members who were present, the members who were not present and they are supposed to be in that committee and why? Thank you.

Hon. Speaker: Proceed, Clerk. We shall deal with that.

MOTIONS

REPORT OF LABOUR COMMITTEE

Hon. Kitheka: Thank you Mr. Speaker, Sir, and the entire house at large. Herein Mr. Speaker, I present the report of Labor and Social Welfare Committee which we discussed and was laid in this House. It is being now tabled for discussion. Thank you.

Hon. Speaker: Then we shall open debate for the business.

Hon. Kitheka: I proceed?

Hon. Speaker: Are we through with all the business? Yes, you can seat, there is something from finance.

Hon. Muinde: Mr. Speaker, I beg to move that the Machakos County Finance Bill 2013 be read for the first time.

Hon. Speaker: Proceed.

Hon. Muinde: Mr. Speaker, the Machakos County Finance Bill 2013 is a Bill to enact of County Assembly to impose and alter some certain practice, duties, levies, fees and to amend certain written laws related to the collection and management of County revenues to give effect to section 21 of the County Government Act and section 132 of the Public Finance Management Act. The raising or guaranteeing of any loan or its replacement, matters incidental to any of these matters, and set out county revenue-raising measures for the county government. Mr. Speaker, this is a Bill that will support the budget proposal of 2013/14 and the Appropriation Bill that this House passed two months ago. The Bill is a detailed document, Mr. Speaker and it introduces the definition of terms and goes ahead to present various Fees and Charges that the County Government of Machakos intends to charge our residents or the citizens of Machakos in its efforts to raise revenue in the year 2013/14. Thank you, Mr. Speaker.

Hon. Speaker: Thank you the bill is read for the first time. Members, there is ordinarily no debate, so that is allowable for the first reading. So the bill is read for the first time. Let us proceed, Mr. Clerk with the order of business. We can begin with the first motion on priority, the labor motion unless there is something else. But let us hear the labor motion first.

Hon. Kitheka: Hon Speaker, the motion, on gratuity, we are going to give copies in our next meeting and I am seeking to give a detailed document and allocate it time in our next meeting. Now I can continue with the motion on labor.

Hon. Speaker: Proceed.

Hon. Kitheka: Hon. Speaker, with me is the document which was brought about by members in a Sub Committee for Labor and Social Welfare which was addressing issues and investigating un-procedural staff employment and recruitment at Machakos County between March 2013 to 25th July, 2013. I wish to request the clerk to coordinate distribution of copies to the members as directed by the Speaker. I proceed.

PREAMBLE

Recruitment is the process of finding potential candidates and stimulating them to apply for jobs in the organization. Employers should be very careful about the recruitment procedure and ineffective system can deter capable persons from joining the organization and there is also a chance that wrong persons may get selected and may not be in a position to do the assigned jobs effectively. Hon members, any organization should consider the following aspects before any recruitment of staff is done;

1. Job or vacancy audit – this entails checking the vacant post in the organization.
2. Job grading. This entails experience requirement, skills requirements, level of responsibility entailed, supervisions required.
3. The Job analysis. The recruitment officer should find out accurate information about the knowledge, skill, experience and initiative that an individual should possess to perform a particular job. Without knowing what kind of a man with qualities is needed to perform a particular job it would be difficult to find the right man for the right job.
4. Job description. A systematic organized written statement of the duties and the responsibilities of a specific job. This includes, name of the job, summary of the job, description of the duties to be done, qualifications needed to perform that job, equipments, materials and forms used on the job.
5. Job evaluation. Hon members, the aim of job evaluation is to determine the value of each job on the basis of the estimated work in relation to other jobs. Recruitment involves stages necessary for a fair and professional recruitment. That is determination of vacancies, determination of source of recruitment, motivation of candidates to apply, preparing list of eligible candidates that is short-listing, the source of recruitment should be intrinsic or extrinsic.

Hon members the committee of labour and social welfare with this able members under the chairmanship of or stewardship of Hon. Kitheka we had;

1. Hon. Nduva
2. Hon. Kathinzi
3. Hon. Mbithi.
4. Hon. Muthuka

5. Hon. Maitha.

We established that all these vices were evident in the recruitment as shown below;

1. 142 people were contracted for four months ending on August 2013 and subject to be employed when the County Public Service Board is constituted.
2. The posts were not advertised.
3. No job survey was done.
4. It was not competitive.
5. It was marred by nepotism. For instance, in the County Image Directorate, we have a Jocelyne and her brother. In decentralized unit, we have a Mr. Mbai and his wife Grace Mwendu. In the office of Deputy Governor, we have a Mr. Kyalo and his wife Dorothy Nduku.
6. Regional balance was not adhered to in the recruitment of employees.
7. No transparency.

The sub-committee was looking to meet the Deputy Governor who had been communicated to through the office of the Clerk but all was in vain but we managed to get the right information from the relevant quarters and the information that was given by the Deputy Governor was through telephone.

RECOMMENDATIONS

1. The staff contract should be terminated at the end of August 2013 and should be subject to the decision of CPSB.
2. The yet-to-be-approved CPSB should be independent to carry out recruitment that is fair, transparent, competitive, justified and they should apply meritocracy and professionalism in undertaking all duties of the board.
3. A thorough survey should be carried out of the vacancies available.
4. The vacancies should be advertised in local media for concerned citizens to apply
5. Corrupt individuals should not be recruited in line with integrity levels outlined in Chapter Six of the constitution.
6. Canvassing should not be entertained in all levels including selection or interviewing.
7. All sub-counties and wards should be represented fairly or rather equally with a fair consideration to the headquarters of the county.

CONCLUSION

Chinua Achebe in his book 'Things Fall Apart' said 'When the hunter learnt to shoot, Eneke bird learnt to fly without perching, the hunter learnt to shoot without missing.' No man can ride on your back unless you bend for him to do so. *Anonymous*.

Mr. Speaker, a few comments on the same is that after we had gone with this job and compiling this report, there is still employment in the county that is not warranted in the county. I noted with concern that to employ, even the CASB has to notify CPSB in order to employ. We

have seen many people in positions and that is questionable but they have to be vetted in this House.

Mr. Speaker, I hope this House treats this document as a document of value because we are addressing small vices that may seem small but are enormous. We have promised our people in the ground that we are going to streamline the County to an extent that employment will be free and fair. I urge hon. members to consider the report and comment wisely. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I am sure your intention was to present the document and give copies to members for further debate because you have not requested for a seconder for your report.

Hon. Kitheka: I just forgot. I am sorry. I request Hon. Maitha who was in the committee to second the report.

Hon. Maitha: The report that has just been tabled for debate. I was a member of the committee and beg to second the motion and establish it for debate.

Hon. Speaker: I open debate for this report.

Hon. Muinde: I think I am on record early in the year on raising the question of haphazard employment by the County Executive. I raised this matter under Standing Order 228 and the agenda was moved. Finally the committee of labour has brought the report in the House and before I say further, I would say that the sub-committee on labour should have presented its findings first to its own committee and the entire committee can now bring the report to the House. However, since the chairman of the committee has already tabled the report in the House, I think we can proceed with your permission but that was a small procedural matter. I think the recommendations are much in order and I agree with them and this employment was meant for contractual basis. We are frustrated by time and the committee has said the employment was running for four months. This House should adopt this report and direct that future employment be done through CPSB including those who were employed on contract. If they qualify, let them get the jobs because they are also Kenyans as long as they qualify and if they don't, the right procedure should be followed.

Hon. Speaker: Thank you for those very good remarks. Yes

Hon. Nduva: This issue was brought to the House for quite a number of times. I was a member of the committee assigned to do a follow up and get the right direction from the Hon. Deputy Governor. According to this document, these employees were on contract and after four months their contracts would have expired which means they are not supposed to be in serving today. We were frustrated as we were following up this matter. There was no time when a scheduled meeting, we never met only to be given reasons for adjournment. All people employed are residents of Machakos and this House is the only direction because what will be passed here and it is bad, the people of Machakos will suffer and if it is good, they will have the best. The deputy Governor promised, when he was in this House, that said these positions will be nullified and advertised so that the competent people, even if it is those in office, can be engaged again. Thank you.

Hon. Speaker: Thank you very much. Then we can hear the Minority leader.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Late last month, this House approved the members of CPSB who are responsible for employing and disciplining employees. When we were vetting them, because I am a member of the committee on appointments, they

promised us that they will advertise the vacancies afresh. As a resolution of the House, you can write to the Executive and avoid them confirming the same employees. We are coming to the end of the contract period and the employment was unprocedural, I am of the position that the posts should be re-advertised. When we were criss-crossing our wards, we had promised our electorate that we will give them employment opportunities and these members can be given an opportunity so that they can give some names for consideration for employment.

Hon. Speaker: Thank you very much. We can have hon. Kathinzi and then hon. Ndeto.

Hon. Kathinzi: Thank you Mr. Speaker. Being a member of the labour committee and having participated in this exercise and the employees employed through contract because an interview with the Deputy Governor showed that they were to serve for only four months. As we are speaking today, the CPSB is legally in office. Dialogue is the only way forward. As the Minority Leader is proposing, CPSB should re-advertise the positions so that legal procedures are followed. It is for the benefit of the County as a whole. The only pinch is that you realize that some officers are employed alongside their close relatives and no advertisements were done. The Deputy Governor told us that they received 360 applicants and there were no advertisements. Maybe it is because we wanted to be ahead of other counties. We should consider them because they are working for the Executive and if we say that we push for them to get out of office that means everything will stand still. Until procedures are fulfilled, again we might take some time. I support the idea of budget chairman that we need to observe procedures in should be observed in committees and in the Executive. Let them get a letter from your office that the hon. members are concerned especially because the distribution was not equal. In my Kivaa ward, no one was employed. In future, when they advertise, they should consider areas that were not represented in employment. Thank you very much.

Hon. Speaker: Thank you very much. Let us hear the lady here.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. My concern is about employment. The Governor was not to start from nowhere and he had to employ people to be in his office. Those are our children and I don't know what you are saying when you say they should be sacked. If the person is capable let them continue. Mr. Speaker, maybe you promise to take maybe two employees from each member.

(Applause)

Hon. Speaker: Thank you very much. Let us hear another lady here.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. It is very clear to this House what the hon. members are fighting for. It is not that they are fighting that people have been employed. They are fighting because the CPSB was not there. Secondly, it was clear that members were told that the employees were on contract and that when the CPSB was formed the jobs were to be advertised. It is clear in the County Government Act, Section 66 that states 'If a public office is to be filled, the County Public Service Board shall invite applications through advertisement and other modes of communication so as to reach as wide a population of potential applicants as possible and especially persons who for any reason have been or may be disadvantaged.' Hon. members, it is clear that now that the CPSB is in place, then the jobs should be advertised. The same people who were on contract because they are also from Machakos County, they can also apply if they are still interested in maintaining the jobs. But then again, we follow the procedures

which are very clear. When we were campaigning, some of the hon. members, we told the people that we are going to give them jobs. So if a hon. member has more than 10 people employed and in another ward, no one has been employed, then there is a problem.

(Applause)

We should put these things into consideration, let the jobs be advertised and let people from the whole Machakos County apply for the jobs. For those who are qualified, well and good. If no one is qualified from my ward and the job was advertised, then I would say I surrender because nobody was qualified from my ward. If it was not advertised and nobody has been hired from my ward, then there is a problem. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. Ok. Is there any member in opposition to this debate? It looks like that we are all in agreement the report is good and should be communicated to the Executive.

Hon. Kitheka: Mr. Speaker, Sir, my clarification is very simple. The report of this committee was to bring about sanity in the employment of staff. We are not crying for them to be out of office but for the right procedure to be put in place so that they have job security and good scheme of service so that nobody can intimidate them or sack them in the corridors. Now they are at risk by operating in such a manner because nobody knows them and somebody can come and say 'you are not well employed, go home.' We are just crying for the job security and scheme of service. It will be good when they apply and the right procedures are followed to the bitter end. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Let us hear the Deputy Speaker.

Hon. Nganga: Thank you Mr. Speaker and the House at large. In support of the report, I would like to make a few things clear. I would urge this House, when you check in the constitution on the responsibilities of the County Assembly, we are mandated by the law of the land to play the role of oversight which does not mean witch-hunting but correcting or looking on whatever was intended to be done meets the general expectations of the people. The reason the committee came up with this report is because it should act as a guide to our newly approved CPSB so that it may clear the anomalies witnessed during the engagement of the officers that are in office.

Personally, some of those in office are my friends and I am not saying that they should be sent packing because I was looking for employment when I left college. They deserve employment but it should be procedural and follow the rule of law. At the end of the five-year terms, if the government of Machakos delivers the expectation of the people, the good for us. If it fails, it will not be the officers but the MCA who did not uphold their responsibility. We are members elected from every ward to play a responsibility of the County of Machakos. When we are discussing matters of pertinent importance, let us rise above personal interest and seek the greater good of the County.

Hon. Speaker: Thank you very much. A member who has not contributed?

Hon. Nzoka: Thank you Mr. Speaker. It is correct when they were employing there was no CPSB but now it is in place. It is we that passed that board here because, I am a member of the committee of appointment. We agreed that CPSB should find the anomalies in employment and then rectify them. That is our conscience. I would like to request the County Assembly to

summon the chairman of CPSB here to tell us what is going on. We agreed it will go into details and see who qualifies and if need be, re-advertise. Whoever qualifies, we have no problem.

As my colleague Hon. Ndawa said, even if they are from my ward and not qualified, there is nothing I can do because I cannot assist them write their application letters or being interviewed. So it will be open and we will have basis to argue with our electorate that the vacancies were advertised, people shortlisted, they went for interviews and you did not qualify so it is not my fault. So, can it be open and in fact, we should not be seen as if we are witch hunting. We are the oversight. Whatever goes wrong in the offices, it is us to be blamed. Thank you very much.

Hon. Speaker: Thank you very much.

Hon. Maitha: Thank you, Mr. Speaker. I appreciate the debate by the hon. members. I think they enjoy being called honourable because of the mandate given by the electorate. We are here to represent the views, opinions and the wishes of the electorate. We are also supposed to legislate laws that do not affect our people indirectly or directly as appertains to their lives. We are obliged to play the role of oversight which has been mentioned by the able Deputy Speaker. Mr. Speaker, if we don't address these malpractices at the beginning, then we are laying a bad precedence on the ground.

It is my opinion and in support of this document that we nullify all those positions, advertise them and all staff who have been working qualify for the posts, they are our brothers and sisters, let them be given the opportunity to proceed working. In spite of the constitution of the CPSB, we will not expect personal interest to be put into this issue because when 365 applicants were hired without any advert, then that brings more questions than answers. We want to set a good precedent so that the qualified persons from Machakos County can get the right jobs and serve the county. We don't want accept to have people serving their personal interest without regional balance. There are 200 employed at the Executive and no single person from my ward has been employed. It also a replica in other wards and when you do a scrutiny you find that one area is carrying close to 75 per cent of all employment within the County. Does it mean that other honourable members don't deserve to be given opportunities for employment?

I am of contrary opinion of what one hon. member who stood here and said that each hon. member should agree the let the people continue working and each member gets two positions for employment for every member of this County Assembly so that we can keep quiet. That amounts to blackmail. Are we going to be duped to suit personal interest by two positions? I was elected and I am representing about 10,000 to 15,000 people who have interest in me. So Mr. Speaker, if I have to be duped with two employment opportunities so that I can keep quiet and see malpractices taking place, I am not for that Mr. Speaker.

The same applied when we started complaining Mr. Speaker and these members can prove me right or wrong. It was communicated that because we complained, the Executive said 'we should give each member one position with limited qualification.' Why should we be given one position with limited qualification because an anomaly has happened? We are not here to be blackmailed or serve our personal interests. We are not here to let anybody intimidate this House. These hon. members deserve to be treated with respect to guide legislation for the people of Machakos County in the right direction.

The contract, as we were told by the Deputy Governor, was to last for four months and it is now less than 10 days to go. Today, if the Executive was serious, they should have advertised

he positions by now such that at the end of the contract period, we will have people occupying those offices and working for the service of the people of Machakos County. I can read mischief in this. If these positions have not been advertised today and they are waiting for the four-month period to expire, when do we expect to fill those positions? So in spite of the presence of the CPSB, I can read some mischief in this. If these positions are not going to be advertised, I kindly request these honourable members to step in and exercise their legislative authority. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much Hon. Member but then I would want to ask you: do you have any assurance that they have not been advertised?

Hon. Maitha: Mr. Speaker, as of now there is no newspaper notice advertising those positions. As per the County Government Act in regard to appointment of Chief Officers, you know the procedure. I don't want to repeat but nothing has been advertised. So if there is any notice in effect to that, I kindly request these hon. members to be supplied with the same. Thank you, Mr. Speaker.

Hon. Speaker: Lets us proceed. Any other matter?

Hon. Kyuli: Mwanzo ningependa kushukuru kamati iliyokaa na kutengeneza maagizo ama ripoti hii. Pili ni kusema kuwa kuna kamati tekelezi ambayo mimi ndio mwenyekiti. Tukifuatilia maagizo ambayo yanafaa kufuatwa kwa mbunge letu hili, basi kamati tekelezi pia inafaa iketi chini haraka iwezekanavyo, ipate ripoti hii kutoka kwa bunge hili na kuona maagizo yaliyotolewa yatafuatwa mpaka wapi kwasababu kazi ya kamati tekelezi ni kuhakikisha maagizo ya bunge yanatendeka kulingana na vile inapaswa. Yale yatakoyokana na mazugumzo ya leo, basi naomba kamati hiyo iketi ili maagizo yatenelezwe mpaka mwisho. Tulikuwe kila siku tunaongea na mambo yakae kama vile ilikuwa.

Naomba, kila kamati ifanye kazi kulingana na vile inapaswa. Kamati iliyo peleeza haya mambo imetuletea ripoti na ripoti hii ije kwa kamati tekelezi ili tuone kama baada ya wiki mbili kama haijafanya kazi yake, bunge iketi na iulize maswali. Hivi ni kusema nini? Kamati iliyo andika ripoti hii kwa hivyo kamati tekelezi ichukue maagizo ama maamuzi ya bunge hivi leo. Kwa hivyo siku saba zijazo, tuwe na ripoti ambayo kamati tekelezi imefanya. Ahsante.

Hon. Speaker: Ahsante sana. I think we need to appreciate, Mheshimiwa ameongea Kiswahili mzuri sana.

(Applause)

Naomba nijue akisema kwamba 'Kamati tekelezi' unamaanisha kamati gani kwa Kiingereza?

Hon. Kyuli: Ahsante. Labda Kiswahili kilikuja kupitia Pwani na kufika huku kwetu. Kamati tekelezi ni 'Implementation Committee.

Hon. Speaker: Hon. Members, I think that member has made the point that concludes this matter. Lastly, there is one important person. Yes, let us have the chair of legal matters.

Hon. Itumo: As you have heard from the Hon. Speaker, I am the chairman of very powerful and serious committee on legal affairs. It is true there was employment that was done without a good procedure being followed and this committee has produced a report that we have at hand. We have the implementation committee, so let us wait and see so that each and

everything goes well. We want things to be done in order. I urge the House to act with immediate effect so that the employment can be done in the right way.

Hon. Speaker: Let us have.....yes

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Mr. Speaker, we are going round and round on this matter---

Hon. Speaker: Indeed.

Minority Leader (Hon. Kasoa): ...because the Full House supersedes all other relevant committees and this motion has been brought to the Plenary. This House has the mandate to debate the report now and finish with it because if it goes to the Implementation Committee, at the end of the day it will come back to the Full House. So let us debate and finish with it now. Thank you, Mr. Speaker.

Hon. Speaker: Let me offer direction on this. We have debated and we are in agreement on this report. It is only proper that it is implemented and the Implementation Committee can do that. It is the right time I put the Question that this report be adopted as it is together with the seven recommendations.

(Question put and agreed to)

Hon. Member, you are out of order. Please sit down. Again, hon. members, those in support that we forward this report to the relevant Committee.

(Question put and agreed to)

IMAGE OF MACHAKOS TOWNS AND MARKETS

Hon. Manyolo: Thank you Mr. Speaker, Sir, and the House at large. I beg to move the following motion. That this House discusses the image of Machakos County-that is the towns and markets. We all understand that when you come out to search for a spouse, you go for the belles and the well-groomed. It is my concern that the buildings within Machakos County do not portray the image of Machakos so I request that all buildings within the county, that is Machakos town and other smaller markets be painted in a unique colour. Within a given period, which the House will discuss, and if one fails to adhere to the law, measures be taken. That is the County paints the House and then the owner meets the cost.

Secondly, for proper and well-managed cleaning, I beg that cleaning should take place in the night like in developed countries which should give way for proper cleaning and good organization in the town. Thirdly, we have dustbins mounted in the roads, within a distance of 30 metres to make our towns clean and a law also be put in place for those who defy the law and litter the towns to have action taken against them. We also need plans to plant trees and grass and flowers on the roadsides for a better show of the sites.

Lastly, Mr. Speaker, Sir, we also need water for efficiency in the towns. Last and not the least, the Jua-Kali people have put the image of the town in bad light. So, I request that the jua kali people be allocated a central place and not by the roadsides and we put stands for them. Mr. Speaker, Sir, I call upon Hon. Alphonse Wambua to second the motion so that it can be open for debate. Thank you, Sir.

Hon. Speaker: Thank you very much.

Hon. A. Wambua: Thank you Mr. Speaker. My concern is to second the motion brought to the House by hon. Manyolo. Thank you.

Hon. Speaker: Thank you very much. I wonder what issue that you have because the motion is not yet at the floor. I have not opened debate on the motion. Yes.

Hon. Kitheka: Mr. Speaker, it is regrettable to know that the Hon. Manyolo has slotted in an issue that is not in the Order Paper that is about the Jua-kali and other issue. I wish the member can concentrate on what he has tabled in the House.

Hon. Speaker: That point is overruled. He was only supporting the motion. I now open the motion for debate.

Hon. Kyuli: thank you Mr. Speaker, Sir. Mr. Speaker, members of the Executive went around the wards before the Finance Bill was prepared. Mr. Speaker, the Finance Bill was read here for the first time today and every member had an opportunity to invoke or put or remove what we wanted. The Budget chairman did the first reading and in the Bill I found all these issues being raised. I am not against the motion, I am not opposed to this motion but issues in the motion are also in the Finance bill. I beg that you give directions on that because as they..... I beg you protect me.

Hon. Speaker: Proceed.

Hon. Kyuli: Thank you Mr. Speaker. I said I am not opposing but I---

Hon. Speaker: I want to understand: are you adjourning the motion?

Hon. Kyuli: I am begging that you give directions because these issues are in the Finance bill. Thank you, Mr. Speaker.

Hon. Speaker: Let us hear the points of order. How many are they? Let us start here.

Hon. Maitha: I think the hon. member is misleading the House. First, when the budget chairman stood to read the Finance Bill, I believe he members ought to have been supplied with copies of the Finance Bill. Where this member managed to get a copy of the Bill to read and direct this House that the about the bill. He read it from blues or where? So can you direct that these members be supplied with copies of the Finance Bill so that we can read and know whether this is captured in that. And actually, the member who has brought this motion, I support the debate on the motion because what was tabled in the Bill may not be outlining the ideas that this member had in mind. So I kindly as, Mr. Speaker, that we proceed with this debate to that members can contribute and give their views. Thank you, Mr. Speaker.

Hon. Speaker: So your concern is how did he get to know the contents of the Finance Bill?

Hon. Maitha: Yes Mr. Speaker.

Hon. Speaker: Then for you information, the Finance Bill was gazetted and the purpose of Kenya Gazette is to communicate to the whole world.

(Applause)

So it cannot be taken to be strange that he knows he contents. Still, I allow your objection as valuable. Let the debate proceed.

Hon. Muinde: Mr. Speaker, I support his motion and regardless of what is contained elsewhere, this is a nice motion meant to uplift the image of not only Machakos town and other

towns and market within the County. For those who have travelled across the globe, you find that certain countries have unique colours. If you happen to be in Israel, most of their towns are painted white. Hon. members who travelled to South Africa, they could notice that there were unique colors for most of the cities and they looked clean and attractive. I don't think it will be fair to oppose this motion because this is the right motion.

We should make a law to make sure that the business people who own buildings are forced, if they are not willing, to paint their buildings with unique colours. We can even allow the minister concerned to decide and communicate with our backing, so that our towns look clean. If you happen to go to our smaller markets across the County, they are in pathetic situation. There is no particular colour, even the landscaping and planning is poor. They are dirty. Plastic bags litter everywhere. So with this motion, we can make our markets and towns clean and attractive for investment.

Mr. Speaker, if you remember very well when passing the budget estimates in June this year, together with Appropriation Bill, the office of the Governor presented a department called County Image Directorate where Ksh. 46 million was allocated. This Assembly, in its own wisdom directed that that department be part of the decentralized units. Now to ensure that department seems to work, that is what that department should be doing with the allocated money. I think it is in order and stand to support that immediately the County receives the money from the Exchequer, that the money is used in this manner and ensure that that it was not meant to appear like a department with other reasons behind and for sure the money be used to make our markets clean. Thank you.

Hon. Speaker: Thank you very much. I think to make the debate a little bit healthy, the mover of the motion should back to the floor and clarify what he means by unique colours and cleaning of the streets at night and what will happen to the security of those people at night. Let us see what is in your mind.

Hon. Manyolo: Thank you Mr. Speaker and the House at large. I am happy that we are debating the motion to uplift the image of the County towns. When I came up with unique colours, it is derived from the trip to South Africa. There are streets painted white, cream and when I talked of that, I was specifying that we have streets painted white, others yellow, others green to come with....if you are passing Muindi Mbingu Street you see yellow, if you go to the other street, let us call it Mung'ata street, it is painted white. I understand that is good. When you talk of cleaner towns, if you to Paris- there is a time I was there- the cleaning is done at night and I understand we have protection. We have adequate security. We have to come up with rules on how these people will be protected. Thank you, Mr. Speaker.

Hon. Speaker: Very well. Thank you. I am very happy for that. Thank you very much.

Hon. Ngui: Thank you Mr. Speaker. I stand to support the motion. Our motto as the County is 'The Place to Be.' We have to look for a reason to tell on how to make the County the Place to Be. How are you going to tell the investors that Machakos is the Place to be? When you go around the buildings in Machakos town, you find the buildings being turned into advertising billboards. You fund some painted Trust Condoms, others painted Coca cola, others Ng'ombe, others painted others, name them. I want to support this motion and say it is very important for us to look good. My concern is that we need to have, as Mr. Manyolo is saying, common colour.

Hon. Speaker: How did you address the mover of the motion?

Hon. Ngui: Mr. Hon. Manyolo.

Hon. Speaker: Call him again.

Hon. Ngui: Hon. Manyolo. Thank you, Mr. Speaker. We need to have a common colour. If we say we want our town to be painted cream, let it be cream. Let us create another door for revenue collection so that when that we have people to put up billboards so that we do not have advertisements on our walls. Again, I am very much concerned about the body called 'Image Directorate' that is making our County look good. I am in full support of the directorate but when you drive along Mombasa road you find that they have cut all the trees on the roadside. It is my wish that this House gives a direction that the directorate should not cut all the trees but cut the grass and leave the trees for the betterment of our environment. Thank you, Mr. Speaker.

Hon. Speaker: I am just wondering is the matter about trees part of this motion or a completely new matter.

Hon. Ngui: It is in support of this motion that we should not allow the Image Directorate to go and cut down all the trees along the highway. We need these trees. Yes, we have very good trees. Yes.

Hon. Speaker: Address the chair please. Let us hear Hon. Munyaka. We have not heard him for a long time. He can also tell us the progress of your petition.

Hon. Nzeki: The judgement will be on 16th September, 2013. So I welcome you.....

Hon. Speaker: Thank you very much. That is enough. Proceed.

Hon. Nzeki: I am in support of the motion and disagree with the immediate speaker that we should not cut down the trees on the roads. If you are driving and the brakes fail, the vehicle can knock the trees and it results in damage. It is good are removed from the roadside. Again, I support that all buildings have common colour. This color, like if you have been to Mombasa you find that all streets are painted white. In Machakos, we can have one street that is Syokimau in blue and Ngei road in black.

(Loud consultations)

We can also put black. It is just an example. Why are you laughing? We can have white, black, red, green and what have you. I support Hon. Manyolo for the issue of unique colours. On litter bins, I support the idea but we must have some askaris to check those who are dropping litter. Otherwise if we stay without people checking aroid, you will find liter all around.

Hon. Speaker: Thank you very much. Let us have a member who has not contributed. Yes?

Hon. T. Kilonzo: Mr. Speaker, first I want to thank the leadership of this house because this is a result of what we have seen in South Africa and Mr. Speaker, I also request those who have not gone out and seen a difference should be taken out so that they can learn and we can read from the same scripture. Mr. Speaker, I've gone to different countries and I've seen. If you go to Sweden, you'll not find bare land. If you go to South Africa, you will see that the houses have different colours. If you go to some of the cities, you'll find there is water in different places whereby even if we have a fire, the fire machines can access water in the nearby. So Mr. Speaker, I support fully what that member has bought to this House. If you come to the beautification of the city, our town needs water so that the trees that have been planed don't dry because if you can remember, for the last two years, we planted trees from here to the junction and they all dried. So Mr. Speaker, I support the motion and say, if possible – because we can't

learn from where we are – let us go out and bring the ideas like Hon. Manyolo has brought. Thank you Mr. Speaker

Hon. Speaker: Thank you very much. Something in addition? Ok.

Hon. Matheka: Thank you Mr. Speaker. Mr. Speaker, Vision 2030 entails that everything will be digital and we'll have digital villages and digital villages are these small towns we are talking of. Like Matuu will be a digital village, Masinga will be a digital village and my place Kangundo will be a digital village and the other smaller towns will be digital villages and everybody will move to these towns so as to access the internet and to be digital like everybody else. Mr. Speaker, Sir, I am supporting this motion with a few amendments. I'm adding number six to this, that in every town, we have controlled sewers instead of pit latrines that we have around. If we can have a sewer in every town and it is controlled, we'll eradicate most of the waterborne diseases and have a safe and clean town. The second amendment Mr. Speaker which I will term as number seven, we need to impose a fine. If a certain businessman refuses to comply with the cleanliness of that city, town or digital village, a fine should be imposed and I'm suggesting maybe Ksh. 10,000 if you don't paint your building as the others are doing. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, but about the fine and punishment, that was in the main motion. Honourable Members, I think basically what we are driving at is, a law be made on this particular aspect and I think it is only fair we hear the chair, Justice and Legal Affairs on whether he has that capacity. The Chair, Legal and the Chair, Environment, let's hear those two gentlemen. ... The Chair, Environment.

Hon. Mbithi: Thank you Mr. Speaker. It's a very good motion, Hon. Manyolo. I support it and when you look at our towns, you also observe that they are highly congested and this becomes a habitat for crimes- for accidents, prostitution, theft and what have you. So I can also add from number six. I can add seven whereby we have designated points for the *bodaboda* transport and this will ease the congestion in towns and also control crimes.

If I could comment on the issue of environment, I think we will have to consult with NEMA because I think it is a very positive move. I want to point out that the cutting down of trees will never be accepted whenever, wherever. It may be a bush but it is also a habitat for some other animals so when you destroy that bush, you are destroying our environment and as the committee for agriculture, we pointed out this when we had our meeting and we are going to give a report on what we discussed and we are liaising with the relevant ministry to give directives on what should happen on the cutting down of trees along Mombasa Road and any other place. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, but I expected to hear, as the chair of the committee, you are taking over the motion to the next level of legislation

Hon. Mbithi: I actually thought I was just to comment on the impact of this motion.

Hon. Speaker: Ok. But what do you intend to do now that it is touching on your docket?

Hon. Mbithi: As a committee, we are going to sit, talk about it and maybe involve or rather welcome any interested party as we deliberate on it. I'm going to constitute, I'm going to, to...

Hon. Speaker: Alright, we understand you. You're going to do something about it

Hon. Mbithi: [laughing] I'm going to call my committee as soon as possible so that we point the things out.

Hon. Speaker: Ok, thank you. Let's hear you, Hon. Ndeto

Hon. Ndeto: Hon. Speaker this is a very good motion and as it moves to the next stage, I would recommend that the committee on planning be considered for the same. And as they do so, there's something that we the legislators of Machakos County Assembly need to seriously think about. When you got to towns like Athi River and Mlolongo which are within Machakos, there are some industries coming up in between residential houses. These are things which as we think of this Bill, we need to think about them and know how to take the right direction for the same. Thank you.

Hon. Speaker: Thank you. Yes, let's hear Hon. Ndawa then we go the other side.

Hon. (Ms.) Ndawa: Mr. Speaker, I support this motion which has been moved here by Hon. Mutole and I wanted to add on to what he has given here.

[Point of Order]

Hon. Speaker: I'll take the point of order. Let's hear the point of order.

Hon. Mbithi: Is the Hon. Minister in order to address Hon. Manyolo as Hon. Mutole?

[Laughter]

Majority Leader (Hon. Mwonga): Point of Order Mr. Speaker.

Hon. Speaker: A different Point of Order? Let's hear the Majority Leader.

Majority Leader (Hon. Mwonga): Mr. Speaker, I wonder whether the Hon. Member for Kaewa, that is the 'Voice of Kaewa' as he calls himself, is in order to address a Hon. Member of this County Assembly as a minister. Is he in order, Mr. Speaker?

Hon. Speaker: I agree. He is out of order. I was also concerned. Let us hear another point of order.

Hon. Maitha: Thank you Mr. Speaker. I was also about to contribute on the same. Calling that Hon. Member a Minister. Thank you Mr. Speaker.

Hon. Speaker: Let us hear the Hon. Member for Machakos Central.

Hon. Kitheka: *(to another Member)* You are out of order. Thank you Mr. Speaker, Sir, I wish to support this motion on grounds that are---

Hon. Speaker: Allow the Member to proceed.

Hon. Kitheka: Thank you Mr. Speaker for your protection. Mr. Speaker, I would like to congratulate that Hon. Member who has come up with this good document, a motion for the first, second and third issues. In the third issue, we have been having problems of dustbins in Machakos Town because of the so-called scrap metal. I think when we are addressing the dustbin issue, we should address the issue of the scrap metal and even the way the dustbins are being set on the pavements. The issue of scrap meal is a menace in this town and when you are trying to push this motion, you should understand that issue. The other issue Mr. Speaker is about the piped water for efficiency. There is need for the so-called hydrants in every corner of this town so that when you need water for the flowers and the grass on the lawns, you should not use a lot of energy carrying jerricans the way I see in the precincts of this Assembly where the casuals take water from one corner to the other with jerricans, something which can be done within five minutes with the use of a hose pipe. So I think it would be prudent enough for us to have hydrants within the town.

The other issue Mr. Speaker is that when we let these people paint just the way they want in this town, of which I think I will be a beneficiary because I represent this town, is we are denying the county revenue in the sense that if we let these people paint like what one Hon. Member has just said, it's either they are painting 'Trust,' others are painting 'Kimbo' and others are painting even 'Safaricom.' You go and find a whole town painted Safaricom. Tomorrow you find it painted Airtel. We are denying the County a lot of revenue because if we deny these people to come and paint in this manner, they will go ahead and pay for billboards or for the 'Adopt a Light' adverts so that at least the revenue can be brought to the County. So I wish to support this document 100 per cent. Thank you very much

Hon. Speaker: Thank you. Let us hear the addition by Hon. Ndawa. The addition you are making

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. I wish to support the motion, with an addition. First I'll talk about point four of this motion which says we'll plant grass and flowers by the road side. What the County Image Directorate is doing is a good thing and I support that since Mombasa Road which is the entry to Machakos County is getting clean, but then I will ask the Hon. Members to support the idea that the cutting of trees is not a good thin and the motto is if you cut one tree, plant two.

I will not take these Hon. Members back to South Africa. I would wish to take the Hon. Members who were councilors before to a nearby country which they visited, Rwanda. Rwanda is a very clean country. All the streets are clean. They have flowers and coconut trees by the roadside and the country is so beautiful. If we can come up with such an idea, Machakos County will be one hell of a County where the whole world will come and visit.

I wanted to add another point on this motion where I am requesting that if all the wards can have a park where residents can go on picnics over the weekend and have nice time and something like that,. Thank you very much.

Hon. Speaker: Thank you very much. I think we are now in support of this motion. It was a good motion. The details that were not given can be captured in the actual legislation. There is one point you feel we should hear? Ok

Hon. Nzoka: Thank you Mr. Speaker. I support this motion and I want to emphasize on two. First, I'm allergic to dust. I support working at night but you have to have security of those who are working and again every town and every corner, we know it is dark at night. We wish to have floodlights and again when we are talking of guarding grass and flowers along the roads, you have to know that we have a challenge.

The area where we are also matters. We are in a dry area so we have to see how we can drill boreholes around the markets and see how we can have water for watering flowers. Because if we just say we bring water bowsers, it will be very expensive and it won't be nice. So I do wish to see some boreholes around the markets and floodlights. Thank you very much.

Hon. Speaker: Thank you. Let's have the last of it here and then finally you then we close

Hon. Nduva: Thank you Mr. Speaker. I stand to support this motion and make a clarification here. The issue of the planning of the towns in the county lies entirely in the committee on planning and I believe strongly that Hon. Manyolo was in a discussion with me when we were discussing how to do our town and he stole my ideas but I thank him because he has brought the motion here. Hon. Members, this issue of making our towns presentable is an

issue that is coming up with my committee and the plans we were talking about members, will be tabled here where Members you will correct where you think it is not correct.

What I can say, it may take us too long to change the picture of Machakos Town and other towns but the first move, as Hon. Manyolo has said, it can't take us too long to pass a motion here that traders, businessmen, paint their business premises. In Nairobi, when President Kibaki came to power, it was done the same way. Today Nairobi is different. Without going round and round, because we might not have sufficient funds, Members I think it is in order to pass a legislation here whereby businessmen will be supposed to paint the building.

That will mean that whoever visits Machakos Town, even if the floor is no good, her eyes capture what is up there. Mr. Speaker, I believe the Hon. Member for Kaewa has no business here unless in number four, planting of grass and flowers, which I also don't think is in the docket of agriculture. Thank you, Mr. Speaker.

[Laughter]

Hon. Speaker: Thank you very much. Thank you very much for owning your motion. Lastly, let us hear that Hon. Member. He has not contributed today. (To Hon Nduva) Sorry if your idea was stolen

Hon. M. Mutuku: Thank you Mr. Speaker. I wish to support the motion with an additional recommendation. One, there is a need for this House to deliberate and see if we could be having an environmental day for Machakos Town whereby *wananchi* will be given educational seminars, the residents will clean the town, plant more trees among others. Then there is also need for a policy to be passed so that there can be periodic painting of the buildings but I wish also to propose that businessmen need to paint their colours. If you force them to paint a particular colour they may not be willing but periodic painting should be put as a policy by this House.

Then there should be a slogan, like for those who went to Kigali, there is a slogan they call code. One, you need to come to town when you are clean; you have to be disciplined in a manner that you don't throw things carelessly. All that is not possible unless there is educational change of attitude for the rest of the town. Thank you for giving me the chance.

Hon. Speaker: Thank you very much. I have captured the last point that people need to change attitude so that this can be achieved and the only way would be if this can be communicated so that people would start thinking towards this direction as legislation comes and I will urge Hon. Katela to give contribution on that, whether you can make sure that this goes to the third estate.

Hon. Katela: Thank you Mr. Speaker. To support the motion, I'm picking on number two on cleanliness. I remember for those who went to South Africa, we said we will lead by example. We proposed that we'll take a day as Members of this House lead other members of the public to sweep the town. I think if we start from there, every other person will see the need of keeping our town clean.

So with all due respect members, it's my suggestion that we set aside a day, one morning, we publicize it, and we say we are leading the public to clean the town together with the workers of the County who clean the town. Even if it means you picking one polythene paper, moving a dustbin, I think that can help as an example so that when our law enforcers tell people 'you have

dropped a cigarette butt, you have dropped a pin,' they really know what is happening. Thank you.

Hon. Speaker: Thank you very much. I think we have done well in the motion and those in support of the motion together with the debated amendments.

(Question put and agreed to)

It is vital that directions are given that the mover of the motion commences active steps to make sure legislation is started and the office will give you adequate support so that we can have the legislation started. It's also good that this information goes to the people so that they can start adjusting their minds that legislation is on the way. The relevant committee on Justice and Legal Affairs will assist you. Let's proceed.

REMOVAL OF DEPUTY SPEAKER

Hon. Kyuli: Mr. Speaker, I want to thank you for allowing me to invoke the Standing Order that I had stated and make you aware that a Petition is on the way to this Assembly because of flouting rules and orders of this land or the Constitution precisely, of the land. The Constitution of this land, if you may allow me to read an Article in the Constitution, Article 178 2(a) and 2(b), Mr. Speaker Sir, A sitting of the county assembly shall be presided over by

(a) The speaker of the county assembly

Allow me to move this Mr. Speaker so that we correct things that may befall us in future because we may sit here and our sitting is challenged in a Court of Law and for violating the Constitution which is the Supreme law of the land. Allow me to read this Mr. Speaker, that

(1) Each County Assembly shall have a Speaker elected by the county assembly from among persons who are not Members of the Assembly.

(2) A sitting of the county assembly shall be presided over by – and that is where I am interested in

a. The speaker of the county assembly – that is the elected Speaker that was elected by the Assembly

b. In the absence of the Speaker, another member of the assembly elected by the assembly – and my point here is 'another member.'

So therefore Mr. Speaker, I want to move this so that in future we don't get petitions like the one that is on the way in question of the Deputy Speaker of this assembly because in the Constitution, there is no Deputy Speaker.

[Applause]

Allow me, Mr. Speaker, to move this motion that if we have to have a Deputy Speaker in this House, Mr. Speaker, a committee of rules and Procedures of the Assembly of Machakos must sit and create that position of a Deputy Speaker so that Mr. Speaker, we don't have an office that is powerful and illegally constituted. Mr. Speaker, I am moving this to avert a petition

that is being prepared so that whatever we discuss under the leadership of a Deputy Speaker, the people will land in Mars while they were aiming for the moon.

So therefore Mr. Speaker, allow me to move this motion that we allow the committee of Rules and Procedures create an office called Deputy Speaker and in the meantime, Mr. Speaker, abolish the office of the Deputy Speaker to allow the relevant committee create an office that is acceptable because by order, we can sit as a committee of Rules and Procedure and change the Standing Orders of this Assembly so that it favours what we need to see. Thank you, Mr. Speaker. Mr. Speaker, let me call somebody or anybody to support this.

Hon. Speaker: Anybody supporting your motion?

Hon. Kathinzi: Thank you Mr. Speaker. The Constitution of Kenya, 2010 is a new born child whereby the supremacy of the law is bestowed in the people. Supported by the Acts of parliament and any other legislation authorized in the law including African customary laws, for instance, or for example, one in marriage. I am in support of that particular motion because of the following reasons:-

- There is a big difference between the Parliament and the County Assembly referring to Article 106 of the Constitution of Kenya whereby in Parliament, there is a provision for the Deputy Speaker but when you go to the County Government, that is Article 178,

Hon. Speaker: You say in Parliament there is what?

Hon. Kathinzi: In Parliament it is provided for, the Deputy Speaker. That is Article 106 of the Constitution. Article 106, subsection 2 which says that ‘the Office of the Speaker or the Deputy Speaker shall become vacant’ – and then they explain further, so that means that in Parliament, there is that provision, but when you go to Article 178 2(b), it states, ‘In the absence of the Speaker, another member of the assembly elected by the assembly.’ So, in the absence of the Speaker at that particular time, it is only when the Members can agree the way these Member agreed when I acted as the Speaker when you were being elected. So that is the only situation which is provided for by the Constitution and when you go to the composition of the County Assembly that information you can extract it from Article 176 up to 178. Also when you go to the County Governments Act, 2012, there are several indications which are clearly showing that there shall be a Majority Leader, there shall be a Minority Leader that is Article 10 of the County Governments Act.

Hon. Speaker: That is Section 10.

Hon. Kathinzi: Yes, Section 10. There shall be in every county assembly a leader of majority party and leader of minority party. And then, Section 11 indicates that a Speaker of a County Assembly may be removed but there is no indication that there is a Deputy Speaker. Number 4 when you go up there is showing that the Speaker of the County Assembly is one of the members, the leader of Majority, the leader of Minority and when you go into the precedence, that is the portfolio that we need to follow when we come to this particular house. It clearly indicates that the Speaker is the leader of this particular house followed by the Leader of Majority, followed by the leader of minority...

[Loud consultations]

Hon. Kathinzi: Let me finish.

Hon. Speaker: You are reading where?

[Loud consultations]

Hon. Kathinzi: Let me finish.

[Loud consultations]

Hon. Kathinzi: Mr. Speaker...

Hon. Speaker: Which section is that?

Hon. Kathinzi: So therefore Mr. Speaker.

[Loud consultations]

Hon. Speaker: Just a minute. Allow him to finish. Just finish

Hon. Kathinzi: Mr. Speaker, there shall be a County Assembly Service Board, that is number 12.

[Loud consultations]

Hon. Kathinzi: And therefore, Mr. Speaker, I seek your permission ...

Hon. Speaker: Just one minute. You are going to speak next. Let him finish. Just finish

Hon. Kathinzi: There shall be a County Assembly Service Board, the Clerk of the County Assembly, there shall be County Assembly Members, the leader of majority and the leader of minority. So therefore Mr. Speaker, I challenge and wish to declare that any member who can show me where we have the provision of the office of the Deputy Speaker. We are not dealing with

Hon. Speaker: Ok

Hon. Kathinzi: Thank you Mr. Speaker.

[Loud consultation]

Hon. Speaker: Just a moment. Let us hear the leader of minority here.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I understand when we came in this House, there was a Speakers' conference in Naivasha and you agreed that in each County, there should be a position of a Deputy Speaker.

[Applause]

and I understand Mr. Speaker, that each of the 47 counties in the country has a Deputy Speaker. We need direction from you because you are a Member of the Speakers' Forum. Can you just guide us on this issue? Thank you.

Hon. Speaker: Thank you very much. Let us hear that gentleman at the back. That Hon. Member at the back

Hon. Ngunzi: Mr. Speaker, I'm grateful that what is happening today looks like – I don't want to go into details, but Mr. Speaker, you remember you led us in electing a Deputy Speaker. If Mr. Speaker you today lead us in kicking out the Deputy Speaker, you will totally agree that you once in your leadership misled this House into electing a Deputy Speaker. So we need your direction because you are now dragging us back. Thank you, Mr. Speaker.

Hon. Speaker: I don't understand that Member. You are saying the Speaker is? Who has drawn the motion, is it the Speaker? Just make your point afresh, Hon. Member. Let the Hon. Member respond to my concerns. Just make your point afresh

Hon. Ngunzi: I am saying Mr. Speaker, with all due respect Mr. Speaker sir, that one day, we were here and you led this House into electing a Deputy Speaker. You must have had what led you into guiding this House into electing a Deputy Speaker. We are now today again engaged in what looks like a managed attack on the Deputy Speaker. I do not know why we are now discussing the Deputy Speaker. We can't see it. We elected a Deputy Speaker under your leadership and under your guidance. Thank you.

Hon. Speaker: Ok. Let us hear that Member.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. I would wish to stand to be corrected because one Member stood in this House and just the Constitution of this country which states the County Governments established under this Constitution shall reflect the following principles. Sorry, the County Government, sorry I'll go on that later. Mr. Speaker sir, it is very clear to this House that when we came to this House, we elected a Speaker.

There was a position of a Deputy Speaker and there was a position of a Deputy Speaker and it is very clear that one Hon. Member is misinterpreting this Constitution. 'A Member elected in the county assembly in the absence of the Speaker, shall take control.' What does that mean? This House sat and elected a Member in this House, who is the Deputy Speaker. So I understand that the cause of interest of particular members, they are out to do away with the office of the Deputy Speaker.

[Applause]

This is not a motion to be discussed in this House because one, we are following and amending the Standing Orders of the National Government and the Standing Orders of the National Government are very clear to each Member seated in this House. There is an office of a Deputy Speaker in the National Assembly and so the same shall be implemented in the County Government. We do not understand who amended the standing orders of the National Government and deleted the office of the Deputy Speaker and where is this coming from? Mr. Speaker Sir, I stand to be corrected

Hon. Speaker: Let's hear that Member.

Hon. Matheka: Thank you Mr. Speaker sir and the House at large. We might be setting a bad precedence in this House. This is witch-hunting of the highest order.

[Applause]

Mr. Speaker, I stand here to be corrected. In the County Governments Act, Section 8, sub section 2, it says, and I quote, if a County Assembly fails to enact any particular legislation

required to give any further effect to any provision of this Act, a corresponding National legislation, if any, shall, with necessary modification, apply to the matter in question until the County Assembly enacts legislation. Mr. Speaker sir, the matter in question is in the National Assembly and Machakos County Assembly is no different.

[Applause]

We adopted the Standing Orders of the National Assembly. If Hon. Members want to do away with the office of the Speaker, they should bring a motion here we do away with the office, but not the order of the Office. Thank you Mr. Speaker, Sir.

[Applause]

Hon. Speaker: Let us hear two people.

Hon. Kitheka: Thank you Mr. Speaker. First and foremost, I tend not to understand why we are allowing the admissibility of this motion in this House, simply because it is a witch-hunting exercise which is being portrayed in the highest order in this House. If you make it wrong, a Member comes to this House, has a difference with another Member and comes up with an issue which is haunting the Member, that is bad precedence to this House.

[Applause]

If it comes to this House and I am wronged by somebody then I go ahead and sack or bring issues to that Member's family, that is an ill-fated motion. Members, I know this is a very crucial issue in the Standing Orders of Parliament which supersedes every other standing order in this land and which we are using in this House, it stipulates clearly that the Speaker shall preside at any sitting of the House but in the absence of the Speaker, the Deputy Speaker, a Member elected by the House for the purpose pursuant to Article 107 of the Constitution, shall preside. Let me tell you Mr. Speaker about the issues which are being brought in this House. They are not going to derail the Members from seeking the truth about the corruption which is in this House.

[Applause]

We are not going to relent, Mr. Speaker. We are going to see it to the bitter end because these Hon. Members are bringing issues which are not relevant. Section 14 of County Governments Act says, 'until a county Assembly makes its standing orders under sub section 1, the Standing Orders of the National Assembly, shall with necessary modification apply to the County Assembly. So Mr. Speaker, I don't see the need of the admissibility of that agenda in this House.

I read and I continue Mr. Speaker that, 'without limiting the generality of sub-section 1, the standing orders meant under this section shall provide for the matters specified in the Second Schedule. Mr. Speaker, I think it will set a very, very bad precedence for this House to act in such a manner and for those who are bringing issues which are not right into this issue, they should understand that we are not opposing anything which comes to this House, we are

opposing anything which goes contrary to the Constitution. If it is corruption, we are going to address it and anything which is on that issue we are going to address. Mr. Speaker---

Hon. Speaker: Let us hear those in support.

Hon. Kitheka: Thank you, Mr. Speaker.

Hon. Muinde: Mr. Speaker, I think it is only fair that we are guided with reason and not emotions and it will only be fair that we address the offices, not the office holders. Mr. Speaker, it is obvious that the supreme law in this country is the Constitution followed by the Acts of Parliament and any other legislation that may follow. The Constitution is clear on the position of the Deputy Speaker when it comes to the National Parliament. But when it comes to the county assemblies, it is not clear whether it is a question of interpretation or not, it is clear when it comes to the national parliament but not the assemblies.

When a Member says that in the absence of the standing orders of a county assembly, use of the National Assembly's will apply, but just like what the member who has just spoken has said, with necessary modification. That modification, was it done? The Standing Orders that we are using here, we also never adopted them as standing orders of this House.

[Loud consultations]

Hon. Muinde: I therefore---

Hon. Speaker: Allow him to proceed.

Hon. Muinde: Mr. Speaker I'm on the floor and I need protection so that I can contribute to the debate.

Hon. Speaker: allow him to proceed. Just finish.

Hon. Muinde: So Mr. Speaker, if a mistake was done, the fact that it has happened does not mean that we must continue doing wrong. We must correct position so it is clear that in the County Governments Act, the position of the Deputy Speaker was not clearly stipulated so I therefore support the motion and say that the position does not appear. Thank you.

Hon. Speaker: (To a Hon. Member) You will make all your points, just note. Let us hear as many people as we have heard on your side. Those in support. Any---

[Loud consultations]

Order! I am saying, let us have order!

[Loud consultations]

Let's sit down. Let us have order. Let us hear the Deputy Speaker.

Hon. Nganga: Order mheshimiwa, please. Let me read something from the standing orders, please. If you look at page 45 Standing Order number 58, it provides for the procedure for removal from office of a Speaker. If anybody or any person has got a problem with the office of the Deputy Speaker being held by one Hon. Member from the ward of Ikombe, this is the procedure. Mr. Speaker, you need to rule on this emotive matter that this motion is not properly constituted before the House.

Hon. Speaker: (To Hon. Members) Speak through the chair.

Hon. Nganga: Order members, please. That the matter is not properly constituted before the House. We need to have a motion that with it has appended signatures and names so that it can be deliberated upon and chaired by the Speaker and the notice to the same effect of that motion be allowed by the Speaker. So therefore, you cannot discuss this motion when it is not properly constituted and I want to call upon... Order Members; I need protection.

[Loud consultations]

Hon. Speaker: Order! Order Members!

Hon. Nganga: Order Members.

[Loud consultations]

Hon. Speaker: Order! Order!

Hon. Nganga: Order Members.

[Loud consultations]

Order Members.

Hon. Speaker: Order!

Hon. Nganga: I am on the floor, Members. I would like to call---

[Loud consultations]

Mr. Speaker, make a judgment on this matter. Make your ruling.

Hon. Speaker: Order! Order! Order!

[Loud consultations]

Listen Hon. Members. Order! Hon. Members, get seated. Back to your seat. Hon. Members, Hon. Members, it is clear that we cannot proceed with business this way.

[Loud consultations]

We cannot. We cannot ... Order! Hon. Kitheka, just sit down please. Order! Order! Order! Order Hon. Members. Let us restrain ourselves. The issue that we are debating is a difficult issue legally and otherwise and these issues have been coming up in forums and the Deputy Speaker, you are aware of that position. And you remember that in the House Business Committee meeting yesterday, even that legal question came up and you together with other members came to my chamber and I told you I am consulting on that. Hon. Members, it is only fair that we exhaust this issue. Let us hear what people have to say. I am not going to give a ruling today but let us just hear their ideas.

[Loud consultations]

Order! Let me finish. Order! Order! Order! I have heard---

[Loud consultations]

Order! I have heard points in opposition. Hon. Members, let us get into this. We have heard points in opposition. Let us hear the members in support. It is only fair ...ok, let us first hear what this Hon. Member is saying

Hon. Manyolo: Thank you Mr. Speaker, Sir, and the House at large. I understand the issue on the floor is not a matter to discuss within hours. We have to take time because the time we were here being sworn in, we were told there is a slot of the Deputy Speaker and every member who is---

[Loud consultations]

Hon. Speaker: Order!

Hon. Manyolo: Mr. Speaker, can you protect me.

Hon. Speaker: Finish, Hon. Member.

Hon. Manyolo: And every member who was elected here, we were here and we voted...

[Loud consultations]

Order. Mr. Speaker, can you protect me sir.

Hon. Speaker: Order Hon. Members.

[Loud consultations]

Order Members! I think, Hon. Member, just sit down. Just sit down and listen first. Let me... No, we are not going to take any other point on this matter. This is how the House shall proceed. Hon. Members,

[Loud consultations]

Hon. Members, Hon. Members! Order! It is now my moment. It is now my moment. Let us hear that word and it should be a word of wisdom

Hon. Katela: Mine is just a three-word sentence. If you allow a hyena to run away with your kid, after the hyena finishes the kid, he will come back for you.

[Applause]

Mr. Speaker, Sir, because this is a very volatile thing, if you allow these members to kick out the Deputy Speaker, the next time it will be you. I stood here the other day Mr. Speaker and told you---

[Loud consultations]

Hon. Speaker: Order! Order! Order

Hon. Katela: Protect me Mr. Speaker.

[Loud consultations]

Hon. Speaker: Order! Order! Order.

Hon. Katela: Protect me, protect me.

[Loud consultations]

Hon. Speaker: Order! Order!

Hon. Katela: Protect me.

Hon. Speaker: Order! No speaking now. Order! Can you sit down? Order! Sit down! Just sit down! Sit down! Sit down! Sit down Members! Sit down! Hon. Members, Hon. Members, order

Hon. Katela: I was on the floor...

[Loud consultations]

I am talking the truth.

Hon. Speaker: Hon. Members, sit down Members. Order! Sit down, sit down. Order!

Hon. Katela: Members let us sit. Let us sit. Members let us sit, *tafadhali*. Let us sit.

Hon. Speaker: Order, just sit down Members.

Hon. Katela: Members let's sit.

Hon. Speaker: Order! Hon. Members, hallo. Hon. Members, sit down. Hon. Members, let me have the microphone. Hon. Members, I have heard you. I have heard the debate, I have seen your moves, I've seen that some can fight in the House; it is wrong. We need to follow decorum. Now, yesterday we had a meeting of the House Business Committee. A related matter of this kind came up and we agreed that I'll take up the matter and consult and I'll come up with a legal position on the matter. It is only fair, therefore, that this emotive debate is adjourned and I'll give a communication from the chair. This matter is therefore deferred.

ADJOURNMENT

Hon. Speaker: Hon. Members, therefore then the Assembly is adjourned until the next session tomorrow.

[Several Hon. Members stood in their places]

Hon. Members, I have not yet walked out. Kindly sit down and allow me to walk out. Hon. Members, allow me to walk out!

The House rose at 4.49 p.m.