

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Friday, 30th August, 2013

The House met at 12.00 p.m.

Deputy Speaker (Hon. Nathaniel Nganga) in the chair

PRAYERS

COMMUNICATION FROM THE CHAIR

LIST OF ROADS IN WARDS TO BE FUNDED

Hon. Deputy Speaker: Members, there is a message from the ministry of roads. Members who have not submitted the list of roads that need to be done in this financial year in their wards are requested to do that before the end of the day.

BILL

FINANCE BILL 2013/14

(Resumption of debate)

Hon. Muinde: Mr. Speaker, yesterday, the chair ruled that we suspend the debate on the Machakos County Finance Bill 2013/14 to today but Mr. Speaker I want to report that the Budget Committee was frustrated in its efforts to ensure the Bill is discussed. Reason being...

Hon. Deputy Speaker: Yes, what is your Point of Order?

Hon. Maitha: Sorry Chair for disrupting. Mr. Speaker is it in order that honourable members can come to this House dressed in T-shirts. Is it allowed Mr. Speaker?

Hon. Deputy Speaker: Members are supposed to be decently dressed. Any member in question, you may name them so that they may take the appropriate action.

Hon. Maitha: Honourable member from Lower Kaewa, Collins Mbithi, Hon. Kitheka is not appropriately dressed as well, Hon. Katela.

Hon. Deputy Speaker: Please members do the necessary.

Hon. Maitha: Hon. Felix Ngui.

Hon. Deputy Speaker: *(addressing Hon. Mbithi)* Honourable member, you are a poorly dressed. Can you walk out and dress well. I will order you out of the Chamber. Hon. Kitheka you need to be properly dressed. As members you need to realize it is not about friendship or

individuals but the integrity of the House. You need to respect the integrity of the House. Proceed, chairman of Budget committee.

Hon. Muinde: Thank You Mr. Speaker for instilling sanity in the House. Mr. Speaker, I was saying that the Budget committee was to table its report today having gone through the Bill and the attached Fees and Charges as proposed by the Finance minister in the County Government of Machakos. But I want to say Mr. Speaker, that it is only until five minutes ago when enough copies of this Bill for all the members were brought to us and even the now the annexure of Fees and Charges is not yet with the members.

Fees and Charges form the bulk of work that is to be done in the Finance Bill 2013. So it is not possible Mr. Speaker, for the Budget Chairman to table the committee's report to allow the plenary to discuss and pass the Bill. I want to say Mr. Speaker that the Executive is not playing its part. We feel frustrated. I spent the whole of yesterday moving up and down in the corridors of the Executive trying to push them to furnish us with the right documents. I had even called the Budget committee to meet this morning to look at the Fees and Charges.

Members came in the morning but we were not able to proceed. We are tired of pushing the Executive. In fact it should be the other way round. They should be the ones pushing us to do our work but they are not doing their job. I want to be put on record that we are getting frustrated. This committee will only be able to sit and interrogate the Finance Bill when all the necessary documents are presented to the committee and ample time given to committee to interrogate it and table its report to the plenary and allow members enough time to go through the entire document including the Fees and Charges and make their recommendations before we pass the Bill.

I therefore, Mr. Speaker, request leave of the House that we still suspend discussion of the Finance Bill until the chair is satisfied that all the conditions and necessary materials are presented to this honourable House. Thank you and I want to ask any member from the Budget team to second my proposal that we suspend discussion of this Bill until the conditions and necessary materials are supplied. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Yes, Chairman Planning committee.

Hon. Nduva: Thank you Mr. Speaker. I stand here to second the Budget chairman. As I got this document, I was looking for the other document of Fees and Charges. Honourable members, we are very much concerned about these fees and charges because I think there was an anomaly on the structure which had been brought from the Executive. Mr. Speaker, I second the adjournment of this sitting. Thank you.

(Applause)

Hon. Deputy Speaker: Any member willing to contribute on that proposal. Yes Hon. Ndawa.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker, Sir. Honourable members, I wish to support the two members who proposed adjournment of this debate. Mr. Speaker, this voluminous document cannot be read in this Chamber because it needs at least a week. It needs understanding, translation and these members need to be taken somewhere where they can read and understand the document better.

Hon. Maitha: Thank you, Mr. Speaker and the honourable members present. Mr. Speaker, I am reading mischief in these documents that are tabled in this House. Every single day, these members are being furnished with booklets containing thousands of pages. Unless there are plans to hold by-elections very soon, these members will run mad because we have not even finished going through the County Integrated Development Plan (CIDP) and another document is here with 223 pages. We have not even read the Constitution to the last page, County Government Act, Public Finance Management Act and even the Standing Orders with the latest version of Standing Orders carrying almost 500 pages.

Not unless Mr. Speaker there is a plan to hold these members at ransom in terms of their mental incapacitation, I read some mischief in this. So, as these honourable members proposed, this document can only be read in a conducive environment because the environment here is not conducive. One, there is no money so if you tell us to read this document in un-favourable environment, I think we are wasting time. So kindly Mr. Speaker, organize for these members to go somewhere and be taken through this document slowly to capture all the details and even the CIDP document. They are quite important documents and need deep understanding otherwise if we just assume them and adopt them, we will be committing suicide. Thank you, Mr. Speaker.

Hon. Deputy Speaker: The reason why we commit certain documents to committees is because as members, we cannot all of us go through the document. But we can always highlight the contentious issues and that is why a committee is supposed to write as a report to the House. That is why we have a series of deliberations so what I would urge members not to burden themselves with the whole document.

For the legal terms, we have the committee on Justice and Legal Affairs to go through that and write a report to this House. On the financial aspect, we have the Budget Committee to go through that and report to this House and out of the report, members can be able to single out the contentious issues and deliberate on them. So you stand to be guided on that effect. I want to take the last two or three sentiments so that we may move forward. Yes, member for Muthetheni.

Hon. Katela: Thank you Mr. Speaker sir. I think as the House might be aware, this is a repeat of the many malpractices which we have approved in this House having been caught off guard by the Executive. You remember we were brought a name of a suspended officer and approved him very fast without knowing what was happening. We were also brought the names

of members of the County Executive and we passed them without even questioning. It is like we have already bent our backs for them to ride on us.

Can the House get serious for once, can we be united and work towards assisting our people. They are taking advantage of delaying our allowances and that I can say without fear or favour. Because they know if we don't have money, they say 'pass this so that you can be paid very fast,' and we do it. Protect me Mr. Speaker.

Hon. Deputy Speaker: Yes what is your point of Order, member for Muvuti/Kiima Kimwe?

Hon. T. Kilonzo: Thank you Mr. Speaker sir. I still think that member is not well-dressed. He is wearing a jeans trouser and an informal jacket. Wearing a tie does not mean you are smart. Mr. Speaker, if we have to follow the rules, he has to move out Mr. Speaker please.

Hon. Deputy Speaker: Honourable member for Muthetheni, I understand you know the code of dressing for the House. Please do the necessary. I would like to invite comments on the matter before the House. If it is matter before the House, comment on that.

Hon. Kitheka: Thank you Mr. Speaker, Sir, and bye to Hon. Katela. Mr. Speaker sir, I think we have been taken for a ride for so long and this time round, these voluminous documents cannot be read and comprehended within a very short time as stipulated. Mr. Speaker sir, I can give a chronicle of what happened when I was once at the defunct Machakos Municipal Council. The same Fees and Charges which were only three pages, were made in one week in Mombasa and we came up with a very good document. I don't see the sense of us coming here to rubberstamp this document to the detriment of our people outside there.

It is painful because I have seen some issues inside this document, although we have not vividly gone through it, which will make those who voted for leaders to see the elected leaders in another perspective. Now Mr. Speaker, because we have agreed we have many technical terms in this document and legal aspects which are touching on the electorate unlike before, we request for the entire House to be guided even if it is in this Chamber before we go and amend the document elsewhere.

We should be guided thoroughly on the legislative issues in this document because the Executive can sneak in something very important and very disastrous which can make you be chased with stones by people outside there. Somebody told me this document may lead to a demonstration by the people we lead outside there. So Mr. Speaker, if it is for you guidance, I wish you guide us on the day or time when we can go and make a good document for this House and which we can pass with ease. It should not be sounded as if we do not know what we are doing, the way the Executive is addressing us.

They are bringing documents and then telling us that 'the deadline is tomorrow' and on the other hand you hear there is a delay of paying allowances. What does it mean if there are no allowances and a document has to be passed by tomorrow. It beats logic. You are just being coiled up in a trap to be forced to pass the document for money to come. Every time we sit here,

I hear members harassing our Budget Chairman 'can you call the Executive to know whether there is money.'

Mr. Speaker, I think we are setting a bad precedent in this House to go and beg for our money and only to be given so that we pass a document. It should sound as a warning with this document. We need our money to come easily and not for us to force them to give us our money. And in the near future, Mr. Speaker---

Hon. Deputy Speaker: So honourable member, you are supporting the proposal on adjournment on debate.

Hon. Kitheka: Yes, exactly I am supporting the debate and adding that members should be given time to go and study the document elsewhere so that at least we can be acquainted of its contents.

Hon. Deputy Speaker: Let us hear the budget chairman so that we can make a decision.

Hon. Muinde: Thank you Mr. Speaker. I think the proposal was to suspend discussion about this document and I see members still want to discuss it. The immediate speaker is holding a certain annexure to the main document that I tabled here and I want to put it right that that is not what we are expecting from the Executive. That document was withdrawn, it was never tabled in this House so whatever is contained there is null and void.

We are waiting for the right figures to be brought to this House so that we can discuss. I want to put it right Mr. Speaker that we have until September 30, 2013 to pass this Bill. So this House has enough time to discuss and pass the right document. I want to make it clear especially the part on Fees and Charges has a direct bearing to the electorate. If we go ahead and pass a law overcharging our people at the ward level and as much as we need money in this County, we will at the same time be killing the people who sent us to this House and we may have nowhere to go on Fridays as we leave this Chambers to go to the village.

So Mr. Speaker, I still want to say that if the point has been accepted that we suspend business until documents are presented and the Budget Committee has enough time and every member has enough time, so be it. We suspend and Mr. Speaker I am not opposed some members are claiming they cannot see the document. As they read, they are not able to see because they left their glasses somewhere in Mombasa or Naivasha. I am not opposed to members being given time to go where their glasses are so they can look at the documents and read. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: I would want to put the question. *(Addressing Hon. Nduva)* I hope you will be brief enough please.

Hon. Nduva: Thank you Mr. Speaker and before I raise the point of information, I am of the opinion we don't have glasses here to see this document so I support the member who proposed that we can be taken somewhere where we can afford to wear glasses so that we can

see this document. Another point concerns the document of County Integrated Development Plan (CIDP). I want to put it to members that last night, we discussed with the minister.... This is a point of information. Protect me, Mr. Speaker. I should pass the point of information.

Hon. Deputy Speaker: What is your point of order member for Katangi?

Hon. Ngui: Thank you, Mr. Speaker. I think the Chairman for Planning and Trade has gone out of point. He is discussing about CIDP and yet we are still on the Finance Bill. Please, it is not time for communication or statements, it is time for to support adjournment of discussion of the Finance Bill.

Hon. Deputy Speaker: Point of Order sustained. Member for Kithimani, we are discussing on the proposal for suspension of debate so after we are through with that, it is when you can communicate to the House on matters affecting your Planning Committee. So at this point can I put the question; for those who are of the opinion that the matter on discussion on the Finance Bill be suspended until the next sitting.

(Question put and agreed to)

Hon. Deputy Speaker: And therefore, the matter to that Finance Bill be suspended until when we convene next. Any other member with an issue?

Hon. Nduva: Mr. Speaker, the sub-committee on Labour to remain after the end of this sitting. We had requested for members to write proposals for CIDP but it should be clear that members do not have to write this proposals. We discussed with the relevant minister and I told the Executive to go back to the proposals derived during the forums in the wards. It was also agreed that this projects will be distributed equally like say if it is water, let every ward be considered. Don't worry writing about the proposals, the minister agreed to fund the projects equitably. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes Hon. Mueni.

Hon. (Ms.) Mueni: Mr. Speaker sir, some committees have never called nominated members in their meetings and I don't know why yet we want to work in the committees.

Hon. Deputy Speaker: May you can mention them. Then to this effect, the relevant chairmen who know they have not had a sitting with their committees please do the necessary. Therefore at this point... member for Tala. Oh, you have something to say.

Hon. (Ms.) Mueni: Thank you Mr. Speaker sir. One of the committees is Children, Culture and Community Services, Early Childhood Education, Health Services and the one for my---

(Laughter)

Hon. Deputy Speaker: Then the relevant chairman you need to do the necessary.

(Loud consultations)

Hon. Deputy Speaker: Order members. Member for Tala.

Hon. Kamitu: Thank you Mr. Speaker sir. My humble request to the Planning Committee Chairman who is informing the House that he had talked with the minister but it is not clear whether the minister has all the details that we gave during the consultative forums. I am asking him to put us in the right direction because we may sit here thinking that all the information is yet they gave out a very shaky report in regard to CIDP. The chairman should give us the right direction on where we are now because that document was shallow on what is required. Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: I hope the communication has been made and I would like to repeat my first detail that members who have not submitted their roads projects please do that to the relevant ministry before the end of the day.

ADJOURNMENT

Hon. Deputy Speaker: Therefore there being no other business for the day, the House stands adjourned until Tuesday next week at 2.30.

The House rose at 12.32 p.m.