

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT**

Thursday, 19th September, 2013

The House met 11.00 a.m.

[The Hon Speaker (Mr. Bernard Mung'ata) in the Chair]

PRA YERS**STATEMENT****BURSARIES**

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker and the members. Mr. Speaker, I would wish to seek a statement on the issue of bursaries. As you are aware we are heading for recess and members of the public, especially parents of the students who we awarded bursaries, will be asking how far we have gone on the issue of bursaries. Thank you.

Hon. Speaker: Proceed.

BILL**FINANCE BILL 2013-14**

(Resumption of debate)

Hon. Muinde: Thank you, Mr. Speaker. Yesterday we debated the Machakos County Finance Bill 2013 and at the end you did give direction that the Budget and Appropriation Committee convenes as a committee of the Whole House to receive petitions from all the members who have issues that they need annexed or included into the Bill. Today, we met and received various items that the committee considered found fit to be included and tabled to the plenary for adoption. We received concerns on the definition of sand dealer where a member suggested that the term sand dealer/seller be amended to read sand brokers. We considered that and that amendment was put in.

We also received petition to add the name of Tala Market, Kangundo, Athi River and Mlolongo to be added to Machakos and Matuu Bus Parks. This is in regard to the report by the Committee where we had talked of Machakos Bus Park and Matuu Bus Park, where we said we need to install digital equipments to receipt, because there is a lot of graft. So we also have to add Tala parking, Athi River parking and Mlolongo which members felt are necessary.

Then the charges for the motorbikes, the membership, together with all other present, agreed that the Ksh. 300 charged per month, that we had suggested to the House be charged across the board without segmenting it because of the issue that were discussed. We also received a petition to include on sound pollution, because members felt that there are people

playing loud music without license and causing noise to the residents of Machakos and that should be also included as pollution and be charged along with other nuisances.

Charges for Miraa, Mr. Speaker, there arose a big debate on that, but eventually members agreed that dealers with vehicles, pick-ups and Probox cars entering our County carrying the stimulant be charged Ksh. 10,000 per vehicle and small-scale dealers who buy the commodity in basins or *karais* and some yellow plastic bags be charged Ksh. 200 daily. It was agreed and members had to vote.

We also got concerns on fishmongers, that is traders who sell fish along Sagana on the side of Masinga and Ekalakala, Masinga area. For the traders who deal with fish, Ksh. 20 will be charged per person daily and if it is a pick-up load, Ksh. 200 and if it is a lorry Ksh. 500. Also that applies to fruit packing, Ksh. 20 per person, Ksh. 200 per pick-up and Ksh. 500 per lorry.

There was concern on *mitumba* security fees in Machakos Town. In the fees and charges, it is indicated Ksh. 250 per day but the right figure is Ksh. 250 per month (sic). So, that was adopted by the budget committee and was to be presented to this house.

Liquid pollution and air pollution by factories from the industrial area in Machakos County, more so in Athi River, Mlolongo area, concern has been raised in this House Mr. Speaker that there are factories dumping their liquid waste into River Athi making the water to get polluted, endangering the lives of residents of Machakos, a concern has been raised that even the water has turned black. If you go to the area around Fourteen Falls, I hear there is even white foam that is flying in the air because of the pollution from these factories and our people are dying. A suggestion has been put into this house that those who pollute our rivers, Ksh. 200,000 be charged. As a committee Mr. Speaker, we also request you to direct that the committee on Environment to tour the said areas, report back to the House and if possible come up with a law to deal with that because it also goes beyond the confines of the Budget committee because it is an environmental hazard.

Mr. Speaker, those are mainly all the concerns we received today and as a Budget committee, if approved together with what we presented yesterday, then we will have a bill passed by the House and in a short while after the Governor assents to this, we will have a law that will give power to the Minister Finance to levy taxes and ensure that this County gets the necessary money that we need.

Mr. Speaker, there is one more item that was raised by Hon. Jacinta on exempting the disabled on all forms of taxes. As a committee, we felt that you are in a better position or this House would be in a better position to make a ruling. I did quote the necessary provisions in the Constitution but a concern was raised by a member that if we exempt on all forms of taxes to the disabled, tricky businessmen would use the disabled to sneak in goods and avoid paying taxes. We felt as a committee that this House can consider the concerns on that provision or the exemption could be misused so that we also seal any loophole that would deny this County revenue that could be accruing to us.

Therefore, Mr. Speaker, I want to say that those are the petitions that we received, and I beg members, in one accord, to pass the Bill because the Budget committee has really done a good job. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you very much, Hon members. I think basically, the report that has been given must be the result of the meeting that was there in the morning. So it is a report that was reached by general consensus. Is there anybody who has any contribution on that report? Any matter that has been left out? Yes.

Hon. Nganga: Thank you Mr. Speaker and the House at large. I must appreciate what the committee has done but I would just like to comment on two issues. The issue of sand transport at night. I think it is one of the issues that have not been captured and I would like to suggest or propose to this House that as an addition to Article seven in page 3 of the report, that we impose a fine of Ksh. 10,000 for every lorry that is found transporting sand at night because most of the tricky sand dealers who would not want to pay the required taxes to the County would want to undertake this activity at night. By bringing that to the attention of the people, then we would be curbing such bad business malpractices.

The other issue that I would want to comment on is the one of the disabled being exempted from paying taxes. What I would like to say about that is that there is a common saying or a common slogan that disability is not inability and with that in mind, then any man or woman who would be in a position to set up any business enterprise does not need to be sympathized with merely because they are disabled. Rather, they need to be empowered to achieve their objectives. And going forward, I would think that exempting them all through would not be doing any good to this County.

We shall be opening a Pandora's box where other businessmen would want to use that opportunity to register their children, to register their sons and daughters or even their uncles and start saying 'this business does not belong to me, it belongs to my son, it belongs to my uncle' and through that we will be losing revenue. Personally, I have had one of my constituents approaching me so that they may get a waiver from paying taxes. But I told him that, that issue has not yet been debated upon.

So I think even if we have to consider the person who is disable.....because we can have somebody who might have his arm dislocated or may be a leg.....but that does not affect how they perform their business. So I thought the best approach which would do is to empower them through the fund that we set aside for the disabled within our wards to set up business. If they have prudent management then they would be able to pay the lenient taxes that we have set. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much for that addition. Any other person withSo Hon members, we take it like that.

Hon. Maitha: Thank you Mr. Speaker. I was consulting with the Budget Chairman because there is an issue that I spoke about yesterday on liquor licenses which were formerly under the provincial administration and it is something that has already been devolved. Yesterday evening, I happened to liaise with one of the administration officers and he told me that liquor licensing is in the hands of the County Government. That is something that I would like to request the Chairman of Budget committee to follow up in the soonest possible time because there is a bit of confusion. But it is already a devolved function and we are the ones who are supposed to set the liquor licensing fees and there are quite a numerous complaints from our electorate.

They are being extorted a lot of money because they pay the normal trading license and then acquire liquor license at a cost more than Ksh. 50,000. So Mr. Speaker, I would like you to direct the Chairman of Budget committee to follow up the same so that we also review and set our liquor license fees because it is quite exorbitant and these people crying. Someone who has a bar with a sitting capacity of 20 patrons is being charged Ksh. 50,000 and there is a license on top of that so at the end of the day, that persons ends up paying more than Ksh. 70,000 and yet a supermarket which is operating in Machakos is paying a license of Ksh. 35,000.

Actually that is where we should even get money because these supermarkets are fleecing us a lot of monies and we should target even to charge them more than Ksh. 100,000 or 150,000 per year in terms of licensing. Thank you, Mr. Speaker. So I would like you to direct the Chairman of Budget committee to think about the issue of liquor license so that we can get the right direction. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much for that. I can see the Chair of legal committee. You address us on the issues of disability, liquor licensing because these are areas where we need legislation.

Hon. Itumo: Yes Mr. Speaker, I will also tackle another one that is sensitive. I stand here to go contrary to what the Deputy Speaker has said that the disabled should not be exempted from paying the taxes. But I don't know to what extent because you find that we have those who are totally disabled and others who are partially disabled. You may find a person does not have just one finger and you call that one disabled. We want a certain degree to be described so that we may know to what extend is that disability (*inaudible*). I support that these people should be exempted according to that degree, the higher degree, almost total disability. Those ones should be exempted.

Again I would like to talk about liquor licensing because to me liquor has done a lot of damage to our young people and this liquor should be highly taxed. Mr. Speaker, who will marry our daughters when these people have gone to an extent of just being carried to their beds? We want this liquor to be taxed heavily. We also have another sensitive issue whereby you find young men going to the market and surrounding those places where *miraa* is being sold from morning to the evening, doing nothing but chewing this *miraa*. Why don't this people get taxed? Or they be arrested and pay taxes. What is the meaning of waking up early and going to those places and sitting down? Are they not tired of sitting down and chewing?

Hon. Speaker: Hon member did you attend the meeting in the morning?

Hon. Itumo: Sorry?

Hon. Speaker: Did you attend the meeting that was there in the morning?

Hon. Itumo: I didn't attend that one Mr. Speaker, Sir.

Hon. Speaker: Then kindly take your seat. You are now out of order.

Hon. Itumo: Let me be in order Mr. Speaker Sir.

Hon. Speaker: That meeting is where your contribution ought to have been done. Am saying you are out of order.

Hon. Nduva: Mr. Speaker I would..... (*inaudible*)

Hon. Speaker: Before you speak, I don't know whether Hon. Willy is properly dressed.

Hon. Nduva: Mr. Speaker, I want to contribute as the member for Muthwani has indicated here the issue of liquor licensing has been devolved.

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

Hon. Katela: I want to bring to the attention of the chair that Hon. Pastor and Hon. Ngunzi are not properly dressed.

Hon. Speaker: I think they are properly dressed proceed.

Hon. Nduva: Thank you Hon Speaker and members. As the Honourable member for Muthwani told this honorable House, the liquor licensing has been devolved to County Governments. As I stand here to support the motion for the County Finance Bill, I wish the Chairman of Budget committee could discuss this issue with the Minister of finance so that they can come up with charges for the liquor licenses. Before the *Mututho* law, these business charges were exaggerated. So members I think it is during this month or next month when liquor licenses are paid.

So members we would like the minister to come up with the Fees and Charges of how much the liquor licenses will be paid, then this house will discuss on the charges that the honorable minister will have indicated. So members I wish to let the Chairman of Budget committee to come up with the charges for the liquor licensing. We know there are illicit brews, members, that one we will not tolerate. So when the charges are being discussed by the minister, these types of liquors that are made in the rivers, we should not license them and allow them to be brought to the county. Thank you, Mr. Speaker.

Hon. Speaker: Yes, we can take information. He has not talked.

Hon. Ngunzi: Thank you Mr. Speaker. I want to bring to the attention of this House that I am the Chairman in charge of liquor licensing and the matter that is being discussed here is on charging licenses for the premises. We will come up with a motion that will address the issues of liquor licensing in the County. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think that is the direction we need to take. I fear I didn't give permission but just proceed.

Hon. Maitha: Thank you. I want to over emphasize on the same, Mr. Speaker, as we are speaking right now, all liquor licenses have been suspended. They are supposed to be renewed and so they are not being issued right now. So what I need to bring to the attention of this House is that we need to fast track this issue because now we are losing revenue. So Mr. Chair Budget and the Chair in charge of that committee, who has just spoken, kindly pursue that matter urgently because no one is now licensing the liquor operators. So the more we continue delaying, the more we continue losing revenue. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think basically the direction we should take from that matter is that the relevant committee to get into business and come up with the appropriate motion towards the legislation. The Chairman of Committee on Delegated Legislation should take up that assignment. I think we are basically through with the debate. Let me put the question. The question was put and agreed upon. Then the financial report is now the report of the house. Finance Chair, proceed.

(Applause)

Hon. Muinde: Thank you Mr. Speaker and the members for adopting that and Mar Speaker, I beg to move that the Machakos County Finance Bill 2013 be read for the third time.

Hon. Speaker: Thank you, the Bill is now read for the third time and is approved and shall be forwarded, according to the standing orders, to the Governor for the necessary assent. Thank you very much. Proceed.

MOTIONS

COUNTY INTEGRATED DEVELOPMENT PLAN 2013–14

(Resumption of debate)

Hon. Speaker: Sorry members, there is one issue that rose about the disabled persons. The direction that I give is that again the Committee on Delegated Legislation to take up that agenda and come up with the appropriate notice of motion. But then again you should realize that it is a matter that is in the High Court that has been launched by the Society of the Disabled Persons to determine the question on taxation. You can approach our offices for guidance but take up and come up with an appropriate motion. There is the other issue that was raised on the environment. The Committee on Environment equally should take up that issue and come up with the appropriate notice of motion. Proceed.

Hon. Nduva: Thank you, Mr. Speaker and honorable members of this honorable House. Mr. Speaker, yesterday I tabled the County Integrated Development Plan and copies were supplied to all honorable members to go through the document and look at the areas which were contentious. Mr. Speaker, I stand here now to read the document and request the honorable members to pass the document. Report on the planning and Budget of the County Integrated Development plan, 2013-2017.

Mr. Speaker, the Planning, Trade, Tourism and Co-operatives Committees jointly with Budget and Appropriation Committee received the first County Integrated Development Plan, 2013-2017 as forwarded by the County Executive Committee member for Trade, Economic Planning and Industrialization. The County Integrated Development Plan has taken into account the provisions of the Constitution of Kenya 2010 and Vision 2030 which is Kenya's development blueprint together with the Medium Term Plan and Machakos County Development Profile (MCDP).

The County Development Integrated Plan gives priority to the local socio-economic development issues and sets out a targeted development plan. Mr. Speaker, the Planning and Budget Committees have had various sittings in which they interrogated the County Development Integrated Plan and made the following amendments;

Mr. Speaker, I wish to touch one or two areas which members had asked questions. I believe every member has gone through this document and entirely those areas which were contentious were taken care of. For example, in page 1 on the column of on-going projects.

New Project Proposals - livestock

Project name	Constituency/sub county/ward	Objectives	Targets	Descriptions of activities
Livestock Resource	40 wards	No change	No change	No change

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management and development				
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Members were asking why it is indicated that there is no change. Mr. Speaker and Hon members, it was indicated that there is no change because the objective was not changed and it is in this booklet, the County Integrated Plan, where the objective is. So with the objectives, targets, and description of activities were not changed. What was changed are the areas to be touched. So hon. members, I believe you have gone through the document and now the proposals that you gave will be annexed to this document, so that the areas which are indicated like the 40 wards, and if there is a project which was not put in this document, it will be put as per your proposal. So members, I wish to call the hon. member for Machakos Town, Hon. Kitheka to second this document and hon. Members, I wish and hope you will pass the document. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think the Hon member is invited to just support the document, because he is already in the House.

Hon. Kitheka: Thank you Mr. Speaker and respect to the House at large. I think Mr. Speaker yesterday, I seconded the issue of the document and now I am coming in to support the document for approval by House. Mr. Speaker, when we went to make amendments to this document, there are some parts which we could not touch simply because they are parts which are evident in wards in the document and should not be touched because touching them would change the meaning of the document.

Like the target groups, like the issues of the location, the objectives, the timeframe and the allocation or the cost estimates and the issue of the implementation. Mr. Speaker, what we touched on was only about the location where the project is and people who should be involved. Mr. Speaker, the chairman for planning went ahead and we collected and have been collecting and soliciting for the projects from the members and members have come up with documents like this one of mine which will be annexed to the big document that we have so that it can identify the entire projects in the wards as per what we said.

I think Mr. Speaker, the entire issue was about itemization of the projects and now that we have done it in the committee, we are requesting members to pass this document. Simply because there is no other transaction concerning development of these projects which will be done before we pass this document. So members, I kindly request you because we are going out there and we want to see projects going on as we go out for recess. We pass this document and we go and witness what we promised the people that we would be doing projects. If we don't pass the document, the money will remain with us here for sometimes then it will be returned back to the exchequer because there are no projects which can be funded.

So Hon. Speaker, I kindly urge these hon. members of this House to consider the plight of the people in the wards and let us stop small fights and neglecting documents when they come into this House simply because they have been brought by a particular person. I request Mr. Speaker, that these members do justice to this document. Thank you very much Mr. Speaker.

Hon. Speaker: Thank you very much. Before we proceed, we can look at page..... only the document is not numbered, but we can just count pages,

(Hon. Speaker counts the pages)

Page five, 7.2.5, part two where it is reading new projects proposals. Roads, that item on targets is saying allocate an approximate sum of Ksh. 15 million per County..... is that the right wording? Yea, ok

Hon. Kyuli: Thank you. That particular item.....I am a member of that committee and I remember we changed the wording, if you remember, Mr. Chairman, we said Ksh.15 million for only this financial year because we will expect our revenue to grow and in the successive years, monies will be.....we will allocate more monies in that particular item. So, we didn't leave it as it is right now, I think there is an omission. If you can remember Mr. Chairman, there is an omission there and I wanted to raise it Mr. Speaker. We said if you remember, it should be Ksh. 15 million as they have said but only this financial year but in successive years monies will be allocated according to the receipts of monies that we are going to receive. Thank you.

Hon. Speaker: While we are also there, I am also wondering, is it Ksh. 15 million per county? Yes.

Hon. Kitheka: I think Mr. Speaker, we corrected this issue and it is just a typographical error and it is per ward, Ksh. 15 million per ward and even the Engineer communicated to the members and asked them to make the proposals for the roads.

Hon. Speaker: Ok. I think I have seen it, on the next page it is continued story. It continues on the next page, it is actually allocate an approximate Ksh. 15 million per County Assembly ward subject to increases pro rata. Thank you. We have not heard Mheshimiwa. Hon members, I think we were all part of this document, so let us add material.

Hon. Kamitu: Thank you Mr. Speaker, Sir, I am in full support of the document but my fear is what is the assurance to this House that our proposals are going to appear as an appendix or it is going to be attached to the main booklet. Because for the first time when we did our first consultative meeting, we gave out our proposals Mr. Speaker, Sir, and you see or you know exactly what happened. That is why we are making a repetition because if our proposal appeared in the first instance, we could not be sitting here discussing a lot of discuss in regard to the County Integrated Development Plan. So my question is to the chairman, what is the assurance that our proposal will appear as an appendix or is going to be attached before it is forwarded to the respective.....concern. Thank you.

Hon. Speaker: Thank you hon. Nduva, can you give the House your assurance in that regard.

Hon. Sammy Nduva: Mr. Speaker, I want to assure these hon. members that after the document is put together, copies of the same document will be supplied to the members, because it is also of importance for members to have the document so that it can be a guideline of the projects that they proposed. Clarifying the roads and the Ksh. 15 million..... the amount that was set for the roads for this financial year. The allocation of this money will depend on budget and how much will be set on the roads.

So members the Ksh. 15 million doesn't mean in the next financial year each ward should get the Ksh. 15 million. This one will be guided by the budget and the funds which will be allocated on the roads. So members, I assure you that this document has being bound together and it will be brought to you and each member shall have his own copy. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. Mr. Speaker, Sir, I think all the hon. members will agree with me that according to the law, any project and development should pass through the public. And when we did the public consultation meetings, we did it for one year. And the reason why I am saying this is that all these projects which are in this Integrated Development Plan in 40 wards is because we have not consulted the members of the public about it. Another issue is about.....

Hon. Speaker: Point of order.

Hon. (Ms.) Ndawa: Mr. Speaker, protect me.

Hon. Speaker: Point of order is taken. You can sit down so that we take the point of order. Kindly sit down.

Hon. Kitheka: Mr. Speaker, I think the hon. member is just part of the same members I was addressing right now. People who are opposing just because it is a document---

(Applause)

We should not just oppose because *(inaudible)*

Hon. Speaker: Hon. Member, I would urge you to find kinder words to address that member.

Hon. Kitheka: Ok, members who are resistant to change---

(Applause)

Mr. Speaker, I wish to inform that member

Hon. Speaker: Proceed.

Hon. Kitheka: Mr. Speaker, I wish to inform that member, for example when I went to get priorities from the public, they gave me projects which were more than what I needed for that particular year. So we listed all the projects and they are more than even what the County can spend this year. So at the end of the day, I had to go and put them all in my laptop, prioritize them and then come with such a document. So this document of mine is running for five years with their consultation, so I don't see where we have missed the eye. We have touched the eye of our community and we have taken the priorities from them and we have to go and do the projects with them. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Let us move on, Mheshimiwa Ndawa. Let us please move on.

Hon. (Ms.) R. Nduku: Thank you Mr. Speaker for this opportunity, I just want to support this report because of all what we have done. We have made changes and I don't know whether my colleague Hon. Ndawa has gone through the document because there are some reports we are getting from companies like MAWASCO, MAYASCO and all sorts of organizations because it is integrated development plan. So I would wish to request my colleague Hon Ndawa to go again through the same book alone to understand what we are talking about because we have done a lot about the book and it is like she kept her book on the shelf and did not read it.

(Applause)

Hon. Speaker: I would urge Hon Ndawa to kindly take that advice and go through this document. Let us proceed.

Hon. Kalunde: Mr. Speaker, despite the fact that quite a number of hon. members have rebuked hon. Ndawa, perhaps she had not read 40 wards, because our complaint when we said that we cannot accept this document, is because it was referring to projects from one sub-county. But now when I looked through the document, most of all the projects are supposed to be done in all the 40 wards. So my fear has been cleared by Hon. Nduva when the Honorable member from Tala stood to ask whether the annexure will contain projects from all the wards. But this has been cleared so my dear Hon. Ndawa, I think we can let the booklet go through. Thank you.

(Applause)

Hon. Speaker: Let us hear the Minority Leader.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Mr. Speaker each member was given an opportunity.

Hon. Speaker: Order, order, Hon. Ndawa, order.

Minority Leader (Hon. Kasoa): Each member was given an opportunity to submit the projects to be put in the next implementation document and I think we have done that and the Planning Committee went to Kitengela and came out with the list and we can assure the house that this House has powers even in near future to make some changes in document. So if the executive doesn't do whatever is provided there, we can even make changes in the near future. So I stand here to support the document and ask we pass it without wasting a lot of time because we are supposed to go for recess this afternoon, we can just approve this document and we go home. Thank you.

(Applause)

Hon. Speaker: Yes Honorable members, I think that captures the entire question and I will urge that we move and listen to the question. The last point of concern.

Hon. Muinde: Mr. Speaker, I am on the stalled projects, this is 7.55D on stalled projects. Mr. Speaker, although I was supposed to be part of this committee, the Planning and Budget committee that came up with the final document, I was not able to join them because I was also working on the Finance Bill. I stayed out, but the committee has said that the County shall not be involved in stalled projects in primary and secondary schools because all matters related to them have not been devolved from the National Government to the County Government. While I agree with them Mr. Speaker, and I know it is still a difficult issue, my concern is that the former civic bodies had started many projects and some were even identified by the representatives of the wards then with the people and there are still some projects that were started, some are 76 per cent complete or 90 per cent complete.

Much as the primary schools and the secondary schools belong to the national government, there is one common denominator that they were funded through public funds. It may take too long or it may never even be done by the national government. They may leave

them to become white elephants projects. To what extent can this committee try to intervene so that these projects, because they belong to our wards, they are for our people and they are very key, if the buildings for example are left to fall down, we lose as a people, I don't know, is there a middle ground that can be found because we are passing a document that will tie us for five years. But can we find a middle ground so that we don't lose on these projects just because these projects belong to the national government.

It can be easily said that don't touch this because it is a national function but at the end even the members who represent the wards where these projects are and the mwananchi do not know the difference between the national function and a devolved function. They will hold us accountable and some of us were members of the wards then and we were involved in identifying them, how do I then go back and say that I cannot complete this when I was part and parcel of it. Our people may not have all this knowledge but the bottom line is whether it is done by the national government or by the counties, the beneficiary is still the same mwananchi down there. What can we do Mr. Speaker?

Hon. Speaker: Honorable members, I think that is a question that rose in many forums and even yesterday I held a discussion on. It is true some stalled projects are not part of devolved functions. But we have officially written to the Transition Authority and a policy guideline would be on the way and that will guide the committee on planning. But the committee on planning should not go to rest; it should keep watch on devolution from the national government. I think we cannot do otherwise other than that because we are not the ones who devolved the functions. And at this point I will allow Honorable Ndawa to speak but after we finish this. The question is now put

(Question put and agreed to)

Hon. Speaker: Then the report is adopted as a report of the house.

(Applause)

Any other matter? Yes.

Majority Leader (Hon. Mwonga): Mr. Speaker, I sought for a statement on the issue of bursaries.

Hon. Speaker: You may proceed, we don't have any other business.

Majority Leader (Hon. Mwonga): Mr. Speaker, when I raised this issue, I knew we are heading for recess as from today, may be in the evening, and I wanted a statement from the Chairman of Education on whether we are carrying cheques with us or when we should come for the cheques. Thank you.

Hon. Speaker: That doesn't need to be supported; I think we basically need a report. Can we have a report?

Hon. Ndeto: Ok, Mr. Speaker and honorable members. I knew from Tuesday, Wednesday that there is a possibility of this House going for a recess and from Monday we have been following this issue of bursaries and I want to assure members that before the day ends you will go with your cheques that is the Ksh. 250,000 home. Thank you.

(Applause)

Hon. Speaker: Thank you very much, hon. members. Yesterday, I indicated that I got a report on the question that has been amongst us about the member of the county assembly service board and the said report is dated 18th of September 2013. The report is done by the committee on Labor and Social Welfare and the sub-committee members that were appointed were: Hon. Cornelius Musyoka Kitheka, who was the chair, Hon. Dominic Maitha, Hon. Magdalene Ndawa, Hon. Collins Mbithi, Hon. Samson Kimanzi, Hon. Catherine Mbithe, Hon. Leonard Katela, Hon. Felix Ngui and the vice chair was Hon. Renson Muthiani.

Having received this report then that committee remains disbanded as its function has ended to the extent of the report. Firstly the report has been signed by Hon. Cornelius Musyoka Kitheka, the chair, Hon. Dominic Maitha, Hon. Magdalene Ndawa and Hon. Felix Ngui. Those are four signatories. This committee consists of nine members and therefore the other four members did not sign the report. To that extent therefore it is not a report properly so called under the standing orders. Therefore, the Speaker will not dwell on the contents of the report and it remains a nullity for being improper.

Now it is important that the chair gives this direction that on a Kamukunji that was held where all members were aware of the circumstances, directions were issued that the question of that particular member be looked into. The appropriate committees were put into action and I thank them for the effort they have done to come up with the report. But a few questions emanate: Did that committee exactly have the direction on a matter that was clearly handled by the assembly and duly approved by all the members? The standing orders require that once a debate is concluded by the House and approval made by the House, such a debate can only be revisited after six months. It is therefore erroneous to revisit the matter that was done by the Assembly before the expiry of that term.

Therefore, the only avenue left for any member dissatisfied by a resolution of the House remains in the course of law. For the Speaker to attempt to interfere with the resolution of the House on that particular member, would be to usurp the jurisdiction of the Assembly and the jurisdiction of this Assembly without fear, is supreme.

(Applause)

Further, it is also important to note that, the County Assembly Service Board has been established by section 12, sub section 5 of the County Government Act. It is a statutory body; it indeed has its own separate common seal. It can have can enter into contracts and therefore decisions of the County Assembly Service Board can partly be challenged through a court act. However, the same act provides under section 14 that the House, through a notice of motion by a member, can be brought appropriately to challenge the nomination of a member or as we did in this particular member of the Service Board. Avenues are still open for members but after the mandatory six months to come up with an appropriate motion for debate in the event of any dissatisfaction on the performance of a member of the County Assembly Service Board. And I repeat then, the only authority to dispose off a question of a member of County Assembly Service Board remains with the Assembly.

Honorable members the report shall therefore keep in accordance with the standing orders of this house and I will close up the matter by saying that this House should work steadfastly in unison and that members should desist and restrain themselves from raising matters that will affect the day-to-day administration of the assembly and that proper guidance on drawing reports should be sought under order 186 sub-section 2c of the standing orders. With that, honorable members, I will urge you a happy vacation till we meet again. Thank you very much. Have a good afternoon.

(Applause)

Honorable members, we will have something coming up tomorrow, by the CIC, we will expect a full house, they have called and the meeting will begin at 12.00 noon. We also have the Lapfund issue. May be you can just come and announce it.

Hon. Kitheka: Thank you Mr. Speaker, I have noted the abnormalities in that report and I promise we are going to rectify the same. Mr. Speaker, on the other hand, we have the Lapfund team whose motion we passed in this House and they were to come tomorrow to meet the members but unfortunately they are committed elsewhere tomorrow and they came today and are with us outside the chamber. They are requesting members for about ten minutes to talk with them and then we leave. Thank you, Mr. Speaker.

ADJOURNMENT

Hon. Speaker: Yes honorable members you can give it five minutes and interact with them, it is for your own welfare and tomorrow there is a team from the Senate also that is coming. Let us all meet here and engage them from 11.00 a.m. and tomorrow there may be Speakers lunch so come tomorrow. Thank you very much. The house adjourns.

The house rose at 12.02 p.m.