

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th June 2014

The House met at 11.17 a.m.

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

PRAYERS

Hon. Speaker: Good morning Hon. Members. Serjeant-at-Arms, kindly confirm whether security is adequate today. I am waiting for your assurance before we proceed, whether you have adequate security.

(Serjeant-at-Arms gives assurance of security)

Hon. Speaker: Clerk, may the order papers be circulated.

PAPER LAID

AMENDMENT OF INTERIM STANDING ORDERS

Hon. Nganga: Thank you, Mr. Speaker. I beg to lay the following paper on the table of the Assembly today Wednesday, 25th June 2014, Committee on Procedure and Rules report on consideration of amending the interim Standing Orders. Thank you, Mr. Speaker.

(Hon. Nganga laid the paper on the Table)

Hon. Speaker: Thank you. Proceed

MOTIONS

AMENDMENT OF INTERIM STANDING ORDERS

Hon. Nganga: Mr. Speaker, Sir, that aware this Hon House has been using interim Standing Orders since last year; aware that according to Standing Order number 188(4) which states that the County Assembly Procedure And Rules Committee may propose amendments to the Standing Orders and such amendments shall upon approval by the County Assembly take effect at the time appointed by the County Assembly; aware that the interim Standing Orders were not suitable for our Assembly; further aware that these Standing Orders had some challenges; and aware that the County Assembly Procedure and Rules Committee sat and proposed amendments, of the interim Standing Orders, this Hon. House discusses and approves the proposed Standing Orders for the Machakos County Assembly.

I hereby propose that this Hon House turns to a committee of the Whole House to deliberate on the proposed amendments. Thank you Mr. Speaker Sir. At this point I would like to call Hon. Felix Ngui to support my proposal. Thank you.

Hon. Ngui: Thank you Mr. Speaker, Sir, I am a member of the Rules and Procedure Committee, and I stand here to support that motion. Thank you.

Hon. Speaker: Proceed. The mover of the motion, Hon. Deputy Speaker, we shall have your matter stood down, we proceed with the agenda then we finish and then I will leave it for the committee.

DISCHARGE AND APPOINTMENT OF MEMBERS TO COMMITTEES

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, aware that Standing Order 17 provides for discharge of a member from a committee, and further aware that the Committee on Selection is mandated to nominate members to various County Assembly committees as per standing order 154 (3), I wish to move the motion that this Hon. House discusses and approves the report on discharge and appointment of Members to various committees as presented by the Committee on Selection. Thank you, Mr. Speaker, Sir. I call upon my deputy to second debate on this motion, Mr. Speaker.

Hon. Kasimu: Mr. Speaker, Sir, I stand to second the discussion of the report of the Committee on Selection. Thank you.

Hon. Speaker: May the mover proceed.

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, the Constitution of Kenya recognizes the existence of Committees in the Assembly which constitute the power point of any business to be transacted within the County. Mr. Speaker, the document is being circulated to members, and I beg that you allow me to continue as the officer circulates the same Mr. Speaker sir. Thank you, Mr. Speaker.

In reference to powers and privileges of Committees, Mr. Speaker Standing Order 172 states that “Committees shall enjoy and exercise all the powers and privileges bestowed on the County Assembly by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the Government and the public”.

Mr. Speaker, Sir, Standing Order 153 (1) also states that; “There shall be a select committee to be designated Selection Committee, consisting of the Leader of Majority Party who shall be the chairperson, the Leader of Minority party, not less than eleven and not more than nineteen members, who shall be nominated by the County Assembly parties and approved by the County Assembly.

Mr. Speaker, Sir, Standing Order 157 provides for discharge of a member from a committee. “(1) The County Assembly party that nominated a member to a select committee may give a notice, in writing, to the Speaker that the member is to be discharged from a select committee; (2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1)”.

Pursuant to Standing Order 154 (3), Mr. Speaker, Sir, the Committee on Selection has been mandated to nominate members to various committees. The Standing Order states that “A vacancy occasioned by a resignation or removal of a Member from a select committee shall be filled within fourteen days of the vacancy”.

Mr. Speaker, Sir, Standing Order 155 (1) provides for the criteria of nomination that; “in nominating members to serve on a select committee, the selection committee shall ensure that the membership of each committee reflects the relative majorities of the seats held by each of the County Assembly parties in the County Assembly”.

Mr. Speaker, as per the above Standing Orders, the Committee undertook its mandate and presents its report as follows:-

Nomination of Members to Various Committees

The Committee on selection received names of Hon. Members who had been discharged from various committees, pursuant to Standing Order 157.

The members were as follows:

- | | |
|-------------------------------|---|
| 1. Hon. (Ms.) Alice Nzioka | - PAIC. |
| 2. Hon. Collins Mbithi | - Agriculture, Environment and Natural Resources |
| 3. Hon. (Ms.) Magdalene Ndawa | - ECD and Vocational Training. |
| 4. Hon. Stephen Muthuka | - Agriculture, Environment and Natural Resources. |
| 5. Hon. Kyalo Kyuli | - Committee on Implementation. |
| 6. Hon. Alex Kathinzi | - Health and Emergency Services. |
| 7. Hon Dominic Maitha | - PAIC |
| 8. Hon. Cornelius Kitheka | - Labour and Social Welfare. |
| 9. Hon. Festus Ndeto | - ECD and Vocational Training. |
| 10. Hon. EdrickNgunzi | - Children, Culture and Community Services. |
| 11. Hon. Francis Matheka | - Transport, Roads and Public Works. |

Mr. Speaker, as per Standing Order 154 (3) the members were reallocated to other committees as outlined below:-

S.NO	HON. MEMBER	FROM	TO
1.	Hon. Alice Nzioka	PIC & PAC	Delegated County

			Legislation
2.	Hon. Collins Mbithi	Agriculture, Environment and Natural Resources	Planning, Trade, Tourism and Cooperatives
3.	Hon. Magdalene Ndawa	Early Childhood Education & Vocational Training	Children, Culture and Community Services
4.	Hon. Kyalo Kyuli	Committee on Implementation	Delegated County Legislation
5.	Hon. Alex Kathinzi	Health Services	Early Childhood Education & Vocational Training
6.	Hon. Dominic Maitha	PIC & PAC	Delegated County Legislation
7.	Hon. Cornelius Kitheka	Labour and Social Welfare	Early Childhood Education & Vocational Training
8.	Hon. Festus Ndeto	Early Childhood Education & Vocational Training	Transport, Roads and Public Works
9.	Hon. Edrick Ngunzi	Children, Culture and Community Services	Agriculture, Environment and Natural Resources
10	Hon. Francis Matheka	Transport, Roads and Public Works	Early Childhood Education & Vocational Training
11.	Hon. Stephen Muthuka	Agriculture, Environment and Natural Resources	Planning, Trade, Tourism and Cooperatives

Hon. Speaker, to balance the membership as per Standing Order 154 (3) the following Honourable members were appointed to committees whose membership was affected:-

S.NO	HON. MEMBER	FROM	TO
1.	Hon. Margaret Ndalana	Early Childhood, Education and Vocational Training	PIC & PAC
2.	Hon. Jacinta Luka	Planning, Trade, Tourism and Cooperatives	Agriculture, Environment and Natural Resources

3.	Hon. Mary Ndinda	Children, Culture and Community Services	Early Childhood Education & Vocational Training
4.	Hon. Peter Nzoka	Delegated County Legislation	Committee on Implementation
5.	Hon. Michael Mutuku	Early Childhood Education & Vocational Training	Health Services
6.	Hon. Winston Kanui	Delegated County Legislation	PIC & PAC
7.	Hon. Alex Kamitu	Early Childhood Education & Vocational Training	Labour and Social Welfare
8.	Hon. Geoffrey Munyao	Transport, Roads and Public Works	Early Childhood Education & Vocational Training
9.	Hon. Justus Katumo	Agriculture, Environment and Natural Resources	Children, Culture and Community Services
10.	Hon. Peter Nzioki	Early Childhood Education & Vocational Training	Transport, Roads and Public Works
11.	Hon. KyaloKyuli	Planning, Trade, Tourism and Cooperatives	Agriculture, Environment and Natural Resources

Mr. Speaker, Sir, following the nomination of Hon. Raphael Mutuku to the County Assembly to replace the late Hon. Samson Kimanzi, the Committee on Selection appointed him to the following Committees:-

1. Agriculture, Environment and Natural Resources.
2. Transport, Roads and Public Works.
3. Justice and legal Affairs.
4. Committee on Implementation.

Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Hon, Members that is the report on committee on Selection and now the report is open for debate. We can begin with the proposers; those in support.

Hon. Muinde: Mr. Speaker, Sir, I support the new arrangements where members have been reshuffled and moved to committees where more input is expected from them. Looking at the way Members have been distributed, Mr. Speaker, Sir, I believe that because of the various professions they hold, they will be able to discharge their duties in the new committees in a better way than they were able to do in the previous arrangement. It is my hope, Mr. Speaker,

that the committees will now be able to discharge their duties in a better way because Members to the new committees will have new energy to discharge their duties as required of them by law. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Yes, Hon. Mutuku

Hon. M. Mutuku: I stand here to support the changes, the reshuffle, reason being, one, it is a common practice and it really makes the new members to bring new ideas and new energy to the various committees they have been allocated to. It is also a common practice where it is realized some members can do better in particular committees than others. It is also a good practice for where some members are not performing very well or are asleep. It is always the best way that is practiced in the National Assembly, in County Assemblies, so I hereby stand to support the reshuffle. Thank you.

Hon. Speaker: Yes, Hon. Katela.

Hon. Katela: Thank you Mr. Speaker, Sir. Mine is to support the changes and warn those in other committees that this is a wakeup call. We want a vibrant House; we want vibrant committees so the exercise is not ending here. If you sleep in your committee... in fact we should also add another rule of purging some people not to be in committees if they don't participate. Thank you very much.

Hon. Speaker: Thank you very much. We can hear Mheshimiwa here.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I support these changes in full and assure Members that the Standing Orders were followed to the latter. Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

Hon. Kasimu: Thank you Mr. Speaker. I want to start by congratulating the Government chief whip and the minority whip for cracking the whip. Some of the Chairmen, we never knew that they were sleeping on their jobs until we gave them time to work and we waited and waited. I remember in the House, we raised the issue as the majority team and the minority team and we gave the Chairmen time to work and they thought that we were not serious. We want to take a caution and tell those who have been appointed and as we go now to look for the Chairs of particular committees, please and please, the eyes of the majority and the eyes of the minority are watching you Chairmen. May God bless this House. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. We can hear Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Speaker. I stand to support the changes because many of the Chairmen were asleep and we need them to work because even some committees were not meeting and we did not know whether there were some committees. We were just popping to some committees which were active.

Hon. Speaker: Thank you very much. Yes, Hon. Kavuu and then Hon. Manyolo.

Hon. Kavuu: Thank you Mr. Speaker. I stand here to support what has been done by the Committee on Selection because sometimes we were surprised when we were getting the notice of a meeting indicating that we should meet at 2 p.m. and the Chairman was coming at 4 p.m. So Mr. Speaker, this was a very good move and I support that move. Thank you, Mr. Speaker.

Hon. Manyolo: Thank you Mr. Speaker and the House at large. I first congratulate the team that took time and investigated the code of conduct and courtesy of Members of various committees and made changes. The Whites say a change is as good as a rest. So I think they have done the best; even the Bible states so.

Whoever is not working should be moved from that place. And you have to talk to live with a sorcerer, as the Bible says in the book of Exodus. So Mr. Speaker, Sir, I think they have done the best job and by that point, Mr. Speaker, Sir, we can't go ahead debating on this because everyone has ruled on that debate. So can you put the question now, Mr. Speaker sir?

(Laughter)

Hon. Speaker: I want more debate, I want more debate and I really want to understand, were these changes targeting Chairmen or changing members? Let us hear Katumo here.

Hon. Katumo: Thank you, Mr. Speaker, Sir, and Members. I would also like to appreciate the changes made. However, when I look at the names that have been changed, they are very few and I really don't understand because I see my name here, whether I was a Chairman or I did not perform, but one thing I know is, when we do changes, they are supposed to bring better services for the House and the committees thereof.

But I think in future, we should be more careful when we are doing this, that we don't target people because they have a different opinion. I'm looking for certain names here, but I can't see – for some Chairmen who have not been performing – and if we are saying that some of these Chairmen are not performing but I can't see others, then I think I read more than meets the eye. Thank you very much.

Hon. Speaker: Thank you. Hon. Katumo, maybe you can clarify on a few Chairmen who don't work according to your view, and why you have not petitioned the Selection Committee.

Hon. Katumo: Yes, I would like to petition some of the committees.

Hon. Speaker: You are not going to petition here.

Hon. Katumo: I want to respond but I don't want to mention names. It is common knowledge that we have some committees that have not been performing. I think these committees apart from a few have done very well for the last one year I've been in this House. Thank you.

Hon. Speaker: Okay. Let us hear the Hon. Member at the back.

Hon. Raphael Mutuku (Nominated Member): Thank you, Mr. Speaker, Sir. I wish to thank the Committee on Selection for the work well done. I have been staying in the cold for the last two months without being in a committee officially. But when I look at the report, they have allocated me to committees officially. I appreciate that. I support the report, thank you.

Hon. Speaker: Thank you. Maybe the mover can clarify his point.

Majority Leader (Hon. Mwonga): Thank you. Mr. Speaker. My clarification is on the issue which has been raised by Hon. Mutwela (Hon. Katumo). Mr. Speaker, any committee will sit anytime when there is an agenda, Mr. Speaker, and members will agree with me, after the parties withdrew some members from various committees, to us it did not matter whether these Members were Chairs or were just Members in these committees but it was our duty after the communication that we had to sit and to balance the membership as per Standing Order 153. Other members had to be affected, Mr. Speaker. That is the clarification I just wanted to give. Thank you.

Hon. Speaker: Thank you. It is important that Members understand that membership was withdrawn by the parties, not the Assembly, not the Clerk and not the Speaker. Yes?

Hon. (Ms.) Ndinda: Mr. Speaker, Sir, I just want to appreciate the Selection Committee and also appreciate for the way I have been reshuffled to the committee which I desired and I am sure that I am going to be very effective. So, thank you very much. I am sure that this time we are going to work hard and also thank you for the promotion because I think that now you have selected men and women of integrity and I think that will now be found in the Assembly. Thank you.

Hon. Ndolo: Thank you Mr. Speaker, Sir. I think this is the high time that we members ought to know that we are not permanent in the committees that we are in and it is the time now that we are supposed to work and work seriously. Thank you.

Hon. Speaker: Yes, Hon. Nduva.

Hon. Nduva: Thank you Mr. Speaker. I stand here to say congrats to the Committee on Selection for the good work they have done because a change is always good. Mr. Speaker, I also want to point out this, because I was also expecting to be put in a certain committee and I don't see myself there, but what I want to request despite this exercise being done as per the parties, Mr. Speaker, this is a request to the committee and the Chair in which you are sitting, an input from the Chairs, especially who feel that delivery to the Assembly is important, we could have been asked for our input because maybe I would like to go to one side or another one.

But the reason being, we as chairs, are also facing challenges when we are sitting in our committees so if we were allowed, I think we would have put more input on this because we have weighty issues with the committees. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think the Chair has heard. You can lobby your party and achieve your goal. Yes, let's hear the Hon. Member for Ndithini.

Hon. Muli: Thank you Mr. Speaker, I appreciate the committee on Selection and also heads of parties who reshuffled the Members. I think and I believe it's a call whereby now the Members should be very serious in committees and also I believe the leaders were watching very well and they allocated the Members according to their standards of education and also purpose. Mr. Speaker, I believe now the Committees should take a new course whereby we should be very serious, devoted and work hard for this County. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Yes, the Hon Member at the back there?

Hon. Munyao: Thank you Mr. Speaker, Sir. First of all, I am going to congratulate the Committee on Selection for the good job they have done. Second, I'm going to request the Chairman of that committee whenever they are doing such exercises, to request the Hon. Members to know how professional they are in those different kinds of jobs because you can see there are some people who have been given jobs or mandates which they can't afford. So I'm requesting the Chairman of that Department, whenever they are doing those selections, to consult the Hon Members to do whatever is good in that committee. Thank you Mr. Speaker Sir.

Hon. Speaker: Maybe... it is like I am getting that some Members are incompetent? Perhaps you can substantiate, please.

Hon. Munyao: Thank you Mr. Speaker. I see Hon. Geoffrey Munyao has been transferred from the Ministry of Transport to the Ministry of Early Childhood and Vocational Training whereby if I can see on myself, I can't do well in Early Childhood but I can do well in Transport and Public Works. So if you go to that department, you just go there to waste your time.

Hon. Speaker: Your point is made. I'll urge your party to take you to Transport. Yes, Minority Leader.

Minority Leader (Hon. Kasoa): Thank you. I belong to this committee and we have heard the grievances of Hon. Munyao of Kathiani and we are going to look into the matter. I also wish to respond to the question from Hon. Sammy Nduva from Kithimani.

POINT OF ORDER

Hon. Speaker: Yes, point of order taken.

Minority Leader (Hon. Kasoa): Protection, Mr. Speaker.

Hon. Speaker: You are not protected. Point of order taken.

Hon. Muinde: Mr. Speaker, I want to know whether it is in order for that Hon. Member to speak twice on the same debate.

Hon. Speaker: Objection upheld. Proceed.

[Hon Kasoa rises to speak]

Hon. Speaker: When objection is upheld, then that means you have lost your right to reply. Proceed. Yes?

Hon. Nzioki: Thank you, Mr. Speaker. I would like to applaud the Chairman of Selection and his committee first. Mr. Speaker, I would also like to request the Chairman maybe next time when they are doing such exercises, to ask the Members if any of them has.

POINT OF ORDER

Hon. Speaker: Allowed. I also feel you are out of Order, Hon. Member.

Hon. Katela: Thank you, Mr. Speaker, Sir. I want to remind my senior friend and politician that even when we came to this House when we were elected, we were not asked which committee we want to go to. The same committee allocated us committees and it's doing its work. So, why should you consult your kids when you are selling your shamba? I mean, I think the committee is in order and please continue like that. Thank you.

Hon. Speaker: Another member? *(To Hon. Nzioki)* Your time is spent.

Hon. Muthiani: First, I would like to congratulate the Chairman of the Committee on Selection for the good work he has done. In fact, I can say that the reshuffle has come at the right time, considering that we passed our budget yesterday. So, it means that he was focused and he wants us to work. So we kindly urge the Members and ask them kindly to be serious in service delivery.

We want to deliver to our people, so let us work and for those members who have been reshuffled, please let us not see as if we have been punished. We have been taken to the place where we are supposed to be so let us work hand in hand to ensure our County has achieved. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Hon. Munyaka?

Hon. Nzeki: Thank you, Mr. Speaker, Sir. I congratulate the Committee on Selection for the work they did and I just say that we constituted the committees before the nominated Members came, now it is their time to campaign for the Vice-Chairmanship, Chairmanship and see the nominated Members leading us in committees. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you very much. I think the ladies you get that note. Yes, Hon. Wambua.

Hon. A. Wambua: I wish to congratulate the Selection Committee and the party leaders who did a wonderful job. This is indicating that for every Member in any committee, it's the

high time to deliver because if you are a Member and you don't deliver, the party will be eyeing you, thank you.

Hon. (Ms.) Sereka: Thank you Mr. Speaker, Sir, and the House at large. I would like to congratulate the Selection Committee for the work well done and ask them kindly to assist us women to get more positions as Chairs and Vice-Chairs and to plea humbly to our Hon. Members from the opposite side, the men, please give us more seats. Let us show we are capable of leading because we can lead our homes. Mr. Speaker, please try to talk to our Hon. Members, you know their hands are too tight and they always want to lead. Please members, give us a chance and we will show good results. Thank you.

Hon. Speaker: Thank you very much. Yes, Hon. Vice-Chairperson, Legal.

Hon. Kimata: Thank you Mr. Chairman for giving me this chance to contribute to this motion. I would like to support the Selection Committee for a job well done, but what I can advise the people who have been given the responsibility; they should do it fairly and make sure they transform Machakos County to the next level.

Hon. Speaker: Thank you very much. Thank you for those powerful words. Now, the mover of the motion. Or is there anybody with... I've not heard anybody with a contrary view. Is there anybody with a contrary view? Yes, Hon. Veronica.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker Sir and the House at large. I'm here to support and also to say that what has happened is in order but let it be an eye opener also to the other Chairmen who have not been touched, because the whole year, I have been in Children, Culture and Community Services committee and we have met only once. Mr. Speaker, let the House legislate that if Chairmen, including those who will be elected in future, don't perform the House to do the same exercise. Let us not get tired of getting the best people to do the job. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Now we can hear the mover of the motion.

Majority Leader (Hon. Mwonga): Mr. Speaker, mine is to thank the Hon. Members for adopting this report and approving it whole heartedly and on the issue which was raised by Chairman Planning, Trade and Tourism Committee and Chairman, Delegated Legislation, I want to tell the two Chairs that the mandate of the Selection Committee and its privileges and powers don't allow that committee to consult the Chairs. Maybe they feel that some Members who were re-allocated or who were moved from other committees to their committees will not be co-operative but as Chairs, I want to tell them to be in-charge of their committees, Mr. Speaker.

Mr. Speaker, on the issue of Chairs, maybe I'm not aware because when we were moving these members, we did not know who was a Chair and who was not a Chair. Maybe if there are vacancies which have been occasioned by this re-allocation of Members to other committees Mr. Speaker, the Standing Orders are very clear that the affected committees that have no Chairs and Vice Chairs have to sit within seven days from now Mr. Speaker. What I may urge, on the issue

of ladies being given Chairmanship or Vice-Chair positions, it is upon the ladies to campaign in their respective committees, but I urge male Hon. Members, let's consider these hon women leaders in our Assembly, not forgetting that they are our sisters and we are their brothers.

Finally, Mr. Speaker, being the Leader of Majority, I know what is before this House. Next week as from 1st of July to 3rd, Mr. Speaker these committees will be sitting to start vetting of Chief Officers, Mr. Speaker.

Hon. Speaker: At that point I will ask you to first sit down, because you are getting out of order. Kindly sit down.

Majority Leader (Hon. Mwonga): Mr. Speaker it is a request I wanted to make.

Hon. Speaker: We will allow you after this. For those in support of the report as laid.

(Question put and agreed to)

Under Standing Order 180 (7), "within 48 hours after the report has been laid on the Table of the County Assembly, the Clerk shall publish the report in the County Assembly website and circulate copies to members" and now the committees should retreat, sit down and find their new working leadership. Now then, we can have a word of thanks from the mover of the motion.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. I just wanted to make a humble request that if we will have any committee which will have to sit and elect a new Chair or Vice-Chair, Mr. Speaker I think it will be prudent for these Chairs Vice Chairs and the other sitting Chairs and Vice Chairs to have a retreat so that they can know how to handle the work bestowed on these committees, before 1st of July, Mr. Speaker. Thank you.

Hon. Speaker: Thank you very much. Hon. Members, I felt it was important for you to understand how the Committee on Selection is structured. It is structured such that there is the Majority and Minority so both sides are represented and I would imagine that consultations were made adequately within the parties. I will consider favourably the matter for a retreat.

(Applause)

AMENDMENT OF INTERIM STANDING ORDERS

Order! Hon. Members. Now the House will turn to a Committee of the Whole House; the Deputy Chair will take his position so that his motion can be handled by the Committee. Immediately the committee finishes, then I will return for the next business. Otherwise thank you, wish you well. Maybe as we rise up, we can observe a minute of silence on behalf of the member for Kathiani for losing the retired General.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman (Hon. Nganga) took the Chair]

AMENDMENT OF INTERIM STANDING ORDERS

Hon. Chairman: Let us have the materials that have clauses with amendments in the interim county assembly Standing Orders. We also have the Interim Standing Orders we have been using. I hope you are getting copies of that. We will make much of the reference on the Interim. I also hope you have been given the proposed Standing Orders.

We have the interim standing orders. Let us go to page 18. We are starting with the clauses with amendments and I propose the question that the clause be part of the Bill. I call upon the mover to move the amendment. Hon. Felix.

Standing Order No. 3.

Hon. Ngui: Thank you Mr. Speaker. In Standing Order No. 3, delete and ‘the county gazette.’

(Question of amendment proposed)

(Question put and agreed to)

Standing Order No. 4.

Hon. Chairman: I propose the question that the clause be part of the Bill and there is no amendment. Therefore the clause remains part of the Bill.

(Question put and agreed to)

Standing Order No. 5

No amendment. I propose that the clause be part of the Bill.

(Question put and agreed to)

Standing Order No. 6

We have an amendment in clause 6 on the secret ballot for the Interim Standing Orders. Clause 6, there is a sub-heading there where we have secret ballot. I propose that the mover to move the amendment.

Hon. Ngui: Thank you Mr. Speaker. I stand to move the amendment on Standing Order No. 6. Delete the heading 'secret ballot' insert 'election of the Speaker.' Thank you.

Hon. Chairman: I now put the question that the new clause be part of the Standing Order.

(Question put and agreed to)

Standing Order No. 7

I propose that since there is no amendment in clause No. 7, that the clause be part of the Standing Order.

(Question put and agreed to)

Standing Order No. 8

Members, I realize that quite a number of us have not been able to understand what we are doing. We have this leaflet here, the one that has clauses with amendments. If you look at the columns, we have skipped page one, we have started at Standing Order No. 3 which is on page 2 and they are proposals of amendments that have been set against the Standing Orders.

For example, if you look at Standing Order No. 6, we have the sub heading there of secret ballot. That sub-heading is wrongly placed there and therefore, for consistency in the Standing Orders, the right subheading there was supposed to be election of the Speaker. And therefore, that is why we are proposing the amendment of that subheading in that clause so that it can be correctly paraphrased.

Hon. Muinde: Mr. Chairman, my concern is, I don't know whether it is me who is lost, but I feel I should not respond to the affirmative or negation to articles that I don't understand. I would have wished, I don't know whether enough time was given for us to go through this clauses, because I would actually prefer to participate into a process that I fully understand. I personally did not take time. I don't know if it is me alone but I feel members should have more time to go through this so that they can appreciate and present or participate in the proceedings with an informed mind.

Minority Leader (Hon. Kasoa): Thank you, Deputy Speaker. I think it is also important, I wish to concur with the chairman for budget. If members are given some time to go through this document and maybe the changes, a day or two, it will be enough so that we can understand fully what is involved in this document. Thank you.

Hon. Chairman: Thank you. One of the things that I would like to inform members is that this matter has been before us for quite some time. We had a sitting in Mombasa. The time we were discussing the ward development fund Bill, the sand Bill. We also had the Standing Orders discussed by the whole house.

I remember that time, hon. chairman budget, you were in South Africa, so maybe you missed part of the discussions. As you realize, it is something that the committee has sat for, for quite a lot of time. And we have even engaged experts from the National Assembly and across the nation for further advice. And we have collected the input that was made by members during our retreat in Mombasa.

We have committed quite substantially, a good amount of time to this document, but we feel we still have no harm to have the members go through the document. But I would want to, because the procedure that we are now following for you to be able to make the amendment is the strict procedure that is used in the committee of the whole house when we are doing the final touches on Bills. But I would ask the Clerk, so that we may a little bit downgrade for the members to be able to be more participatory and be able to understand, so that we may be able to go through the whole matter.

I can also give you assurance that myself, the Speaker and members of this committee, we have committed much of our time to ensure we only bring the relevant changes to this document, to make it serve us better. So by that way, I will take you through the amendments the way we did in the committee stage.

For example, if you look at Standing Order No. 16, there is an amendment in it. Just look at the interim Standing Orders. Open the interim Standing Orders, page 24. Standing Order No. 16(2) - In electing members under paragraph 1 'the minority party or coalition of parties in the county assembly shall take into account any existing coalition agreement, entered into, pursuant to the Political Parties Act.' There was a proposal that we insert officially as, officially declared by the Registrar of Political Parties.

If you look at this guide on page 2, at the top there, so that we may do away with the confusion that comes in when members would want to claim to be in certain alliances that have not been approved by the Registrar of Political Parties. So, we wanted to introduce, to add to that clause 'as officially and declared by the Registrar of Political Parties.'

That is one of the amendments the committee found was important to add. If you look at the same Standing Order No. 16. That is one of the proposals we got from members while we were in Mombasa, and we thought it was important for the house.

Minority Leader (Hon. Kasoa): My concern was the changes which the committee of Rules which we made. If members can be given some time, we compare your changes and what we are inserting in our Standing Orders. I think that is my concern.

Hon. Chairman: That is your concern.

Hon. M. Mutuku: Thank you Chair. I am also wondering because, in my page I am not seeing the Standing Orders No. 16 you are saying. What I am seeing is, I am seeing is page 16, unless I am the one who is not seeing.

Hon. Chairman: Page 24 is where we are.

Hon. M. Mutuku: I mean now, the new printout.

Hon. Chairman: We have not supplied with new Standing Orders. If you look at page 2, at the top, it is where we have the Standing Order that we are changing.

Hon. M. Mutuku: Okay. Thank you. In line with what the previous member, chairman budget has said, and also the Minority Leader, I think this hon. members can be given time to revise.

We need to be given ample time to go revise then later we come and the do things the way it is needs to be done. Because it seems like, we are floating in a way. And I think Standing Orders are critical documents. Members can be given time to look then to make an informed decision. Thank you.

Hon. Munyao: Thank you chair. These documents, Mr. Chairman, we have to get time we go through this documents because as you can see, most of our hon. members, I think they are lost. So can you give us time we go through this document, then we come and proceed. Thank you.

Hon. Muli: Thank you, Mr. Chairman, I concur with hon. members who have proposed the point. We are given enough time to study and look keenly on this amendment. Mr. Chairman, I feel lost, therefore it is my proposal that we be given more time.

Hon. Nzeki: Thank you Mr. Speaker, Sir. I cannot remember going to Mombasa to check this document, so can I be given time to go and study the document. Thank you Mr. Speaker, Sir.

Hon. Muinde: Mr. Chairman, I want to appreciate the members' concerns although one has said the members are confused and they need time. Exonerating himself and he is also wanting time. That is hon. member for Kathiani. He should have said 'we are confused' including himself. Because, for sure, I am not catching up and I would hate to pass a document where I really do not understand what I am saying. I would wish Mr. Chairman, that this can be handled sometimes next week. Not an adjournment because Standing Orders are a very important document. For sure it regulates our conduct in the house.

And looking at the businesses that we have this week, we should not rush to pass this document. Let us be given ample time so that, even over the weekend one can take time and go through it and perhaps come and pass.

Well, we are not just saying we accept. We feel something is not right, out of the information that we have and our own understanding of the Standing Orders. We are able to contribute consciously.

So I beg and I am sure you have read the minds of your members, I beg that we stop debate on it, propose sometime next week, because I am sure there will less burden on our duties. And then we will be able to debate it and pass it.

Hon. Chairman: Thank you chairman budget. Members as you realize, if you look at Standing Order No. 148, page 71 of the interim Standing Orders, the committee of the whole house may not adjourn its own sittings but can only report the progress to the plenary when we are fully constituted.

So I don't know how many feel that they need more time to be able to go through the proposals before we fully approve of them. So maybe we can have a debate in that line so that we may know whether we can constitute the full house to report the same and have the matter continued under discussion in the next sitting.

If you read Standing Order No. 148, we cannot adjourn before we dispense off our matters but can only report the progress to the county assembly in plenary and ask that we sit again at a later date. After reporting but not adjourning this committee.

So I would want to hear discussion to that effect of how many have the feeling that they are not in position to be able to approve whatever is before us. But basically, chairman if you take your time and we go through this together, I am sure we shall be able to understand the intentions that the committee would want to achieve. So maybe I can hear proposals to that line.

Minority Leader (Hon. Kasoa): Chairman, I don't think why you are pushing us to go through the document. And we are saying we do not understand what is in this document. We are saying, the changes which you made at the committee of rules and procedure, we need sometime we compare, your changes and the Standing Orders. So we are just asking some more time so that we can just go about it. It is very simple.

Hon. Chairman: I have no problem, Minority Leader. My only proposal is that I would want to hear several like such voices. Please.

Hon. (Ms.) V. Mbithe: Thank you Mr. Chairman. I stand to support the same because, you realize that what we are doing, we are setting up the laws and if we just go saying 'ayes' to things that we are not really understanding, we might put ropes in our hands. So it is very tricky for us right now to say that we want to continue with the same. We need to get time to go through it. Thank you Mr. Chairman.

Hon. A. Wambua: Mr. Chairman, if you read the mood of the house, it shows that members are not ready to approve these Standing Orders. It is your time to give these hon. members time to go and study and next week then we can approve the Standing Orders. So I request, give the members time to study the document. Thank you.

Hon. Nzioki: Thank you, Deputy Speaker. I have the same sentiments as my fellow members. This is a well-documented piece of legislation and Mr. Speaker, if you give us time, we will be able to go through this document. We understand it and when we come to the plenary, we can pass it without problems.

Otherwise Mr. Speaker, it is not easy for us to go through this document as we are doing it now. It consists of seven pages and it will not be easy. Members are tired, I myself I am tired. And I need to refresh so that we go through this document. Thank you, Mr. Speaker.

Hon. (Ms.) R. Nduku: I support this, but I am worried because most of the times we are given such documents and we put them in the boots of our cars and now when we come again here. It is like it is the time we are looking them out. Can we be serious on this even if we are supporting it? Can we go and look at it when we come again? We know what we are going through. Thank you.

Hon. Kamitu: Thank you our Deputy Speaker, Sir. On a very sincere note, Deputy Speaker is that, this is very important amendments within the Standing Orders and I would like to draw the attention of members that Standing Orders are not like circulars. When we come to the meaning of Standing Orders, we are saying, these are Standing Orders which will be used by the future assemblies. That is a very important document that I would kindly request that members should be given time to go through, so that next time when we come, we shall approve the Standing Orders, which we should be able to use in future. Thank you, our Deputy Speaker.

Hon. Kasimu: Thank you Mr. Speaker. I do support the changes that we are doing and stand by the members who are saying that we should be given more time Mr. Speaker, because the Standing Orders are the Bible of this parliament. We cannot be in a hurry when passing some things we know will bind us together for the next generation.

So Mr. Speaker, Sir, let us not be in a hurry. Let us be given time to go through it and understand it. I have just received this document in the house so I need time to go through and know the importance of the changes that we are about to make. So Mr. Speaker, I support that we be given, as a house, more time and the mood of the house is that we be given more time. I don't think there is need of continuing in discussing what every member is repeating every time. Thank you.

Hon. Chairman: Thank you. Anybody with something different?

Hon. Katela: Thank you Mr. Chairman. It is not really different but I am also putting a brick on top of the ones already put on the foundation by my colleagues. What I am saying is, if members are changing Standing Orders for them to use in the house and the mood of the house is that they are not ready to change, who else will change? Please give them time, they read the document and then we can as well go for a *Kamukunji* and explain in Kikamba what is happening. So that we can understand before we come and change them. We cannot tie our hands with the chains after cutting the ropes. We will be killing ourselves. Thank you.

Hon. (Ms.) Ndinda: Thank you Mr. Speaker. I also support what other honorables have said but I was for another opinion where I am sure most of us will carry the documents. We might be very busy and place them in our boots or handbags but I am humbly requesting, maybe, for a three day workshop whereby we will go, sit down, concentrate and discuss it. Thank you.

Hon. Manyolo: Thank you Deputy Speaker, for seeing my hand. Mr. Chairman, Sir, levels of cogitation differs from ones impervious minds so we have different cogitating capacities. And we may say, we be given time to go and think of it. I understand all this members

are so busy they can't go through this document. Even if you give them one month, they can't. So I beg Mr. Chairman, Sir, we go for a treat of one week and discuss about this document while our minds are ok. Discussing this document when our minds are out, we go and relax and then we come back and discuss the document Mr. Chairman, Sir.

Hon. M. Mutuku: Thank you Chairman. You realize, as the other members have said, the members actually need to be guided, why are we removing this, why are we replacing this. The disadvantages of that item being there and also the advantages of putting the one you need to put. Because, if you realize what was happening, we are being told we remove this. We are not being told why we are removing.

So Hon. Chairman, I think the previous member speaking Hon. Manyolo has a good idea. We can be taken out, actually with our legal clerk who can really assist the Hon members to tell us why we are removing this, why we are inserting this so that we can come up with a stable document for the Machakos County Assembly. A document which will be used for years and years, for the future generations. Thank you, Chair.

Hon. Chairman: Then at this point, members, I would want to put the question. I would like to move that the committee does its report in consideration of the discussion on the Standing Orders so far we have heard and report back to the plenary or the full house on the progress made so far so that the full house can further advice how far we will go or how we shall approach it next. And therefore I put the question.

(Question put and agreed to)

Thank you, members. So we reconvene.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Deputy Speaker in the Chair]

REPORT

AMENDMENT OF INTERIM STANDING ORDERS

Hon. Ngui: Thank you, Mr. Speaker. Hon. Speaker I wish to report that the committee does report to the House its consideration of the Standing Orders and its findings. Mr. Speaker, the Committee of the Whole House has sat and Members have agreed that they need some more time to check on the amendments that have been done on the Standing Orders. Members have requested that they be given one week to include their input in the Standing Orders and to interact with the Committee on Rules and Procedure, considering that the Standing Orders is a

very important document of the House and Members have not been given time to give their input.

So Mr. Speaker, Sir, it has been agreed by the members that they be given one week to discuss, interact and sit again to discuss on amendment of the Standing Orders. Thank you Mr. Speaker Sir.

Hon. Deputy Speaker: Thank you. With that report then, I therefore would want to put the question and advise that the committee finds time to interact with Members and take them through their proposals before they are presented next to the House. Therefore, I put the question that the committee be given more time to be able to interact with members and report back to the House once they are through with the discussions. As many as are of the opinion say ‘ayes.’

(Question put and agreed to)

Therefore, the matter is referred to the Committee to interact with the Members and be able to explain to them the various changes that have been made. I do hereby urge members to go through that document; go through those proposals. They are very important because that will constitute our operations for the next one year or so and they will be binding; they will be very critical. It is good you look at them comprehensively and where you don’t understand you can ask either member of the Committee because I do understand that we did this with you in mind. Therefore Mr. Clerk, we can proceed to the next item.

BILLS

SUPPLEMENTARY BUDGET AND APPROPRIATIONS BILL 2014

Hon. Deputy Speaker: We are still under the full House rules. It is good that consultations be in low tones.

Hon. Muinde: Mr. Speaker Sir, I want to move that the Machakos County Appropriation Bill, 2014 be read for the second time and that the House turns into a committee to discuss the Supplementary Bill.

Hon. Deputy Speaker: Thank you Hon Member. I would want to propose that we adjourn since the time for this sitting has lapsed and we resume our sittings in the afternoon. I would like to hear proposals and secondments to that effect.

(Clerk advises Deputy Speaker)

ADJOURNMENT

Hon. Deputy Speaker: Therefore, the House stands adjourned until today in the afternoon. Enjoy your lunch.

The House rose at 12.51 p.m.