

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Wednesday, 24th September, 2014**

The House met at 2.47 p.m.

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

Hon. Speaker: Good afternoon Hon members. Hon. Ndawa, what is the matter. You are not able to sit up well? What is the problem, are you unwell. Are you telling this House that you are not able to sit up just like the other Hon. Members? I will need to meet you in my office after this. Proceed, Clerk.

**COMMUNICATION FROM THE CHAIR
BIOMETRIC REGISTRATION**

Hon. Speaker: I have this communication. It is about biometric attendance registration. Hon. Members, we have been using our registration sheet to register attendance by members of plenary and committee meetings. The system has not been a very effective means of registering attendance. We now have a new biometric system that will enable members of the County Assembly to register via thumb print whenever they attend meetings.

The system has various modules which will be beneficial to the members of the county Assembly and will reduce the time taken to register attendance, reduce the time needed to calculate and process members allowances, enhance security and eliminate mistakes in calculating members allowances and benefits, notify members of meetings and agendas through channels such as messaging and emails, hence preparing for such meetings psychologically.

In this regard hon. members, an officer will be assigned by the office of Clerk to collect each members personal details including email, ID numbers, KRA, PIN, NHIF details among others. When this information has been provided, the members will be taken through a training session to learn how to register electronically in order to implement the system.

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Therefore hon. members, kindly cooperate during this exercise as the biometric attendance register is expected to be functional in a weeks' time, in order to enhance transparency and accountability.

STATEMENTS HOUR

Further again on the matter of statements hour, hon. members, statements have been sought on the floor of the house on various occasions although the correct procedures may not have been followed in some instances. Standing Order No. 41 sub-section 1 states that: there shall be a time to be designated statements hour, every Thursday, commencing not later than 3 p.m.

Part 2 (c) further emphasizes that, during the statement hour, a member may request for statements from the committee chairperson, relating to matters under the mandate of the committee and the Speaker may either appoint the day for the statement or direct that the statement be issued on the same day.

Part 3 of the same Standing Order goes on to state that: where a member requests for statement from committee chairperson, relating to matters under the mandate of the committee, the Speaker may either appoint a day for the statement or direct the statement be issued on the same day.

The statement sought must be restricted to matters within the mandate of the committee and which have been exhaustibly dealt with and concluded by the committee or where the chairperson is authorized by the members to issue a preliminary report before the house.

Therefore hon. members, note that no statement shall be sought from committees of the house on any other day apart from Thursday and chairpersons or a directed statement must do so on the day appointed by the chair. Thank you very much. Copies of the statement will be circulated. Proceed.

PAPERS LAID

REPORT ON THE PROPOSED NEW TOWN DEVELOPMENT PLAN

Hon. Nduva: Thank you Mr. Speaker, Sir. Mr. Speaker, I beg to lay the following paper on the floor of the house today Wednesday, 24th September, 2014. Report on the proposed new town development plan. Thank you Mr. Speaker, Sir.

REPORT BY COMMITTEE ON SELECTION

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Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. Mr Speaker, I beg to lay the following paper on the floor of the house today Wednesday 24th September 2014. Thank you Mr Speaker.

NOTICES OF MOTIONS

MACHAKOS TOWN NEW DEVELOPMENT PLAN

Hon. Nduva: Thank you Mr. Speaker, Sir. I am the Chairperson, Committee on Planning, Trade, Tourism and cooperatives.

Mr. Speaker, Sir, I wish to give notice of the following motion. THAT that this house discusses and approves the Planning, trade Tourism and Cooperatives committee report on the proposed Machakos town new development plan as laid on the floor of the house today Wednesday, 24th September 2014. Thank you, Mr. Speaker.

BUSINESS HOURS ON WEDNESDAYS

Hon. Maitha: Thank you Mr. Speaker, Sir and the entire house at large. Mr. Speaker, I beg to give notice of the following motion that this house discuss and approves that the businesses of Wednesday commences on 10 a.m. instead of 9 a.m. Thank you Mr. Speaker. Thank you.

REPORT BY COMMITTEE ON SELECTION

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, I wish to give notice of the following motion, that this house discusses and approves the Committee on selection report as laid on the floor of the house today Wednesday, 24th September, 2014. Thank you, Sir.

MOTIONS

MACHAKOS TOWN NEW DEVELOPMENT PLAN

Hon. Nduva: Thank you Mr. Speaker, Sir. I want to lay the following motion. Mr. Speaker, Sir, aware that the committee on Planning, Trade, Tourism and Cooperatives received the development plan for the proposed new Machakos town, aware that the aforementioned committee involved the committee of Agriculture, Environment and Natural Resources, in whose docket the new town development plan lies, further aware that the two committees retreated to Maanzoni lodge to interrogate the plan, Mr. Speaker, Sir, aware that the proposed new Machakos

town has the potential to create new employment opportunities and its clean serene environment to attract investors among others.

Mr. Speaker, Sir, pursuant to Standing Order No. 192, the committee of Environment, Energy, Lands and Natural Resources, whose mandate is to deal with all matters related to the implementation of specific national government policies on natural resources and environment conservation including soil and water conservation, deforestation and control of air pollution, noise pollution, other public nuisance and indoor advertising, land surveying and mapping, fencing and electricity and gas regulation, energy regulation, water management systems in buildup areas and water sanitation services.

Mr. Speaker, Sir, I wish to move the motion, that this hon. house discusses and approves the report on the proposed new Machakos town development plan. Thank you Mr. Speaker and I call upon hon. Willy Kasimu to second the motion. Thank you, Mr. Speaker.

Hon. Kasimu: Thank you Mr. Speaker. I second the motion that this hon. house discusses and approves the report on the proposed new Machakos town development plan. Thank you, Mr. Speaker.

Hon. Nduva: Once more thank you, Mr. Speaker, Sir. I want to read the report of the joint committee of Planning, Trade, Tourism and Cooperatives and Agriculture, Environment and Natural Resources held on 19-20th September 2014 at Maanzoni lodge, 10 a.m.

Preamble

Mr. Speaker, Sir, pursuant to Standing Orders No. 192, the committee of Environment, Energy, Lands and Natural Resources which was previously under a committee of Agriculture, Environment and Natural Resources, is mandated to deal with all matters related with the implementation of specific national government policies on natural resources and environmental conservation including soil and water conservation, forestry and control of air pollution, noise pollution, other public nuisance and indoor advertising, land surveying and mapping, fencing and electricity and gas regulation, energy regulation, water management systems in buildup areas and water sanitation services.

Further, Mr. Speaker, Sir, the committee on Planning, Trade, Tourism and Cooperatives, Cooperatives received development plan for the proposed Machakos new town. It was felt that it was necessary to involve the committee members of Agriculture, Environment and Natural Resources, in whose docket the new town development plan partly fell.

Consequently, members of the two committees met at Maanzoni lodge on 19th-20th September, 2014, to be taken through the proposed Machakos town new development plan and the following members attended the meeting.

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- Hon Joseph Muli - Chairperson Agriculture
- Hon Sammy Nduva - Chairperson Planning
- Hon Philip Ndolo - Vice Chair Agriculture
- Hon Alex Kamitu
- Hon Jacqueline Nziva
- Hon Francis Matheka
- Hon Phoebe Koki
- Hon Geoffrey Munyao
- Hon Gideon Kavuu
- Hon Catherine Nguluku
- Hon Veronica Mbithe
- Hon Peter Nzioki
- Hon Cecilia Sereka
- Hon Amina Mutio
- Hon Cornelius Kitheka
- Hon Joseph Itumo
- Hon Raphael Mutuku
- Hon Nathaniel Nganga
- Hon Ruth Ndumi

Technical team who attended the meeting were as follows-

- Joseph Musili - CEO Lands
- Mwikali Muthoka - Chief Officer lands
- Winfred Mutiso
- Eunice Mueke
- Festus Mariela
- Simon Maina
- Kariuki Chege

Staff members in attendance were

- Everlyne Kimote- Senior clerk assistant
- Dalmas Masila - Senior research officer
- Norah Muteti - First clerk assistant
- Joel Kiptum - Senior sergeant at arms

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Mr. Speaker, the preparation of the development plan of the new city was done in consideration of contours, natural feature, rivers, valleys and hills, existing boundaries building and existing infrastructure facilities. Secondary data was put in consideration such as legal and site visit data.....*inaudible*..... sheets previous plans, Acts and policies.

Mr. Speaker, Sir, the objective of the development plan was to produce up-to-date topographical maps to prepare a base map, to conduct participatory planning exercise, to prepare a long term physical development plan for 20 years (2014-2035), to set out a clear, desired, special structure to provide compatible land use zones to stipulate development guidelines, to prepare an implementation monitoring and evaluation framework.

Mr. Speaker, Sir, the output of the long term local physical development plan for 20 years will be digitized base map, structure plan, plot sub divisions and local physical development plan.

Mr. Speaker, Sir, the development plan of the new town will solve some of the challenges that face most upcoming towns and other services will be assessed with ease. This was proved by the technical team, who took members through the development plan which captured various categories of land, utilities such as high density residential areas, medium density and low density, which catered for all classes of citizens.

Further, Mr. Speaker, Sir, other important services were also allocated land that is health, academic institutions, recreation facilities, commercial areas, industrial packing lanes, sewerage treatment areas.

Mr. Speaker, Sir, other infrastructure were also considered and the planner had considered a dual carriage way, railway and airstrip to serve as a means of transport and ease congestion in the new town.

Mr. Speaker, Sir, the development plan of Machakos new town was done in line with legal framework that is the Kenya constitution Article 66 states conditions under which regulation on land use and property may apply and includes among others:-

1. Land use planning.
2. Physical planning Act chapter 286 sections 24 –a LPDP may be prepared for the general purpose of the guiding and coordinating development.
3. County governments Acts of 2012 section 104- a county government shall plan for the county and no public funds shall be available without a planning framework.
4. Urban areas municipalities and Cities Act of 2011 paragraph 5 of 40 provides the preparation of the integrated city and urban areas plans.

Mr. Speaker, Sir, the technical team from the department of lands was able to respond to all concerns by members adequately and issues like environmental impact assessment had been

done and the land parcel No. 1491/R, which was County government /National land registered land registered under Ministry of Veterinary and reserved for investment.

Conclusion and recommendations

Mr. Speaker, Sir, members of the two committees appreciated the technical team for a job well done and said the plan was a good agenda for the town, citing its potential to create new employment opportunities and serene environment to attract investors among others.

Mr. Speaker, Sir, the two committees wish to present the report on the new Machakos town plan for approval by the house. Thank you Mr. Speaker, Sir. I request Hon. Kiilu Mwonga to second the report.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, I stand here to second this report and urge members to approve it so that we can have faster development in our County. Thank you, Mr. Speaker.

Hon. Speaker: The report is properly laid, now we can hear arguments on it. Arguments in support of the motion?

Hon. Itumo: Yes Mr. Speaker, this is a very important motion. I stand to support it because when I see this plan of this new town, once approved, I see the future of the younger generation. As you may understand, this new town once approved, will create jobs for the young ones who have been sitting and qualifying yet they have no jobs.

Therefore Mr. Speaker, this is a very important motion, that I hope each one of us have a positive mood about it because it is a town that is going to update the standards of the business, within our locality, it is going to provide each and every future of us.

So Mr. Speaker, I stand to support this motion to approve this new town fully and I urge the other members to come up and really support. Thank you Mr Speaker.

Hon. Manyolo: Thank you Mr. Speaker, Sir, and hon. members. I totally support the motion and the report and also congratulate the members of both committees for the better work they have done.

Mr. Speaker, Sir, I do agree everything comes with advantages and disadvantages but I assure the members the most we will achieve within the city to be set are the advantages. We will increase the revenue for our County, money will be no problem and also make the Machakos image of what we said 'The place to be' become true. We will also create employment for the youth and also increase the goodness to our people.

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So Mr. Speaker, Sir, I totally support the motion and urge members not to stick to that and agree for the betterness of our County. Thank you Mr. Speaker, Sir.

Hon. Speaker: Okay, let us take the point of information.

Hon. Maitha: Mr. Speaker, I think you have given a guideline that this hon. house observes the Standing Orders. I happen to be a member of the House Business Committee that sat down yesterday to discuss the motions which was supposed to be tabled in the floor of this house during this week. Mr. Speaker, I haven't seen anywhere yesterday when we were balloting, such kind of a motion and I think we are also being guided by Standing Order No. 49 which gives this house the loophole for whatever kind of motions that can get into this house without having to pass through the house business committee.

So I am surprised, because I even asked the same yesterday and it was mentioned that, clearly, no motions unless directed by the Standing Orders shall get to the floor of this house without the approval of the House Business Committee. Thank you, Mr. Speaker.

Hon. Speaker: Standing Order No? Hon Dominic, you also have a copy of your own Standing Orders? Standing Order number 227 section 1- business can continue with the permission of the Speaker. It would have been appropriate if you had raised that issue even before the motion had been introduced because it is already on table for debate. But again, look at Standing Order No. 227 sub sections 1. There is authority conferred to the chair. The matter proceeds, otherwise unless you can demonstrate prejudice.

Hon. (Ms.) Sereka: Thank you Mr. Speaker, Sir. I stand here to second the motion before the floor of the house. Mr. Speaker, Sir, we are all aware that when this city will be build, it will be for the benefit of our people.

Mr. Speaker, Sir, you know we have a lot of youths who are not employed. We need factories, we need residential areas in Machakos, Mr. Speaker. We have no good hotels in this city and as you know, all of us know Machakos County is county number one in everything and a lot of investors are really coming in Machakos and sometimes when they come here, we are forced to take them outside our county, to Kitengela, Nairobi....and Mr. Speaker, you know, if a town has to grow, we must have facilities.

So I think it could be wise for us to pass this motion today, not even tomorrow and this motion should have been passed the day before yesterday. Mr. Speaker, Sir, you know, our youths a lot of them just go outside there, you will find a lot of them seated there. When you pass

there, they will ask you, 'can you please give me Ksh 20, Ksh. 100. Mr. Speaker, our people need jobs. Thank you Mr. Speaker, Sir.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker, I stand here to support this motion and I say it is long overdue.

Mr. Speaker, it is important that we have a legislation to plan for our town, because I remember last year, the Kenyan government, had requested some planners from the Peoples' Republic of China, to come and plan for Nairobi city, because it was not planned from the beginning, because they wanted to construct underground trains and it was not possible. So I think it is important that members, we approve this motion, so that we can plan for our city from the beginning. Thank you very much Mr. Speaker.

Hon. Kamitu: Thank you Mr. Speaker, Sir. Mr Speaker, I stand here to support the motion. Mr Speaker, Sir, you are aware that some of the committees were taken out to overseas countries where we went benchmarking. Some of the development within those areas, for example, our committees visited areas like Singapore, Dubai and now the time has come for Machakos County to develop.

Mr. Speaker, Sir this is the time we are supposed to move forward. This is the time that Machakos County should be seen as number one as the county leading among the 47 counties.

Mr. Speaker, Sir, in regard to the report that was tabled by our able chairman, the report is out rightly talking of usage of the land in regard to the development plan. It has captured some various categories of land utilities. It has included some very important institutions like the health institutions and during the report, when we were at Maanzoni, hon. members whom we were together, there was a report that we were told investors are in the gate waiting for this house to approve the development plan, so that we may have very good facilities.

For example we were given one Korean investor who wants to build an hospital better than Nairobi Hospital, where instead of taking our patients to India or to Korea, all this treatment will be given here. Mr. Speaker, Sir, I stand to tell and convince hon. members that, this is the time that we should shed light to our hon. members and move forward as the number one county. Thank you Mr. Speaker, Sir.

Hon. (Ms.) Ndinda: Thank you Mr. Speaker. I stand in support of this motion where we say it is the high time we should have a city established because this is part of development and I am sure this one will give us an upgrade politically, socially, economically even it will upgrade the standard of our people living in Machakos County. Thank you. I support it.

Hon. Matheka: Mr. Speaker, Sir, the idea is noble, a very good idea to start a city. Machakos County is county number one. We don't know who county number two is. We don't know where the money for the infrastructure will come from. I know the investors will do but for the other infrastructure, who will do it?

Mr. Speaker, Sir, we don't know how much is going into that city, from the county budget. Mr. Speaker, Sir, the people of Kangundo North will not come to Machakos yet they need water. We should be talking here of water to our wards and roads to our wards but not a city, hospitals better than Nairobi hospital and Mr. Speaker, Sir, a common man cannot afford to go to Machakos Level Five hospital, which is almost free and you say they will come to Machakos in a better hospital which will be better than Nairobi Hospital.

Mr. Speaker, Sir, I am afraid there is no hon. member, who can afford to go Nairobi hospital unless he is provided with the facility. Mr. Speaker, Sir, we should be thinking of better hospitals to our wards, water to our wards and correct development to our wards but not developing a city to our people---

Hon. Speaker: Okay let us take the point of information.

Hon. Katela: Thank you Mr. Speaker, Sir. I stand here to support the motion and inform the hon member, through the Speaker that, I think this house passes budgets for everything. We have already passed a budget for water, roads, hospitals and it is high time that civic education starts in this house. I have now seen who needs the civic education here because after passing such budget, you come and say people of Kangundo don't know---

Hon. Speaker: Hon member, you cannot impute improper motive on a Hon. Member.

Hon. Katela: I am sorry Mr. Speaker, Sir, but I have to inform the house that---

Hon. Speaker: Hon. Dominic, there is a manner of communication in the house. Hon Katela, I am waiting for your apologies.

Hon. Katela: I apologize, Mr. Speaker, Sir, to the chair and the House at large.

Hon. Speaker: Proceed.

Hon. Katela: I really wanted to say that, this hon house sits here and wastes a lot of time to do a budget of every sector in this county. So I wonder when a hon. member stands and says,

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‘we need water in Kangundo, we need what.....those people of Kangundo won’t come here yet they travel all the way to Malaysia to be treated.

It is again high time we educate our people or every member to educate his people on NHIF and NSSF facilities which accommodate them to go to better hospitals. So Mr. Speaker, Sir, I stand here to support that motion in totality. Thank you.

Hon. Speaker: Just conclude, now that you are informed.

Hon. Matheka: Mr. Speaker, Sir. I don’t need his information. I have said well that, our people cannot afford Nairobi hospital, and if they cannot, we don’t need better hospitals in Machakos. Mr Speaker, Sir, I totally agree with hon Katela on one point, we sit in this house to do a budget for everything. 2013/2014, we did a budget for four ECD classes in every ward, we did a budget of Ksh. 160 million to go to the social welfare, we did a budget of hospitals to every ward, where did that money go and we are talking of a budget which are never followed. I understand that money was diverted---

Hon. Speaker: We are taking a point of order.

Majority Leader (Hon. Mwonga): Mine is an issue of concern and I am wondering whether Mr. Speaker, we are interrogating the budget or we are dealing with an issue of building of a new city. Mr. Speaker, I don’t know why members are deviating to other issues. Thank you, Mr. Speaker.

Hon. Speaker: Kindly conclude.

Hon. Matheka: My conclusion is this Mr. Speaker, Sir. We do budget and the issue of budget came in this house but the budgets are never followed. Mr. Speaker, Sir, procedures should be followed in this house. A motion should be properly laid. The era of forcing thing into people is over. And Mr. Speaker, my final conclusion now is, those who live in glass house should not throw stones. Thank you.

Hon. Speaker: Order, order, order, I think we need to have some order here. Hon. Kitheka began by supporting the motion. Let us hear those who are opposing the motion.

Hon. Kyuli: Mr. Speaker, thank you. While it is true that, failing to plan is planning to fail, this document before us actually, which I would like to interrogate with you permission, is

that, number one, Mr. Speaker, I am a member of the said committees and I attended the said meeting. My name and hon. Timothy's name are missing. Two, Mr. Speaker, one person by the name Kariuki Chege led us through the said plan. He took us through with everybody keenly listening Mr. Speaker---

Hon. Speaker: I want to understand you. You say your name is not in the report.

Hon. Kyuli: Yeah it's not there and I attended the meeting and again Hon Timothy's name is missing.

Hon. Speaker: That is noted. Proceed.

Hon. Kyuli: Okay. Again we were led through by one Kariuki Chege and every member who attended that meeting can remember Kariuki's last words if we all know. When he was asked about the airstrip, the gentleman told us there is no airstrip in that particular map but there was a plan to request some farmers somewhere so that they can sell 200 acres for construction of an air strip. And this report with us here is talking about an airstrip.

Again Mr. Speaker, I would like to draw you to page 4, the first paragraph Mr. Speaker, where it is talking about implementation monitoring and evaluation framework. Mr. Speaker, when you look at that, I would ask the chairman whether that particular framework is provided for in the said plan.

Because Mr. Speaker, when I was seated there listening, we were only shown pictures, we were told this is where we are placing this, this is where we are putting up this, this is where we will have that. So Mr. Speaker and the last words of the person who was taking us through told us there are so many details he has not given us and members can remember.

Why am I opposing the rush of this, Mr. Speaker, is because there are so many details. While it is a good thing, so that we go point by point or stage by stage Mr. Speaker, Sir. I am urging this house humbly, Mr. Speaker, can we actually as a committee when we sat there, Mr Chege told us there are so many details that he has not given us. Therefore Mr. Speaker, my worry now is that, why do we have to rush through this and it is a very important document, when we are trying to give a plan for over 20 years.

My humble request to you Mr. Speaker, is that, we as a house, let us not rush through this document because we need to know the details Mr. Chege was talking about. We could not discuss at the committee, because Mr. Speaker, we were having---

Hon. Speaker: Hon Kyalo Kyuli, I want to understand, are you applying for adjournment.

Hon. Kyuli: I am not applying for adjournment but I am requesting that Mr. Speaker, we go slow and step by step on this. I am pleading that we get more time and get the document itself, because this is a report, Mr. Speaker.

Hon. Speaker: Order, order, order, let him finish

Hon. Kyuli: Thank you Mr. Speaker. Number three, there are stories coming out that this particular land was not advertised. I hear that this land was not advertised.

Hon. Speaker: Where did you get that from, something you can substantiate?

Hon. Kyuli: Yeah because it was not gazetted.

Hon. Speaker: Did you introduce the matter at the committee stage.

Hon. Kyuli: We could not introduce that Mr. Speaker, because we were having as the chair would put it, while seated there, that we will sit in a committee and discuss this issue. So Mr. Speaker, at that point we could not take these issues.

Hon. Speaker: Let me take this point of information.

Hon. Katela: Thank you Mr. Speaker, Sir. I stand here to inform my colleague and hon. member, through the Chair, after the Maanzoni meeting which I also didn't attend but I had permission, the committee was told to meet here yesterday and today and finish up the matter which was not cleared in Maanzoni.

And we met here today and when we were finishing, we met the hon. member at the door attending the meeting. Should we be sitting to wait for everybody to be told what we are doing? We sat today and cleared everything which had remained at Maanzoni. So it is not our problem, we cannot hold the house at ransom because of one member to be told the business of the house. Thank you.

Hon. Speaker: I think that point of order is sustained, proceed with the next point.

Hon. Kyuli: Mr. Speaker, thank you for sustaining that. I also have information about court injunctions about this said land Mr. Speaker. I am seeking your indulgence Mr. Speaker, because of the wisdom that you have is it going to be wise that we pass a document that there is already some court proceeding and that, Mr. Speaker, you know.

Lastly, Mr. Speaker, I want again to plead with you that Mr. Speaker, these are matters of land, which are very sensitive Mr. Speaker. I have started by saying: failing to plan is planning to fail, so planning Mr. Speaker, is very good. So Mr. Speaker, I seek your indulgence.

Hon. Speaker: So do you propose or oppose?

Hon. Kyuli: I oppose rushing into passing this document.

Hon. Speaker: I am just enquiring, perhaps you are able to demonstrate the court case pending and there is an injunction on this particular matter.

Hon. Kyuli: Yes Mr. Speaker.

Hon. Speaker: Kindly table the documents.

Hon. Kyuli: Can you give me 10 minutes to go and bring the documents.

Hon. Speaker: I give you permission to go and bring the documents.

Hon. Manyolo: Thank you Mr. Speaker, Sir, although the member I wanted to engage has moved out but I have also to say that, Mr. Speaker, Sir, we are not here to work on hearsay. We want to work on prove of everything. It is not just a matter of a person hearing something and coming in the house and saying that I have heard. This is nonsense Mr. Speaker.

Hon. Speaker: Sorry, we don't proceed like that. It is on those in opposition that I am hearing now. Hon. Dominic.

Hon. Maitha: Thank you Mr. Speaker, Sir. I think the motion before us is a noble idea for the County and the people of Machakos. But it is still at the early stages that we need to take a lot of caution before this house rushes to make a resolution that if adopted Mr. Speaker, can subject the County Government into legal tussles.

What I am saying, Mr. Speaker, is we know very clearly well that according to the Physical Planning Act, before you proceed to make or allow any developments to be established, you must engage the public through a gazette notice so that the public can participate, give their submissions, what they expect, what needs to be done, what they need not done in that development as it has been noticed.

Every single day we go through the daily newspapers, we see county governments putting gazette notices any kind of development Mr. Speaker, that needs to take place anywhere within the County. This is given, Mr. Speaker, to avoid any legal battles Mr. Speaker.

Hon. Speaker: I get your point but then, this is a motion to just lay the policy framework. That stage will still be there, where citizens will be actively involved. Because this is a city that should be run by some legislation but proceed.

Hon. Maitha: What I am saying is this. This assembly will pass this motion, I have no problem but the question is, the moment the motion is passed, it gives room to the county government of Machakos to allow investors now to start coming in even after we pass the motion some policies, maybe, will be put into place. But Mr. Speaker, before we pass it, I would say it will be in best interests of this county to avoid any further debates such that, if this motion is brought in the floor of the house after we have engaged every single person, any interested person in this development, it will be passed within five minutes Mr. Speaker.

Because the moment we establish court battles Mr. Speaker, you know very well that it would derail enactment and the official start of this city. So Mr. Speaker, I don't support it as at now. I really say we need to wait. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Let us take this point of information.

Hon. Kamitu: Point of information Mr. Speaker, Sir. If you get the report that is on page 5 on the last paragraph, it is clearly indicating that Environmental Impact Assessment was done and the land parcel number is 1491 R which is a County Government and a National Government land, registered under the Veterinary Department and reserved for investment. This is a Machakos County Land, so the question of court issues does not arise. It is very clear. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. You have already contributed. Let us hear another point in opposition. You had concluded, Hon. Dominic. Let us hear Hon. Nzoka.

Hon. Nzoka: I request the mover of the motion to repeat the conclusion because when I followed, when he was reading, he jumped some lines. Can you repeat the conclusion? Thank you.

(Laughter)

Hon. Speaker: Hon. Nzoka, you are talking about the conclusion on page six?

Hon. Nzoka: Yes on page 6.

Hon. Speaker: OK. The Clerk can give you a copy and read through.

Hon. Nzoka: Yes, I can read and I have read but what he read, he jumped and that is what happened yesterday in a motion. You just jumped some areas because there is a part which he is saying---

Hon. Speaker: Yes. Read it.

Hon. Nzoka: *(reading from the report)* However, member felt that the session was not well attended by the members of both committees and therefore requested for another sensitization training on the same, where all the members of both committee would attend in order to support the approval.

Hon. Speaker: Let me see the document

Hon. Nzoka:because I needed---

(Laughter)

Hon. Speaker: Sorry. Clerk, let me see the document.

Hon. Nzoka: That one. That is the document that I was given.

(Laughter)

Hon. Speaker: Order in the House.

(Loud consultations)

I apologize on behalf of hon Nzoka, but you may be given the right copy. Proceed.

Hon. (Ms.) Musyoki: Mr. Speaker, Sir, this is a noble idea, it is very nice. Let us all agree. We are not disputing. It is very good for this county but you know what has been going on in Machakos County. Land issue, is very sensitive. Surely, let us not put things under the carpet. This is very noble and it will help our people. We support it fully and personally I support it. But let us be very careful of what we are doing because soon we don't want to have court battles making us look like we never knew what we were doing in this house. Kindly members, let us think twice. Thank you.

Hon. Speaker: Hon. Kyalo Kyuli, I want to see the court orders.

Hon. Kyuli: Come again, Sir.

Hon. Speaker: I want to see the court orders if you are back.

Hon. Kyuli: Not really court orders but court proceedings about the same. And again I request that I make some more copies because I don't have any other copies Mr. Speaker.

(Hon. Kyuli handed documents to the Speaker)

Hon. Speaker: Hon. Kyalo Kyuli, the document that you have presented to me is a judicial review of the High Court of Kenya, being miscellaneous application No. 404 of 2013, and a casual look at the documents, they are not court proceedings. Actually this are called pleadings, the documents that you file in court. So I return them to you. Thank you for that attempt. Those in opposition? Let us proceed. Then we can hear replies.

Hon. Kalunde: Mr. Speaker Sir, this motion is of great importance for Machakos County and what it is. There is nothing in between positive and negative. You are either warm or you are cold. So there is no reason why somebody would say that this is a very good motion but we are asking you to wait.

Mr. Speaker, when the government agreed to build Konza city, the other areas rushed to go and build another city at Thika. Now Machakos city is the envy of all the other provinces in the country. But I am wondering why our brothers and sisters are seeing everything for Machakos County negative.

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So Mr. Speaker, I am persuading my brothers and sisters to see that Machakos city has promoted Machakos even before it is build. Nowadays during the weekends, you see a congestion of motor vehicles because everybody in Kenya wants to come and see Machakos. So when we built this city, it will attract so many investors so my brothers and sisters please support this motion and I support it fully.

Hon. Speaker: Thank you. Can we hear the Chief whip?

Hon. T. Kilonzo: Yes, Mr. Speaker, the only people who complained about that land come from my area and Mr. Speaker, we have withdrawn the case and we have said we shall go no more to the court to complain about Kiima Kimwe.

And we have not sent anyone from our area to go and file any case in court and as from today we have not heard anybody from my area, those people who have been complaining about the land going to court. So the land is there for development and we have given to the government, it is now the government land, Mr. Speaker.

Hon. M. Mutuku: Thank you Mr Speaker, Sir and the entire house. Truly the motion on the floor of the house is a very important motion. As you are aware, we started the journey of building the city immediately devolution came in, that is when we had the investors conference. Later we invited the President of this Republic of Kenya, His Excellency Uhuru Kenyatta and he came and graced the occasion to launch the city.

Hon. house, a city is a process. It is a journey we started and I think we need to actualize it. Hon. members, once this city will be operational, it will spur economic growth and development within Machakos County. It will also create wealth and employment among others. Hon. members, I wish also to appeal, just like my brother Hon. Kalunde, to our brothers and sisters who are really seeing negativity in passing this motion.

Let us join hands and pass this motion for the benefits of the electorates of Machakos County. Hon. Members, as we pass this motion, remember Machakos is going to be the fourth city in the Republic of Kenya because we have Nairobi, Mombasa and Eldoret. Only Machakos will be the fourth one and we are going to benefit a lot from that. Thank you.

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to start by quoting the Bible in the book of Nehemiah **3:1-3**. During those days, when Jerusalem walls were brought down by the Samaritans, Nehemiah stood and said he has to rebuild the walls. And Mr. Speaker, it is said, there were two gentlemen, by the name Sanballat and Tobias (sic).

I want to remind this house, we still have the same characters today because Nehemiah was trying to fortify and to take care to create security for the Jews and Mr. Speaker, the two gentlemen could not see that.

Mr. Speaker, the same is happening to date. About two months ago, the leader of Majority in the National Assembly stood and said that he is wondering why the CORD fraternity and the Al-Shabaab are speaking the same language.

Mr. Speaker, I am also wondering why hon. members of this hon. house who have been sent here by their electorates can speak the same language with the hon. senator for Machakos County, who is opposed to the new city. Mr. Speaker, I want to urge these members---

Hon. Speaker: Order, order, order. Hon. Majority leader, I don't know why you are dragging the name of the Senator in the house.

Majority Leader (Hon. Mwonga): Mr. Speaker, I am just doing a reference that is why I started with saying, the Majority leader in National Assembly said he is wondering why the CORD fraternity in the assembly is speaking the same language as the Al-Shabaab and when Mr. Speaker he was called to substantiate, you know what he said Mr. Speaker. He said 'CORD is saying that we withdraw KDF soldiers from Somalia, likewise the Alshabaab are saying the same.

Mr. Speaker, when I said I am wondering why we have some hon. members talking the same language with our hon. Senator, Mr. Speaker, I am not insinuating any improper motive against the Senator, but Mr. Speaker, I am wondering why they are speaking the same language which he has been preaching all over when he heard the idea of the new city, Mr. Speaker.

Hon. Speaker: Can we take the point of order.

Hon. Maitha: Mr. Speaker, I think hon. Kalunde has just walked out of this house and said there is no 'yes or no' in participation. Is it in order that the hon. Majority Leader says that when the hon. Senator has been thinking, it is almost the same with what some members are thinking here. I want to tell the hon. Majority Leader that he needs to control his way of perceiving things. We have the permission, Mr. Speaker, to express our ideologies because we are representing people and electorates who have got their own views. We are not speaking on behalf of anybody. We are airing our views based on our ability and our rights. Thank you, Mr. Speaker.

Hon. Speaker: That point is taken. I wish you were here in the morning to hear hon. Mueni. She gave us a lesson in the morning. Let us move on. It is ordinarily out of order to mention the name of an official who cannot properly defend himself in the House.

Hon. (Ms.) V. Mbithe: Thank you Mr. Speaker, Sir and the house at large. I stand here to support the motion and I would ask the hon. members through you, Mr. Speaker that we join

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our hands and support this motion because we should be implementing change, given that we have been given the mandate by the electorates and to come bring change that is going to improve their well-being. That is going to foster the economic growth that those who cannot be able to afford hospitals will be able to afford.

Mr. Speaker, Sir, when the city is being build and when the city is established Mr. Speaker, Sir, our children will get employment and our people will be established economically. Mr. Speaker, Sir, I find it very awkward for the Machakos County to have no hotels, no good places that all the people who are coming and finding that they cannot be able to get good places even to park their cars or get accommodation.

It is a matter of urgency that the Machakos County builds a city, so Mr. Speaker, I don't find anything wrong with a city being implemented because we are the pioneers of change and we are the pioneers in the assembly and if we want to be associated with success, let us accept and support this motion. Thank you, Mr. Speaker, Sir.

Hon. Nganga: Thank you Mr. Speaker, Sir. I rise to support this motion before this house. Mr. Speaker, just to sum up what the hon. members have said, Mr. Speaker, you realize that once the new Machakos city in place, our sons and daughters of Machakos County and the neighboring counties of Kitui and Makueni will stop going to Nairobi to seek for employment. Mr. Speaker, data has shown that most of our sons and daughters have been majorly employed as artisans and even as house helps within the entire Nairobi.

Every other time when we are going to celebrate our Christmas festivities Mr. Speaker, our children are always coming out of Nairobi because that is the only place they can seek employment. Mr. Speaker, when the construction of the new City begins, it is estimated that over 200,000 young people and youths from our localities will get employment. Guys who know how to do plumbing, civil works, Mr. Speaker, will get employed by investors who are coming in to our new city.

Mr. Speaker, historically, Machakos has been known to have been the first capital of this nation and going by one Karl Marx, he once said, history repeats itself and I can see Mr. Speaker once we implement the new Machakos city, history will be repeating itself because the new Machakos city combined with the neighboring Konza city once both of them come into life, Mr. Speaker we shall have a city bigger than Nairobi and more resourceful than Nairobi itself. And we shall have reclaimed the very honours that our fore fathers, the Masaku and Muindi Mbingus of this great county had bestowed on us during their fight for freedom.

So Mr. Speaker, I want to urge members to find it within their wisdom to support this motion and have seen in the report that the various Acts that enable this house to be able to discuss on the Physical Development Plan having been quoted and in itself, it insulates the matter before the house out of any legal proceedings so that the process can be able to move forward. It will be one of the greatest achievements of devolution and an encouragement to all

the counties in the entire nation once we are able to implement the new city programme. So Mr. Speaker, I want to urge this house to approve this motion for the betterment and the development of our county. Thank you, Mr. Speaker and the house at large.

Hon. Speaker: Thank you. I think with that I will put the question that those in support of the motion as presented by Hon. Sammy Nduva, chair Planning, Trade, Tourism and Cooperative Committee.

(Question put and agreed to)

BUSINESS HOURS ON WEDNESDAYS

Hon. Maitha: Thank you Mr. Speaker, Sir. I wish to move a motion that this hon. house discusses and approves that business on Wednesday commence at 10 a.m. instead of 9 a.m. Mr. Speaker as per the Standing Order 27(1).

Mr. Speaker, Sir, aware that the Standing Order 27(1) states that unless the Speaker, for the convenience of the house otherwise directs, the house shall meet at 9 a.m. on Wednesday and at 2.30 p.m. on Tuesday, Wednesday and Thursday but more than one sitting maybe directed during the same day.

Mr. Speaker, Sir, aware that on several occasions the house has had to adjourn its sittings on Wednesdays morning due to lack of quorum, aware that our area is diverse which makes it difficult to arrive early and further aware that in most cases Mr. Speaker, Sir, after adjournment, many members normally come within the next 30 or so minutes and aware that this adjournment is affecting the assembly business in a negative way due to delays in passing some laws, I wish to move a motion that this hon. house discusses and approves to amends Standing Order 27(1) to change the plenary meeting time on Wednesday morning to commence at 10 a.m. instead of 9 a.m. as in the case. Thank you, Mr. Speaker. I wish to call upon Hon. Matheka to second the motion.

Hon. Matheka: Thank you Mr. Speaker, Sir, and the house at large. Aware that most of the members travel to come to this assembly and aware that most of the members go to school in the evening thus they sleep very late, thus I stand here to support the motion that the morning sessions of Wednesday be starting at 10 a.m. instead of 9 a.m. With that, I beg to second the motion. Thank you.

Hon. Speaker: Thank you. Hon. Kasoa, the motion is before the house for discussion.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I stand here to support the motion. Mr. Speaker, you are aware some of our wards are distance away. Some of the members of the county assembly are probably travel more than 100 km to attend business of the house. So I support that the business of the day on Wednesday morning commences at 10 a.m. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Let us hear Hon. Muthuka at the back.

Hon. Muthuka: Thank you, Mr. Speaker and the rest of the house hon. I wish also to support the motion. As you know most of the MCAs are not housed in Machakos and every day they have to travel and also they attend other businesses back at home. In this respect I wish to support this motion and also petition the County Assembly to petition the Commission on Revenue Allocation and Sarah Serem's Salaries and Remuneration Commission to reconsider adjusting our mileage because the mileage that we are given twice a week is not commensurate with the kind of travel that we make.

Alternatively, through the appeal, we would also suggest that if the assembly finds it better, we could have our mileage taken during the start of a month so that we can have cumulative travel kilometers because most of the time it suppresses our participation in this assembly. So, I support the motion fully.

Hon. Katumo: Hon. Speaker, I spoke in the morning, Hon. Speaker and my colleagues, I want to support this motion. I have tried in vain to get here by nine, it has been very impossible from where I come from and it is good for everyone to participate in this assembly for maximum production and transaction of business and therefore I support the motion that a one hour delay is not very bad because we want everyone to participate.

I have come for the last three weeks to just find that the house has adjourned and the register has been closed. You can't sign. You see have done something in vain and I also want to know why this book is being closed. Thank you.

Hon. Speaker: Your last point was out of order.

Hon. Kathinzi: Thank you Mr. Speaker. I would like to congratulate the idea which Hon. Muthuka has come with. Most of us are coming from far away. Indeed you can at one time request Mheshimiwa Nziva and I think I went with her to the furthest corner of this county.

It is far away. Indeed it was a good experience for us and Mheshimiwa Manyolo. So, Mr. Speaker, in support of this motion I also request support of that and also touch on contribution to what Mheshimiwa Muthuka has said. We, especially the elected members had a good experience

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today because after the morning session we went for a meeting in Ndalani ward, far away from here. We have just come from that meeting.

Measuring the kilometers, we have covered 162 km. Just here. We never had lunch. Imagine it is very nice for us to adjust that and also push the afternoon if it is possible so that we can have enough time to interact with the Clerk and maybe discuss some important issues. So I support the motion.

Hon. Speaker: So it appears the mood is one that the.....Alright.

Majority Leader (Hon. Kasoa): Thank you Mr. Speaker. As much as I want to support this important motion, Mr. Speaker, I also want to draw to the attention of the Chair and the hon. members that, Standing Order No. 27 outlines the business hours of this hon. house, Mr. Speaker. And on part Standing Order No. 234, it is where and the procedure on how we can amend any of the Standing Orders, Mr. Speaker. So, Mr. Speaker, the Standing Order, if you allow me to read No. 234: a member, may with at least the support of two other members, request the procedure and assembly Rules committee to consider an amendment to the standing orders.

Mr. Speaker, that is 234 (1), 234 (2). The request under paragraph one shall be in writing and shall:

- a) Contain the text of the proposed amendment and the justification of the proposal.
- b) Contain the names and signatures of the members supporting the request.
- c) Be lodged with the Speaker.

So, Mr. Speaker, I seek your indulgence because we have a procedure of amending our own standing orders and Mr. Speaker, the noble course I presented, I would like to call upon, if the Standing Orders do allow, the Deputy Speaker to support me in that noble course, Mr. Speaker. Thank you.

Hon. Speaker: You have not yet been allowed to sit. When you go to Standing Order No. 27, it says unless the Speaker, for the convenience of the house otherwise directs, the house shall meet at 9 a.m. I think I fear, perhaps, a formal motion was not even necessary and I proceed to direct the business of the house will begin, in the meantime, at 10 a.m.

(Applause)

Otherwise the appropriate measures may be taken to amend the Standing Orders. Proceed. That matter is concluded.

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REPORT BY COMMITTEE ON SELECTION

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, aware that this Hon. House voted for adoption and amendment of new Standing Orders on 9th July, 2014, further aware that the exercise involved change of membership and creation of new committees, noting that the progress and operation of committees rely on the existing Standing Orders and that the Interim Standing Orders were revoked. Mr. Speaker, the committee on selection convened in Eden Beach Resort from 19th to 22nd September, 2014 to exercise its mandate to nominate and align membership pursuant to Standing Order No. 157 that subject to any written law this Standing Orders or a resolution of the house the select committee shall consist of an odd number of members, being not less than 9 and not more than 13.

Mr. Speaker, Sir, I therefore wish to move the motion that this hon. house discusses and approves the report of the Committee on Selection. I call upon my vice chair to second this motion. Thank you, Mr. Speaker.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker, it is true that the committee on selection met in Mombasa, over the weekend and we nominated and aligned members to various committees as per Standing Orders. I stand here to second Mr. Speaker. Thank you.

Majority Leader (Hon. Mwonga): Mr. Speaker, with your permission I now beg to read the report.

Hon. Speaker: Proceed.

Majority Leader (Hon. Mwonga): You Mr. Speaker.

The report on Committee on Selection

Preamble

Mr. Speaker, Sir, the committee on Procedure and Rules since the start of this year engaged itself in amending the Interim Standing Orders and adoption of the new ones to suit the operations of the Assembly and the house adopted the new Standing Orders on 9th July, 2014. Mr. Speaker, Sir, the committee on Selection met on September 19th to 22nd 2014 at Eden Beach Resort Mombasa, to nominate members to new committees created by the new Standing Orders as per the Standing Order 153 and to align members to committees under Standing Order 157 'subject to any written law, Standing Orders or a resolution of the house, the select committee

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shall consist of an odd number of members, being not less than nine and not more than 13 members.

Mr. Speaker, the following members of the county Assembly attended the meeting:

1. Hon Joshua Mwonga- Chairman
2. Hon Thomas Kasoa- Vice chair
3. Hon Renson Muthiani- member
4. Hon John Sila- member
5. Hon Joseph Muli- member
6. Hon Wilson Kasimu-Member
7. Hon Rachel Nduku- Member
8. Hon Charles Mutisya-Member
9. Hon Alphonse Wambua-Member
10. Hon Michael Mutuku-Member
11. Hon Timothy Kilonzo- invited member
12. Hon Alex Kamitu -Invited member

Alignment of Committees to Standing Orders

Mr. Speaker, the following committees were aligned to Machakos County Assembly Standing Orders as per Standing Order 157, 'subject to any written law, this Standing Orders or a resolution of the house, select committee shall consist of an odd number of members not being less than nine and not more than 13 and named as per the Standing Orders.'

These Committees and their members are as follows Mr Speaker:-

Committee on Implementation

We have:-

1. Hon Alphonse Wambua- Chair
2. Hon Catherine Nguluku- Vice Chair
3. Hon Collins Mbithi- Member
4. Hon Edrick Ngunzi
5. Hon Alex Kamitu
6. Hon Magdalene Ndawa
7. Hon Peter Nzioki
8. Hon Nathaniel Nganga

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9. Hon Winston Kanui
10. Ho Penina Kaluki
11. Hon Magdalene Ndalana
12. Hon Jacqueline Nziva
13. Hon Raphael Mutuku.

The other committee on Delegated County Legislation

1. Hon Peter Nzioki- Chairman
2. Hon Joseph Kalunde
3. Hon Cornelius Kitheka
4. Hon Alexander Kathinzi
5. Hon David Manyolo
6. Hon Joseph Kilonzo
7. Hon Cecilia Sereka
8. Hon Leonard Katela
9. Hon Geoffrey Munyao
10. Hon Timothy Kilonzo
11. Hon Justus Kimata
12. Hon Kyalo Kyuli
13. Hon Bibiana Nduku.

Mr. Speaker, the committee also aligned members in sectoral committees:-

Agriculture and Cooperative Development

1. Hon Joseph Muli- chairman
2. Hon Philip Ndolo- Vice Chair
3. Hon Isaac Muinde
4. Hon Gideon Kavuu
5. Hon Kyalo Kyuli
6. Hon Charles Mutisya
7. Hon Wilson Kasimu
8. Hon Geoffrey Munyao
9. Hon Joshua Mwonga
10. Hon Nina Mbithe
11. Hon Ruth Ndumi
12. Hon Catherine Nguluku
13. Hon Festus Ndeto

Health and emergency Services

1. Hon Cecilia Sereka- Chair
2. Hon Winston Kanui
3. Hon Kyalo Kyuli
4. Hon David Manyolo
5. Hon Magdalene Ndawa
6. Hon Edrick Ngunzi
7. Hon Thomas Kasoa
8. Hon Stephen Muthuka
9. Hon Sammy Nduva
10. Hon Joseph Kalunde
11. Hon Mary Ndinda
12. Hon Amina Mutio
13. Hon Peninah Kaluki

Culture and Tourism

1. Hon Winston Kanui- Chair
2. Hon Bendetta Mueni- Vice
3. Hon John Sila
4. Hon Peter Nzioki
5. Hon Rachel Nduku
6. Hon Timothy Kilonzo
7. Hon Justus Kimata
8. Hon Leonard Katela
9. Hon Alphonse Wambua
10. Hon Joseph Itumo
11. Hon Nathaniel Nganga
12. Hon Alex Kathinzi
13. Hon Veronica Mbithe.

Mr. Speaker, before proceed, I remember sometimes back you declared water in this.....

Hon. Speaker: Just proceed, arrangements will be done.

Committee transport and Public Works

1. Hon Felix Ngui- chairman

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2. Hon Peninah Kaluki -Vice chair
3. Hon Timothy Kilonzo
4. Hon Rachel Nduku
5. Hon Michael Mutuku
6. Hon Isaac Muinde
7. Hon Dominic Maitha
8. Hon Nathaniel Nganga
9. Hon Joseph Kalunde
10. Hon Oliver Munyaka
11. Hon Thomas Kasoa
12. Hon Christine Mwendu
13. Hon Jacqueline Nziva

Trade, Planning and Industrialization

1. Hon Sammy Nduva -Chairman
2. Hon Ruth Ndumi- Vice Chair
3. Hon Gideon Kavuu
4. Hon Joshua Mwonga
5. Hon Philip Ndolo
6. Hon Cecilia Sereka
7. Hon Collins Mbithi
8. Hon Cornelius Kitheka
9. Hon Francis Matheka
10. Hon Alex Kamitu
11. Hon Stephen Muthuka
12. Hon Nina Mbithe
13. Hon Phoebe Koki Malwa

Education and Social Welfare

1. Hon David Manyolo- Chair
2. Hon Christine Mwendu- Vice Chair
3. Hon Peter Nzioki
4. Hon Charles Mutisya
5. Hon Justus Kimata
6. Hon Benson Kasyoka
7. Hon Oliver Nzeki
8. Hon Renson Muthiani

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9. Hon Joseph Kalunde
10. Hon Alice Mukonyo Nzioka
11. Hon Phoebe Koki Malwa
12. Hon Collins Mbithi
13. Hon Nzoka Munywoki

Labor, Public service and ICT

1. Hon Leonard Katela- Chairperson
2. Hon Renson Muthiani- vice Chair
3. Ho Alex Kathinzi
4. Hon Alex Kamitu
5. Hon Felix Ngui
6. Hon Rachel Nduku
7. Hon Francis Matheka
8. Hon Sammy Nduva
9. Hon Justus Katumo
10. Hon Christine Mbithe
11. Hon Bibiana Nduku
12. Hon Geoffrey Munyao
13. Hon Anne Wairimu

Committee on justice and legal affairs

1. Hon Joseph Itumo
2. Hon Justus Kimata- Vice
3. Hon Alphonse Wambua
4. Hon Gideon Kavuu
5. Hon Alex Kamitu
6. Hon Joseph Muli
7. Hon Benson Kasyoka
8. Hon Festus Ndeto
9. Hon Jacinta Luka
10. Hon Brigit Kitili
11. Hon Raphael Mutuku
12. Hon Justus Katumo
13. Hon Veronicah Mbithe.

Nomination of members to new committees

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Mr. Speaker, Sir, the Machakos County Assembly Standing Orders second schedule outlines 12 sectoral committees of which four are new, namely.

1. Environment, Land, Energy and Natural resources Committee.
2. Decentralized units and urban areas committee
3. Finance and revenue collection Committee
4. Youth, Women and Sports Committee

Mr. Speaker, Sir, the Committee on Selection nominated members to the new committees of the assembly as per Standing Orders 153 (1), unless otherwise provided by any written law or the Standing Orders, the committee on selection shall in consultation with the Assembly parties nominated members whose shall serve on a select committee.

Mr. Speaker, the members of the new committee are as follows:

Environment, Land, Energy and Natural resources

1. Hon Edrick Ngunzi
2. Hon Nzoka Munywoki
3. Hon Wilson Kasimu
4. Hon Charles Mutisya
5. Hon John Sila
6. Hon Isaac Muinde
7. Hon Magdalene Ndawa
8. Hon Thomas Kasoa
9. Hon Margaret Ndalana
10. Hon Jacqueline Nziva
11. Hon Cecilia Sereka
12. Hon Dominic Maitha
13. Hon Jacinta Luka

Decentralized Units and Urban Areas

1. Hon Mutuku Mutua
2. Hon Timothy Kilonzo
3. Hon Joseph Itumo
4. Hon Veronica Mbithe
5. Ho Joshua Mwonga
6. Hon Geoffrey Munyao
7. Hon Alphonse Wambua
8. Hon Joseph Muli

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9. Hon Ruth Ndumi
10. Hon Wilson Kasimu
11. Hon Bibiana Nduku
12. Hon Amina Mutio
13. Hon Brigit Kitili

Finance and Revenue collection Mr Speaker

1. Hon Oliver Nzeki
2. Hon Peter Nzioki
3. Hon Raphael Mutuku
4. Hon Mutuku Mutua
5. Hon Edrick Ngunzi
6. Hon Nathaniel Nganga
7. Hon Felix Ngui
8. Hon David Manyolo
9. Hon Margaret Ndalana
10. Hon Bibiana Nduku
11. Hon Philip Ndolo
12. Hon Alice Nzioka
13. Hon Bendetta Mueni

Mr. Speaker, the last committee which were formed under the new standing orders, it is the **Youth, Women and Sports.**

We have:-

1. Hon Raphael Mutuku
2. Hon Rachel Nduku
3. Hon Peninah Kaluki
4. Hon Catherine Nguluku
5. Hon Jacqueline Munyao
6. Hon Christine Mutune
7. Hon Geoffrey Munyao
8. Hon Renson Muthiani
9. Hon John Sila
10. Hon Nina Mbithe
11. Hon Magdalene Ndalana
12. Hon Mary Ndinda
13. Hon Leonard Katela

CONCLUSION AND RECOMMENDATIONS

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Mr. Speaker, Sir, the Committee on Selection wishes to present the report on alignment of select committees to the new Standing Orders and nomination of members to the new select committees as per the new Standing Orders to the house for the approval. Thank you, Mr. Speaker.

And I now call upon the vice chair of the committee on selection Hon. Thomas Kasoa to come and support this report. Thank you, Mr. Speaker.

Minority Leader (Hon. Kasoa): Thank you, Mr. Speaker, I stand here to second this motion that the Selection committee sat down and according to Standing Order 157, it is very clear that it consists odd number not less than nine and not more than 13 and that is what exactly we did-aligning members to the various committee and it is very true that, Mr. Speaker, we had large numbers in the previous committees.

It is now easier for the members especially when we are going for international trips, we have cut down the size of the numbers because some of the committees had around 26 members. We have cut down the numbers down to around 11 members. So when a committee decides to go abroad, all members cannot go.

Secondly, you will find that, if you happen to go to committee room, when we are 26, we cannot fit in that committee. So that is exactly what we did. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I want to get you clear. What do you mean by going abroad?

Minority Leader (Hon. Kasoa): Mr. Speaker, you know it has been a song in the National Assembly and in the Senate that it has been taking large delegation on overseas trips. Thank you.

Hon. Speaker: Hon. Members, the report is presented to the house. There is a special procedure of handling this matter that is provided for under Standing Order 155, sub section 1, and I read: ' the Selection committee shall within seven days upon nomination of members to serve in any committee of the house present the list to the house for approval. Whenever a motion for approval of a list under paragraph one is moved in the house, no objection against proposed membership of member in a select committee shall be permitted and objections if any shall be formulated against the proposed membership as a whole. A member shall not be a member of a committee of the house unless the nomination of that member into the committee is approved by that.'

Then, the directions that I have that we ought to take are that if there is any member who is objecting to the proposed membership as a whole can raise the objection.

Hon. Muthuka: Thank you Mr. Speaker, Sir. Commenting on the good work the Select committee has done, it has come to my attention that the committees are not balanced. You find that some members are in more than in four committees while other members are only placed in two committees. So the virtue of equality is not in this document and I wish to call upon the
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select committee to find it wise to scrutinize the report once again and to balance the membership of hon. members into the committees for maximum participation and production since each elected and nominated member has a right of participation in the committees or full representation of his electorates.

Hon. Speaker: Maybe to be exact, do you have a name.

Hon. Muthuka: I can quote hon. Stephen Muthuka only appears in two committees. Notably, the committee on Health and Emergency Services and the committee on Trade, Planning and Industrialization.

Hon. Speaker: Those are three committees.

Hon. Muthuka: Those are two committees, Mr. Speaker. Giving an example on the other side, the members are overstaffed in other committees. I will pick Hon. Kalunde. He appears on committee on Delegated County Legislation, Committee on Health and Emergency Services, he still appears on committee on Education and Social welfare and also in Public works and I also think he is in the PAIC and so I see it wise if at all we are open and the report was well intended, the committee may find some time go through the document and make the amendments before they table the report for approval. Thank you.

Hon. Speaker: So the point you are making is the membership is not balanced and that the entire report should be dismissed. Alright. It is against the Standing Orders to mention names but I gave you that window.

Hon. Kitheka: Thank you Mr. Speaker, respect to the house at large. First and foremost, Mr. Speaker, as one of our members stood here in the morning, hon. Mueni pointed out that in the near future we should embrace fairness, justice and trust to ourselves.

Hon. Speaker: I will ask that you go to the point.

Hon. Kitheka: Mr. Speaker, I have pointed out some issues in this report. First and foremost, there were three members who were removed from their committee before they went to sit for the selection namely, hon. Kyuli, Hon. Collins Mbithi and Hon. Festus Ndeto. They were deleted from the committee as the committee went to sit on the same issue.

Hon. Speaker: Order hon. member, I did indicate the procedure available in Standing Order No. 155.

Hon. Kitheka: OK. Mr. Speaker, I wish to point out, Mr. Speaker, as a hon. member of this house, I have suffered the same as the 19 who we are perceived to be in the opposition have suffered. The issue is that, we have been picked and given only two committees and removed in the other committees which we were in. Like for example, I was in the committee of health and I have been removed. Two months ago, I was removed in the committee of labor. Today, I am only in the committee of Delegated County Legislation and on the committee of Planning.

Mr. Speaker, aware that I am a county representative of a very sensitive area, like Machakos Central, which owns the entire process of the decentralized unit, I should have been, with the other members, given a fair consideration in such selection. So, Mr. Speaker, to me there is no fairness. There is no justice and there is a lot of malice in this section. So, I kindly request you to apply your wisdom and judgment to this document because by so doing, this kind of documentation, going by this kind of sidelining, we will never heal the wounds of this house and we will never see a good and conducive, well reconciled assembly in this Machakos County Assembly.

So, Mr. Speaker, I think it would be prudent enough for this hon. member who went to sit down, to consider even the qualification of the members they are electing into some of the committees, like for instance, there are professionals here in human rights, engineers, human resource management and other professions which need to be considered. So, Mr. Speaker, in the near future, notwithstanding the withdrawal of this document, we are looking forward for us to form committees which can articulate the issue outside there.

Hon. Speaker: You need to conclude by saying that the proposed membership as a whole be rejected.

Hon. Matheka: Thank you Mr. Speaker, Sir and the house at large. Mr. Speaker, Sir, sometimes I like working with figures, because it is only working with figures you can get it right. We have at least 14 committees here and if you divide 59 by 14 you will get 4.9. I will not round but I will reduce it down. I will get four committees per member. And if some members are getting two committees, others are getting more than that.

So, Mr. Speaker, Sir, I request through you, we be fair enough and each member at least gets four slots in a committees for full and equal participation in the house committees. Thank you, Mr. Speaker, Sir and with that I beg this document be withdrawn and a new list be drawn with at least each member getting four committees. Thank you.

Hon. Kathinzi: Thank you Mr. Speaker. I will with a lot of respect not support this document because of these reasons; 1 when you go to the committee of Delegated County

Legislation, the committee which sat down on that particular issue has not indicated who is the vice chair of that particular committee is and as well as the health committee---

(Loud consultations)

Protect me, Mr. Speaker.

Hon. Speaker: You are now not protected, seat.

Majority Leader (Hon. Mwonga): Mr. Speaker, I would like, in kind words, to inform the hon. member for Kivaa ward that it is not the duty of the committee on Selection to say who the chair is or vice chair of that committee. It is the prerogative of the members of that particular committee to sit and come up with chairs in committees which were newly formed but with the committees which were existing, we were just doing alignment but not creation of new committees.

So, if we have a committee which has been existing and there is no vice chair, the members will have to sit and have an agenda of election of the vice chair. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, as we proceed to push this argument, looking on the Standing Orders, nominating members to serve on a select committee, the Selection Committee shall ensure that the membership of each committee reflects the relative majority of seats held by the assembly parties in the assembly.

The composition of the Selection Committee is comprised of the Leader of Majority, the Leader of Minority and the parties in the relative proportion and while the procedure is defined by the Standing Orders, it is assumed that parties are adequately consulted before a decision is reached.

I had given some latitude that members air their views but I now restrain myself because the Standing Orders state, if there is any objection, then it is an objection for the entire report and if there is a division, then we put the matter to the vote. Try to restrain yourself because we don't want to hit the roof.

Hon. Maitha: Mr. Speaker, Sir, I think we may try to hide our heads under the sand, but this document is a biased document. There is no way you can convince me that a committee sat for almost three days and slotted members in four committees and others were slotted in two committees.

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Mr. Speaker, where is the fairness? I belong to the Majority group and I was given two committees and clearly, Mr. Speaker, I can say this without fear of contradiction, that even as per the way these Hon. Members are being slotted in these committees, it is outrightly predetermined who is going to become the chairman and this will be supported by whatever is going to be the outcome of this election. So, I can say that, members of the opposition group has it have been depicted have been slotted such that, no member in any of the committees can vie for the position of a chair.

I want to say this; we can hide ourselves under the sand, hon. Mueni spoke in the morning, but the fact of the matter is, this is a biased document meant to embarrass the efforts of the hon. members, Mr. Speaker.

Hon. Speaker: Your point is taken.

Hon. Katumo: Mr. Speaker, Sir, thank you for giving me this opportunity. I want to appreciate those hon. members who sat down and saw it fit for me to have two committees. I am ok with that. Secondly, I remember when we were approving this committees, we had a committee of Youth, Women and Sports and I brought an amendment and I think the hon. Deputy Speaker was here and was chairing the same and we amended this to come to Youth, Women and Persons with Disabilities.

And what I see here is what we had amended and I feel there is bias. There is no respect. I have no problem with that. Thank you.

Hon. Speaker: Hon. Katumo, do I understand? There is no respect for whom?

Hon. Katumo: Yes, you should understand because there is no respect for the people I represent. Because I brought this amendment and it was agreed. It is going to reflect but when I see the same thing appearing, really I don't understand.

Hon. Speaker: I will look into that. I will follow up on that amendment. Let me see whether there was a typing error.

Hon. Nzoka: Thank you Mr. Speaker, Sir. The people who came up with this document, as my colleagues and what everybody is saying, even those who have been given more than two committees, they are not happy with what has been done to us.

We are all members. We are all equal and it is good to have something. When we argue, we vote then we support it. Like now, we have talked of the city, we said no, others said yes and the yes carried the day.

So, it is bad for someone to sit with malicious actions and say ‘*fulani fulani* we don’t want them to get any seats. Let them have a committee even if they sit, even if once per week once a week, this and that, so as to destroy them.’ In fact, here we are coming as members and as number one from our wards. So, I do respect them. I also expect them to respect me. So, it is fair to withdraw this document and they sit again and say we are brothers, we are equal---

Hon. Speaker: Hon Nzoka, you are not properly dressed. Your shirt is hanging and you are out of order.

Hon. Nzoka: I am not feeling well please, Mr. Speaker, Sir. You have never seen me un-tucked---

Hon. Speaker: Kindly attend hospital.

Hon. Nzoka: I was there.

Hon. Speaker: Hon. Nzoka, I wouldn’t want to kick you out. Kindly take your seat.

Hon. Nzoka: I was at Mater hospital.....No, no at Aga Khan, here in Machakos today at lunch time. It is too hot. It is a request. Nobody has ever seen me this way.

Hon. Speaker: And that is why your shirt is hanging.

Hon. Nzoka: It is too hot. It is a request. Nobody has ever seen me this way.

Hon. Speaker: The Clerk, kindly arrange that Hon. Nzoka to get medical attention. It will be done at the cost of the Speaker.

Hon. Nzoka: Thank you. So, I do request---

Hon. Speaker: Now you are out of order. Clerk, make arrangements that the hon. member is attended to.

Hon. Kathinzi: Thank you, Mr. Speaker. I will not take much time but I want to emphasize on what the hon. Katumo has said. With a lot of respect, that committee has sat down for three four days to come up with this report but personally I have been given only three slots, as active as I am. And I would think that Hon. Katumo would have given me the fourth and the fifth but I am ok with it, but am not supporting it. Fully.

Hon. Speaker: Let us hear hon. Benson. Kangundo.

Hon. Kasyoka: Mine goes to the last committee, Youth, Women and Sports. Mr. Speaker, we hon. members did not come here just to earn the Ksh. 96,000 for sitting allowances. We came to better the lives of people of Machakos county. I am so disappointed to see Youth, Women and Sports with members who are not even youthful like hon. Katela whom I have never met him talking about sports, women or the youth, Mr. Speaker. I am wondering, are we here just to earn the money. So for to betterment of our people, we should have members who are effective to our people. So, Mr. Speaker, I oppose this document. Thank you, Mr. Speaker.

Hon. Speaker: You support rejection of the report as a whole. I think you don't mention names. Try not to be bitter. We are supposed to deal with your Whip.

Hon. Kyuli: Asante Spika, na shukuru kwa nafasi. Ama kwa kweli, ingelifaa sana sisi kama waheshimiwa, kila mmoja angaliwe kwa angalau kama ni kamati nne, kwa sababu inafaa na inawezekana. Kwa hivyo, kwa maoni yangu ni kwamba, tungeliwatafutia wale wanakamati ya uchaguzi, warudi tena kule Mombasa, wakae tena siku kama tatu, waweke tena kwa kila mheshimiwa, kamati nne halafu itafaa. Bwana Spika hio italetu uwiano, usawa. Kuna watu ambao watatoka hivi sasa kwenye jengo la bunge wakihuzunika, wakiumwa. Inafaa mambo madogo madogo kama haya, wenye kutuweka kwa hizi kamati waweze kujaribu kusawazisha, kwa sababu ikiwa ni hivi, wengine wako na mbili, wengine tatu, wengine tano, basi itakuwa ni mambo ambayo ni yakututenganisha zaidi.

Kwa hivyo, kwa njia moja ya kuleta uwiano naomba tafadhali, hii kamati ya uchaguzi ipewe siku zingine nne ama tatu, waende kule Mombasa, watuweke kwa kamati nne nne, kwa sababu hiyo itatusawazisha. Asante.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. My problem now is, I have been slotted in two committees and I have a loan in the bank. So I don't know how I am going to pay that. I left the committee of Justice, I was removed. Committee of Education, I was removed. So, Mr.

Speaker Sir, I beg you, if everybody can be put in four committees, it will be fair and this money is not somebody's money. It is for the county and we will leave the money here.

Hon. Speaker: Hon. Mueni, I did not understand the relationship between the membership of committees and a loan in the bank.

Hon. (Ms.) Mueni: Yes, Mr. Speaker, Sir, we pay this loan by signing the register of attendance for the allowances to be taken to the bank. We commit the money there, we have no other job here but to look for money.

(Laughter)

Hon. Speaker: Okay. Order! Let us hear a response from the mover of the motion.

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to tell these members that this was a vigorous exercise. It started on 19th to 22nd and it was not an easy task. And Mr. Speaker, as I was moving this motion on the report of the committee on Selection, I quoted Standing Order 157, which says, 'subject to any written law, this Standing Orders or a resolution of the house, a select committee shall consist of an odd number of members being not less than nine and not more than 13.

Mr. Speaker, when I hear some members saying that each and every member should be in at least four committees, what are we going to do with this Standing Order unless we change it. Standing Order 154 outlines the criteria of slotting members in to these committees and on sectoral committees. It is very clear that no member should be in more than three sectoral committees. Not the select committees.

We also put this one into consideration. And Mr. Speaker, I heard Hon. Dominic Maitha say, the opposition has been sidelined. Mr. Speaker, in this house we don't have three categories of composition of the Assembly. We only have the majority and the minority.

In Mombasa, when we sat, the vice chair of this committee is the representative of the opposition. Which other opposition are these members talking about? The Standing Orders are very categorical, 'it is the leadership of those parties who have the prerogative and the powers of nominating members into this committees.

And it will never and it has never happened, Mr. Speaker, even in the National assembly, and I want to remind these members, when the National assembly was coming up with committees, the same issues were being raised and I remember the chairman, hon. Duale made the same statements I am making; 'you cannot accommodate the interests of all the members.'

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Thank you and I urge the members to adopt the report as it is and if, Mr. Speaker, anyone feels sidelined by the report on committee on selection, they have their Whips. And that is why we the committee on Selection. As the chairman, I consulted with your office and we invited the Whips so that we can do consultation with them and that is why we came with this kind of report.

And, Mr. Speaker, these are not the only committees we have. There are other committees where these members are also members.

Hon. Speaker: Order!

Majority Leader (Hon. Mwonga): There are other committees which we have not tabled, Mr. Speaker because we were just conforming to the new Standing Orders. There are other committees which Standing Orders give the maximum membership of those committees and we have not tabled them because that is not the duty of the committee on Selection. Members, I urge you to support this report. Thank you.

Hon. Speaker: Point of information from Hon. Matheka.

Hon. Matheka: Thank you Mr. Speaker, Sir, and the house at large. I will go back to my earlier argument; we have 12 sectoral committees---

Hon. Speaker: A point of order.

Hon. Matheka: I want to ask whether it is in order for the Leader of Majority to say, members cannot go into four committees and Mr. Speaker, Sir, it is crystal clear here 59 divided by 12 sectoral committees comes to 4.9. Mr. Speaker, Sir, every member should be in at least four sectoral committees. I am not talking of the select committees, Mr. Speaker, Sir.

Hon. Speaker: Let me take the point of order for hon. Raphael.

Hon. R. Mutuku: Mr. Speaker, Sir, is it in order for the hon. member to mislead this house that each member is supposed to be in four sectoral committees for which we know the maximum is supposed to be three.

Hon. Speaker: Hon. Members, as we debate on this matter, you need to understand that selection on nomination of members into various committees is the work of the select

committees that comprises the Majority and Minority leadership. The role of the Speaker is never there and I don't have any part. Mine is only to arbitrate and take the vote.

Hon. Maitha: Mr. Speaker, Sir, thank you very much for your guidance.

Hon. Speaker: So, basically what happens, but if perhaps there is some discomfort on your party leadership, you talk to your Whip. So, that is basically the procedure that is allowable.

Hon. Maitha: Mr. Speaker, Sir, I want to say this. We can quote the relevant Acts, the relevant articles of the constitution of any prevailing act of this world but I know one thing, the law of natural justice must be exercised to any individual. It beats logic, in this assembly, why I have to go and speak to my party Whip or my Majority Leader who is elected like me, to fit me into four committees or five or sideline me. If I am in two committees, Mr. Speaker, Sir, and another person is in four committees, what does it serve Mr. Speaker, Sir? Let the law of natural justice apply, if it doesn't apply, god be with them.

Hon. Speaker: You are basically saying you are not ready to talk with your party whip? Alright. Then that leaves the Speaker helpless. Proceed.

Hon. Kitheka: Mr. Speaker, with a lot of humility, I think even the parties where these members come from, they are not in conformity with what is being put into this house. I can attest that, Mr. Speaker, Sir. I once more reiterate my sentiments to the effect that, for how long are we going to be misled by the Majority Leader in this House?

Hon. Speaker: You are out of order and I think the procedure is once you are named out of order, you stop talking.

Hon. M. Mutuku: Thank you, Mr. Speaker, Sir, and the entire house. Mr. Speaker, Sir, I would like to say I was a member of that committee which conducted the exercise of the alignment of the hon. members and it wasn't an easy job. We tried our best. However, since Mr. Speaker, Sir, the work of the committee on Selection is always a process and I think for now the committee did its work and it has presented the report, it is high time we adopt the report.

If there will be any issue which needs to be raised, it can be forwarded to the Majority and Minority Leaders later and then the committee will sit again and look into the matter. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let me hear from the Majority Leader. Is it true that there are members who are in four committees and others in two?

Majority Leader (Hon. Mwonga): Mr. Speaker, the Standing Orders are very clear and in creation of the sectoral committees we had to conform to the Standing Orders. It clearly states that no member shall be in more than three committees and Mr. Speaker, we adhered to that. Mr. Speaker, the members who are against this report, are just opposing it for just opposing the report. Mr. Speaker, remember it is not only the sectoral committees, we have select committees. About eight of them---

Hon. Speaker: Let us take that quick point.

Hon. Muthuka: Mr. Speaker, it beats logic why we are here and why we should allow ourselves to be duped in broad daylight.

Hon. Speaker: Hon. Member, you must improve your language.

Hon. Muthuka: Thank you, Mr. Speaker, for that. I have just pointed an example in this document, one member in four committees. If you so allow, I am going to single another member, maybe to support my argument. So, Mr. Speaker, if you allow me, would I name that other member.

Hon. Speaker: Kindly don't do that.

Hon. Muthuka: OK, fine. Mr. Speaker, kindly get this report, go through it and then you are going to see what we are talking about. The Majority Leader says that they have strictly followed the Standing Orders, whereby no member shall be in more than three committees. I have pointed one of them here. I still have another one here. So, Mr. Speaker, to some extent we will allow the law of justice to take its course because if fairness is not presented in this house, I believe business cannot be transacted with the support that is needed.

Hon. Speaker: Thank you. I think the point is made. Conclude your remarks.

Majority Leader: Mr. Speaker, what I was saying is that the committee adhered strictly to the Standing Orders and there is difference between sectoral committees and the select committees. When a member says, the member for Muthwani says, I am not telling this house

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the truth, it is the naked truth because no member in this house is a member of more than three sectoral committees and I want to stick to that, Mr. Speaker.

Hon. Speaker: Thank you. Let me hear the Chief Whip.

Hon. T. Kilonzo: Mr. Speaker, I support what the Majority Leader has said and as the chairman of this committee, Mr. Speaker, we went through, trying to balance everybody to be in two or three committees and Mr. Speaker that is exactly what we did. What the Majority Leader is saying is correct, Mr. Speaker.

Hon. Speaker: I would want you to tell me whether you consulted your members adequately when distribution was being done. That is the purpose you were invited in Mombasa.

Hon. T. Kilonzo: Mr. Speaker, those members who needed consultation from me, they came and we consulted. Mr. Speaker, I did not have to go and look for people to consult.

Hon. Speaker: Let me hear the Whips. I said I want to hear the Whips.

Hon. Kamitu: Mr. Speaker, Sir, as per the report of the Selection committee and if you go through the figures, there is no committee which has got more than 13 members, so if we go by numbers, there is no committee which has 14 members. Neither is there a member who has been given a slot of four per committee. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let me hear again from the Whips whether they are willing to listen to their members if they approach them if they want variation? Is this cast one stone, are you willing to listen to your members in case they want to effect any changes?

Hon. T. Kilonzo: Yes I can, but Mr. Speaker, there is the chairman of this committee. I can but still there is the Chairman of the Selection committee.

Hon. Speaker: Let us hear the Minority Leader. We are now concluding. I give you only one minute.

Minority Leader (Hon. Kasoa): Thank you. I am seeking guidance from you if you read Standing Order 155, (2) and I am going to read it Mr. Speaker---

Hon. Speaker: Hon. Member, I even read this Standing Order when I began. I don't know whether you were in the House.

Minority Leader (Hon. Kasoa): Yes, I was in the House.

Hon. Speaker: I am conscious of that process.

Minority Leader (Hon. Kasoa): I was just reminding you.

Hon. Speaker: I am so conscious about it.

Minority Leader (Hon. Kasoa): Okay.

Hon. Speaker: Thank you for that information. Be brief (*addressing Hon. Matheka*)

Hon. Matheka: Mr. Speaker, I want to repeat this for the third time. It has been said in this house, every member should be a member of at least three sectoral committees and if my memory serves me right, Mr. Speaker, my simple calculation dictates that---

Hon. Speaker: Hon Matheka, let me read it for you, Standing Order No. 154 sub section 3, except as the assembly may otherwise resolve ...over the recommendation of the committee on selection for reasons to be stated, no member shall be appointed to serve in more than three sectoral committees.

Hon. Matheka: This is my point, Mr. Speaker, Sir. We have 12 sectoral committees and we have 59 members, if my memory serves me right, 59 divide by 12 comes to 4 point something, Mr. Speaker. We are not demanding to be in four committees but to be at least in the minimum committees allowed by the Standing Orders which are three. Thank you, Mr. Speaker.

Hon. Speaker: It is not the minimum. It says not more than three and three is the maximum.

Hon. Matheka: But Mr. Speaker, we have some members in four and according to the calculations of this assembly, the pro-rata will leave each member with at least four, so we should be in at least three. Others are in two, others one. Why four while others are in two? That is our main question, Mr. Speaker, Sir.

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Hon. Speaker: Very last point. Very brief.

Hon. Kathinzi: Thank you, Mr. Speaker. I think what Hon. Matheka is saying. I would like to put it in different words but it means the same. The number of committees which have been presented today by the Majority Leader here, I have sampled one name of the member which I don't want to mention because you have given those restrictions. That member is in five committees, the total committees which have been presented here and Hon. Dominic from Muthwani is in two committees. Is it just? That is the big question. Even Hon. Mary Ndinda is also questioning the same. She is in two committees.

Hon. Speaker: Hon Members, I said this report is not cast on stone. It can be amended even tomorrow, it is your report. Since the report is before the house for adoption, I now proceed to put the question. That those in support on the report as presented by the chairman of committee of Selection.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Thank you.

The House rose at 5.10 p.m.