

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 5th March, 2015**

The House met at 2:52 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon Members.**PAPERS****MACHAKOS COUNTY LAND MANAGEMENT BOARD REPORT****Hon. Edrick Ngunzi:** Thank you Mr. Speaker, Sir. I beg to lay the following paper on the table of the assembly today Thursday, 5th March, 2015. The Machakos County Land Management Board report. Thank you.**Hon. Speaker:** Thank you. Paper laid. Proceed**NOTICES OF MOTION****PROVISION OF FREE SANITARY TOWELS TO LEARNERS****Hon. Speaker:** Yes, Hon. Amina Mutio**Hon. Amina Mutio:** Thank you, Mr. Speaker. Mr. Speaker, Sir, I wish to give notice of the following motion. That this hon. house discusses and approves the County Government of Machakos partners with Non-Governmental Organizations and sanitary towels manufacturing companies to provide free sanitary towels to our girls in both primary and secondary day schools. Thank you, Mr. Speaker.**Hon. Speaker:** Yes point of order taken.**Deputy Speaker (Hon. Nathaniel Nganga):** Mr. Speaker, I am sitting next to a security risk, so I am appealing for your indulgence. Thank you, Mr. Speaker.

Hon. Speaker: Sergeant at arms, kindly be of help. And sorry about that.

Hon. Dominic Maitha: Mr. Speaker, I wish to put to your awareness that the hon. Felix Ngui is seated on the wrong seat, Mr. Speaker. May you intervene? Thank you.

Hon. Speaker: Ok. He has complied. And ordinarily, when the order paper is being read through, the Standing Orders say there should be no interruption.

Hon. Maitha: I apologize, Mr. Speaker.

Hon. Speaker: Ok.

MACHAKOS COUNTY LAND MANAGEMENT BOARD REPORT

Hon. Ngunzi: Thank you, Mr. Speaker. Mr. Speaker, Sir, I wish to give notice of the following motion that pursuant to Standing Order 190(5), this hon. house discusses and approves the report on Machakos County Land Management Board. Thank you.

Hon. Speaker: Hon. Alex Kathinzi. In his absence, the motion is deferred.

STATEMENTS

PURCHASE OF MOTORCYCLES

Majority Leader(Hon. Joshua Mwonga): Mr. Speaker, I rise to issue a statement which was sought by hon. Dominic Maitha, on 12th February, 2015. Mr. Speaker, Sir, he sought a statement on the purchase of motor cycles for ward offices. Mr. Speaker, Sir.

Hon. Speaker: Ordinarily, the procedure for delivering answers to statements is that the answer must be circulated to the members before it is presented. Therefore your response is refused. Let us take the point of order.

Hon. Stephen Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house. Mr. Speaker, I expected more of the answers on the statements that were sought. And last week Deputy Speaker was on that chair and directed that we should be receiving answers as from Tuesday, and now I am shocked, out of the many statements that were sought, it is only one answer which has been given which has been refused because he has not circulated the answer. So I would like your guidance.

Hon. Speaker: I am conscious of that.

Hon. Muthuka: When are we getting the rest of the answers?

Hon. Speaker: They are coming.

WHEREABOUTS OF TRACTORS AND SUPPLY OF SEEDS

Hon. Sammy Nduva: Mr. Speaker, Sir, I would like to seek the following statements. First, I want to know the whereabouts of farming tractors since we are almost at the onset of the long rains and secondly, when the subsidized seeds and fertilizers will start being supplied. Thank you, Mr. Speaker, Sir.

Hon. Speaker: That is a statement, I think. Let us take the information.

Hon. Maitha: I wish to put awareness to the hon. member from Kithimani that I had also sought a statement on the same regarding the issue of county equipment and tractors were included. So we are still waiting a report for that Mr. Speaker, Sir.

Hon. Speaker: Thank you for that information and I think the member who sought it is contented. Let us get the answer first and we see what to do. Yes Hon. Matheka.

STATUS OF LAND L.R. NO-KANGUNDOMBILINI/1654

Hon. Francis Matheka: Thank you Mr. Speaker, Sir. I would like to seek the following statements that the status of land LR NO-Kangundo Mbilini/1654 in Kangundo Sub County, Kanzalu Location, Mbilini Sub Location which is a county government land where some temporary structures are coming up. I would like to know how the land was issued and who is putting up the temporary structures. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Your statement will be referred to the appropriate committee.

NON-PAYMENT OF CONTRACTORS AND CASUAL WORKERS BY EXECUTIVE

Hon. David Manyolo: Thank you Mr. Speaker, Sir. I would like to seek the following statements; why the contractors from the county executive side have not been paid. Why the casual workers have also not been paid. Thank you Mr. Speaker, Sir.

Hon. Speaker: And if I remember, I think the same question was covered by the statements that were sought by hon. Dominic. Is that so?

Hon. Maitha: Mr. Speaker, I did not seek a statement on the status of payment for casual workers. Thank you, Mr. Speaker, Sir.

Hon. Speaker: But you sought on the status of the contractors. Why the contractors of the county Executive have not been paid.

Hon. Maitha: No Mr. Speaker.

Hon. Speaker: Then the two issues will be separately dealt by the appropriate committees. Allocations will be done by the Clerk.

STATUS OF COUNTY PUBLIC SERVICE BOARD CHAIRPERSON

Hon. Leonard Katela: Mr. Speaker, Sir, I need to seek leave on a statement sought by Hon. Maitha on 12th February, 2015, about the status of the County Public Service Board chairperson. Mr. Speaker, Sir, I am happy that the committee wrote to the relevant ministry and we have gotten reply, but I cannot give the answer before it is circulated within the required hours. I seek leave. Thank you.

Hon. Speaker: Thank you. That leave is granted. Proceed. Hon. Katela, you have been granted permission to proceed. You can now deliver your answer.

Hon. Katela: Thank you Mr. Speaker, Sir. After the statement, the committee wrote to the relevant ministry on the 27th February, 2015 and we are happy that Mr. Speaker has granted leave for a letter which was replied this morning. The letter reads:

Re: County Public Service Board Chairperson Status.

As you are aware, the chairman of the board left his position due to personal reasons sometimes back. The vice-chairperson has since then held the position in acting capacity. We are now in the process of making arrangements for the replacement process.

Yours sincerely,

Larry Wambua,

*Minister for Public Service Labor, ICT and Cooperative Development,
Government of Machakos.*

Copied to Machakos County Assembly.

Hon. Katela: Thank you, Mr. Speaker, hoping that the house will be satisfied with my answer. Thank you.

Hon. Speaker: Thank you. The next step would be that the answer would be circulated and if there are additional issues they can be raised, with leave, on Tuesday.

BURSARIES

Hon. Manyolo: Thank you Mr. Speaker, Sir. I rise on a statement which was raised by Hon. Maitha on the issue of bursaries. Mr. Speaker, Sir, there is a problem within the regulations which were supposed to be passed by the house and I am assured by Tuesday, we will have the regulations here and by Thursday we will issue all the bursaries Mr. Speaker, Sir.

Hon. Speaker: Let us take the order.

Hon. Katela: Mr. Speaker, Sir, I think the chairman of education committee is misleading the house, because we have tangible information that some bursaries have already been issued. So which have been issued and which ones are remaining? Which ones are following regulations and which ones are not following regulations? Can he please guide this house?

Hon. Speaker: Let us take the point of order first.

Hon. Deputy Speaker: Thank you, Mr. Speaker. Also on a point of order, is it in order for the chairman of education committee to rise on a point of order and issue an answer to a statement? I think that contravenes the rules and procedures of this house and the chair is out of order and he should issue some directions on that matter, Mr. Speaker. Further on that, Mr. Speaker, the immediate contributor said that some bursaries are being issued, others have not been issued. What is the correct position now that the chair has alluded to have some verbal responses to the issue in question? Thank you, Mr. Speaker, Sir.

Hon. Maitha: Mr. Speaker, I am surprised if the chairman could have come and given such kind of a report. I was in the ministry of education just some 30 minutes or one hour ago before I proceeded for lunch. I had gone there to know the status of my cheques. When I got there, the officer told me that my cheques are not ready. Some cheques are ready and actually, he was sorting out some cheques for schools and the hon. chairman for education and the chairman for planning committee were inside the office of the Chief Officer today in the afternoon. I saw cheques for various school bursaries from the same ministry. How come he is saying that the regulations are not ready and yet the Majority Leader can confirm, he issued cheques last week, Mr. Speaker?

Hon. Speaker: I think the house is losing direction. Hon. Manyolo, what happened that you gave an answer that was never circulated. Has your answer been received by the office of the Speaker for circulation?

Hon. Manyolo: Thank you, Mr. Speaker, Sir. It was not circulated to your office, Mr. Speaker, Sir because the officers are out for water mapping and that is why I have said by Thursday next week, the report for all schools will be ready.

Hon. Speaker: Point of order.

Hon. Deputy Speaker: Mr. Speaker, I am further perturbed. Do we have officers from the county assembly who are on a water mapping exercise Mr. Speaker, because the responsibility of writing responses for chairpersons of committees is vested on the office of the Clerk and the clerks to various committees, Mr. Speaker?

Hon. Speaker: I don't remember assigning any of our officers for water mapping. And hon. Manyolo, I will take it that you are taking this house for granted.

Hon. Sammy Nduva: I want to respond on a point of information to what hon. Maitha has said, because before lunch time, I was at the ministry of education and honestly, Mr. Speaker, cheques are being written to all our 40 wards. So I think hon. chairman for education should give this house the right direction because it is true that the department is writing cheques for all the 40 wards only that, they are not ready for every ward as per today. Thank you, Mr. Speaker.

Hon. Speaker: Hon. members, the matter we are now debating is not properly before us and the directions issued are that Hon. Manyolo apologizes to the house and prepares an answer and circulates for discussion on Tuesday.

Hon. Manyolo: Thank you Mr. Speaker, Sir. I apologize to all members but on Thursday, I will give a report on the issues of bursaries. Thank you Mr. Speaker, Sir.

Hon. Speaker: Hon. Manyolo, you said that the report is ready and you are delivering it. It should be circulated to members and discussed on Tuesday.

Hon. Manyolo: On Tuesday, the issue of regulations because the legal officers and committee passed everything which was needed by the Controller of Budget and regulations are with the minister and the minister and also the other officers from the other departments have gone for water mapping. I was not referring assembly members but Executive who have gone for water mapping. For example the CEC member for education is at Kangundo, the Chief Officer (CO) is at Kola supervising within Machakos Sub-County. So I have said on Tuesday, I will pass

the issue of regulations and on Thursday all the cheques will be issued to all the members. Ksh. 1 million.

(Applause)

Hon. Speaker: I think I am now persuaded. Let us grant him up to Thursday and you deliver an answer but before then it should be circulated so that it can be properly interrogated. The matter is ruled.

Hon. Maitha: Before we proceed on motions, there are quite a number of statements which have not been answered to as per the sitting.

Hon. Speaker: I agree.

COUNTY EQUIPMENT STATUS REPORT

Hon. Maitha: There is one I would like to remind them about the County vehicle registration status which was supposed to be given by the Minority Leader who was supposed to liaise with the chairman of transport committee. That has not been done. There is also the issue of social welfare board status where hon. Raphael was supposed to give a report on third of this month. He has not responded to that. There is the issue of the county equipment status report like the graders, tractors, loaders, which was directed to the Minority Leader to liaise with the chairman of transport committee. That has not been responded to as well. There was also the statement about the county inspectorate operations report which was dedicated to decentralized units and was supposed to have been answered yesterday. The chairman is here and has not responded to them. Can I get a status report on the same Mr. Speaker?

Hon. Speaker: I agree. Let us hear from the Minority Leader.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. It is true and I communicated to the relevant chairpersons of the committees and I can see most of them are here. So it their duty to respond. So, Mr. Speaker, if you allow, because I can see most of them are here, they can rise and answer those questions, Mr. Speaker.

Hon. Speaker: I agree with the Minority Leader, sorry about this. The relevant chairman is in the house. Hon. Raphael, let us hear you.

SOCIAL WELFARE BOARD STATUS

Hon. Raphael Mutuku: Thank you Mr. Speaker, Sir. There was a statement that was sought concerning MSWEP and I request Mr. Speaker, Sir, I am liaising with the relevant ministry, I request that I give a comprehensive report on Thursday, next week. Thank you, Mr. Speaker.

Hon. Speaker: I think the house would want to know why you did not rise up at the appropriate time until Hon. Kasoa had to come in and remind you.

Hon. Mutuku: Mr. Speaker, Sir, the reason I have not risen up in the earlier time is because the statement is not ready and I liaised with the relevant department and I am expecting a comprehensive report by next week. Thank you, Mr. Speaker.

Hon. Speaker: Hon Raphael. I don't think you have handled my question. My question is why you did not rise up at the appropriate time and say that you were not ready at the appropriate time until hon. Kasoa had to come and remind you.

Hon. Mutuku: Mr. Speaker, Sir, quite a number of statements were sought and-----

Hon. Speaker: I will be content if you say perhaps you were asleep or something.

Hon. Mutuku: (*Laughs*) Sorry. Mr. Speaker, I was not asleep. I understand that quite a number of statements were sought and I was still waiting for turn because I was expecting different chairpersons are still giving their responses. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think you have got it right now. I think the explanation given by hon. Raphael has been accepted by the house. It will be Thursday.

COUNTY VEHICLE REGISTRATION STATUS

Hon. Felix Ngui: Thank you Mr. Speaker, Sir. Mr. Speaker, the statement that was sought on 12th by the member for Muthwani ward concerning the registration of motor vehicles. I instructed the office of the Clerk to write a letter to the concerned ministry which was done and we are still waiting for the response which had not come by today so I have instructed the office of the Clerk to write a reminder so that we can be able to deliver the answer next week, on Thursday. Thank you Mr. Speaker, Sir.

Hon. Speaker: Hon. Ngui, is that really enough? You sit down and wait for the letter for the response. What effort have you taken as the chairman?

Hon. Ngui: Mr. Speaker, the issue of registration of motor vehicles is also a matter of concern even within the committee and we have been following. So this morning I was with one

of the clerks handling the matter and agreed to write a reminder letter to the Chief Officer concerned so that they can provide us with the status of the registration. Mr. Speaker, you realize that I cannot go all the way to the ministry to go and seek or sit there to get the status. We have to follow the process and we have given them a reminder. If now they don't give us the details, then the necessary actions will be taken. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Kindly guide us on a time frame.

Hon. Ngui: We are giving until Thursday next week, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think we are still receiving answers Hon. Muthuka. There is another chairman there. Maybe you were not in the house when answers were being given.

Hon. Michael Mutua Mutuku: Thank you Mr. Speaker, Sir. I was not in the house during that time but my chairman briefed me after that sitting was over. Mr. Speaker, Sir, in line with the status of inspectorate cars, I did seek some more information from the Chief Officer in charge. However, the Chief Officer has been very busy with water mapping and he promised me, when the exercise is over. I need your protection.

Hon. Speaker: You are protected hon. chairman.

COUNTY INSPECTORATE OPERATIONS REPORT

Hon. Mutua Mutuku: The chief officer in charge of that department, as you are aware that we have a mega county exercise, in line with water mapping which is really a critical exercise for the residents of Machakos county. When I consulted him, he had told me, for now he is not in a position, but he promised me after the exercise is over, tentatively before the end of next week, I will be in a position to reply that statement. Thank you, Mr. Speaker, Sir.

Hon. Speaker: I wouldn't think there is anything to correct there because we have been told nothing, isn't it?

Hon. Maitha: Mr. Speaker, he is talking about county inspectorate cars. This hon. member must have been sleeping. It is county inspectorate operations report not cars, Mr. Speaker. Thank you.

Hon. Speaker: Hon. Mutuku, maybe we can give you the last opportunity to correct the impression.

Hon. Mutua Mutuku: Thank you Mr. Speaker, Sir for correcting me and giving me another chance. The position or the communication from the Chief Officer in line with the

statement which was sought by the hon. Member from Muthwani, I would like to say, when I consulted the Chief Officer in charge of that department, in line with the statement which was requested by the hon. member, Mr. Speaker, Sir, I would like to let you know I also stand by my words. The chief officer in charge, who happens to be Nimrod Mbai told me he is not in a position for now to give me the operations in line with that department and he promised, come next week, he will be in a position to brief me.

Hon. Speaker: So you are saying you are going to deliver your answer next week on Thursday?

Hon. Mutua Mutuku: Thank you.

(Laughter)

Hon. Speaker: I think to the house, we have the chairman of liaison committee. I demand a statement from the chairman because we have not received any answer. What is happening with your Chairs?

Hon. Deputy Speaker: Thank you, Mr. Speaker, Sir, for that request. Mr. Speaker, next week, possibly before the close of the week, we shall be issuing committee reports and with that, we shall also be indicating the activities on how active or responsive each chairperson has been in their committee and if this house allows me also, we shall indicate those chairpersons whose committees would need to do some revision on the leadership of those committees, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Because as you understand, Mr. Speaker, the necessary guidance and training on the performance of their duties has been done more than required, so when the chairpersons fail to respond adequately or accurately to issues, Mr. Speaker, I can only attribute that to negligence and maybe laxity and the committee members seem not to be taking attention or stock of their chairpersons who are not responding to those issues. Mr. Speaker, if you realize, while the chairperson was responding, he is quoting the vice chairperson is the one who was busy seeking answers to the same while he was busy maybe politicking and not attending to matters or the duties of the committee, Mr. Speaker.

(Applause)

So I would urge, with permission of the house then, we indicate in our progress reports those chairpersons whose committees may require censure and maybe replace them with more responsive chairpersons if that is the way this house would want the matter to go. Thank you, Mr. Speaker.

Hon. Speaker: For the chair, I think it is important to spare a moment and appreciate the only chairman who has delivered an answer, hon. Katela maybe.

Hon. Deputy Speaker: Mr. Speaker, while the chairman was responding to the matter, I was out of the house and I must say that I appreciate his efforts and he is one of the most active chairpersons in the committee. He even sits in on my behalf most of the time when I am not available so he is a chairman that I can commend. I can also commend on the chair who kept us busy for the last 2-3 days. The chairman of finance and revenue collection committee. I must say his bar is higher than ever before and above all other chairpersons and I would wish to recommend that all other chairpersons would follow suit and keep this house with full in tray and enough business because that is now the work we were sent to do by our people.

Our committees have also tasked us with that responsibility, Mr. Speaker, so I want to appreciate them and say that going forward, we expect much more responses. Mr. Speaker, even we have cases of chairpersons who have never brought any committee report outside the necessary, legally required reports to be written by those committees and Mr. Speaker, we shall also be outlining those chairs so that we can be able to account on the effort that we are doing as chairpersons in our various positions. With that I want to urge the vice chairpersons of committees to be able to take charge of the committees if they find their chairs in slumber, Mr. Speaker. Thank you, Mr. Speaker.

Hon. Speaker: I think the chair of chairs is in order. The red flag has been raised now how are we proceeding.

Hon. Muthuka: Thank you Mr. Speaker, Sir. I am excited and I can see the house has taken a direction and now to push those committees or chairpersons who have been in cocoons. Mr. Speaker, it was in this house in the last financial year...

Hon. Speaker: You would want this house to take that as information.

Hon. Muthuka: It is information that now I am giving. I was commenting.

Hon. Speaker: Alright.

Hon. Muthuka: Mr. Speaker, I was in this house when I also sought several statements from last session and Mr. Speaker, with your guidance you told me you are going to see that the statements come forth and I am shocked they are not even in your order paper. Mr. Speaker, I had sought a statement on the county....

Hon. Speaker: You are calling it my order paper?

Hon. Muthuka: Sorry your list of the order paper. Sorry.

Hon. Speaker: Proceed.

Hon. Muthuka: First, Mr. Speaker, I had sought a statement on the county inventory and up to date that matter has gone silent.

Hon. Speaker: It is the inventory on assets? There is a committee doing that and a report will be in the house, that for sure, I know. There is a committee doing that work.

Hon. Muthuka: Mr. Speaker, I had also sought another statement on the status of our forest which had been deforested and I cited Katunga forest and up to today, the matter is silent and also I had sought another statement on the status of contractual workers who had not been paid and some who were sacked without pay, going even to six months and that statement was presented half-baked and the chairman was directed that he do a more comprehensive statement.

Hon. Speaker: Maybe you can remind the house who is that chairman.

Hon. Muthuka: The chairman for the Labour and ICT committee is Hon. Katela who is just seated next to me. And finally, Mr. Speaker, I had also sought a statement on the audited county public lands and up to today that has never come to this house. So with your indulgence Mr. Speaker, I believe that by next week I should be getting answers to those statements. Thank you.

Hon. Speaker: Yes let us hear the point of order.

Hon. Deputy Speaker: Mr. Speaker, with your guidance, it is a popular belief that the matters that are pending before the house in any session once they are house session concludes, those matters cease to be on the floor of the house and need to re-introduced afresh, Mr. Speaker, for them to be property of the house again. So maybe with your guidance, whilst the matters that the member is requesting are of critical importance, maybe for the observance of procedure and upholding the rule of law, can you rule on the matter so that we may be properly guided on that issue, Mr. Speaker. Thank you.

Hon. Speaker: Hon. Muthuka you just file fresh statements and they will be dealt with.

Hon. Maitha: Mr. Speaker, is it in order for the chairman of environment committee to be seated here while there is a pending statement he was supposed to have presented a day ago and he is just comfortably seated here, Mr. Speaker, Sir.

Hon. Speaker: Hon chair environment.

Hon. EdrickNgunzi : Mr. Speaker, I want apologize to this house because the whole of this week I have been busy with my wife in hospital so I did not get enough time to research on the same and I promise a response will be coming next week. Thank you.

Hon. Speaker: Thank you. Apologies and our sympathies. Hon. Dominic we don't have a choice, we must take that reason. That is a compelling reason.

Hon. Maitha: Mr. Speaker, I just wanted to make him alive because how can he sit here without responding, because you directed the same to Hon. Raphael.

Hon. Speaker: I note that.

Hon. Maitha: I also convey my condolences. He is my able chairman; I just want him to slightly pull up his socks. Thank you, Mr. Speaker, Sir.

Hon. Speaker: I think he is shocked you are calling them condolences, they should be sympathies.

(Laughter)

Hon. Maitha: I correct, Mr. Speaker.

Hon. Speaker: Ok. Proceed.

Hon. Deputy Speaker: Mr. Speaker, on a point of order. I think for the proper records, the member should withdraw those words because condolences have far reaching meaning. Mr. Speaker, and with the hon. Chairman here and I am not getting very much private but issuing condolences when the person in question is still in hospital, Mr. Speaker, that anticipates something and you know in Kambaland or even in Kenya, politicians or their relatives don't die for nothing. So if death is anticipated in such a scenario, then it raises questions when the life of a relative of a hon. member is put in question. So with regard to that, I think you can compel the member to withdraw and apologize to the member and the house at large, Mr. Speaker. Thank you, Mr. Speaker.

Hon. Maitha: Mr. Speaker, thank you. I withdraw the condolences and direct them to the family of Ndetis where Hon. WavinyaNdeti has lost her father and I also pass my sympathies to my able chairman whose wife has been unwell and she has recovered. All the best. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Let us proceed.

MOTION

MACHAKOS COUNTY LAND MANAGEMENT BOARD REPORT

Hon. Speaker: I hope you are strong enough for the report?

Hon. Ngunzi: Thank you, Mr. Speaker. Mr. Speaker, Sir, aware that this hon. house referred back the report on Machakos County Land Management Board to the committee on Environment, Lands, Energy and Natural Resources for re-evaluation. Mr. Speaker, aware that the Machakos County Land Management Board is established under section 18(1) of the National Land Commission Act, that is mandated to establish County Land Management Boards in each of the 47 counties in Kenya for the purpose of managing public land. Mr. Speaker, Sir, aware that one of the nominees in the report was disputed in this house and that nominees for Mwala and from the Persons With Reduced Abilities were to be nominated. Mr. Speaker, aware that the department of lands is facing a lot of challenges without the Land Management Board, I wish to move the motion that this hon. house discusses and approves the report of the Environment, Land, Energy and Natural Resources committee on Machakos County Land Management Board. Thank you Mr. Speaker and I ask hon. Nziva to second the motion.

Hon. Jacqueline Nziva: Thank you Mr. Speaker and the house at large. I wish to second the motion that this hon. house approves the same and it has been long overdue. So hon. house, please can you approve because the county has waited for so long. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Proceed.

Hon. Ngunzi: Thank you Mr. Speaker. I wish to table my report on Environment, Land, Energy and Natural Resources development committee. Mr. Speaker, Sir, the Environment, Land, Energy and natural resources committee is established as per Standing Order No.190, under the second schedule that underlines the functions of the committee to include all matters related to the implementation of specific national government policies on natural resources and environmental conservation, including, soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising;

Land survey and mapping, boundaries and fencing, electricity and land reticulation, energy regulation, water management systems in built up areas and water sanitation services. Mr. Speaker, Sir, the National Land Commission is established pursuant to Articles 67(1) of the constitution of Kenya, 2010. Article 67(2)(a) of the constitution lists the functions of the National Land Commission in management of public land on behalf of the National and County government and Article 67(2)(f) to encourage the application of traditional dispute resolution mechanism in land disputes.

Mr. Speaker, section 18 (1) of the National Land Commission Act, 2012 mandates the National Land Commission to establish County Land Management Boards in each of the 47 counties in Kenya for purposes of managing public Land. Mr. Speaker, Sir, the National Land Commission shortlisted 7 candidates out of 32 who were interviewed for Machakos County Land Management Board. The interviews were conducted from 14th to 18th July, 2014. The National Land Commission panel that conducted the interviews composed of the following members:

1. Dr. Rose M. Musyoka (Mrs.) - Commissioner, National Land Commission
2. Dr. David Kuria - Director, National Lands Information Systems
3. Ms. Rose C. Kitur - National Land commission
4. Mr. Joshua Musili - Executive Committee member, Department of Lands
5. Ms. Pauline Lolwruka - Secretary, County Public Service Board
6. Ms. Dorothy Mwanzia - Vice Chairperson, County Public Service Board
7. Mr. Patrick Kimeu - Ministry of Lands.

Mr. Speaker, Sir, the criteria used in selection of the candidates included:

- Performance based on mean score as assessed by the panelists.
- Gender equity as required by law.
- Regional balance as required by law.
- Regard for persons with disability.

Mr. Speaker, the National Land Commission Act 2012, section 18 (a) and (b) mandates the County Land Management Board to process for allocation of land, change and extension of user, subdivision of public land and renewal of leases. The board may also perform any other functions assigned by the Commission or any other written law.

Mr. Speaker, the Machakos county assembly, through the media, advertised the vetting of nominated candidates for Machakos County Land Management Board in the Daily nation newspaper on Thursday, 16th October, 2014. Members of public were requested to submit any memoranda regarding the nominees before the vetting day.

Mr. Speaker, Sir, Standing Order No. 190 (5) (f) provides that the functions of the committee shall be ‘to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 184 (Committee on Appointments).’

Mr. Speaker, Sir, the committee on Environment, Land, Energy and Natural Resource and the committee on Agriculture and Co-operative development met on 21st and 23rd October,

2014 to vet the nominees for Machakos County Land Management Board. The report was tabled in this house and was referred back to the committee. Members met again on 16th January and 24th February, 2015 to re-evaluate the report.

Members

Mr. Speaker, Sir, the following members of the committee, as constituted by this house, sat for the vetting exercise,

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|-----|-----------------------|---------------------------------------|
| 1. | Hon. Edrick Ngunzi | - Chairman, Environment, land, energy |
| 2. | Hon. Jacqueline Nziva | -V/ Chair Environment, Land, energy |
| 3. | Hon. Peter Nzoka | Member |
| 4. | Hon. Charles Mutisya | “ |
| 5. | Hon. Jacinta Luka | “ |
| 6. | Hon. John Sila | “ |
| 7. | Hon. Cecilia Sereka | “ |
| 8. | Hon Isaac Muinde | “ |
| 9. | Hon. Margaret Ndalana | “ |
| 10. | Hon. Magdalene Ndawa | “ |
| 11. | Hon. Dominic Maitha | “ |
| 12. | Thomas Kasoa | “ |
| 13. | Hon. Wilson M Kasimu | “ |

Nominees

Mr. Speaker, the County Government Act 2012 section 8 (1) (a) states that the county assembly shall vet and approve nominees for appointment to county public offices as may be provided for in this act or any other law. The names of the candidates nominated for Machakos County Land Management Board by the National Land Commission and forwarded by the executive for vetting were,

- | | | |
|----|------------------------|------------------------|
| 1. | Alfred Musembi Mwanzia | - Kangundo Sub County |
| 2. | Jacinta M. Kinyili | - Machakos Sub County |
| 3. | Julius Muinde Musyoka | - Yatta Sub County |
| 4. | Jacob Musili Muli | - Masinga Sub County |
| 5. | Rose Mbithe Mutiso | - Matungulu Sub County |
| 6. | Robert Sukya Nzioka | - Kathiani Sub County |
| 7. | Benjamin K. Kitolo | - Mavoko Sub County |

Vetting Of the Nominees for Machakos County Land Management Board

Mr. Speaker, Sir, the Environment, Land, Energy and Natural Resource Committee and the Agriculture and Cooperative Development Committee received the names of the nominees

for Machakos Land Management Board which were forwarded to the County Assembly by His Excellency the Governor of Machakos County. Mr. Speaker Sir, Standing Order No. 42(1) states that ‘upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the County Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the County Assembly for consideration’.

Mr. Speaker, Sir, the committees conducted hearings on 21st and 23rd October, 2014, as per Standing Order No. 42 (4) that states that ‘the Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, table its report in the County Assembly within fourteen (14) days of the date on which the notification was received under paragraph (1).’ Mr. Speaker, the aforementioned committees embarked on the vetting process of the nominees for Machakos County Land Board. The whole process was done by meeting with the nominees and included examining the following.

1. Academic credentials.
2. Professional affiliations.
3. Employment record and experience.
4. Regional balance within the county.
5. Potential conflict of interest.
6. Overall suitability for the position.
7. Tax compliance.
8. Personal integrity.

Mr. Speaker, Sir, Standing Order No. 172 states that ‘any Committee shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the constitution and statute including power to summon witness, receive evidence and to request for, and receive papers and documents from the Government and the public. Mr. Speaker, Sir, this report was previously tabled in this house on 25th October, 2014 and was referred back to the committee, subject to objection to approve one nominee from Yatta, a Mr. Julius Muinde Musyoka.

Further, Mr. Speaker, members had requested for details of the nominees from their respective sub counties. These were provided to every member and no memoranda or objection has been received on the other nominees.

Observations

Mr. Speaker, the committee observed that Mwala sub county was not represented in the Machakos Land Management Board since nobody applied for the post from the region.

Recommendation

Mr. Speaker, Sir, the Environment, Lands, Energy and Natural Resources Committee recommends that a representative for Mwala be appointed for the position of physical planner or

surveyor and according to National Land Commission Act 18 (2) (b) that states that a physical planner or a surveyor shall be nominated by the Executive member and appointed by the governor.

Mr. Speaker, Sir, the Environment, Lands, Energy and Natural Resources Committee decided that it was necessary to have the Board functioning with the available undisputed nominees and in accordance to the National Land Commission Act First Schedule paragraph (6) that states that ‘the national assembly shall within 21 days of the day it next sits, after receipt of the nominees, of the applicants under paragraph (5) vet and consider all the applicants and may approve or reject any or all of them.’ And according to paragraph (9) ‘where the assembly rejects any nomination, the Speaker shall within three days, communicate its decision to the Governor and request him to submit fresh nominations and paragraph (10) within seven days from amongst the persons shortlisted and forwarded by the selection panel.’

Mr. Speaker, the committee recommends Mr. Alfred Musembi Mwanzia, Madam Jacinta M. Kinyili, Mr. Jacob Musili Muli, Madam Rose Mbithe Mutiso, Mr. Robert Sukya Nzioka and Mr. Benjamin Kitolo as suitable for Machakos Land Management Board and hereby recommend to this honorable house for approval. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you Honorable members the report is now before us for debate. Let’s take contributions.

Hon. Felix Ngui: Thank you Mr. Speaker, Sir. First and foremost I want to appreciate the Chairman for bringing the report to this house, but I would want your direction maybe to know whether it is in order to discuss a report that is not signed, neither dated because we do not know who has prepared the report, it is not even signed by the Chairman. Then again, Mr. Speaker, I find again the report to be very shallow on information because Mr. Speaker, this report came to this house last session and was referred back to the Committee on allegations that one member from Yatta who is Mr. Julius Muinde Musyoka was unsuitable for the position.

Mr. Speaker, the report is very shallow it does not give us any information on why the one Julius Muinde Musyoka should not be approved as a member of the board because it clearly states that no objection was received or memorandum from the public or from the members. So, maybe we would want the Chairman to explain further. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you. I think first things first, the report that I have is signed so it is properly before us and let’s get the exact clarity on the matter from the chair.

Hon. Ngunzi: Mr. Speaker, we’ve clearly indicated that the nominee for Yatta Mr. Musyoka Muinde had integrity issues and was disputed before this house and the allegations were put before the Committee and the Committee chose....

Hon. Speaker: I think what honorable Ngui is asking is, where is that in the report? You can refer to the particular page where that is in the report.

Hon. Ngunzi: Maybe there was an oversight Mr. Speaker but that is the true position.

Hon. Speaker: Let me take those who are members of that committee. A member of the committee who can save the situation? A member of that Committee, this committee on Environment. Yes, a member of the committee, you are a member of the committee for Ngunzi? Try to assist us on what happened to that information.

Hon. Dominic Maitha: I would request Mr. Speaker with your permission, kindly hon. Chairman for Transport; can you repeat your question please if you don't mind?

Hon. Speaker: The question that Hon. Ngui was asking was that are there reasons appended why this particular member was rejected? This member called Julius Muinde Musyoka?

Hon. Maitha: Mr. Speaker a resolution of this house of a certain document carries the day. This house resolved that because that member had integrity issues which were raised by an Honorable member that we proceed and give a report of other people. So, the honorable members' complained on the floor of this house and we went as per their arguments Mr. Speaker. So the hon. members complained and Mr. Speaker I want to say this, Hon. Members, that was an individual Member's query; this report does not belong to him alone, neither does it belong to the hon. members here. It is the right of any member to raise his or her concerns regarding a certain person and if we are going to approve people with integrity issues here Mr. Speaker or with issues that our electorate have raised concerns on, then Mr. Speaker we might give Machakos County a problem.

Hon. Speaker: Point of order, kindly sit down, point of order here. The Majority Leader is point of order.

Hon. Majority Leader (Joshua Mwonga): Mr. Speaker, the report which is before us was referred back to the committee. Is it in order for the Chair and the member of that committee to tell us one Julius Muinde Musyoka has integrity issues Mr. Speaker and they are not providing evidence that he has integrity issues? Or is it in order Mr. Speaker for the Chair and his members to leave out Julius Muinde Nzioka and they have not told us that the member from Kithimani who raised the integrity issues brought a petition to the committee?

Mr. Speaker we need to be guided if the committee did not receive the petition from the honorable member for Kithimani who is not here right now, and he knew the report is before and

it was to be discussed today, and he has decided to walk out. Mr. Speaker we cannot be held hostage, this house cannot be held hostage and the operations of the County cannot be held hostage by one member because of his or her own interest. Mr. Speaker, I would want to hear from the Chair whether they received a petition or they are relying on what that particular member said on the floor of this house. Thank you, Mr. Speaker.

Hon. Speaker: Let us take honorable Katela, yes point of information.

Hon. Katela: Mr. Speaker sir thank you. To answer my Majority Leader, I think it's not one member who is holding us hostage. I remember that time when we were referring the document to the committee, I also contributed about the character of the said person, who once was a Principal of a School in my Ward. So it is not Nduva who referred the statement. It is the house. And now we are getting the final report from the committee and I am happy that ... protect me Mr. Speaker, I'm happy that...

Hon. Speaker: Kindly conclude.

Hon. Katela: I'm happy that the Majority Leader said that the business of the county cannot be held hostage by one person, so why should Mr.... whoever is being called from Yatta, why is he holding us hostage? Other people who have no integrity issues can still chair that committee. I don't see what is so special with him. Even Mwala have not got something and I had one Hon. Kilungu who had petitioned but he is not even in the committee. If...let me conclude Mr. Speaker protect me, protect me; I rarely stand, protect me. What I'm saying...

Hon. Speaker: Order, order honorable members. Kindly sit down I have taken the point of order.

Hon. Majority Leader (Hon. Mwonga): Mr. Speaker is it in order for Mheshimiwa Muthetheni who is even a Chair of a very powerful Committee of Labour and ICT Mr. Speaker, to suggest that he forwarded the name of a member from Mwala sub county and is also naming that person who has integrity issues Mr. Speaker, of selling Kithimani and Kibauni pipes to a person I don't want to name in this house Mr. speaker? Thank you.

Applause

Hon. Speaker: Yes Hon. Muthuka.

Hon. Stephen Muthuka: Thank you Mr. Speaker, Sir. I think it is in the interest of most of the members that we use our time properly because the debates we have now started debating I think you are about to rule the same way that I thought, that we are going out of hand. In question is Mr. Julius Muinde Musyoka, and an issue was raised in this assembly by one member

and he gave an account of how he knows this person, and from your office you directed that if the member has an issue he should record a statement with you or present a document that shows that this person's character is indeed in question. So, what we are asking from the committee members is that, did you receive that information from the member or from the Speaker's desk?

And if you received, where is that report because since this is the property of the house, we expect that the report of that individual should be annexed and also because you are giving reasons on why you nominated the rest of the members we should know why you didn't recommend one Julius Muinde Musyoka because you have not given any reason as to why you have not done that. So through the Chair, if the Committee would clear that air, we have no problem with the person; he can be included and the house can make a resolution that his name be included in this list and we complete this business of the Lands Board. Thank you.

Hon. Speaker: Thank you, thank you. Let us take that point of information.

Hon. Felix Ngui: Mr. Speaker, my question was very clear because reading the report there is nowhere that the committee said that the said member has got integrity issues. Mr. Speaker, members of this house had enough time to sit with the committee, give their evidence and grievances to the Committee so that the Committee would have given us evidence why this member's name should be struck out from the list.

Mr. Speaker again we fear that this Committee might not have done their work well because we also doubt the integrity of the other members, now that they did not give us details why this member has got integrity issues we fear that they might not have interrogated well the other members. So Mr. Speaker it is my proposal that this report be referred back to the same committee to do a thorough job before it is brought to this house, because this house should be respected and any report that is being brought to this house should have enough information. Thank you Mr. Speaker sir.

Hon. Speaker: I think that member has concluded. Let us hear the Chairman. I think Chairman it is important you answer a few questions here. Chairman.

Hon. Ngunzi: Thank you Mr. Speaker-----.

Hon. Speaker: Maybe you can advise us, one, what does the law say on the membership of the report, how many members of the board do we need?

Hon. Ngunzi: Thank you Mr. Speaker. The law is very clear that the National Lands Commission Act gives a minimum of three and a maximum of seven members to form the Board. Now that we have seven, we have the maximum. We still have six and we are within the law so we can still, with your permission allow the committee and the house allows us to

approve the six - because we are still within the law - then we will, because it is only that it is not documented, if you give us time to go back, you are giving us time and it is recorded in the HANSARD, giving us time to write what I am still saying that the member for Yatta has integrity issues, and that can be captured by the HANSARD. It still remains official; the member for Yatta whether you allow us one day or two hours, we will bring you the same thing; that he has integrity issues and this committee shall never forward his name here.

Hon. Speaker: Order, order, order. I am aware of what is happening.

Hon. Ngunzi: So with your permission Mr. Speaker, let us approve the six so that you can give this county..., protect me Mr. Speaker.

Hon. Speaker: You are protected, proceed.

Hon. Ngunzi: We allow the county to move on. There are land issues that are pending and we cannot be held hostage by the Yatta member. Otherwise the committee has the power to reject any or to bring all members for approval. We have rejected the member for Yatta. Thank you, Mr. Speaker.

Hon. Speaker: But Hon. Chairman, yes you have the power to reject, but the Assembly is entitled to reasons of rejection. Kindly tell us the reasons and why the reasons are not in the report.

Hon. Ngunzi: I have just said Mr. Speaker that, that was an oversight; we would have captured that on the report. It is not captured by the clerk.

Hon. Speaker: Honorable chair.

Hon. Ngunzi: And Mr. Speaker if you allow us that cannot hold us here; we can still approve the six and we've still given room for the Yatta people to bring in another nominee.

Hon. Speaker: We have procedures for the house and you don't make... Let us take information from either of you.

Hon. Joseph Kalunde: Thank you Mr. Speaker. The chairman of this committee is asked if possible, to give us details why the man they rejected has got some problems. Why don't you give us the reasons behind it?

Hon. Speaker: Thank you, thank you. That is still the position I am holding.

Hon. Benedette Mueni: Thank you Mr. Speaker, Sir. Mine is to ask you, you are the person who is supposed to rule in this house and there is no need of being pushed by Honorable members here to agree what is wrong. So you have to take what the chairman of the committee is saying so that we can go on and stop. That person is from my place and nothing is adding to bring the person from that place. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you. Let's take the point of order.

Hon. Maitha: Mr. Speaker sir is it in order that this Hon. member, my predecessor Hon. Mueni to stand up and tell you that you are the one to decide, Mr. Speaker even in terms of the rules of voting you are not supposed to vote. I believe it is in the best interest of this House and the entire Machakos County that honorable members be given time to make their submissions and their presentations, so that we can get a fine-tuned report and outcome Mr. Speaker sir. Thank you.

Hon. Speaker: Order, order Hon. Members, Honorable Dominic I have taken the advice by Mueni and I will take it. Let's hear Majority, what's the point of order?

Majority Leader (Hon. Mwonga): Mine is not a point of order. I want to contribute, Mr. Speaker.

Hon. Speaker: Then let's take the point of order first.... order, order you can only consult in low tones.

Hon. Deputy Speaker (Nathanael Nganga): Thank you Mr. Speaker for the opportunity and now that the point of order was on two issues, the first one you have ruled on, Mr. Speaker I was seeking your indulgence whether the Chair can rule that now that there is missing information that for us to be able to move forward, if now the house can adopt the report with amendments and the Chair would propose the amendments to insert the missing details Mr. Speaker because in omitting the name of the nominee from Yatta the reasons are not annexed, at the same time that must be inserted as amendments.

On the same note Mr. Speaker once the matter is put to question the house can make a decision whether to proceed with the report or not, and Mr. Speaker even I am also interested to see that I think on page 4 of 7 where there is a list of members, the member number twelve, Thomas Kasoa does not bear the title of Honourable. I don't know whether it refers to the Minority Leader or some other member of the public Mr. Speaker.

I think it is not yet law that members of County Assemblies have stopped being called Honorable members. Still on that side I don't understand whether that referred to the Minority Leader or a member of the public who sits in that Committee, because we have cases by law that

we have members of public being invited to sit in Committees. So with that I rest my case Mr. Speaker.

Hon. Speaker: Let's hear from the Minority Leader maybe he is taking a double role here.

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. I think it is just a printing error; I stand here to contribute on this report and Mr. Speaker you are very much aware this report is long overdue and I can tell you for sure the other 46 counties...

Hon. Speaker: I think my directions Hon. Kasoa was perhaps for you to verify whether you are the nominee or you are a member of that committee.

Hon. Minority Leader: Yes Mr. Speaker, I am a member of that committee.

Hon. Speaker: Okay I get your point. Proceed.

Minority Leader (Hon. Kasoa): Yes, Mr. Speaker I can tell you for sure the other 46 counties have already established their Land Boards so mine is just a kind request to Honorable members to approve this report so that the pending issues of land maybe tackled. If the law allows Mr. Speaker to approve six members we can just go ahead and maybe we can replace the others later. Thank you, Mr. Speaker.

Hon. Speaker: I think the house should be in support of that position that we don't need to approve the entire team if we have issues with a member maybe we drop. Let us now contribute. What's the matter Majority Leader?...Let's debate the report and come up with a resolution on the matter. We are going to first hear Hon. Cecilia Sereka.

Majority Leader (Hon. Mwonga): I debate now, Mr. Speaker?

Hon. Speaker: We are going to first hear Honorable Cecilia Sereka.

Hon. Cecilia Sereka: Thank you Mr. Speaker and the house at large. Mr. Speaker I stand here to oppose the nomination of Kitolo Benjamin K. Mr. Speaker, Sir, as you know Mavoko is a very sensitive place and when we went through his CV Mr. Speaker as even you saw, this man is a photographer, and Mr. Speaker in Mavoko we want somebody who knows more about land. You know land in Mavoko is a very sensitive matter Mr. Speaker.

So, Mr. Speaker, I ask you kindly to help us members from Mavoko because if we pass this nominee, it will be a big shame to the people of Mavoko. The people of Mavoko want more than a photographer, Mr. Speaker. Mr. Speaker, you know we have a lot of land grabbing cases

in Mavoko, and we want somebody who knows more about land like a land valuer, a surveyor or somebody who is a technical person. Mr. Speaker if we get a technical person in Mavoko I think he will help us but a photographer please Mr. Speaker that one I think he fits in the board of Wildlife, Mr. Speaker. Thank you.

Hon. Speaker: Order, Hon. Cecilia you are a member of this committee, did you raise those issues in the committee?

Hon. Cecilia Sereka: Yes Mr. Speaker I talked to my Chair, and he said we can oppose the nomination of the member. But, that is what the Chair told me Mr. Speaker and i can't lie in front of these Hon. members, Mr. Speaker.

Hon. Speaker: Honorable Cecilia,

Hon. Cecilia Sereka: Yes, Mr. Speaker.

Hon. Speaker: Did you present evidence that he is not qualified to the Committee?

Hon. Cecilia Sereka: Yes I said it Mr. Speaker. Mr. Speaker, if you get this CV, you will be shocked, and I have it Mr. Speaker, if you want it I can help you with it.

Hon. Speaker: Ok, thank you let us hear Hon. Mutuku. That is about your area and then after that we will hear Hon. Rachel.

Hon. Michael Mutuku: Mr. Speaker, Sir. I stand here to second my colleague who happens to come from Mavoko sub county. The above named nominee, Mr. Speaker, Sir, in line with the job description and job specifications the above nominee, is not qualified to represent the people of Mavoko. As you are aware, Mavoko is really a growing cosmopolitan town and we need somebody with a wealth of experience in matters concerning land for example land valuers, somebody who has done land economics, surveyors or planners.

Mr. Speaker, Sir, if you try to check that CV or that form they were filling, you will realize most of his work experience, in line with the job were just appointments, they were not based on achievements. They were based on ascribed status whereby you are just appointed on the basis of how you are well known by your friends. So Mr. Speaker, Sir, we did a wide consultation with the people of Mavoko and they were of the opinion that, that person is not competent enough to represent them and also to put their interests in line with land matters. Thank you Mr. Speaker, Sir.

Hon. Speaker: Maybe to facilitate debate on this report, Hone Cecilia and Hon. Mutuku propose that the report be adopted by the house to the extent that the name of Benjamin K.

Kitolo is excluded. If we are comfortable with that position then we will need to take the question on that point first and then we proceed like that. Is everybody comfortable with that or somebody has...let's hear the point of order.

Hon. Deputy Speaker: Mr. Speaker-----

Hon. Speaker: These are nominees that we can drop, can amend and it is not the rule that we take all of them.

Hon. Deputy Speaker: Mr. Speaker, in agreement with your ruling. I think the Chair guided us properly that we need at least three for the board to be able to be constituted. So Mr. Speaker, for those areas or sub counties for which the dispute exceeds a third of its members then it is for the members now to decide for those areas where there are issues and if it is for the cases of Yatta and Matungulu and Mwala, then Mr. Speaker, with your guidance we can proceed in that order for the members to raise their reservations, those that have, so that we can be able to approve those nominations without issues and those that have issues can now be referred back to the nominating body to nominate a better person.

Mr. Speaker, also with this issue in mind, the Committee did not also recommend that there be a replacement also from Yatta because now that Yatta has rejected its nominee it would be wrong now that the opportunity created may be rewarded to another sub county which is missing like Mwala and then we will be losing all. So Mr. Speaker, it is also of importance that the Chair guides the house on the recommendations that he has presented, whether he can add more amendments but on the same note, Mr. Speaker, I am requesting that if we can be able to approve a member per Sub County, with the guidance of area members. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. I think it is important we hear hon. Kyalo.Kyuli. I heard Mwala get mentioned.

Hon. Kyalo Kyuli: Thank Mr. Speaker for turning this side. One, Mr. Speaker, matters of land are very sensitive and again the Chair has given us a leeway where we can pass this with at least three members and then maybe we can fill the list later. My proposal is that again seconding the Deputy Speaker, that now that there are areas that members are feeling uncomfortable with their nominees, we can have those areas re-advertised Mr. Speaker if the law allows so that we do not hold the county at ransom.

We can have the three members the Chair said, so that the board can begin its work, and thereafter we get other nominees from Mwala for example because you can see that we did not have a nominee as a sub county and therefore Mr. Speaker we will let the work of land continue as we fill in the positions. So Mr. Speaker my proposal is that the nominee from Yatta and the nominee from Mavoko they have been dropped, so Mr. Speaker, I propose we pass this with

amendments. Amendment number one if it is allowed, that those positions be re-advertised, amendment number two, the sub county that was missing that is Mwala now be included, Mr. Speaker.

Mine was to second what Hon. Deputy Speaker said and again ask members because if this board is not passed there is a problem in the Lands office. Issues of land in the County there is a point where they are stagnating, so that we make things begin to move positively Mr. Speaker. I propose that we pass this with the amendments therein so that we can begin work. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. members, I would wish to put this question, that the report be amended to exclude of Julius Muinde Musyoka from Yatta sub county and Benjamin K. Kitolo from Mavoko sub county.

Question put and agreed.

And now the report is accordingly amended. Any further contributions of the report? Ok. Let us hear you again.

Hon. Ngui: Thank you Mr. Speaker. I appreciate your direction, and Mr. Speaker, as we continue, now that we have come to know the academic qualification or the careers of one of the nominees from Mavoko who is a photographer, I request the Chairman of this Committee to tell us the careers or the academic qualifications of the other nominees who we are approving here Mr. Speaker.

Hon. Speaker: Let us take the point of order by Majority Leader first.

Majority Leader (Hon. Mwona): Mr. Speaker, is it in order for that distinguished Chair of Infrastructure, that is Lands, and Public Works to take this Hon. House back to where we started? Mr. Speaker, the hon. member to say that the Chair should provide this house with the academic qualifications of these nominees is taking this hon. house back. Mr. Speaker, even the members of this Committee have a said that they vetted these members, and the vetting Mr. Speaker, I presume, involved presentation of academic qualifications, Mr. Speaker.

Mr. Speaker, looking at the mood of this house, this business is already finished. We have expunged two names from the list, Mr. Speaker, and I want to congratulate Hon. Cecilia for saying that we cannot have a photographer in a land board issue, Mr. Speaker. So Mr. Speaker, actually now the whole issue is in your hands and I will suggest that you put the question whether members are approving the remaining five and we move forward Mr. Speaker. Thank you, Mr. Speaker.

Hon. Speaker: Order honorable members. The point of order as raised has been sustained. This report is visiting this house for a second time and the honorable member and Chair as distinguished had every opportunity to consult with the committee as it did its vetting, therefore his views are regretted. Let us hear hon. Rachel.

Hon. Rachel: Thank you Mr. Speaker, even though I thought everything was over, but thank you for this opportunity. I wanted to contribute on the member for Mavoko but I want to raise a concern whether we will have a replacement and whether it will be soon because we have outcry in our wards in Mavoko Sub County, so we don't know how long it will take for this replacement Mr. Speaker.

Hon. Speaker: Hon. Rachel if you have gone through the report page seven of seven paragraph one says 'according to paragraph nine where the Assembly rejects any nomination, the Speaker shall within three days communicate its decision to the Governor and request him to submit fresh nominations and paragraph ten it is within seven days from amongst the persons shortlisted and forwarded by the selections panel'. But the procedure is laid down in the Standing Orders and those are the procedures we shall follow so you may have to wait for that process.

Hon. Rachel: Ok. Thank you Mr. Speaker.

Points of order raised.

Hon. Speaker: Hon. Members, I don't really understand the point of order. Overruled, overruled let us hear.

Hon. Geoffrey Munyao: Thank you Mr. Speaker, Sir. Mine is to congratulate the Committee on Land because, Mr. Speaker, you know very well without this board our people are getting problems due to how their land matters are going to be handled. Mr. Speaker, the Chairman of Land has shown direction to this house about the Committee members and the board which we have approved I think for the time being they can do a good job for the county.

Mr. Speaker, you realize that the Machakos City has gone to a standstill because we have not approved the board. Mr. Speaker even in our areas where we come from you will realize that we have some essential documents such as title deeds, and you know without titles it is a major concern for our people because they can't do their business well because they can't be given even loans in our banks. So this Land board I can say it is a board of great importance to the people of Machakos County. Thank you Mr. Speaker sir.

Hon. Speaker: I think that member if you heard his mood he was concluding the debate. Unless there is anything particularly important, the debate has been concluded by that Hon.

Member. And if you could allow me to put the question, unless honorable Dominic you think you may change that position?

Hon. Maitha: Mr. Speaker, I want to tell those members who are complaining that I am entitled to air my views.

Hon. Speaker: Please do.

Hon. Maitha: Mr. Speaker, I want to pass my kind regards to this honorable house for the justice they have done to the people of Mavoko Sub County as a whole. Mr. Speaker, land issues in Mavoko, it is in history that in the issuance of title deeds, land transactions were stopped sometime back by the national government because of the prevailing land cases.

Mr. Speaker the justice that this house has done to the people of Mavoko will remain in history, so we are telling them that we wish that the next nominee that is going to come here is the best nominee for Mavoko sub county who is going to help and participate in this board and try to stop all prevailing land injustices to the people of Mavoko. Thank you very much Hon. Members and we wish you all the best. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you. Let us hear the mover of the motion.

Hon. Ngunzi: Thank you Mr. Speaker. I want to thank members for their contributions and their observations and agree to their position that we approve five out of the seven that were presented and wish to thank all of you now that the county will move on as we await the nomination of the two or three other members. Thank you so much members.

Hon Speaker: Thank you. Then that paves way for the question that those in support of the report and the motion as presented and debated that the nominees be approved to the exclusion of Julius Muinde Musyoka of Yatta sub county and Benjamin K. Kitolo of Mavoko sub county.

(Question put and agreed to)

MOTION

ESTABLISHMENT OF MACHAKOS CULTURAL DAY

Hon. Veronica Mbithe: Thank you Mr. Speaker and the house at large. Mr. Speaker aware that in November last year UNESCO celebrated 50 years in Kenya, with the theme being together for peace and sustainable development; aware that promotion of peace, community integration and cohesion are good virtues that continually need to be campaigned for in the County; aware that sustainable tourism development stimulates employment creation; further

aware that rolling out programs that will tap and develop talents in creative arts to create jobs and mentor artists is one goal for the Ministry of Gender, Youth, Sports, Culture and Tourism, Mr. Speaker considering that communities display their cultural preservation through foods, drinks, dressing, music and dance, poetry, artifacts, architecture, herbal medicine, oral traditions and history; aware that this can only be displayed via a cultural day, noting that other counties like Trans Nzoia celebrated their cultural festival from 27th to 29th November, 2014, Mr. Speaker, I wish to move the motion that this Honorable house discusses and approves the establishment of Machakos County Cultural Day. I wish to call upon Hon Mueni to second the Motion.

Hon. Speaker: There is a hand up by Honorable Alice. What is the matter?

Hon. Alice Nzioka: Bw. Spika ningependa kuleta hoja ya majulisho, kwamba kulingana na amri ambazo zinaongoza Bunge letu, hatuna idadi ya kutosha katika Bunge letu kuendelea na huo mswada, Bw. Spika.

Hon. Speaker: Clerk advice. May the bell be rang, there is lack of quorum.

(Quorum Bell rung for 8 minutes)

Hon. Speaker: The Whip kindly help on quorum.

ADJOURNMENT

Hon Speaker: Hon. members, it is now eight minutes. Clerk, advise whether we have succeeded on quorum. The quorum has actually gone down to 14. We don't have any option than to have the house adjourned but with directions that these two motions shall take priority on Tuesday. Thank you and have a good evening.

The House rose at 4:45 p.m.