

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 7th April, 2015**

The House met at 2.32 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon Hon. Members. Let us proceed.**PAPERS LAID**

COUNTY BUDGET REVIEW AND OUTLOOK PAPER 2013/14

Hon. Speaker: Chairman, budget committee.**Hon. Ruth Ndumi:** Thank you Mr. Speaker, Sir. On behalf of the chairman Budget, I beg to lay the following paper on the table of the house today 7th April, 2015, budget and Appropriation Committee Report on the consideration of the county budget review and outlook paper for the 2013/2014 financial year. Thank you, Mr. Speaker, Sir.**Hon. Speaker:** Thank you. Paper laid. Proceed.**NOTICE OF MOTION**

COUNTY BUDGET REVIEW AND OUTLOOK PAPER 2013/14

Hon. Ndumi: Thank you Mr. Speaker, Sir. On behalf of the chairman Budget, I wish to give notice of the following motion that this assembly approves the budget and Appropriation Committee Report on the consideration of the county budget review and outlook paper for the 2013/14 financial year laid today, 7th April, 2015. Thank you Mr. Speaker, Sir.**Hon. Speaker:** Thank you. Proceed.

Hon. Ndumi: Mr. Speaker, Sir, I wish to request for a deferment of the motion until tomorrow afternoon. Thank you Mr. Speaker, Sir.

POINT OF ORDER

Hon. Nganga: Mr. Speaker, the paper being laid is a budget outlook paper for 2013/14. Is it right, Mr. Speaker, and we are in 2015?

Hon. Ndumi: Thank you Mr. Speaker, Sir. I am sorry it is 2015/16.

Hon. Speaker: Ok. Hon. Members, it is not in order to raise points of order when we are going through the order paper, so we must go through the Order Paper. Those are issues we should raise on matters of substantive debate. Proceed.

STATEMENTS

STATUS OF THE COUNTY EMERGENCY FUND ACCOUNT

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, on 5th March, 2015, a statement was sought in this hon. house on the status of the county emergency fund account. The emergency account has Ksh. 50 million which is still there, and Mr. Speaker, I think the statement has already been circulated, that is why I am not seeking the leave of the house. The Emergency account has Ksh. 50 million which is still intact. There has been no expenditure incurred on the account, the county treasury is on the process of drafting the emergency fund regulations to administer the fund as required by the Controller of Budget. Mr. Speaker, Sir, the regulations will be forwarded to this hon. house for approval to be operational. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Proceed.

MOTION

ANTI-CORRUPTION REPORT

Hon. Dominic Maitha: Thank you Mr. Speaker, Sir, and the hon. members. Mr. Speaker, Sir, aware that a report from the Ethics and Anti-Corruption Commission (EACC) was tabled in the national parliament by His Excellency, the President of Republic of Kenya, aware that in the report, certain issues touching the count government of Machakos were raised, further

to Standing Order No. 30(1), any member may at any time rise in his/her place and seek leave to move the adjournment of the house for the purpose of discussing a definite matter of urgent county importance.

Mr. Speaker, Sir, I wish to move the motion that this hon. house adjourns its normal business to discuss that matter before the National assembly and the senate concerning integrity of public officers. Thank you Mr. Speaker, Sir. I wish to call upon hon. Kathinzi to second my motion if you permit us to proceed. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Dominic Maitha, you moved to the house under Standing Order No. 30? Can we read together standing order number 30 (2). It reads: *A Member who wishes to seek leave to move the adjournment of the House shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter.....* Let us stop there. Did you comply with that particular portion?

Hon. Maitha: Mr. Speaker, Sir, I came to your office some minutes past eleven, we discussed the same, and you instructed me to seek the guidance of the Clerk. I proceeded, immediately to the office of the Clerk. He was not present, but as I was moving out, Mr. Speaker, Sir, I came across the Clerk, we went to his office and he called you under the instructions that you had issued and then you authorized for the motion to proceed, Mr. Speaker, Sir. So I did that two hours before this house convened, Mr. Speaker, Sir.

Hon. Speaker: Hon Dominic, I am asking, did you give a written notification?

Hon. Maitha: Mr. Speaker, Sir, I did not give a written notification but I came to seek leave from your office and you gave the go ahead, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Let us hear hon. Kathinzi.

Hon. Alexander Kathinzi: Thank you, Mr. Speaker, and the house at large. Mr. Speaker, two weeks ago His Excellency, the President issued a report from the EACC and in this regard in this report Mr. Speaker, it touched our highest offices in this county and also Chief Officers in our departments. Therefore, Mr. Speaker, it is in best interest of this house to protect the integrity of this county and maybe get more information what the President was trying to say because most of us are in darkness and try as much as possible to protect our government.

Therefore, Mr. Speaker, in this regard, we need to be provided with correct information because some of these things we have just been hearing them from the corridors. So this is why

we want to discuss this particular report in this assembly so that we can be able to know who is a culprit in this particular case, Mr. Speaker. So I stand here to second this particular motion in the best interests of this particular house. Thank you, Mr. Speaker.

Hon. Speaker: Then hon. members, I will allow the debate and frame the question that first we discuss on whether the house should adjourn and discuss the report as alluded by hon. Dominic Maitha. So let us debate on the matter for adjournment. Sorry, who is out of order, the Speaker? Let us hear hon. Kavuu.

Hon. Gideon Kavuu: Thank you Mr. Speaker, it may be just information. Mr. Speaker, I know that this house discusses matters which are official, I want now to know from you, whether you have received any communication from the National government because if you allow us to discuss that report and we do not have the report, what are we going to discuss, Mr. Speaker? Thank you, Mr. Speaker.

Hon. Speaker: Hon Kavuu, I will urge you to raise that point in opposition to the adjournment. But the position of the Speaker is that there is no official correspondence from the Senate. There is no official message from the Senate on this report. But let us proceed.

Hon. Joseph Kalunde: Mr. Speaker, Sir, aware that there are some people in Machakos county who were mentioned in that report and at the same time, all those people are required to be investigated, I find it a little bit awkward to start discussing something which is more or less equivalent to a case in court whereby people are not supposed to be discussing something which is in court.

(Applause)

So Mr. Speaker, I think that it is wrong and I am opposed to it.

Hon. Speaker: Thank you. Let us hear hon. Mueni.

Hon. Bernardete Mueni: Thank you Mr. Speaker, Sir. I support that we discuss this because this house is the eye of the county and most of the people out there do not know what is going on but when we discuss we bring our county to the open, so that they can understand what is going on. Thank you, Mr. Speaker.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker. With all due respect, Mr. Speaker, I am wondering what this hon. house is discussing now. Are we discussing a rumour, a speech by His Excellency the Governor, are we discussing a report which has emanated from the Senate or what are we discussing, Mr. Speaker? Mr. Speaker, when his Excellency the Governor delivered his speech here in this hon. house, the speech was not taken to the Senate neither to the national assembly.

Mr. Speaker, can we be shown the law which says when the President of this nation delivers his speech, to both houses, that is the senate and the national assembly, the counties have the prerogative to discuss the same speech when it has not come to the assembly as a report from the Senate, Mr. Speaker. Mr. Speaker, Standing Order No. 37 is very clear. It talks of messages to and from the Senate.

Sorry it is not Standing Order No. 37, it is No. 38-, messages to and from the senate subsection 4. *'If a message is received from the Senate, at a time when the Assembly is in session, the Speaker shall report the message to the Assembly at the first convenient opportunity after its receipt and in any event not later than the next sitting day.'* Mr. Speaker, that is why I am asking, what are we discussing?

Has the office of the Speaker or Clerk received any communication from the Senate or we are just discussing hearsay in the newspapers and in the media. Mr. Speaker, this house is a hon. house and I think what hon. Maitha has brought as a motion, this hon. house should not discuss such a motion at this time. Thank you, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Let us hear the mover to defend his motion.

Hon. Maitha: Thank you Mr. Speaker. I wish to bring to the attention of these hon. members that the report which is before me, that I am holding has been received by Machakos county assembly dated 2nd April, 2015. This is the official stamp of this assembly, Mr. Speaker. I am not discussing an illegal document. The matters behind this document are matters that are directly concerning the residents of Machakos County. The people mentioned in this report are Machakos county government officials, Mr. Speaker.

So the document we are just about to discuss, Mr. Speaker, is not a document that has been authored or brought to this assembly by hon. Maitha. It was officially communicated from the relevant houses and brought in this assembly and communicated. All the same, Mr. Speaker, the constitution is very clear, Article 10 of the constitution talks about the national values and principles of governance. It binds all state organs, state officers, public officers and all persons

whenever any of them applies or interprets this constitution. That is what this house is doing, Mr. Speaker.

An Act applies or interprets any law. This is a legislative arm of the county which is directly anchored in this constitution, Mr. Speaker. That is what we are doing. It makes or implements public policy decision. What does this house do Mr. Speaker? It does the same. The national values and principles of governance include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of people. And it continues to talk about other things, Mr. Speaker.

I don't think whether I am out of order under any circumstance to bring this report here to be discussed by this hon. house because senior and state officers of this county have been mentioned in this report. It was discussed in houses, the National assembly and the Senate. The Senate represents the interests of the county assemblies which is articulated in Article 96 of the constitution Mr. Speaker, the role of the senate as regard the county assemblies and county governments.

So Mr. Speaker, the report before us here, is a report that is directly touching us. I would like to say this Mr. Speaker, the hon. members present can try to kill the messenger, but the message is delivered, Mr. Speaker. So I would request these members to understand one thing, we can throw away this document, Mr. Speaker, but it has got far reaching implications that will affect us directly as a county assembly.

The results will be visible in this assembly not long or later at the end of the expiry of this financial year. So we better approach this document in a very sober way, discuss about this document, make whatever resolutions we are going to make but at the end of the day, Mr. Speaker, the voice of the people of Machakos county regarding the information in this document which is already in the public domain, shall be counted on the contribution, what this county assembly delivered.

So this document was brought in this assembly, received and every member knows that Machakos county government has been mentioned adversely. What we should be asking ourselves; what is the way forward, Mr. Speaker? Today we have officers who have been mentioned in this report, Mr. Speaker. Last week, the registrar of lands in the national government was arrested signing documents while illegally in office. What is the case in a situation whereby people have been discussed and mentioned in this report, Mr. Speaker? I want to tell these hon. members, we can throw the document out of the house, no problem, Mr. Speaker, but at the end of the day, when the repercussions of the information contained in this documents is going to be implemented, because this is a Presidential directive. If you read the constitution, it talks clearly about the powers of the office of the Presidency and it says how

the President can direct, Mr. Speaker.

POINT OF ORDER

Hon. Deputy Speaker: Thank you Mr. Speaker, for the point of order. Mr. Speaker, I have two points of order. I am sitting next to a security threat so I want to request that my security is enhanced. *(Indicates his seat which is not firmly fixed)* Mr. Speaker, on the second matter, the member is anticipating debate. We are debating on whether the report can be admitted to the house, with the leave of the house if it can be discussed, but he has gone ahead and started discussing the report. So through your ruling, you can restrain the house first of all to make a determination whether, through leave of the house, the debate can continue or not, Mr. Speaker, so that from there then we can delve into the matters that are contained in the report. Thank you, Mr. Speaker.

Hon. Speaker: The point of order is taken.

Hon. Maitha: I wanted to inform the hon. Deputy Speaker that I was not discussing the report; I was giving information regarding the document that was sought by the hon. Majority leader. Thank you, Mr. Speaker. So he is out of order.

Hon. Speaker: *(Laughing)*. Let the Majority Leader continue and conclude.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. Mr. Speaker, I had asked about the document which the hon. member was saying that it should be discussed by this hon. house, and he has said the document has already been received by the assembly. Mr. Speaker, if the document was received by the office of the Clerk or the Speaker whichever, of the two offices, I think if there is any communication there is a procedure of delivering the same to the house, Mr. Speaker.

Mr. Speaker, hon. member for Muthwani is neither a Chairperson nor is he a vice chairperson of a committee. For us to know there is a communication from the Senate or whichever quarters, if it is addressed to the Speaker, it should come to the Speaker and when he makes the communication to this hon. house, it is directed to a particular committee which has relevance in that communication. And it is after that the committee sits and brings the same to this hon. house, Mr. Speaker. Mr. Speaker, I am wondering how the member---

Hon. Speaker: Order, Majority Leader.

Majority Leader (Hon. Mwonga): Thank you.

Hon. Speaker: Have your seat. On the matter on how the report was received in the assembly, I did advice the office of the Clerk to seek a copy. So it was received to us on request by the Speaker. It is not yet an official communication from the senate.

(Applause)

So we proceed from that understanding. Let him conclude.

Majority Leader (Hon. Mwonga): Mr. Speaker, now basing my argument on what you have just said, then the hon. member wants us to discuss a report which is not properly in this house, Mr. Speaker. It was neither forwarded to this house from the national assembly nor was it forwarded to this assembly from the senate, Mr. Speaker. So this is something we should not be discussing and let us not waste much time discussing a document which is not admissible, Mr. Speaker. Thank you.

Hon. Speaker: Ok. Thank you. Let us hear hon. Ndeto at the back.

Hon. Festus Ndeto: Thank you Mr. Speaker for this opportunity to give my contributions. It has taken us two years in this assembly. We have been here three days in a week for the last two years and we discuss this motion or we fail to discuss it, but I believe truth shall always stand.

(Speaker consults with Clerk)

Hon. Speaker: Sorry about that. We were consulting on an important matter on this subject.

Hon. Ndeto: Ok, thank you. I was saying if you remember, Mr. Speaker, after the first three months in office march to June, 2013, there was the Auditor's report that came which to date has not been discussed in this house.

POINT OF ORDER

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Hon. Joseph Muli: Thank you, Mr. Speaker. I would like to know from the hon. member, if he is trying to guide us on the proceedings from the previous sittings when we started or he is trying to contribute on issue of if this motion should be debated or not. Also Mr. Speaker, on the issue of emphasizing that, we are not ready to debate about this thing, and we wonder, Mr. Speaker, why the hon. member is trying to convince us, Mr. Speaker----

Hon. Speaker: Order hon. member, you are already raising a point of order you are not supporting, that is only a point of order. Let us hear hon. Ndeto. Kindly restrict yourself on the matter at hand, the matter for adjournment.

Hon. Ndeto: Just to inform the immediate speaker that---

Hon. Speaker: The immediate speaker is the Speaker.

Hon. Ndeto: Ok. Sorry Mr. Speaker, the member who rose on a point of order. In order to know where you are and where you are going, you have to know about the past and the present.

Hon. Speaker: The ruling is that you concentrate on the matter at hand.

Hon. Ndeto: Thank you. I want to state this; I propose that we discuss this document because before we adjourned the Assembly. We adjourned to follow the proceedings of the same document in the National assembly and also in the Senate because it was a matter of national importance, it was of county importance, then today we need to know, having adjourned the house to go and follow the same, how important was the document that was discussed in the two houses? Now that the document is with us today in the house, requested by the Speaker as he said, we need to discuss this document because it is touching on very sensitive matters of the county. Thank you.

Hon. Speaker: I think hon. members, I would rather we take this route that the content of the report that is alluded, although not officially with us, is important for the county.

(Applause)

I will urge that you allow the office of the Speaker to liaise with the National assembly and the Senate to get the entire copies of the HANSARD, circulate to members and then

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adequate direction will be offered after we do that. We shall report on the progress of the matter by Tuesday, next week.

(Applause)

Let us proceed. Yes.

Hon. Cornelius Kitheka: Mr. Speaker, I don't see the essence of postponing this discussion.

(Loud consultations)

Hon. Speaker: Hon. Kitheka, you are out of order. A ruling has been made on the matter until next Tuesday. Order! Let us proceed, Clerk

CENSURE OF THE SECRETARY OF THE COUNTY PUBLIC SERVICE BOARD

Hon. Sammy Nduva: Thank you, Mr. Speaker. Mr. Speaker, I am standing here to move a motion to discuss the censure of the secretary of the County Public Service Board (CPSB), one Rosemary Mulee. Mr. Speaker, I want to request, through your Chair, because there are still some substantial documents that I have to receive to pass this motion.

(Laughter)

Mr. Speaker this is a crucial motion and this document with me here is full with information concerning this information. Mr. Speaker, I would like to request, through your Chair, to be given up to tomorrow in the afternoon so that we can discuss this motion. Thank you, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Order Hon members. You will be out of order if you are found uttering offensive words to the respectable chairperson. Hon. Sammy Nduva, this motion has been adjourned three times and you have always been ready to proceed. It is your moment.

Hon. Nduva: Mr. Speaker, Sir, I think the documents have arrived----

(Laughter)

So Mr. Speaker, with your permission, you can allow us to continue and discuss the motion, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Order hon. members. Now guide us now that you have the documents on your motion.

Hon. Nduva: Mr. Speaker, I requested, through your Chair, for this motion to be adjourned until tomorrow because some of the crucial documents were not with me but I believe now the seconder of the motion is in the house, so he can second the motion and, Mr. Speaker, we can continue to discuss the motion. Thank you, Mr. Speaker.

Hon. Speaker: So it is your request to have the motion done today or tomorrow?

Hon. Nduva: Mr. Speaker, today.

Hon. Speaker: Let us hear the seconder of the motion.

Hon. Edrick Ngunzi: The mover of the motion has requested to be allowed up to tomorrow to come up with documents that are missing today and in the motion but I don't know whether he wants it seconded today and discussed tomorrow. If that is the position, I second that.

Hon. Speaker: I think there are matters that are emanating that we need to analyze. Yes Hon. Kamotho.

Hon. Wilson Kasimu: Mr. Speaker, Sir, I am Hon. Willy Mukewa, Matungulu East ward. I am seeing a scenario where the two members are confused. It has been a long time, we have been waiting for the motion and the day has come. The mover of the motion has said tomorrow, after a few minutes today, the seconder of the motion, who has not been mentioned by the mover of the motion, says tomorrow. This is confusing. Mr. Speaker, you need to do something about

this and the Whips of the house to crack the whip on these members. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think the matter goes back to the mover of the motion. The feeling of the Speaker is that the motion proceeds.

Hon. Nduva: Mr. Speaker, I think there is confusion here and this is a matter of importance and since the seconder of the motion was not in the house when I was reading the motion, Mr. Speaker, without losing direction, you can advice, through your Chair, because now the seconder of the motion is here that he is ready to second the motion. Mr. Speaker, I am armed with the documents that this house wants to hear about the motion. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Nduva, the Speaker cannot advice on your motion. The best the Speaker can do, would be perhaps dismiss the motion. Let us hear the legal committee chairman there, hon. Itumo.

Hon. Joseph Itumo: Thank you Mr. Speaker for giving me this important chance. Mr. Speaker, I am Hon. Brother Joseph Itumo, a born-again Christian.

(Laughter)

Mr. Speaker, there seems no coordination between the mover and the seconder of the motion and Mr. Speaker without wasting time, I urge this hon. house throw this motion through the window of this hon. house. Thank you, Mr. Speaker.

Hon. Speaker: Let us hear hon. Manyolo.

Hon. David Manyolo: Thank you Mr. Speaker, Sir. Once someone is confused like a bag of potatoes bag, there are so many problems. Mr. Speaker, Sir, according to the Order Paper, that---

Hon. Speaker: Hon. Manyolo, you may have to withdraw that statement.

Hon. Manyolo: I withdraw Mr. Speaker, Sir, but the point of order is we don't have Standing Order 195 (f) according to the Order Paper Mr. Speaker, Sir. So, Mr. Speaker, it seems the motion is not well prepared. We throw it through the window.

Hon. Speaker: Kindly be patient with me. Let us hear hon. Kilonzo.

Hon. Timothy Kilonzo: Mr. Speaker, Sir, the two hon. members who come from almost one area are confused and the document that they have prepared is a very huge document that we need to be given and read it for a week before it is brought back. Or else, Mr. Speaker, if that cannot be done, we throw it out through the window.

Hon. Cecilia Sereka: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, I think the mover of the motion is a hon. member and he can't bring something which is not good in the floor of the house. Mr. Speaker, I may urge the house and the hon. members to give the member ample time, maybe tomorrow in the afternoon to bring the motion so that he can go and correct the motion. Mr. Speaker, I think the problem is not the mover alone. Even the Clerk who was drafting the motion, could have seen there is no Standing Order like that.

So Mr. Speaker, Sir, the motion is very good to our county assembly and to our county, may I ask kindly the mover of the motion to go back to the drawing board and bring the motion tomorrow. Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

Hon. Nganga: Thank you Mr. Speaker. I want to concur with my predecessor. Mr. Speaker, the matter before this house is not a light matter, a matter touching on the competence of the CPSB is not a small issue that this county assembly can wish away. Mr. Speaker, realizing that in the categorization of assets, human resource is one of the assets any institutions or community can rely on to achieve development. Mr. Speaker, if we don't harness the potential that we have from our human resource as a county, we will fail to propel this county to the direction with which this county Assembly and the county executive, led by His Excellency the Governor would want to achieve within the period that we have been given to serve in the respective offices that we hold.

Therefore, Mr. Speaker, the mover of the motion has a huge file containing information relevant to the motion before us, Mr. Speaker. I would like, through the ruling of the Chair, that the mover of the motion be allowed to table his matter before the house and then we have those documents circulated to members so that they can inform the debate that this house is going to go through because any matter of human resource or public service in our county is a matter of interest, it is a matter each and every one of us wants handled, Mr. Speaker.

It is a matter that has seen previous motions come before this house Mr. Speaker, so for us to be able to address this matter once and for all, let the member table the documents that he has and that are privy to him, to be analyzed by every member and then from there we can defer the debate on the matter to come and discuss while we are properly informed by the documents that the mover of the motion would want to use to support his motion. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Yes Majority Leader.

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to start by disagreeing with those members who are saying we throw this motion through the window. Mr. Speaker, I will only say that the mover of the motion got confused when he looked around and he could not see his seconder. Mr. Speaker, even if it were me, I would still get confused. For the benefit of getting confused, Mr. Speaker, the mover is non-committal whether the motion should proceed now or whether it should be deferred to tomorrow.

Mr. Speaker, I want to concur with the Deputy Speaker who is the member for Ikombe ward. It is a motion which carries a lot of importance in it. Mr. Speaker, we are talking about the human resource in our county which the mover of the motion wants us to discuss about the secretary of the CPSB. Mr. Speaker, as I agree with him that this motion be deferred to tomorrow in the afternoon, I would also want to advice him that it is not only the CEO who should carry the blame of the CPSB, as a whole. He should think of amending the motion and include all the members of the board, Mr. Speaker, because if the board messed, it is not the CEO who messed, Mr. Speaker. Mr. Speaker, the CEO implements the resolutions of the board, Mr. Speaker. So Mr. Speaker---

POINT OF ORDER

Hon. Kilonzo: Mr. Speaker, Sir, that member is misleading this house. We have not read the document, so we should read the document and know who is wrong; we cannot punish the whole board, Mr. Speaker.

Hon. Speaker: Ok. The point of order is taken.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. Then I stand by the chairman's suggestion that this motion be brought tomorrow in the afternoon, Mr. Speaker. Thank you.

Hon. Speaker: Thank you. But then hon. Majority Leader, there is actually no motion before the house, because the motion has not been seconded. The Standing Orders are binding on me and that the motion must fail.

Majority Leader (Hon. Mwonga): Mr. Speaker, remember the motion was tabled and seconded in this house and it has been deferred two times. If my mind serves me right, I think it was tabled and seconded. For today, it was discussion, Mr. Speaker.

Hon. Speaker: Let us get those details from the Clerk to confirm as we hear hon. Matheka.

Hon. Francis Matheka: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, I was wondering whether it is in order for the mover of the motion to give us two versions; one version is that there are some important documents which he was waiting for and again he says that the seconder of the motion has come in. Which version do we buy from him? Mr. Speaker, is it in order for a hon. member to treat this hon. house with some theatre tricks, camera tricks? This time he is saying this, the other time he is saying that. Which is which Mr. Speaker, Sir? We need to know the exact position so that we can move ahead or we wait for tomorrow we debate the motion? Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. I have confirmed, the motion was indeed seconded, so it is properly in the house. Let us hear Hon. Kathinzi.

Hon. Alexander Kathinzi: Thank you, Mr. Speaker. I think Mr. Speaker we are speaking the same language but using different phrases, because now the mover of the motion is here and the seconder is also here and I think the document they have is of great importance for this particular county, Mr. Speaker. It is of great importance that we give them ample time to view whether they can adjourn or they can defer the motion tomorrow in the evening so that we can at least interact with them and give us enough information about what they have before the meeting tomorrow, Mr. Speaker. Thank you.

Hon. Speaker: I think I am persuaded that we give the chairman some more time, Hon. Members, unless you are of a contrary view?

POINT OF ORDER

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Hon. Nganga: Mr. Speaker, I would like to request, through your decision, the mover of the motion has already moved the motion and it has been seconded and he has documents that would stand to prove his case before the house. I think it is also proper that the member shares those documents with the members of the house so that when we come for debate tomorrow, we come informed. Because already, everything that he has concerning the public officer is also public information, Mr. Speaker, and as members of this house we are entitled to access to that public information.

So I think you can compel the member to table the documents that he has before the house right away so that from that point, we can start analyzing them and when we come here tomorrow, we make a decision from a point of information, Mr. Speaker. So I request that you order that decision be dealt with.

Hon. Speaker: Hon. Members, I refuse to take those instructions. The Hon. Member is in charge of his motion and he knows how to support his motion. Hon. Mover of the motion, kindly advice how long would you need; tomorrow, next week and then you can circulate your documents to members.

Hon. Nduva: Mr. Speaker, Sir, I am happy now the house is taking its course. Mr. Speaker, I wonder when hon. members stand to say a motion should be thrown through the window and the motion has not been discussed. It means, Mr. Speaker, we are sitting here to get instructions. Mr. Speaker, the circumstances that had made me to request, through your Chair, that this motion be read tomorrow in the afternoon were concrete to me because I don't need to stand here and just appoint a hon. member who has no information about this motion to second the motion.

Mr. Speaker, it is a shame to me and the house, at the same time, because the seconder was not in the house when I was reading the motion and I knew he has some details of what we are discussing here, that is why I had requested, through your Chair, that we discuss this motion tomorrow in the afternoon. Mr. Speaker, I tend to believe that whatever is discussed in this house it is honorable and it should be given time for this members to discuss and digest the matters concerning whatever we are discussing.

So Mr. Speaker, I request, through your Chair, that this motion, I bring it tomorrow in the afternoon and request these hon. members to take time when a motion comes here and listen to its contents. Secondly, Mr. Speaker, I want to go contrary to Deputy Speaker's suggestion I should circulate the information I have to the members because Mr. Speaker, I think giving members leeway to have chicken and there is no chicken this time----

(Laughter)

So Mr. Speaker, I want to request this hon. house, through your Chair, to allow this motion to be discussed tomorrow.

Hon. Speaker: I agree.

Hon. Nduva: Thank you Mr. Speaker. I have not pin-pointed anybody, Mr. Speaker.

Hon. Speaker: I take the point of order but before that Hon. Nduva, kindly put this hon. house into light. What do you mean by chicken?

Hon. Nduva: Mr. Speaker, if you have heard the song which was going round when I had not seen the seconder of the motion, the song was 'chicken, chicken'. So Mr. Speaker, I am thinking, since I have never come across that, when the documents are requested to be circulated so that the members have the information of what we are supposed to discuss here, then I think it is that song, Mr. Speaker, and I heard it here today.

Hon. Speaker: Thank you. Let us hear the Deputy Speaker.

Hon. Nganga: Mr. Speaker, I wanted to request that the member needs to apologize to members for imputing an improper motive that once he circulates information that is meant for consumption by the hon. members, they will go and eat chicken. It seems he himself has some details about some chicken that is available somewhere for someone to eat. He has that information and that---

Hon. Speaker: Can you address the Chair?

Hon. Nganga: Mr. Speaker, the member is imputing improper motive on hon. members of this house by saying that once he gives out the information that he has, members are going to eat chicken. Maybe after apologizing he should also elaborate where the chicken is and who is giving out the chicken so that as we deal with the motion, we can also deal with the chicken brooder. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Deputy Speaker, if I heard the mover of the motion clearly, he said he did not even know what chicken. He only heard shouts of chicken from this house. So to that

extent, he is protected. Hon. Members, let us agree with the request that we hear this motion tomorrow at 2.30 p.m. Thank you very much.

ADJOURNMENT

Hon. Speaker: That is all for the day. Let us meet tomorrow and have a good evening.

The House rose at 3.34 p.m.