

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

The House met at 2.50 p.m.

*[The Speaker (Mr. Bernard Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****TIMELINE OF SPECIAL AUDIT REPORT**

Hon. Speaker: Hon. Members, as a communication that is a resultant of the ongoing debate related to the Finance, the report on PAIC (Public Accounts Investment Committee). Hon. Members, on the 1st July, 2015, the Public Accounts and Investment Committee (PAIC) tabled the special audit report on the county Government of Machakos and the five local authorities during the period from the 1st January to 30th June, 2013.

A number of Hon. Members objected to the report saying that it is unconstitutional since it was being presented to the house long after three months set under Article 229 (8) of the constitution. Hon. Dominic Maitha stated that the report is obsolete and that this house should not waste time listening to it and that this house should throw it out of the window and request for the 2014 audit report.

The audit report was received in the Assembly on the 17th February, 2014 and thereafter tabled before the Public Accounts and Investment committee, which has been considering it until March 2015 when the said committee wrote this report. If the assembly received the audit report, on the February 2014, it means that by June 2014, the assembly ought to have debated considered and acted upon the report. In June 2014, Hon. Dominic Maitha was still the chairperson of the public accounts and investment committee. Perhaps the Hon. Member for Muthwani is better placed to inform the house why he did not lead his committee then to undertake his constitutional mandate within the prescribed time.

As it may, the Chair has enquired from the Clerk's office on the cause of the delay of the report of the committee. The Auditor General's report is heavy and needed in-depth research. The Committee had to scrutinize large volumes of documentary evidence provided by the county secretary and other members of the executive. Besides, the committee had evidence of about 10 witnesses from the executive whose busy schedules necessitated the adjournment of the sittings numerous times.

Also the committee made visits to different offices of the executive to verify certain information. Further, officers from the Auditor General's office led the interrogation of the audit report. They too were busy and getting them was not easy. This coupled with the fact that in

early 2014, the assembly lacked adequate technical and human resource capacity to undertake several functions means that the report would not have come earlier.

Hon. Members, we note that this is a special audit report rather than the annual audit report..... (inaudible) to the six months transitional period when the local authorities handed over to the county governance. Hon. Members, the issue of delayed audit report is not unique to Machakos. The revision of revenue bill for the 2014/15 financial year is based on the audit report of 2009 and 2010 financial year simply because these were the latest audited accounts when the budget was being developed. Audit reports provide crucial information on how public funds are being managed by Government entities and in our case, the County Government. They confirm whether or not public money has been applied lawfully and in an effective way. Such reports are crucial in detecting and preventing economic crimes.

Audit reports make recommendations for institutional reforms to see loop holes through which public resources are wasted and to make recommendations for the recovery of public funds which have been misappropriated. Therefore, until we have absolutely, efficient Government institutions that deal with all public funds lost through corruption are recovered any report of the same cannot be said to be obsolete. If not for any other purpose but for record purposes audit reports are important. All in all Hon. Members, let me point out that a year is an inordinately long time. In future, committees are urged to take the mandate within the set time limits. I do thank the members who highlighted the issue of delay of the report to this house.

The fact the report is..... (inaudible) does not invalidate it. I therefore rule that the report of the Machakos County Public Accounts Committee on special audit report of the county government of Machakos and the five local authorities during the transition period from 1st January to 30th June 2013, is properly laid before the house. Therefore the Chairperson, the public accounts and investment committee is at liberty to proceed on the matter for debate. It is so ordered. This decision to make this communication has been informed by the debate that engaged us last week and it is important that the Speaker offers direction so that we do not waste time on a matter that the Chair has made his mind. So let us proceed.

NOTICE OF MOTION

CAR LOANS AND MORTGAGES AS PER THE SRC CIRCULAR

Hon. Speaker: Yes, Hon. Christine Mwendu.

Hon. Christine Mutune: Mr. Speaker, Sir, I wish to give a notice of the following motion; that this Hon. House discuss and approve that Hon. members be given car loans and mortgages as per the SRC circular reference number SRC/ADM/CIR/1/13/ Vol. 3 page 128, dated 17th December, 2014. Thank you Mr. Speaker, Sir.

Hon. Speaker: Proceed.

MOTION

CAR LOANS AND MORTGAGES AS PER THE SRC CIRCULAR

Hon. Speaker: Let us hear the matter from Hon. Christine.

Hon. Christine: Thank you Mr. Speaker, Sir. Aware that the Salaries and Remuneration Commission (SRC) on 27th November, 2013, issued a circular on car loan and mortgages facilities for members of county assembly; aware that each member was entitled to a car loan of Kshs.2 million and mortgage facility of Kshs.3 million, all payable at 3 per cent per annum and repayable within five years or before the end of the term whichever is earlier. Mr. Speaker, the Salaries and Remuneration Commission on 30th September, 2014, issued another circular on car and mortgage loan scheme for the county executive committee members who are entitled to a car loan facility of Kshs. 2 million and mortgage scheme of Kshs. 3 million, both at 3 per cent per annum to be repaid within the term of contract.

On 17th December, 2014, SRC issued a third circular on car loan and mortgage scheme for the state officers and other public officers. That specifically referred to the Governor, Deputy Governor, Chief Executive Officers, and Public Officers from job group A to S are to benefit. Aware that, Governors and Deputy Governors are elected Officers like MCAs, this circular offers possibility of better offer of the loans that previous one. I wish to move the motion that, this Hon. House discusses and approves that Hon. Members be given car loans and mortgage as per the SRC that circular of 17th December, 2014. Thank you Mr. Speaker, Sir. I call upon Hon. Benedette Mueni to second.

Hon. Bernardete Mueni: I stand to second the motion that we be given the money because even if we are not being given the money they will not help anybody so---

(Laughter)

Mr. Speaker, Sir, I call the House to discuss and approve that we be given the money without wasting time. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: The motion is laid but Hon. Mueni, I don't understand when you say the money will not help anybody.

Hon. Mueni: Yes, Mr. Speaker, Sir, because now we are here for a time but not permanent. So those who will come, they will not get the money, and we are also not given the money, so it is not helping anybody. Thank you.

(Applause)

Hon. Speaker: Okay, let us hear Hon. Dominic, Hon. Itumo.....two, three, four, five, six members.

Hon. Dominic Maitha: Thank you Mr. Speaker, I think without sparing more time on this motion the best thing you can do is to put the question. The first circular came, the second circular came and the third has come. Now we are going to deal with the latest information which is the circular of 17th December 2014 so that the chairman of budget committee can organize, by the end of this week we have a supplementary budget we allocate the monies and we move forward. Thank you, Mr. Speaker. May you please Mr. Speaker, put the question.

Hon. Speaker: Yes, let me take a point of order.

POINT OF ORDER

Hon. Francis Matheka: Thank you Mr. Speaker, Sir, and the house at large. Mr. Speaker, Sir, we are talking of a circular and we don't know the content of the circular. May the mover of the motion bring us to light about the contents of the circular because we might be talking of a circular and we don't know the contents and thereafter something else comes? Please I ask whether the mover can bring us to light about the contents of the circular. Thank you.

Hon. Speaker: I allow the point of order. The circular is dated when? Hon. Matheka, there is satisfaction on the point of order?

Hon. Matheka: Yes, Mr. Speaker, Sir. Now we can move on.

Hon. Speaker: Alright. Let us proceed in the order that I had indicated.

Hon. Matheka: But Mr. Speaker, Sir, this is 27th November, 2013. Okay Mr. Speaker, Sir, it seems my eyes are not serving me well but the other Hon. Members have shown me where it is. Thank you.

Hon. Speaker: Thank you.

Hon. Joseph Itumo: Mr. Speaker, I may say, this is one of the most obvious times in my life because I stand here to support this particular motion that we be given this kind of loans that are being charged at a low rate Mr. Speaker. Mr. Speaker, you realize that we are one of the elected members and as per the chief officers still Mr. Speaker; they are to leave after even the five years term Mr. Speaker. Mr. Speaker, we don't want to go out there and be mocked or abused because we look like less fortunate a people who one time were members of Assembly Mr. Speaker.

Mr. Speaker, we want to be honored, we want ourselves to be somebody who can lead as leaders. Mr. Speaker, once we are provided with this particular loan as per the Sarah Serem circular, we will be(inaudible) guys and leaders because I know this Hon. Members are going to do the best investments they can and soon you are going to meet them just being looking honourable. I do not expect you to meet somebody who was a honorable member, but he

is looking a less fortunate man. Mr. Speaker, I don't want to meet you outside and start following you Mr. Speaker 'can you buy me a cup of tea' and all these.

Mr. Speaker, I would like to ask the members of this particular house to see the light in this particular motion and as one of us who has just stood here said that the question Mr. Speaker, even if you put the question now think Mr. Speaker, it will be answered with one voice of ayes" Mr. Speaker. So, I urge the Hon. Members to see the importance of this particular motion and all in unison then we pass this particular motion. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Itumo, Chairman Legal affairs committee, I don't know whether you are thinking with me. What does the constitution tell us on motions that benefit the sitting house?

Hon. Itumo: Sorry, Mr. Speaker.

Hon. Speaker: What is the position on the law or the constitution?

Hon. Itumo: Mr. Speaker---

Hon. Speaker: Let us hear Hon. Kyuli.

Hon. Kyalo Kyuli: Mr. Speaker, I stand to support this motion that....and Mr. Speaker, if you can remember, the other time that we were deliberating the instruments to operationalize this from the side of the executive. Mr. Speaker, in the said circular, there is some expectation from the SRC, the Salaries and Remuneration Commission, that they are expecting that the implementation of the benefits will even motivate the public officers.

That is one of the very important thing that we are finding in this circular, that already Mr. Speaker, it is only us to operationalize the said circular and for us to operationalize the same, Mr. Speaker, that is why the motion is on the floor of the house and I am supporting it 100 per cent. Secondly, Mr. Speaker, again where the scope and eligibility comes in, it is only those who are not enjoying now and as an assembly Mr. Speaker, we are not enjoying these benefits.

So therefore Mr. Speaker, we need this fast tracked as the circular also directs us in part four, where they are talking about the financing that the county government shall set the necessary finances for this, Mr. Speaker, that we are now having a motion that can operationalize this particular scheme. So Mr. Speaker, without much ado, as everybody contributes Mr. Speaker, I believe that we are all in support of this and because there is a leeway, where Mr. Speaker, we are given enough time to pay or to repay, Mr. Speaker, can this particular issue be fast tracked so that we can start reaping the benefits and even the motivation in it, Mr. Speaker. So I stand to support Mr. Speaker. Thank you.

Hon. Speaker: Thank you. I think it is important we hear the Majority Leader.

Majority Leader (Hon. Joshua Mwonga): Mr. Speaker, in this I am with members 100 per cent. I think before I make any comment on this, although I am supporting, Mr. Speaker, I

think we need some more clarification of this, Mr. Speaker. Why Mr. Speaker, I say this? Mr. Speaker, on threshold, that is number five that is, page 204 on members thresholds, Mr. Speaker, I want to know where the members of the Assembly and maybe the members of the national assembly and the Senate lie, because Mr. Speaker, in the categories given there of state officers, Mr. Speaker that is number 5 threshold Mr. Speaker.

It talks of the Cabinet Secretary, Attorney General, Secretary to the Cabinet, Chief of Defence forces, County Governor, Auditor General, Principal Secretaries, chairpersons and members of the independent commission, Controller of Budget, Director General of National Intelligence Service, Inspector General, national police, Vice of Chief of Defence Forces, Commander of Kenya Army, Commander of Kenya Navy, Commander of the Kenya Air force and Mr. Speaker, on the other page, it continues Mr. Speaker, Registrar Political Parties, Secretary.....to the last which is Criminal Investigation Department Mr. Speaker. That is the category which is given under the state officers Mr. Speaker. When you go to other public officers Mr. Speaker, the elected members are not also there Mr. Speaker, that is where.....allow me to finish please.

Mr. Speaker, we may rush and pass this one thinking that it is going to benefit the members and we find ourselves passing this for other people, Mr. Speaker. Down there, the last paragraph, the purpose of this, the second to the last Mr. Speaker, the purpose of this circular is to convey the approval of the commission on the car loan and mortgage scheme for the state officers and other public officers serving in the executive arm of the government and independent constitutional commissions for your further necessary action, Mr. Speaker.

Looking at this that is why we are having state officers who are working under the executive arm of the government and it is leaving out the political arm Mr. Speaker, who are also state officers, Mr. Speaker. So that is why I am saying think we need more clarification on this Mr. Speaker. Let us not rush on this issue. Mr. Speaker, I need this money as at yesterday but let us be sober deliberating on this Mr. Speaker. We may pass it here in a rush Mr. Speaker, and find it that we are not within the category of state officers, Mr. Speaker. Thank you, Sir.

Hon. Speaker: Let us hear Deputy Speaker---

Hon. Nathanael Nganga: Mr. Speaker, the matter could not be better said than that. I will also continue to refer you to the first page on the third paragraph and it says that 'it is expected that the implementation of the benefits will motivate public officers and immensely contribute towards attraction and retention of requisite skills in the public service' in line with the constitutional principles under Article 230 (5) of the constitution. And down their under scope and eligibility, Mr. Speaker it says that 'the scope of the car loan and mortgage scheme shall include all state officers and other public officers who are currently not enjoying these benefits and who are employed on permanent and pensionable basis for public servants and state officers who are either on full time or part time basis.'

Mr. Speaker, it is to the full knowledge of this house that there is already a scheme that members are under, enjoying already Mr. Speaker. We have a scheme where members have been allowed to enjoy the car loan and the mortgage and it will put this house in a quagmire if we

move with the speed that they want and then implement something that contradicts the prevailing and national institution guidelines.

So I want to guide members that in as much as we are in need of this I can see this circular as grey areas and as the Majority Leader has pointed it out, the objective of the drafter of this circular was made to address concerns on the county executive and national executive arms of Government, and with that notice, it will be wrong to pass a motion here that does not have an effect and if allowed, Mr. Speaker, then with those observations and through the guidance of the Chair, this motion can only be improperly before this house and the only way out Mr. Speaker is disallow continuity on discussion of this motion because unless all these areas are clarified about, Mr. Speaker, we may find ourselves in the wrong.

It is very explicit, it is very clear that this circular is not addressing concerns of the assembly. Because we do not have the senate here as the Majority Leader has said, Members of the National Assembly are also not included in this circular and therefore in as much as we need money on the right channels so that once you out of office, or maybe still while you are back in office, you will be recalled and come to pay public crimes that you might have committed. We have seen Kimunya and others languishing in court of law. It is proper that tread carefully my dear colleagues.

So I want to appeal that, as it has been observed, this matter seems to be improperly before the house and maybe approving it to benefit those that have been clearly indicated to benefit from the matter but not members of the house because, Mr. Speaker, I know if we pass it now here, tomorrow members will have the applications ready on your table and you may find yourself in a fix, unable to explain why you cannot issue out cash while you allowed a motion that is not properly structured on the floor.

Thank you, Mr. Speaker. So I beg to oppose that we approve this because, certain grey areas have not been clarified by the organ that had been mandated to explain some of this issues. I beg to stop there, Mr. Speaker. Thank you.

Hon. Speaker: Let us hear the Chairman, budget.

Hon. Isaac Muinde: Thank you Mr. Speaker. First I want to differ with the immediate member that the motion is not properly in the house because the circular is also addressed to the Clerks of the county assemblies because we pass laws that even guide the executive arm of the county government and that latest circular is also addressing members of our staff and the executive arm and laws can only be passed here.

Mr. Speaker, there are three circulars here; there is circular on 27th November, 2013 that talked in review of remunerations and benefits for members of county assembly. We did pass regulations in this house and we already have a scheme, a car loan scheme and a mortgage scheme which members of the assembly are currently enjoying.

Mr. Speaker, the second circular written on 30th September, 2014, was meant for the CEC of the county government. The remunerations benefits for county executive committee members, car and mortgage loans schemes. Mr. Speaker, there are no contradictions here. It is so clear that this is targeting the CECs. The circular now under question Mr. Speaker, the one written on 17th December, 2014, is very express. There is no ambiguity also. It addresses other

state officers specifically not in county governments but it does say ‘car loans and mortgage schemes for state officers and other public officers of Government of Kenya’ and on the threshold the Majority Leader has even read out the intended beneficiaries but on other public officers, Mr. Speaker, you will find that we have our own staff under the executive arm.

These are now the people who are targeted. So it is clear that members of assemblies are not being addressed by the third circular but our staff who are not included in the first and the second circular. You remember even in the first circular the Governor, who is an elected member in the county Government, was not addressed there. But in the third circular he is being addressed together with the other state officers of the government of Kenya, not the county governments, Mr. Speaker, and when you look at the same circular, on page 204, note number three, implementation and administration of the benefits and I beg to read; ‘the car loan and mortgage scheme for state officers serving in the executive arm of the government and the independent constitutional commissions shall be administered and managed centrally by the National Treasury.

So it so clear, that it is not under us. That which is under us, our own public service board or the county public service boards are administering these. So, Mr. Speaker, I urge members to read carefully this circular is addressing other state officers and public officers who are not addressed in the first and second circulars so the motion is properly in the House because some beneficiaries of this circular who are not members of county assemblies but our own staff under the executive arm in various job groups. So I support to the extent that it benefits those staff but perhaps the mover of the motion had in mind that members of the Assembly are part of this and I want to read that for sure the members are not addressed here. Thank you, Mr. Speaker.

POINT OF INFORMATION

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to inform the chairman of the budget committee that when circulars come to the assembly or to the executive arm, Mr. Speaker, for them to be implemented Mr. Speaker, they don’t need or they don’t require a motion to be passed by the assembly. Mr. Speaker, when the DS said that the motion is not properly---

Hon. Speaker: Order, order Hon. Majority Leader. I don’t know exactly what you mean by the DS.

Majority Leader (Hon. Mwonga): Mr. Speaker, it is the short form for the Deputy Speaker.

Hon. Speaker: Proceed.

Majority Leader (Hon. Mwonga): So Mr. Speaker, I just wanted to inform the chairman of the budget committee that for circulars to be implemented, they need not come to the house as a motion but what we need are regulations, Mr. Speaker. Thank you.

Hon. Speaker: Anything, can we hear somebody else.

Hon. Alice Nzioka: Asante Bw. Spika. Nimesimama kuunga mkono maelezo ambayo tumeelezwa na mwenyekiti wa kamati ya bajeti. Lakini Bw. Spika, kwenye huu mwongonzo ambao tuko nao tunasoma sasa, juu ya mkopo wa gari na makaazi. Bw. Spika, sisi kama waheshimiwa wa bunge, tumeagizwa kupewa milioni mbili za kununua magari na tupewe pia milioni tatu kwa kutafuta makaazi bora sisi kama waheshimiwa. Maoni yangu ni kwamba, mwanzo tunashukuru maana tulipewa milioni mbili za kununua magari, Bw. Spika, nauliza tuna kamati ambayo inashughulikia milioni tatu za kutafuta makaazi bora kwa waheshimiwa. Ningependa kuuliza sisi kama bunge tupitishwe kwamba, wakati unaenda kwenye hio kamati kuona upitishwe upate hizi pesa milioni tatu zimewekwa matakwa mpaka sisi kama waheshimiwa, wengi wetu hatujafikia kupata hizi pesa.

(Applause)

Sisi kama Bunge tupitishwe kwamba sehemu mingi Bw. Spika, ukienda unaitishwa hatimiliki ya shamba sehemu kama kwetu Masinga hatuna hatimiliki.

(Applause)

Bw. Spika, sisi kwa mfano ambao waheshimiwa tunatoka sehemu ya Masinga, Yatta inaonekana hatutakua na makaazi bora ya waheshimiwa sababu matakwa ambayo yanasemekana ukabiliane nayo ili upate mkopo sasa inaonekana sisi hatutafikiwa. Basi Bw. Spika, sababu tulikuwa raha mstarehe tulikua tunafikira hatukusoma, unajua wakati uko na shida vitu zingine ukiona husomi kabisa tuko watu na raha mstarehe kusema kwanzia leo, kesho tutapata milioni kumi na tano, lakini sasa inaonekana Serem hajasema hivo.

Ni shida imetupeleka harakaharaka. Kwa hivyo hiyo kamati tutoe mwelekezo nayo matakwa yameekwa hatimiliki mara huku chini mara kule juu tupewe hizo milioni tatu tutafute la kufanya. Bw. Spika, sisi kama waheshimiwa wakati ambapo tulisemekana tumekua waheshimiwa katika hili bunge, tulipinduka ukakaa sasa unaitwa mheshimiwa na si mheshimiwa jina, lazima uonekane una nyumba mzuri ya kukaa hata ukitoka kwenye bunge uwe unasema kweli ulikua bunge Machakos. Kwa hivyo Bw. Spika, nasema hayo matakwa yaelegezwe ili tupate mkopo. Asante.

(Applause)

Minority Leader (Hon. Kasoa): Thank you Mr. Speaker. Mr. Speaker, as I stand to support this motion have done my simple mathematics and Mr. Speaker, us members we are in group P where we are legible to get Kshs. 15million. Mr. Speaker, if you get Kshs. 15 million, if you divide by the repayment period which is 20 years, you get around Kshs. 750,000 if you divide by 12 months you will get, every month each member will be paying Kshs. 62,500 and I understand Mr. Speaker, most of our pay slips are committed. Mr. Speaker, I don't see whether we will be able to pay this, like myself I don't see whether I will be in position to pay this kind

of money. Maybe Mr. Speaker, I propose this motion should be taken to the budget committee to come with modalities and work on a way out on how members can benefit from this kind of money. Thank you. Mr. Speaker.

Hon. Speaker: Thank you. Yes Hon. Nzoka.

Hon. Nzoka Munywoki: Yes, I rushed, as one of our members said, but it is clearly saying who are not enjoying. So you know law is law. So what I can request is last second contributor has said. We are legible for Kshs. 3 million. We are committed. Our pay slips are committed. Let us have this Kshs. 3 million. We settle the rest of the commitments then the balance we take up and we keep on paying.

So what I can say is, the regulations which are meant to acquire this one are too tough because of title deeds and whatever. I said here, we have some documents from this county which show we own plots, own some land. Why don't we pass a regulation that we accept that one because it is a document which has been issued by this county then we acquire that loan? Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think where we are, the chairman of the budget committee should offer solution here.

Hon. Muinde: Mr. Speaker, these circulars are not ambiguous. They are very clear, the persons under which they intended to serve are also indicated and its very clear think it is time that motion is dropped and that we move on to other business because we cannot sit here and spend two hours debating on a matter....I think the mover of the motion had not actually read the circular which she has distributed to us because it so clear would be the first if there is money I would be the first to enjoy the money but the circular is not addressing this assembly in terms of members benefiting from this.

So Mr. Speaker, I just felt like the Minority Leader. Actually he said he has done his mathematics very well but I am sorry his mathematics was so simple and wrong. He got it so wrong, Mr. Speaker, and I believe it is time that we drop the motion and perhaps members begin to fight Sarah Serem Commission asking for better terms based on the earlier circular but the third circular is not specific to our members of Assembly. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear Hon. Ngunzi.

Hon. Edrick Ngunzi: Mr. Speaker, I want to echo the sentiments of the Hon. Chairman of the budget committee but I want also to look at it in another dimension that now members of the National and county Assemblies have been left out of the third circular, and that we still have mechanism through the Speaker's Forum and the County Assemblies Forum where we can have our grievances heard and that we have been discriminated with Kshs. 3 million for a county assembly member or a national Assembly member and Kshs. 20 million for other public officers. I think the only way whether we dwell on saying that we need the money, we will not get it

because we are left out so the only way is to petition through those two forces. Thank you, Mr. Speaker.

Hon. Speaker: Can we hear the mover of the motion. Are you persuaded? Maybe before we hear you, let us hear the Finance committee Chairman.

Hon. Oliver Nzeki: I will not dwell very much on second and third circular but I would like to talk about the first circular which is talking of Kshs. 3 million. Mr. Speaker, Sir, the service Board which stands in Machakos County Assembly tried to raise the required..... (inaudible) where we can access the money that is Ksh.3 million. In fact, most of us have letters of allotment, others have TOL that is Temporary Occupied Land which is authorized by the county government of Machakos and letter of allotment is from the Commissioner of Lands.

So Mr. Speaker, Sir, I would like to ask the service board, if it can allow and give us leeway where we can get money through letters of allotment but not title deeds. Letters of allotment nobody will get your land, it is your land and it is written against your name. The letter of allotment is your document. It is an official document. So Mr. Speaker, Sir, let us talk of letter of allotment and TOL, Temporary Occupied Land. We have so many and letters of allotment are so many so, Mr. Speaker, Sir, let them reduce the required---

Hon. Speaker: Order, order Hon. member, I thought this is a meant that is dealt with by the mortgage and car loan committee?

Hon. Nzeki: Yes, they are the ones who will give us the Ksh. 3 million. I am talking of whether they can reduce the pass mark of---

Hon. Speaker: Okay.

Hon. Nzeki:title deed. Thank you Mr. Speaker, Sir.

Hon. Speaker: I wanted to hear more than that.

Hon. Maitha: Mr. Speaker, thank you for noticing my hand for the second time. Mr. Speaker, when we went, when a group retreated to Mombasa about two weeks ago to discuss about the budget, we requested another group to be taken to 67 Hotel. And those who were in 67 Hotel and who took time to listen to the presenters who came from the office of the Controller of Budget and the Auditor General's office, those guys gave us very good training. One thing they said, the major principle of members of county assemblies is oversight and the best way, the most effective way you can exercise oversight is through reading.

I withdraw my earlier statement that you put the question. That concurs directly with what that guy said. If you have to be effective in oversight, you must read. I have gone through this letter, Mr. Speaker, there is somewhere.....I have read, these guys who are writing this letters are very informed civil servants. There is somewhere where it says and Serem must have been very clever. She says somewhere, like for example for our car loan, she says 'the loan is

repayable within five years or before the end of term of office, whichever is earlier.' So she has already committed us, the end of the term is the one which comes earlier.

Hon. Speaker: Where are we? The page?

Hon. Maitha: That is from the main page just go to page two. Just go to page 2 of the first circular of 2013. So she is very clever and she goes and I can tell you Mr. Speaker, Sir, there is no duplication in the three letters. They are very clear and very straight forward so I wish to support this motion with amendments that, we pass this motion excluding the Hon. Members who are already benefiting and include other civil servants who are mentioned in this like the staff of the county assembly; they are civil servants. That is the best way we can do. That is the best service we can do to them and justice we can do to them because at the end of the day, this money does not belong to my father, it does not belong to my mother like what Hon. Mueni said.

We should not deny the staff of the county assembly this service and I believe that is why SRC saw it fair to send it to the Clerk of the County Assembly who is the CEO of the staff in the County Assembly. So I wish to support this motion with amendment that we exclude Hon. Members because they are already enjoying the benefit and then we include the staff of the County Assembly who are already civil servants. I think I will be in order Mr. Speaker, Sir. The staff of the county assembly are already in that, and at all they are also enjoying as per the previous scheme then we can continue. Thank you.

Hon. Speaker: I get your point. Let us hear Majority Leader

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. I want to inform the member for Muthwani that our staff in the budget that we did, Mr. Speaker, and in the regulations which we passed, they are catered for. Thank you.

Hon. Speaker: Let us hear the mover of the motion. I think the matter is starting to take some twists and turns.

Hon. Mutune: Thank you Mr. Speaker, Sir. I want to thank the Hon. Members for interrogating the circulars in a sober mind and I want to say that it was in good faith that I wanted their grievances to be heard about the mortgages and I think you have heard about their cries; they want the terms to be reviewed. Mr. Speaker, Sir, I don't want to waste a lot of time. I want to withdraw the motion. Thank you Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Thank you. Let us proceed. The motion is withdrawn. Clerk, let us proceed. Let us proceed with the matter for Hon. Kalunde.

Hon. Kalunde: Mr. Speaker, the matter is in the house for discussion and I still urge the members of this house to pass the report. You know, Mr. Speaker, a report will never be obsolete

because the information in this report will be a reference to the future reports which will come for discussion in this house. I urge members to pass the report. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Let us hear contributions. Looks like members are happy with the report. I proceed to put the question?

Hon. Members: Yes.

Hon. Speaker: Let us hear your contribution, Hon. Majority Leader.

Majority Leader (Hon. Mwonga): Mr. Speaker, I was not ready to contribute on this matter but Mr. Speaker, I think the mood of this house is we adopt this report, Mr. Speaker. On the issue on whether the report has been delayed and it was to be discussed within the three months or so, Mr. Speaker, I don't think that holds water.

Mr. Speaker, I want to quote Article 226 (2) which states 'the accounting officer of a national public entity is accountable to the national assembly for its financial management and the accounting officer of a county public entity is accountable to the county assembly for its financial management.' So Mr. Speaker, I want to urge these members that it is only us because this is a county issue, Mr. Speaker. It is a county report, Mr. Speaker. So it is this hon. house which should discuss and adopt this report or they either throw it away Mr. Speaker. There are consequences if they throw it away.

The issue here will be that it will be discussed in other quarters maybe the Senate or maybe, I don't know whether it can be discussed by the National Assembly but I know it can be discussed by the Senate. We will be running away from our mandate, Mr. Speaker. I urge the hon. members that we adopt this report without spending a lot of time on it and I also want to inform the members that the National Assembly is now debating on the Auditor's Report of the financial year 2011/12 so there is no way we can say this report is already overtaken by time Mr. Speaker.

It is my humble request and I can read the mood of this house Mr. Speaker, they want to adopt this report and start doing other businesses. Thank you, Sir.

Hon. Speaker: Thank you. Yes, hon. Mueni.

Hon. Mueni: Thank you Mr. Speaker, Sir. Mine is to say that we adopt this report because it is just for the record of the house. Thank you, Mr. Speaker, Sir.

Hon. Felix Ngui: Thank you Mr. Speaker, Sir. Mr. Speaker, I have noticed that the House has no quorum. Maybe before you proceed to put the question, the Serjeant at Arms or the Clerk can confirm whether we have quorum. Thank you.

Hon. Speaker: Clerk, advise whether there is quorum. I am advised there is quorum.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: That appears to be the end of the matters on the Order Paper but those members who participate in the House Business Committee are requested to remain to adjudicate on the matter that is urgent. Thank you. House adjourned.

The House rose at 3.46 p.m.