

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 14th June, 2016

The House met at 2.31 p.m.

[The Deputy Speaker (Hon. Nathaniel Nganga) in the Chair]

PRAYERS

PAPERS LAID

PETITION BY MAVOKO INSPECTORATE OFFICERS

Hon. Katela: Mr. Speaker, Sir pursuant to Standing Order 190 (5), I wish to lay the following paper on the table of the Assembly today, 14th June, 2016: the report of Labour, Public Service and ICT committee on petition by Mavoko inspectorate officers.

Hon. Deputy Speaker: Proceed

(Hon. Katela laid the paper on the Table)

ESTABLISHMENT OF PASTEURIZER MACHINES AND MILK CHILLERS

Hon. Muli: Pursuant to Standing Order 190 (5), I wish to lay the following paper on the table of the Assembly today, 14th June 2016: the Agriculture and Co-operative Development committee report on establishment of pasteurizer machines and milk chillers for dairy farmers in the key milk producing areas in the next financial year. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Proceed.

(Hon. Muli laid the paper on the Table)

NOTICES OF MOTIONS

PETITION BY MAVOKO INSPECTORATE OFFICERS

Hon. Katela: Pursuant to Standing Order 190 (5), I wish to give notice of the following motion: that this Hon. House discusses and approves the report of the Labour, Public Service and ICT committee on petition by Mavoko inspectorate officers.

ESTABLISHMENT OF PASTEURIZER MACHINES AND MILK CHILLERS

Hon. Muli: Mr. Speaker, pursuant to Standing Order 190 (5) I wish to give a notice that this Hon. House discusses and approves the report of Agriculture and Co-operative Development committee on establishment of pasteurizer machines and milk chillers for farmers in the key milk producing areas in the next financial year. Thank you, Mr. Speaker.

STATEMENTS

STATUS OF VARIOUS PROJECTS IN MLOLONGO WARD

Hon. (Ms.) R. Nduku: Mr. Speaker, Sir, I wish to bring to your attention that on 5th May, 2016, I sought the following statements: Status of phase two feeder roads in Mlolongo ward, status of phase three Mlolongo health facility, status of the Mlolongo market shed and the report of the feasibility study on the drainage and sewerage system in Mlolongo ward. The above statements were referred to the respective sectoral committees to be responded to on 19th May, 2016. To date, no response on the statement has been filed. The purpose of this letter is to request for your intervention. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Chairman roads committee? Vice Chair, what is the status of that response?

Hon. (Ms.) Kaluki: Mr. Speaker Sir, I would wish to seek leave of the House to present the statement which she sought last; the ones which she sought earlier were responded to and if there was an unsatisfactory answer, I would like her to liaise with the committee for further... the committee shall consult further then bring the response to the statement.

Hon. Deputy Speaker: You responded to the roads issue?

Hon. (Ms.) Kaluki: Not all the statements were responded to so I seek leave to respond to the statement next week on Thursday.

Hon. Deputy Speaker: Next week on Thursday?

Hon. (Ms.) Kaluki: Yes.

Hon. Deputy Speaker: Hon. Nduku, are you comfortable with that?

Hon. (Ms.) R. Nduku nodded.

Hon. Deputy Speaker: Okay. Thank you, Hon. Peninah. Chairperson Health Committee? Vice Chair, Health committee, when is the Hon. Member getting the response? Vice Chair...we do not have the Vice Chair of the Health committee in the House?... Hon. Ndinda, I tend to understand you are the Vice Chairperson?

Hon. (Ms.) Ndinda: Mr. Speaker, Sir, I have no report because we are expecting the Chairlady to be around...she is coming please.

Hon. Deputy Speaker: Ok. Then I indicate that the Majority Leader can give a response in line with that...Hon. Joshua

Majority Leader (Hon. Mwonga): Mr. Speaker, I am not in a position to do that because the directive was that the chair health should give a statement; I am not the Chair, Health.

Hon. Deputy Speaker: So you can give a commitment to pass the information that the same response is expected on---

Majority Leader (Hon. Mwonga): Mr. Speaker I think we have a Vice chair. I don't sit in that committee.

Hon. Deputy Speaker: Hon. Vice Chairperson appears to have vacated the House so Majority Leader, you pass the information to the chair of the committee that the same statement shall be expected to be issued on Thursday next week. The chairperson, committee on Trade, when is the response on the market shed coming forth?

Hon. Nduva: Mr. Speaker, the issue of market sheds has been dealt with and among the markets that have not been constructed Mr. Speaker, are among the pending bills and in the budget that is under preparation, all the remaining market sheds will be undertaken.

Hon. Deputy Speaker: But then you need to file a comprehensive response with the Member so that she has a viable answer on the question.

Hon. Nduva: Mr. Speaker, I am happy because she attended the meeting that we were with the CEC interrogating the budget and the status of the market sheds were mentioned and they said that the pending bills are going to be taken care of and among them are market sheds.

Hon. Deputy Speaker: Hon. Rachael you are in concurrence?

Hon. (Ms.) R. Nduku nodded.

Hon. Deputy Speaker: So you are comfortable with that? The Chairperson on committee on Environment, the feasibility study on the sewerage and drainage system, where are we?

Hon. Ngunzi: Mr. Speaker, we are making a follow up on the same and the Chief Officer from the department had promised to have the report before the committee last week and I have

not had time to talk to my clerk (assistant); we will be able to consult with the Clerk and bring a feedback before the House, but most likely we are tabling the statement this week.

Hon. Deputy Speaker: So, you are filing a response this week?

Hon. Ngunzi: Yes, Mr. Speaker

Hon. Deputy Speaker: And Hon. Nduku appears to be in concurrence so in line with that then, Hon. Chairpersons, it is important to honour the time given for the statements to be responded to because it is only through that that the members of the public and Hon. Members are able to file a liable response to the people. Proceed.

MOTION

PETITION BY MAVOKO INSPECTORATE OFFICERS

Hon. Katela: Mr. Speaker, Sir, aware THAT among other mandates the Labour, Public Service and ICT committee as established is required under Standing Order 190 (5a) to investigate, inquire into and report on all matters relating to mandate, management, activities, administration, operations and estimates of the assigned department; further aware THAT the second schedule gives the committee specific mandate on all matters relating to labour, trade union relations, manpower or human resource planning, information communication and technology; Mr. Speaker, Sir, informed that on 22nd February 2016, a petition by Mavoko inspectorate was received in the office of the Clerk requesting the Machakos County Assembly to intervene on issues of appointment letters and salaries; Mr. Speaker, Sir, article 41 of the Constitution of Kenya stipulates clearly that on labour petition:

1. Every person has right to fair labour practices;
2. Every worker has the right to fair remuneration and to reasonable working conditions;

Article 10 of the Constitution of Kenya sets out the national values and principles of governance that bind all state officers, state organs, public officers and all persons wherever they apply the Constitution.

The national principles of governance include rule of law, equity, inclusiveness, equality, non-discrimination, transparency, accountability, democracy and participation of people, Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the Labour, Public Service and ICT committee report on the Mavoko inspectorate officers' or constables petition. Thank you, Mr. Speaker. I call upon Hon. Kamitu to support the motion.

Hon. Kamitu: Mr. Speaker, Sir, I second the motion that the report on Labour, Public Services and ICT committee on petition by Mavoko inspectorate officers. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Proceed Hon. Katela

Preamble

Hon. Katela: Mr. Speaker, Sir, the Labour, Public Service and ICT committee as established is required under Standing Order 190 (5a) to investigate, inquire into and report on all matters relating to mandate, management, activities, administration, operation and estimates of the assigned department and 190 (5d) mandates the committee to study assess and analyze the relative success of the departments as measured by the results obtained as compared with the stated objectives; further the second schedule gives the committee specific mandate to all matters relating to labour, trade unions, manpower, human resource, planning, information communication and technology.

Background

Mr. Speaker, Sir, on 22nd February, 2016, the Office of the Clerk received a petition from Mavoko inspectorate officers and handed it over to Labour, Public Service and ICT committee for investigation and submission of report on the same on the floor of the House. In view of the aforementioned, the committee members visited the office of the sub-county administrator where the petitioners had converged to give their grievances.

Mr. Speaker, Sir, the members found the visit to be very beneficial as it served as an eye opener to the challenges and predicaments that some Machakos County Government employees go through. The committee felt much aggrieved by the situation and promised to intervene for the petitioners. The committee appreciates County Assembly management for facilitating the visit. The Committee composition is as follows:-

1. Hon. Leonard Katela - Chairman
2. Hon. Renson Muthiani - Vice Chairperson
3. Hon. Alex Kamitu
4. Hon. Felix Ngui
5. Hon. Francis Matheka
6. Hon. Justus Katumo
7. Hon. (Ms.) Catherine Nguluku
8. Hon. (Ms.) Bibiana Nduku
9. Hon. (Ms.) Anne Musyoki
10. Hon. Justus Kimata
11. Hon. Gedion Kavuu
12. Hon. Benson Kasyoka
13. Hon. Kyalo Kyuli

Petition

Mr. Speaker, Sir, the petition for the Mavoko inspectorate officers was done by 26 petitioners who work at Machakos County. Their petitions were as follows:-

1. That they were recruited to Machakos County way back on 13th September, 2013 as per records held by the department of decentralized unit inspectorate office, Machakos headquarters, department of Labour, Public Service and ICT and Public Service Board, Machakos County Government

2. They have never received any confirmation or appointment letters concerning the same. Up to date the offices are owed by Machakos county government salary arrears ranging from six months and above which are due for payment. They work under poor conditions and they have never been issued with uniforms and other inspectorate officers' items to enable them perform well to realize the Machakos County Government development agenda.

The Petitioners' Prayers

1. They prayed that that they should be confirmed or appointed in their respective employment without discrimination or victimization of any kind.
2. Their due salary arrears to be paid in time to enable them survive like other workers.

Meeting with Petitioners and Chief Officer, Decentralized Unit

Mr. Speaker, Sir, the committee went to Mavoko to meet with the petitioners with an aim of coming up with an amicable solution. The committee received a lukewarm reception from the deputy Sub-county Administrator's office. The Inspectorate County Commander and the Deputy Sub-County administrators were reluctant to allow the petitioners meet the committee but after much deliberation, they finally met. The committee noted that the petitioners had been misinformed that they would meet the committee at an entertainment lodge in Mlolongo.

Mr. Speaker, Sir, the committee invited the Chief Officer for decentralized department in one of their meetings to come and respond on the allegations raised. On arrival, the Chief Officer pledged with the committee to allow him meet with the petitioners in the presence of the committee and the committee agreed. He promised the committee that he would organize for the meeting and write a letter on the same to the Assembly which he did not. On the day of the meeting, the Chief Officer changed his mind and never went to the site, leaving the committee with no option other than meeting the petitioners in the absence of the officer.

Findings and Observations

The committee observed the following:-

1. The petitioners started working as inspectorate constables in the year 2013. They were to get their appointment letters once the County Public Service Board was constituted and that they are the actual officers who perform the day to day functions of inspectorate constables.
2. The Inspectorate County Commander, Ms. Ruth Mawia acknowledged that truly, the petitioners were officers under her docket and that they were very capable and reliable officers. She informed the committee that she had been following up on their payment in vain.
3. That the Deputy Sub-County Administrator Mr. Bernard Musyoki concurred with the county commander that the inspectorate had no uniforms, no appointment letters and that they were not being paid.

Mr. Speaker, Sir, the committee observed that some of the petitioners actually trained the Inspectorate County Commander. The commander informed the committee that she had

severally recommended the officers to be issued with appointment letters. The committee also noted that the Inspectorate Sub-County Administrator actually prepares payment vouchers for the officers. The county inspectorate commander informed members that officers in Matungulu sub-county also had the same challenges.

The committee also noted that the salary payable of Kshs.12,000 per month was very minimal and that no statutory deductions such as NHIF were applicable to them. It was also noted that their current salary of Kshs. 12,000 classified them as solid waste collectors and not as constable inspectorate officers. The committee observed that the officers had a hard working environment to a point that one officer had his finger chopped off in the line of duty and neither compensation nor medication was offered to him.

Mr. Speaker, Sir, one officer by the name Pius Kithome informed the committee that in his endeavors to follow up his payments, he noted that his name was in the payroll but with a different bank account, meaning that somebody else was receiving his salary.

The committee noted that from January this year, none of the officers had been paid and that they had salary arrears of six months and in their efforts to get paid, they were told that the County Assembly had no budget for their arrears. The petitioners informed the committee of unfair practices, intimidation and unfair salary remunerations.

The committee also observed that the said inspectorate employees could be working under a certain security firm and therefore their money is channeled to them through the firm. The officers complained that their money was being deposited in their various accounts through M-Pesa and when they get their bank statements, they realize that though money had been deposited, they could not access the same by use of their ATMs. On asking the bank operations manager, they are directed to their employer and this has occasioned to big sums of arrears.

Recommendations

Mr. Speaker, Sir, Article 41 of the Constitution of Kenya stipulates clearly that on labour relations:-

1. Every person has the right to fair labor practices
2. Every worker has the right to fair remuneration and to reasonable working conditions.

Article 10 of the Constitution of Kenya sets out the national values and principles of governance that bind all state officers, state organs, public officers and all persons whenever they apply the Constitution. The national principles of governance include rule of law, equity, inclusiveness, equality, non-discrimination, transparency, accountability, democracy and participation of people.

Mr. Speaker, Sir, the committee noted that failure to pay the petitioners and subjecting them to poor working conditions was against the above laws and as such, makes the following recommendations: -

1. That the petitioners should be paid all their arrears and issued with appointment letters as soon as possible within two months' time.
2. That all statutory deductions should be remitted as required by law.

3. Mr. Speaker, Sir, the committee witnessed lack of professionalism, respect and arrogance from the deputy sub-county administrator and the committee recommends that disciplinary action be taken on the officer.
4. That the officer whose finger was chopped off in the line of duty should be compensated reasonably by the county government.
5. Also the committee recommended that the petitioners be provided with uniforms, working tools,
6. Their payment cadre should be equivalent to that of inspectorate officers other than that of solid waste collectors.
7. Mr. Speaker, Sir, the committee recommends that the County Government labour laws be observed to the latter while dealing with its employees.
8. Further, the committee urges the County Public Service Board, department of Public Service, Labour and ICT and department of Decentralized Units to fast track the audit of the Machakos county inspectorate officers as a way of dealing with present and future possible problems.

Conclusion

Mr. Speaker, Sir, the committee was grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Hon. Members of the Labour committee who sacrificed their time to participate in the activities of the committee and in preparation of this report.

Mr. Speaker, Sir, it is therefore my pleasure and privilege, on behalf of the committee on Labour, Public Service and ICT, to table this report of the Mavoko inspectorate officers petition in this Hon. House for consideration and adoption. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you Hon. Katela. In line with Standing Order number 201(2) as previously directed, “whenever a committee has a petition committed to it and a report is tabled, the chair is required to allow for opportunity for members to make comments, observations and clarifications but not to debate on the matter within a time frame of not more than 20 minutes then the resolutions of the committee will be communicated to the petitioners by the Clerk of the County Assembly.”

Members that would want to make comments, I can invite that for some few minutes.
Hon. Geoffrey Munyao.

Hon. Munyao: Mr. Speaker, Sir, let me first thank the committee for the good job they have done but Mr. Speaker, I think this inspectorate department lies truly in the department of decentralized units and as a committee, we sat down and looked upon what they were talking about and we said when these recruitments were being done, regional balance in Machakos County was not done and we wrote some letters to the department of decentralized units to explain to the committee how this exercise was done and up to date, we have never received any written document from that department.

As a committee, we went further, Mr. Speaker, and wrote some letters even to EACC questioning the same and up to now, we are awaiting responses on the same. On behalf of the committee on Decentralized Units and as a member of that committee, I am not supporting this report because of how the committee has done in regard to the inspectorate department. Thank you Mr. Speaker, sir.

Hon. Deputy Speaker: Hon. Mutua Mutuku, but just before your response I think I have made it very clear, it is about comments, observations and seeking clarification. It is not debating on the report. Hon. Mutuku?

Hon. M. Mutuku: First and foremost, let me applaud the chair for the report. More so, I would wish also to appreciate the predicament of those employees for the lack of the uniform and also for the poor working conditions which they purport to be operating in. However Mr. Speaker, Sir, and the entire House, I have some reservations. As the chair of the decentralized committee and my members, we did some fact finding to ascertain how those employees were recruited to be inspectorates, only to realize Mr. Speaker, sir, that they were recruited on the basis of friendship, favouritism and no regional balance was taken into account.

Mr. Speaker, Sir, we also went ahead and realized the youth of Machakos County were not actually considered and that is why we decided as a committee to actually write to the Chief Officer and also we wrote to the County Public Service Board suspending the issuing of the letters because in line with the Constitution, job recruitments should be very competitive.

It should be advertised, potential aspirants can apply then the actual interview has to be announced; that is what we call free and fair recruitment but the way it was done, Mr. Speaker, Sir, it will be unfair for this Hon. House to legalize an illegal thing. It will be very unfair because this is a house of honor, we need to respect the Constitution and also we need to respect the way job recruitment is done in line with the Constitution.

With those few remarks Mr. Speaker, Sir, I would wish if this Hon. House can recommend a competitive process to be undertaken in recruiting those employees because even in my area Athi River Township, there is no local who was considered to be inspectorate Mr. Speaker, sir. Thank you.

Hon. Deputy Speaker: Hon. Mutua Ngunzi.

Hon. Ngunzi: Mr. Speaker, the report by the Labour committee is welcome and it has come on time. They have only dealt with 26 workers in Mavoko. There is a mystery that enshrouds the department of Decentralized Units and how officers were recruited into that department all over the county.

Most of the officers who work with the inspectorate department and most of the workers in the Decentralized Units have not been awarded appointment letters. They are in an excel payroll that is subject to manipulation and that could be one reason why there has been resistance by a particular group in the Executive to have the officers' awarded with appointment letters.

Mr. Speaker, I thought the issue surrounding these workers could be dealt with once and for all by having a special committee. I think the Labour committee is not doing enough and we need, if we get the leave of the Speaker, that we get an *ad-hoc* committee to deal with this matter once and for all. They either get appointment letters or confirmation for those with appointment letters or we get them laid off so that the exercise could be commenced afresh. It has actually taken a lot of time; this is the fourth year, we are still addressing the same problem and no solution Mr. Speaker, has been sought so far. Can we have a permanent and lasting solution to this matter? Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon Joshua Mwonga.

Majority Leader (Hon. Mwonga): Mr. Speaker, first and foremost, I want to start by applauding the chair and his committee for a job well done. However Mr. Speaker, I want to seek some clarification from the chair and before that Mr. Speaker, it is as if the chair, Environment has read my mind.

Mr. Speaker, we are dealing with a report which is somehow confusing. The report says the inspectorate officers we are talking about were employed in the year 2013, the month of September. In the same report, one of the cries of the petitioners is that they are six months without pay. I think it is to the date when they were writing this petition.

Mr. Speaker, they are still claiming that being officers who were recruited to work for this County Government, they are being paid through M-Pesa. Mr. Speaker, I wonder how an inspectorate officer, if they are so, can be paid through an M-Pesa account, not his or her personal account. Mr. Speaker, some are even complaining that instead of the money going into their account, it is going to other people's accounts. It is a worry and a wonder, Mr. Speaker.

I think Mr. Speaker, this House should not adopt such a report and I would wish members should rally behind me and the chair, Environment; we come up with an *ad-hoc* committee to deal with this matter once and for all. I think there were some officers who were employed immediately we had county governments and the others, about 100 and something, who were employed later. The confusion here is, are the 26 among the first batch or the second batch, Mr. Speaker? That is why I am saying this report is confusing. As I rest my case Mr. Speaker, I would urge this Hon. House not to adopt this report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Before we hear the other Hon. Members, Hon. Katela you need to respond to those issues that have been raised. Have you considered in your report the matter that the vice chair for Decentralized Units and the chairman of the same committee have raised objecting to the issuance of those...and also further, the clarification of the matter raised by the Majority Leader about the payment of these officers and for how long they have been without pay. I think there are quite a range of issues that you need to clarify for us.

Hon. Katela: Mr. Speaker, Sir, I also concur with my colleagues because the matter is a jinx. That is why we should also get into the matter seriously because first, these officers were being paid their salaries, then at some point their salaries disappeared. When they were being

paid, they started being paid through M-Pesa. You find that when you ask for your salary, it is being sent to your phone then it is less. First they were being paid Kshs. 28,000; now they are being paid Kshs. 12,000.

This is where we mentioned in some bullet here that these people must have been adopted by somebody like a security firm who is being paid and then is paying them. That is why we need to get to the gist of the matter. I think the best way is to go the *ad-hoc* way and verify this thing. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes, what is your point of order?

Majority Leader (Hon Mwonga): Mr. Speaker, the chairman has already disowned his report so we should not debate on this, Mr. Speaker. Thank you.

Hon. Katela: I have not. Order, Mr. Speaker---

Hon. Deputy Speaker: The chairman cannot be on a point of order when members are raising points of order against you. Hon Kamitu.

Hon. Kamitu: Mr. Speaker, Sir, the point of information is that I am one among the committee members and for your information Mr. Speaker, sir, when we were interrogating this petition of the members who are called the inspectorate, it came to our minds that as per this report, it is very clear that these people were employed earlier, that is after we came in and it is not a speculation Mr. Speaker, Sir, and the observation from the information that we got from those petitioners were that they were really employed by the County Government but what happened is that when now the advertisement of those that are now in the payroll came, they were not considered because there were those discrimination.

For your information Mr. Speaker, sir, it is not only in Mavoko so the best thing Mr. Speaker, Sir, is to go the *ad-hoc* way so that we may now get the full information because this is something that is across the board; across all the eight sub counties. For example in this information, there is this paragraph they have mentioned some officers from Matungulu sub-county where I belong. It is on the same picture that Mr. Speaker, sir, we should come out with a very clear picture because it is not only in Mavoko, it is all over as I said across the country.

In that regard as you said, members are only supposed to make some remarks, some observation as per this report then this House has the entire mandate to come out with the whole truth across Machakos County because it is happening in all the eight sub counties. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes, which is your clarification Hon. Kitheka?

Hon. Kitheka: Mr. Speaker, I want to get some clarification from the chairperson before I make my comment, whether when they were doing the investigation to come up with this report they considered a report which was being discussed in the Decentralized Units where one

officer had employed about 400 reinforcement officers and the matter had been referred to anti-corruption from the committee. Did they come to that consideration? Because if they have gone to that extent, we should now be addressing the issue of the entire group which was employed which is not only this small number, it is a very big number which is existing and three quarters of the same number does not come from Machakos County.

Mr. Speaker, I think the best treatment we should give this report is per what the Majority Leader has guided us; it is just first and foremost to shift this document aside, appoint an *ad-hoc* committee to deal particularly with the report which was in the decentralized unit which comprised more than 400 people who are being paid through M-Pesa, do not have employment documents and other issues which are more touching than what is in this document. Mr. Speaker, it is my humble request we throw this document as early as now so that we can do other businesses. Thank you.

Hon. Deputy Speaker: Hon. Kitheka, you are seeking a clarification---

Hon. Kitheka: Yes.

Hon. Deputy Speaker: Then you have contributed---

Hon. Kitheka: Thank you, Mr. Speaker, my clarification is---

Hon. Deputy Speaker: Order! Hon. Kitheka. You should have already found yourself out of order.

Hon. Kitheka: Thank you.

Hon. Deputy Speaker: ...because you contradicted your concern. Yes, Hon. Nzoka.

Hon. Nzoka: Mr. Speaker, the Chairperson who brought this report here came with the information that he needs the House to pass this report; discuss and pass this report. Now, after sensing he is back treating, now he is saying, do not do this, now let us go to *ad-hoc* committee. Our time should not be wasted here. There is no point of discussing any further because the chairman himself does not want this report to be adopted now, as he stands here. You are contradicting yourself---

Hon. Deputy Speaker: Hon. Katela, address the Chair.

Hon. Nzoka: Yes, he stood and said 'let us go the way the Majority has said the *ad-hoc* committee.' Why are we going here and there and this side and also a Member of the same committee, Hon. Kamitu said the *ad-hoc* committee and he was there when they were preparing this document to bring it here. I request we just stop discussing it, we talk of *ad-hoc*. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Nzeki wa Munyaka.

Hon. Nzeki: Mr. Speaker, I think the report is good but it was directed to the wrong committee. It is supposed to have been in the committee of decentralized. Can you hear what he is saying? Mr. Speaker, Sir, protect me.

Hon. Deputy Speaker: The Member is protected.

Hon. Nzeki: He has no manners in this Hon. House. So, Mr. Speaker, Sir, I think we do not need an *ad-hoc* committee. The report is supposed to be brought by the decentralized committee. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Hon. Kalunde.

Hon. Kalunde: Mr. Speaker, Sir, I do not know why the Members who have contributed are afraid of speaking the truth. All the Members of this Assembly have been complaining that youths from their wards were not considered but the majority, over 400, are from Kitui and Makeni. So---

(Applause)

The fact of the matter is to repeat the actual employment of inspectorate. Mr. Speaker, Sir, I think there is no point of discussing this report further because the mover has dishonoured the report. Let us go back and start afresh and give it to the committee of decentralized. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Peter Nzioki.

Hon. Nzioki: Mr. Speaker, first I want to applaud the Members who spent their time in writing this report but Mr. Speaker, I would comment by saying, it is like they wasted a lot of their time writing this report because even the recommendations Mr. Speaker, and the observations are not clear on what the committee members wanted to tell us in this report. Mr. Speaker, one occasion is on page 4, line 4. Mr. Speaker, if you may allow me to read that line---

Hon. Deputy Speaker: Proceed.

Hon. Nzioki: Mr. Speaker, you will not understand what they are talking about. 'Mr. Speaker, Sir, the committee observed that some of the petitioners actually trained the inspectorates County Commander. The commander informed the committee that she had severally recommended the officers to be issued with appointment letters.' Mr. Speaker, you cannot even get what that line is saying---

(Loud consultation)

Mr. Speaker I do not think I need clarification at this moment.

Hon. Deputy Speaker: Clarification rejected.

Hon. Nzioki: Thank you, thank you, Mr. Speaker---

Hon. Deputy Speaker: You will have your opportunity to respond. You can scribble it somewhere.

Hon. Deputy Speaker: Proceed, Hon. Nzioki.

Hon. Nzioki: Mr. Speaker, on page 5 on the second last line, 'the committee observed that the said inspectorate employees could be working under a certain security firm and therefore their monies are channeled to them through the firm.' Mr. Speaker, they are not sure. What kind of a report is this, Mr. Speaker? They should have ascertained what they were saying about this private firm.

Mr. Speaker on the last line, 'the officers complained that their money was being deposited in their various accounts through M-Pesa.' Mr. Speaker, at the same time the committee should have ascertained what kind of M-Pesa these monies were channeled through and if truly, Mr. Speaker, they went through their report thoroughly, they would have told us what kind of transactions were being carried out with the M-Pesa the ATMs and the petitioners.

Mr. Speaker, even the Chairman is not sure whether to own this report or to disown it. Mr. Speaker, I would say that we throw this document and go through the ad-hoc way. Thank you, Mr. Speaker.

Hon. Deputy Speaker: And finally Hon. Ngunzi.

Hon. Ngunzi: I strongly want to concur with Hon. Nzioki that we need to ascertain the details of some of the allegations that have been leveled against the inspectorate department by the report and that can only be done through an *ad-hoc* committee that will investigate these details. So, the only way forward Mr. Speaker is an ad-hoc committee.

Hon. Deputy Speaker: Hon. Katela before you respond, would you consider as Members are proposing, retracting the report and then seating over it in the *ad-hoc* committee together with the Members so that some of the issues raised are ascertained?

Hon. Katela: Mr. Speaker, Sir, I have no problem because after presenting the report to the House, it has become the property of the House. If most of the Members want us to go the

ad-hoc way, I have no problem. What I want as Chairman, Labour, I want to come out with a solution of assisting our people; nothing much.

Hon. Deputy Speaker: So, would you consider retracting the report so that you can further refine the allegations made therein and clarify and straighten up some of their recommendations?

Hon. Katela: There is no problem, Mr. Speaker.

Hon. Deputy Speaker: Would you consider doing that?

Hon. Katela: I do.

Hon. Deputy Speaker: Okay. Then therefore in that scenario then, the petition is further referred back to an *ad-hoc* committee that will be appointed by the Majority Leader in conjunction with the Minority Leader of seven Members in which the Chairman of this committee will be there and then will file a response to the House within the time frame that has been given in the Standing Orders. You must ensure that you do not exceed the 60 days time frame that has been given.

Majority Leader (Hon. Mwonga): Mr. Speaker I want to seek clarification from the Chairman...

Hon. Deputy Speaker: Yes.

Majority Leader (Hon. Mwonga): You have said the Chairman of this committee; which committee now? Is it Decentralized committee or committee on Labour? Mr. Speaker, the reason why I am raising this or why I need this clarification, is because majority of the members who have contributed on this issue are talking about the Decentralized committee but not Labour...

(Hon. Katela consulted loudly)

Mr. Speaker, I need your indulgence and clarification on thisso that when we will be appointing, knowing well the Chairman, Labour comes from the majority wing and the Chairman, Decentralized comes from the minority wing so that if it is the Chairman, Labour, I know Katela will be there. If it is the decentralized, then Minority will have Hon. Ngunzi being in that ad-hoc committee that is why I need that clarification. Thank you.

Hon. Deputy Speaker: Order Members! The guidance issued here is that this is a matter of public service so Hon. Katela needs to be in that committee and then since the committee on decentralized units has had further information on the same, I also direct you consider having the

Chairman or the Vice Chairman as part of that *ad-hoc* committee. I think we need to move forward over that matter. So---

Hon. Nzeki: Clarification.

Hon. Deputy Speaker: That matter is closed. Proceed.

ESTABLISHMENT OF PASTEURIZER MACHINES AND MILK CHILLERS

Hon. Muli: Mr. Speaker, I would like to request for leave to defer this motion and report to next week based on the fact that we had done a lot on research and Mr. Speaker, I would like to request you to permit me for that. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Request granted. Report is deferred to the next sitting day. Proceed.

ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 227

Majority Leader (Hon. Mwonga): Mr. Speaker, I stand under Standing Order 227. Mr. Speaker, Sir, aware THAT the budget for 2016/2017 financial year was submitted to the County Assembly and committed to the committee on Budget and Appropriation committee; aware THAT section 131 (2) of the Public Finance Management Act requires sectoral committees to consider and review the estimates for relevant departments and make recommendations to the County Assembly; noting THAT the budget estimates should be approved by the Assembly before 30th June 2016; aware THAT the sectoral committees need to interrogate budget estimates for the respective departments; aware THAT the budget interrogation by committees began last week and few Executive Committee Members and Chief Officers appeared for interrogation and that the interrogations, need to end by Thursday, 16th June, 2016 to pave way for the budget committee to get views from the Executive Committee Member of the Finance and compile a report, Mr. Speaker, Sir, I wish to move the motion that this House adjourns business from today, 14th June to Tuesday, 21st June 2016 to allow committees interrogate budget estimates for departments. Thank you Mr. Speaker, Sir.

Hon. Deputy Speaker: Who seconds your motion?

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to call upon my Deputy Leader of Majority, Hon. Wilson Kasimu, to second. Thank you.

Hon. Kasimu: Mr. Speaker, I would like to second that the House adjourns to allow the interrogation of our departments and the budget process to adhere to the calendar of the budget. Thank you, Mr. Speaker.

Hon. Deputy Speaker: The motion is properly before the House. Do we have any contributions? Then I proceed to put the question

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: The House adjourns until 21st June, 2016

The House rose at 3.30 p.m.