

REPUBLIC OF KENYA

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th October, 2016

The House met at 2.31 p.m.

[The Speaker (Hon. Mung'ata) in the Chair]

PRAYER

Hon. Speaker: Good afternoon, Hon. Members. Proceed, Clerk.

COMMUNICATION FROM THE CHAIR LEADER OF MAJORITY PARTY IN THE HOUSE

Hon. Speaker: Hon. Members, yesterday, 25th October, 2016, I communicated to the House about the change of Majority Leadership in this Hon. House. In that communication, I did indicate to the Hon. Members that on 24th October, 2016, Hon. Gideon Kavuu wrote to the Speaker indicating that the CORD Coalition had met on the same day and appointed Hon. Alexander Kathinzi as the Leader of Majority Party in the House. Attached to Hon. Kavuu's letter were the decisions of the said meeting and another letter from Hon. Kathinzi appointing Hon. Kavuu as the Whip of the Majority Party.

Today, again, I have received an order from the Political Parties Dispute Tribunal in Dispute No. 34 of 2016. The parties in that case are Joshua Kiilu Mwonga and Timothy W. Kilonzo as plaintiff/Applicants versus Alexander Nzambu Kathinzi and Gideon S. Kavuu as Defendant/Respondents.

The orders obtained on 25th October, 2016 are as follows: -

1. THAT this application be and is hereby certified as urgent for the reason so stated.
2. THAT pending the hearing and determination of this application *inter partes*, an interim order of injunction do and is hereby granted suspending the resolution made on 24th October, 2016 with the effect of the removal of the 1st Complainant as Majority Leader and consequently the 2nd Complainant as the Majority Whip of Machakos County Assembly and the *status quo ante* be maintained.
3. THAT the complaint and the application to be served forthwith for inter parties hearing on 10th November, 2016 at 11 a.m.

This Assembly being an institution governed by the rule of law and that respects the judicial arm of government wishes to comply with this order. Therefore, Hon. Members, the Speaker hereby declares that per the orders of the Political Parties Dispute Tribunal in PPDT No. 34 of 2016 and dated 26th October, 2016, The Leader of Majority Party and Whip of the Majority Party are Hons. Joshua Kiilu Mwonga and Timothy W. Kilonzo, respectively. We shall await further orders from the Tribunal or other Court of Law.

(Applause)

Let us proceed.

BILL

Second Reading

MACHAKOS COUNTY MANAGEMENT OF QUARRYING ACTIVITIES BILL 2016

(Hon. Ngunzi on 26. 10. 2016)

(Resumption of Debate interrupted on 26. 10.2016)

Hon. Speaker: Yes let us hear the Hon. Ngunzi.

Hon. Ngunzi: Thank you, Mr. Speaker. I want to thank members for getting where we got. We had wrong copies of my report and I request that you be supplied with the true copies. Then members, if there are any issues you want to raise with the report, this is a continuation of the report that we had in the morning so members are free to continue with debate, Mr. Speaker, with your allowance.

Hon. Speaker: Thank you very much. The Hon. Chairman, as he has indicated, debate is continuing from where we reached in the morning and if I remember very well, a few issues were raised by some members. I remember Hon. Nzoka, Hon. Rachel and a few members raised issues I felt perhaps you should respond.

Hon. Ngunzi: Mr. Speaker, the issues that were raised by the two were in the report that is not before the House. Maybe if there are any fresh issues, they can raise and we will handle them.

Hon. Speaker: Very well. Let us proceed; any additional contributions? In the absence....oh yes Hon. Rachel.

Hon. (Ms.) R. Nduku: Thank you Mr. Speaker. I am a bit concerned about this report because my ward is in the quarry sites, I would wish raise another concern to the chairman in the recommendation part because I can see bullet 2 and the last bullet---

Hon. Speaker: That is the same page 3?

Hon. (Ms.) R. Nduku: Yes, where the committee recommended that there should be a consisted formula of maintaining the designated roads for the vehicles transporting quarry products and at the same time, in the last bullet, they say that ‘the county government to ensure that all roads leading to quarries areas are maintained as a way of giving back to community.’

Mr. Speaker, I would wish if the committee would have recommended in the second bullet, that there should be a formula or the county government should designate a road for all the vehicles transporting quarry products because it has been quite disturbing for all the lorries carrying quarry materials using all the roads going to and fro the quarries.

So I would wish to request the committee if they can come up with the way of designating one road for all those vehicles doing that business to use because, last week in my area, people were demonstrating because all the lorries were using the same roads which are used by small cars and other cars in my area. Thank you, Mr. Speaker.

Hon. Speaker: Let us hear Hon. Nzoka.

Hon. Nzoka: Thank you, Mr. Speaker. I would like to respond to that because I am one of the members of this committee and in the committee we came up with this report through the public participation. Yes, you can say we do some designated road. The quarries are not in one area, they are in many places; you can get one after two kilometers, you can get another one the other directions so it is not easy to tell them to pass here because it depends on where they are sourcing materials and from there they have to take it to move to the main road.

So, because the quarries are in different areas, that is why you see one can take short cuts the other side moving to the main road and the other one they are still far they are going even other direction of the roads. They are not coming out to one main road; they are going, might be north, south east and whatever. So it depends on where you are taking material.

What we are saying is that like in the last bullet, ‘county government to ensure that all roads leading to quarrying areas are maintained as a way of giving back to the community.’ That is why we are saying all roads to be taken care of, those which are used in transporting these materials. So it is difficult to tell the transporters to pass one road. So, they have to use many roads. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think those proposals can be refined and placed properly on record within the committee of the whole house. Yes Hon. Peter.

Hon. Nzioki: Thank you, Mr. Speaker. On page 3 ‘recommendations from the public.’ Mr. Speaker, bullet 2 ‘there should be a consisted formula of maintaining the designated roads for the vehicles transporting quarry products.’ Mr. Speaker, also when you go to bullet 3, ‘there should be a specific percentage of the amount which should be taken back for the maintenance of the roads.’ Mr. Speaker, when you go to bullet 8 ‘county government to ensure all roads leading to quarrying areas are maintained as a way of giving back to the community.’

Mr. Speaker, if you keenly look at those phrases, they are almost the same, Mr. Speaker. And Mr. Speaker, on bullet 5 ‘people undertaking quarrying activities in their own land should not be subjected to licensing since in most areas where quarrying is done hardly nothing can grow there to sustain the people.’ Mr. Speaker, on bullet 5 I would say that most companies and when you go to places like Katani those people have bought big chunks of land for purposes mainly of quarrying and not farming and, Mr. Speaker, if you do not license them or if we do not get any kind of rates from them, Mr. Speaker, the county government is not going to make any money.

Mr. Speaker, also on bullet 6, ‘classification is needed on the magnitude of quarrying, Mr. Speaker, that also tends to bind with bullet 5 but on the last words is that ‘and those who want to do quarrying for subsistence use.’ Mr. Speaker, I would suggest that only those people who are doing quarrying on subsistence formula should not be licensed but the other ones doing on quantity magnitude should be licensed whether they are on people’s land or on private land. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much Hon. Nzioki but in my view, these are recommendations from the public and generally this is what is captured in the proposals for amendment, Hon. Peter Nzioki. On the matter on what you fear would be repetition, I find that those paragraphs are basically not contradicting each other; they are only expressing a point in different languages you should not be much worried about that. I wanted.....you have something new?

Hon. Nzoka: Thank you, Mr. Speaker. What we are saying is this should be subjected to clarification; remember we are not talking of the quarries which are in Katani because in our areas there are also quarries and you shall see a family doing some quarries of some stones for building or they are selling in small quantities. That is what we are talking of; those who are doing so in their homes. There are those who are commercial and buy chunks of land to do quarries and there are those who have their land as a part of quarry. So, you cannot just go to pin the last person. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. I think some of those concerns will be captured in rules and the committee on justice and legal affairs will attach that operationalization in the relevant department. Maybe we can now hear the chairman in response.

Hon. Ngunzi: Thank you Mr. Speaker. Members have, I can say so far, exhaustively looked at the document, the bill that is before us and that they are almost satisfied, Mr. Speaker, except for a little clarification on six. We have quarry people at Kaseve and we had concerns with people in Syanthi and they complained that they are doing their quarrying on small scale and that they felt that if they were to be taxed, then that would amount to pinning them down because they are doing it on very small scale especially those around Kaseve area, that area down there and those in Syanthi also were saying that they were doing it in their farms and they are doing it on small scale.

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Mr. Speaker, but that would be catered for by the committee on delegated legislation when they will be looking at the document. Thank you, Mr. Speaker and I wish to propose that the House turns into a committee of the whole House. Thank you.

Hon. Speaker: Thank you. Your proposition needs to be seconded, Chairman.

Hon. Ngunzi: Hon. Raphael Mutuku to second. Thank you.

Hon. R. Mutuku: Thank you, Mr. Speaker, Sir. I second that the committee can turn to committee of the whole House and consider the amendments in the Quarry bill for 2016. Thank you.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

Hon. Speaker: Thank you. Then the House will adjourn for the committee of the whole.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman (Hon. Raphael Mutuku) took the Chair]

MACHAKOS COUNTY MANAGEMENT OF QUARRYING ACTIVITIES BILL 2016

(Clause 2 agreed to)

Mr. Chairman: I propose the question that the clauses without amendments be part of the Bill.

(Clause 1, 13 and 6 agreed to)

Clause 1

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 1 (a) be amended by deleting the words the definition of the term ‘authorized officer’ and replace it with the following interpretation, ‘has the meaning in section 2 of the County Governments Act.’

THAT, 1 (b) be amended by deleting the phrase ‘for the time being’ from the interpretation of the word ‘Director’

THAT, 1 (c) be amended by deleting the phrase ‘for the time being’ from the interpretation of the word ‘executive committee member.’

THAT, 1 (d) be amended by deleting the interpretation of the word ‘Quarry’ and substitute thereof the following interpretation, ‘a place where quarry materials are excavated.’

(Clause 1 as amended agreed to)

Clause 3

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 3 be amended by deleting the words ‘rehabilitation and’ from sub-clause (c) of clause 3.

THAT, 3 be amended by deleting the phrase ‘enable communities to participate’ from sub clause (e) of clause 3 and substitute thereof the phrase ‘provide for public participation’

(Clause 3 as amended agreed to)

Clause 7

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 7 be amended by deleting the phrase ‘in the county’ from sub clause (1) of clause 7.

THAT, 7 be amended by deleting paragraph (10) of sub clause (1) of clause 7 and substitute thereof the following paragraph, ‘the site plan of the quarry’

(Clause 7 as amended agreed to)

Clause 8

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 8 be amended by deleting sub clause (1) of clause 8 and substitute thereof the following sub clause, ‘any person may object to the grant of a permit’

Mr. Chairman, Sir, I beg to move:- THAT, 8 be amended by deleting the following phrase from sub-clause (2) of clause 8, ‘and, the objector shall, at least seven days before the hearing of the application, serve the applicant with a copy of the objection together with the grounds of the objection’

Mr. Chairman, Sir, I beg to move:- THAT, 8 be amended by deleting the words ‘of its own motion’ from sub clause (3) of clause 8

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Mr. Chairman, Sir, I beg to move:- THAT, 8 be amended by deleting sub clause (4) from clause 8

(Clause 8 as amended agreed to)

Clause 9

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 9 be amended by deleting the word 'before' in sub clause (1) of clause 9 and substitute thereof the phrase 'within fourteen days of the decision to'

Mr. Chairman, Sir, I beg to move:- THAT, 9 be amended by deleting sub clause (2) of clause 9 and substitute thereof the following sub clause ' the executive Committee Member shall determine the application for review within thirty days after the lodge of the application'

(Clause 9 as amended agreed to)

Clause 10

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 10 be amended by deleting the expression 'any quarrying activities license' and substitute thereof the word 'permit' from sub clause (1) of clause 10

THAT, 10 be amended by deleting sub-clause (2) of clause 10 and substitute thereof the following new clause 'the Director shall take into consideration the views and recommendations made by the members of the public '

(Clause 10 as amended agreed to)

Clause 11

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 11 be amended by deleting the words, 'be valid until' from sub clause (1) of clause 11 and substitute thereof the words 'expire on'

THAT, 11 be amended by deleting sub clause (2) of clause 11.

(Clause 11 as amended agreed to)

Clause 12

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 12 be amended by deleting the following expression from paragraph (a) of clause 12, 'at all times during the currency of the permit'

THAT, 12 be amended by deleting the phrase ‘required by the Director’ from paragraph (d) of clause 12 and substitute thereof the following phrase, ‘within the quarry sites’

THAT, 12 be amended by deleting the words ‘by the Director may endorse on’ from paragraph (e) of clause 12 and substitute thereof the word ‘in’

(Clause 12 as amended agreed to)

Clause 13

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 13 be amended by deleting the word ‘licence’ from clause 13 and substitute thereof the word ‘permit’

THAT, 1 be amended by deleting paragraph (b) and (e) of clause 13.

(Clause 13 as amended agreed to)

Clause 14

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 14 be amended by deleting the word ‘operations’ from sub-clause (1) of clause 14 and substitute thereof the word ‘activities’

(Clause 14 as amended agreed to)

Clause 15

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 15 be amended by deleting the words ‘the site’ appearing immediately after the words ‘closure of’ and immediately before the word ‘submit’ from paragraph (a) of sub clause (1) of clause 15 and substitute thereof the words ‘a quarry’

THAT, Clause 15 be amended by deleting the word ‘a’ appearing immediately after the words ‘plan for’ and immediately before the words ‘quarrying site’ and substitute thereof the word ‘the’

THAT, Clause 15 be amended by deleting the word ‘in’ from paragraph (b) of sub-clause (1) of clause 15

(Clause 15 as amended agreed to)

Clause 16

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 16 be amended by deleting the word ‘of’ from paragraph (b) of clause 16 and substitute thereof the word ‘or’

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(Clause 16 as amended agreed to)

Clause 18

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 18 be amended by deleting sub clause (1) of clause 18 and substitute thereof the following clause ‘the Director shall oversee the implementation of this Act’

THAT, Clause 18 be amended by deleting the word ‘licenses’ from paragraph (b) of sub-clause (2) of clause 18 and substitute thereof the word ‘permit’

(Clause 18 as amended agreed to)

Clause 19

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 19 be amended by deleting the word ‘tonnage’ from the marginal note of clause 19 and substitute thereof the word ‘roads’

THAT, Clause 19 be amended by deleting the phrase ‘within the county’ appearing immediately after the word ‘materials’ and before the word ‘shall’ from sub-clause (2) of clause 19

THAT, Clause 19 be amended by deleting the words ‘for such transportation’ appearing immediately after the word ‘roads’ from sub-clause (2) of clause 19.

THAT, Clause 19 be amended by deleting sub clause (3) of clause 19 and substitute thereof the following new sub clause, ‘a permit holder who fails to comply with the provision of this section commits an offence’

(Clause 19 as amended agreed to)

Clause 20

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 20 be amended by deleting the word ‘license’ from paragraph (a) of clause 20 and substitute thereof the word ‘permit’

THAT, Clause 20 be amended by deleting the expression ‘for such transportation; or’ from paragraph (d) of Clause 20

THAT, Clause 20 be amended by deleting the word ‘person’ from paragraph (e) of clause 20 and substitute thereof the word ‘officer’

THAT, Clause 20 be amended by deleting the word ‘on’ appearing after the words ‘and shall’ and immediately before the word ‘conviction’ and substitute thereof the word ‘upon’

THAT, Clause 20 be amended by deleting the word ‘two’ in paragraph (f) of clause 20 and substitute thereof the word ‘one’

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(Clause 20 as amended agreed to)

Clause 21

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move:- THAT, Clause 21 be amended by deleting the word 'five' from clause 21 and substitute thereof the word two'

THAT, Clause 21 be amended by deleting the word 'three' from clause 21 and substitute thereof the word 'two'

THAT, Clause 21 be amended by deleting the word 'may' from sub clause (2) of clause 21 and substitute thereof the word 'shall'

THAT, Clause 21 be amended by deleting the paragraph (b) of sub-clause (2) of clause 21

THAT, Clause 21 be amended by deleting the word 'prescribe' from paragraph (c) of sub clause (2) of clause 21

THAT, Clause 21 be amended by deleting the words 'prescribe the' from paragraph (d) of sub clause (2) of clause 21 and substitute thereof the words 'the prescribed fees'

THAT, Clause 21 be amended by deleting the words 'prescribe the' from paragraph (e) of sub-clause (2) of clause 21

THAT, Clause 21 be amended by deleting the phrase 'prescribe the form of applications' from paragraph (f) of sub-clause (2) of clause 21 and substitute thereof the word 'application'

THAT, Clause 21 be amended by deleting paragraph (g) of sub clause (2) of clause 21

THAT, Clause 21 be amended by deleting the phrase 'prescribe the mode of collection' from paragraph (h) of sub clause (2) of clause 21 and substitute thereof the phrase 'the mode of revenue'

THAT, Clause 21 be amended by deleting the word 'licenses' from paragraph (j) of sub clause (2) of clause 21 and substitute thereof the word 'permit'

THAT, Clause 21 be amended by deleting the words 'the as' appearing after the words 'other matters as' and immediately before the words 'may be necessary' from paragraph (p) of sub-clause (2) of clause 21

THAT, Clause 21 be amended by deleting the word 'full' from paragraph (p) of sub-clause (2) of clause 21

(Clause 21 as amended agreed to)

New Clauses

Hon. Ngunzi: Mr. Chairman, I beg to move:-THAT the Bill be amended by inserting the following in Clause 3 as one of the object of the Bill 'provide for rehabilitation of quarrying sites'

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

Hon. Ngunzi: Mr. Chairman, I beg to move:-THAT the Bill be amended by inserting the following new paragraph in sub-clause (1) of clause 7

- Proof of adequate insurance;
- The prescribed fee.

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

Hon. Ngunzi: Mr. Chairman, I beg to move:-THAT the Bill be amended by inserting the following new clause immediately after clause 9, 'Grant of a permit

- (1) After considering an application, the Director shall in writing grant or refuse to grant a permit.
- (2) The Director may with reasons refuse to issue a permit and shall notify the applicant accordingly within thirty days of the decision'

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

Hon. Ngunzi: Mr. Chairman, I beg to move:-THAT the Bill be amended by inserting the following new paragraphs in clause 13,

- causes danger to public health or to public safety
- has adverse effect on the environment or ecology
- interferes with public structure including communication facilities, roads and buildings’

(New clause read the First Time)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

Hon. Ngunzi: Mr. Chairman, I beg to move:-THAT the Bill be amended by inserting the following new clause immediately after clause 19

‘tonnage

- (1) The Director shall prescribe the tonnage per load of quarrying materials that may be transported within the county.
- (2) A permit holder shall only transport quarrying materials as per prescribed tonnage per load.

A permit holder who fails to comply with the provision of this section commits an offence.’

(New clause read the First Time)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

Hon. Ngunzi: Mr. Chairman, I beg to move:-THAT the Bill be amended by inserting the following new clause immediately before clause 20, ‘Association.’ A permit holder may form self-half groups or community based association to advocate for their welfare’

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Ngunzi: Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of The Machakos County Management of Quarrying Activities Bill 2016 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT AND THIRD READING

MACHAKOS COUNTY MANAGEMENT OF QUARRYING ACTIVITIES BILL 2016

(By Leave of the House)

Hon. R. Mutuku: Mr. Speaker, Sir, I beg to report that the Committee do report to the House its consideration of the Machakos County Management of Quarrying Activities Bill No. 9 of 2016 and its approval thereof with amendments. Thank you, Mr. Speaker, Sir.

Hon. Nzoka seconded.

(Question proposed)

(Question put and agreed to)

Hon. Ngunzi: I wish Mr. Speaker to move the motion that the Machakos County Management of Quarrying Activities Bill No. 9 of 2016 be now read a third time. Thank you, Mr. Speaker. I call Hon. Nzoka to second.

Hon. Nzoka: I second. Thank you.

Hon. Speaker: We can hear the Chairman briefly.

Hon. Ngunzi: Thank you, Mr. Speaker. I want to thank the Hon. Members who stood with me during this time and for their contributions that have seen the Bill. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much chairman. Hon. Ngunzi, I will ask you to say a little bit more as we wait for the clerk to organize himself.

Hon. Ngunzi: Mr. Speaker, it looks like we I am almost done and that the whole exercise went on smoothly, Mr. Speaker, and we experienced no obstacles and your office and that of the clerk enabled my committee to go through the necessary works that were required. With that, Mr. Speaker, I wish to thank all.

Hon. Speaker: Thank you. Let us now permit the clerk to read the long title.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

Hon. Speaker: I proceed to declare that the The Machakos County Management of Quarrying Activities Bill No. 9 of 2016 is now an Act of this county.

(Applause)

Thank you very much.

MOTION

AUDITOR GENERAL'S REPORT ON YATTA WATER AND SEWERAGE COMPANY

(Hon. Kalunde on 26.10.2016)

(Resumption of Debate on the Motion tabled on 26.10.2016)

Hon. M. Mutuku: Thank you, Mr. Speaker. I am standing in for the able chairman, Hon. Kalunde. Mr. Speaker, with your permission, I would like to take the House through the motion, Mr. Speaker, Sir. That aware that some of the mandates of County Public Accounts and Investments committee as per the Standing Order---

Hon. Speaker: Hon. Chairman, I think it is good to tell the House why you are tabling the matter on behalf of your able chairman. Either you are the most trusted member or this is a subject you understand a little bit better than your bit better than your chairman.

Hon. Kalunde: No, Mr. Speaker---

Hon. Speaker: Order Hon. Kalunde. I am addressing the Hon. Member. Yes, Hon. Mutuku.

Hon. M. Mutuku: Thank you Mr. Speaker, Sir, and the entire House. My able chairman is not feeling for some time and in particular today, he has not been in good mood or high spirits and that is why I was to take over.

Hon. Speaker: Proceed. Our sympathies.

Hon. M. Mutuku: Thank you Mr. Speaker, Sir, and the entire House. With your permission once again, let me take this Hon. House through the motion. Mr. Speaker, Sir, that aware that some of the mandates of Public Accounts and Investment committee as per the Standing Order 185 (2) are;

- a) The examination of the accounts showing the appropriation of the sum voted by the county assembly to meet the public expenditure and of such other accounts laid before the county assembly as the committee may think fit.
- (b) The examination of the reports, accounts and working of the county public investments.

Further aware that accountability is key in realizing value for public money, Mr. Speaker, Sir, that aware that section 149 (1) of the PFM Act 2012 provides that;

- (1) An accounting officer is accountable to the county assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is ;
 - (a) Lawful and authorized.
 - (b) Effective, efficient, economical and transparent.

Mr. Speaker, Sir, I wish to move the motion that this Hon. House discusses and approves the report of Auditor General on the financial statement of the Yatta Water and Sewerage Company Limited for the year ended 30th June, 2015. Thank you, Mr. Speaker, Sir. I wish to call Hon. Joseph Kalunde to second the motion.

Hon. Kalunde: Mr. Speaker, Sir, I second the motion. Thank you.

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Hon. M. Mutuku: Thank you.

Hon. Ngunzi: Point of order.

Hon. Speaker: Thank you. The motion is properly laid. We can take the report. Let me hear the point of order, Hon. Ngunzi.

Hon. Ngunzi: Mr. Speaker, on another day we had agreed that the notice is given, the report distributed and debate undertaken on another day. That was your ruling, Mr. Speaker, if I have not forgotten.

Hon. Speaker: I agree with you. But this notice was given this morning.

Hon. Ngunzi: And again, looking at the weight of the report and the emptiness of the House, Mr. Speaker, I would propose that we defer the matter to a better day. It looks like an important report that needs almost a full house. That is a proposal.

Hon. Speaker: Alright. Let me pick the position of Hon. Ndawa in the matter.

Hon. (Ms.) Ndawa: Thank you, Mr. Speaker. I second the proposal by Hon. Ngunzi.

Hon. Speaker: What the proposal Hon. Ndawa?

Hon. (Ms.) Ndawa: We wait for the full House.

Hon. Speaker: Can I proceed to agree with the two members that the House is in agreement that the matter be deliberated, the report be circulated and the returned for further balloting. Thank you very much. Any other matter?

ADJOURNMENT

Hon. Speaker: In the absence of any further business, then the House adjourns. Thank you.

The House rose at 3.11 p.m.