

REPUBLIC OF KENYA

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Thursday, 1st December, 2016

The House met at 2.33 p.m.

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

PRAYERS

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

MOTIONS

AUDITOR GENERAL'S REPORT ON MACHAKOS WATER SERVICES COMPANY

Hon. M. Mutuku: Mr. Speaker, Sir, I am standing here for Hon. Kalunde who has not been feeling well for a while. Mr. Speaker, with your permission and permission of Hon. House, I wish for request for deferment of this report because there are grey areas we have not finalized on and with your permission, the committee will be glad to present the report in the next session. Thank you.

Hon. Speaker: Thank you. Any member of contrary view opposing the proposal? The Chair is inclined to grant the permission. The matter will be deferred until the coming session.

(Applause)

RECESS FROM 1ST DECEMBER, 2016 TO 14TH FEBRUARY, 2017

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, aware THAT the fourth Session of the Assembly began on 9th February, 2016; aware THAT the session has been very busy and that crucial business has been executed in the House; aware THAT members need a rest from vigorous work of representation, oversight and legislation in the assembly and also have more time with their wards and consult their electorates.

Further, aware THAT December holiday and Christmas festivities are about to begin and members need time to celebrate with their electorates noting that Standing Order 24 (1) provides that a regular session of the Assembly shall commence on the 2nd Tuesday of February and terminate on the 1st Thursday of December and aware THAT the first Thursday of December would be on 1st December, 2016.

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Remembering THAT the House approved an Assembly calendar which guides the House on when to have a break and when to resume sittings; aware THAT the House calendar indicates that the House should adjourn for recess from today, 1st December, 2016 and resume sittings on 14th February, 2017. Mr. Speaker, Sir, I wish to move the motion that this Hon. House adjourns its sittings from today, Thursday 1st December, 2016 and resume sittings on Tuesday, 14th February, 2017 as per the Assembly calendar. Thank you, Mr. Speaker, Sir. I call upon Hon. Felix Mutunga Ngui, the Deputy Majority Leader, to second the motion.

(Applause)

Hon. Ngui: Thank you, Mr. Speaker. I wish to support the motion on adjournment noting that this session ending today has been very busy, we have been having the most hot debates and serious motions including last week's motion on impeachment of our Governor that caused a lot of hitch within the county assembly.

So, these members will need to go back to their electorates, some them who have not been around their wards, to go and least, clear their names with electorates as we start the next elections year. So, Mr. Speaker, on that matter, I want to second the motion on adjournment. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Member. This is ordinarily a routine motion but I would allow a few members to give speeches, perhaps of goodwill, and wish us happy holidays. Let me hear Hon. Katela.

Hon. Katela: Mr. Speaker, I stand here to also second the motion and thank all the members who have... to support the adjournment.

Hon. Ngui: Point of order.

Hon. Speaker: Point of order?

Hon. Katela: Thank you. He has withdrawn.

Hon. Ngui: Mr. Speaker, it is not in order for Hon. Katela from Muthetheni ward to second the motion on adjournment the third time. I think the motion can be seconded once. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Point of order is sustained. His opportunity to speak has been spent.

(Laughter)

Let us hear Hon. Maitha.

Hon. Maitha: Thank you, Mr. Speaker. When members are not alert to the proceedings of the House, that is the outcome. Mr. Speaker, I wish to take this opportunity to applaud all the members for the last 12 months, almost 10 months that we have been in this Assembly and it has come a time whereby we were have to go for a rest and to echo the words of Hon. Ngui, it has been a serious session, very busy, very engaging, very involving including last week's hot debate which was quite unfortunate with is absence.

So, if any *Bonga Points* were to be awarded for that, he doesn't deserve because of his absence and also I believe for those who managed also to travel, can also have time to go have enough time with their electorate but it is a little bit unfortunate because some might have it tough.

Mr. Speaker, I think all that notwithstanding, I think we are going to have our last adjournment for this year, for all sessions. I believe we will only have about two months or three months when we come back next year and my humble plea will be; we have done the the best as a House and as members of this Assembly and I believe it is the high time that all members accommodated one another.

What do I say? Mr. Speaker, today, I read the newspaper and I need your indulgence on that Mr. Speaker, the Speaker of National Assembly has intervened and said there should be no more de-whipping of members of committees because it does not make any sense. Mr. Speaker, I think with your ample wisdom, you will follow suit and this House be granted enough time and freedom for members to enjoy what they can within the next three or four months remaining of our session.

Mr. Speaker, we cannot fight any longer. The best and the most important debate that could have had in this House was the debate that we had last week, Mr. Speaker---

Hon. Speaker: This House is not bound by the rulings of the National Assembly.

(Applause)

Hon. Maitha: Mr. Speaker, I have just said that you borrow a leaf from that because even as a lawyer, Mr. Speaker, you give reference to an argument or a submission before the court of law that in a matter ruled before the High Court of South Africa, this what happens, Mr. Speaker.

Hon. Speaker: I gave the chance that you wish us well.

Hon. Maitha: That is where I am heading, Mr. Speaker. I want to culminate so that by the time we came back next year, Mr. Speaker, every other member of this Hon. House may have enough time.

Majority Leader (Hon. Mwonga): Point of information.

Hon. Maitha: Protect me, Mr. Speaker. Enough time to exercise the remaining session with this peace, expedite the remaining business of the House in the best humble and simplest way. We don't want to start a New Year with fighting; we don't want to start a new year---

Majority Leader (Hon. Mwonga): Point of information.

Hon. Katela: Point of order.

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to inform the Hon. Member that the de-whipping is a measure, a process of disciplining errant members.

(Loud consultations)

Mr. Speaker, the Leader of Majority or the Chief Whip will have no other alternative, Mr. Speaker. What can you do to the members who have crossed the floor to the other side of the opposition, Mr. Speaker?

Hon. Speaker: Order!

(Loud consultations)

Majority Leader (Hon. Mwonga): The only thing he can do is de-whipping and I want to assure members it is going to continue. We have to instill discipline, Mr. Speaker. Thank you.

Hon. Maitha: Mr. Speaker, I think that I was not culminating---

Hon. Speaker: Conclude. I only allowed two members to contribute.

Hon. Maitha: Thank you. The Hon. Majority Leader, I offer my candidature for de-whipping if that is the case. Thank you, Mr. Speaker. I wish all the members all the best in their Christmas and if that is what Majority Leader wants to go with, I offer my candidature for de-whipping from all committees if that makes him happy. All the best! Thank you, Mr. Speaker.

Hon. Speaker: Thank you. The motion for adjournment is granted.

ADJOURNMENT

Hon. Speaker: The House adjourns. I wish you well. Have a great time.

The House rose at 2.44 p.m.