

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 14th December, 2021

The House met at 2.45 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

**SUPPLEMENTARY BUDGET ESTIMATES FOR
THE FINANCIAL YEAR 2021/2022**

Hon. Deputy Speaker: Hon. Members, under this Order, I have one communication to make and this is concerning the supplementary budget estimates for the financial year 2021/2022. As you are aware Section 135(1) of the Public Finance Management Act of 2012 provides that a County Government may spend money that has been appropriated if the amount appropriated for any purpose under the County Appropriation act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Act or money has been withdrawn from the County Government's Emergency Fund.

Further, Section 135(2) of the PFM Act 2012 provides that a County Government shall submit a supplementary budget in support of the additional expenditure for authority for spending to the County Assembly. Pursuant to these provisions of the PFM Act, the CECM of finance and economic planning has submitted a supplementary budget for financial year 2021/2022 to the Assembly for approval.

The said document was submitted to the Assembly on the 8th day of December, in the year of our Lord 2021. As such supplementary Budget Estimate is hereby committed to the Budget and Appropriations committee pursuant to Standing Order 186(3) for processing within the shortest time possible so that that budget can be able to be utilized by both the Executive and also in light of the view of the fact that there are Member projects that need to be undertaken through the funds which have thus been provided for in the supplementary budget. That is the end of the communication.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson (Hon. Muthoka) took the Chair]

THE MACHAKOS ABATTOIRS BILL, 2020
(MACHAKOS COUNTY BILLS NO. 7)

Hon. Chairperson: Good afternoon Members. Welcome to the committee of the Whole House. We are going to process this Bill.

(Clause 3 agreed to)

Clause 4

Hon. Mitaa: I move that THAT the Bill be amended in clause 4—

(a) by inserting the following new sub-clauses immediately after sub-clause 3—

(4) The Director shall categorize local slaughterhouses according to the criteria set out in the Second Schedule and into the following categories—

- (a) Category A for large slaughterhouses;
- (b) Category B for medium slaughterhouses; and
- (c) Category C for slaughter slabs.

(5) The Director shall assign a unique number to each slaughterhouse which shall be used to identify all carcasses and meat slaughtered in that slaughterhouse.

(Question of the amendment proposed)

*(Question, that the words to be inserted in place thereof
be inserted, put, and agreed to)*

(Clause 4 as amended agreed to)

(Clauses 5, 6 and 7 agreed to)

Clause 8

Hon. Mitaa: I move THAT the Bill be amended in clause 8 by inserting the following new paragraph immediately after paragraph (i)—

(j) It allows adequate space for holding of animals before slaughter.

(Question of the amendment proposed)

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 8 as amended agreed to)

(Clause 9 agreed to)

Clause 10

Hon. Mitaa: I move THAT clause 10 of the Bill be amended—

- (a) By deleting the phrase ‘that the director, after consultation with the county executive, may prescribe’, and substituting therefor the following phrase “as prescribed in the First Schedule in accordance with the categories defined in section 4.”;
- (b) By inserting the following new clauses after sub-clause (4)—
 - (5) In considering an application for a license under this section, the Director shall conduct public participation and take into consideration the views of the public.
 - (6) The Director may prescribe the number of slaughterhouses that may be set up in a given area.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the word to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 10 as amended agreed to)

Clause 11

Hon. Mitaa: I move THAT clause 11 of the Bill be amended in sub-clause 2 by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) Specify the name, location, category of slaughterhouse and such other particulars of the applicant as may be prescribed by regulations’’

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 11 as amended agreed to)

(Clause 12 agreed to)

Clause 13

Hon. Mitaa: I move THAT Clause 13 of the Bill be amended by inserting the following new sub-clauses

Immediately after sub-clause (5)—

(6) The licenses issued under this Act shall only be for operating between the hours of 6.30 a.m. and 5.00 p.m.

(7) Upon application, the Director may exempt a license holder from the provisions of subsection (6) concerning the timing for slaughtering of animals.

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 13 as amended agreed to)

(Clauses 14, 15, 16, 17 agreed to)

Clause 18

Hon. Mitaa: I move THAT Clause 18 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

(4) The Director shall specify the types of animals to be slaughtered in each category of slaughterhouses.

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 18 as amended agreed to)

(Clauses 19, 20, 21 and 22 agreed to)

Clause 23

Hon. Mitaa: I move THAT Clause 23 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

(4) The access granted to an inspector or veterinary officer under this section shall apply to meat selling outlets and butchereries.

THAT the Bill be amended in the First Schedule by reviewing the Slaughter slab for rural areas as follows;

- Ksh. 100 per cow.
- Ksh. 50 per goat.
- Ksh 150 per pig.

(Question of the amendment proposed)

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 23 as amended agreed to)

*(Clauses 24, 25, 26, 27, 28, 29, 30, 31,
32, 33, 34, 35, 36, 37, 38, 39,
40, 41, 42 and 43 agreed to)*

(Schedule 1 agreed to)

(Schedule 2 agreed to)

New Schedules

New Schedule 2

Hon. Mitaa: I propose that the new Schedule 2 be read a second time

SECOND SCHEDULE

THE MEAT CONTROL (LOCAL SLAUGHTERHOUSES) (LICENSING) REGULATIONS 2021

FIRST SCHEDULE—continued

Name of applicant
(Owner of slaughterhouse or Firm or Company)

Previous License number and date of issue (if renewal)

Approved Category of the Slaughterhouse

Business postal address of applicant

.....

Date

Signature of applicant

- Delete whichever is not applicable

FOR OFFICIAL USE ONLY

The slaughterhouse to which this application relates fulfills all the requirements of the Meat Control (Local Slaughterhouse) Regulations, 2010 and I hereby recommend the applicant to be issued with a license.

Date

.....
Inspecting Officer

Slaughterhouse Category	Fees in KSh.
Category A (Large slaughterhouse)	6000
Category B (Medium slaughterhouse)	4000
Category C (Slaughter slab)	1000

(Question of the new schedule proposed)

(New schedule read the second Time)

(Question, that the new schedule 2 be read a Second Time, proposed)

(The new schedule 2 was read a Second Time)

(Question, that the new schedule 2 be added to the Bill, put and agreed to)

New Schedule 3

Hon. Mitaa: I propose that the new Schedule 3 be read a second time

THIRD SCHEDULE

THE MEAT CONTROL (LOCAL SLAUGHTERHOUSE) (LICENSING) REGULATIONS:
APPLICATION FOR OR RENEWAL OF A SLAUGHTERHOUSE LICENCE

Licence No. Slaughterhouse Category

Issued to

(Name and address of owner of slaughterhouse, firm or Company)

Licence expires on the 31st December 20.....

Date

.....

Inspecting Officer

Fees Paid: KSh Official receipt Number

Date



(Question of the new Schedule 3 proposed)

(New Schedule 3 read the second Time)

(Question, that the new Schedule 3 be read a Second Time, proposed)

(The new Schedule 3 was read a Second Time)

(Question, that the new Schedule 3 be added to the Bill, put and agreed to)

New Schedule 4

Hon. Mitaa: I propose that the new Schedule 4 be read a second time

FOURTH SCHEDULE

<i>Slaughterhouse Category</i>	<i>Fees in KSh.</i>
Category A (Large slaughterhouse)	6000
Category B (Medium slaughterhouse)	4000
Category C (Slaughter slab)	1000

(Question of the new Schedule proposed)

(New Schedule read the second Time)

*(Question, that the new Schedule be
read a Second Time, proposed)*

(The new Schedule was read a Second Time)

*(Question, that the new Schedule 4 be added to
the Bill, put and agreed to)*

(Clause 2 agree to)

(Title agreed to)

Clause 1 agreed to)

Hon. Mitaa: I wish to move the motion that the committee do report its consideration of the Machakos County Abattoirs Bill No. 7 of 2020 and its approval thereof with amendments

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Deputy Speaker in the Chair]

Hon. Deputy Speaker: Good afternoon. I think the committee of the Whole House has been done but I have just been informed that there was a Clause which was moved as if it did not have amendments while it had amendments in it. Therefore what I am going to do is that I want the committee of the Whole House to re-convene again for a short while to be able to correct that anomaly so that we can be able to capture in the HANSARD the correct thing and then we shall come back again and continue from there. I think you call the committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson (Hon. Muthoka) took the Chair]

THE MACHAKOS ABATTOIRS BILL, 2020

(MACHAKOS COUNTY BILLS NO. 7)

Hon. Chairperson: Sorry for that the proposed no amendment for Schedule 1 but we understand that there are amendments so we are re-considering only Schedule 1

New Schedule 1

Hon. Mitaa: **THAT** the Bill be amended —

- (a) by inserting the following new schedules immediately after First Schedule—

Licence No. Slaughterhouse Category

Issued to

(Name and address of owner of slaughterhouse, firm or Company)

Licence expires on the 31st December 20.....

Date

.....

Inspecting Officer

Fees Paid: KSh Official receipt Number

Date

THIRD SCHEDULE

THE MEAT CONTROL (LOCAL SLAUGHTERHOUSE) (LICENSING) REGULATIONS:
APPLICATION FOR OR RENEWAL OF A SLAUGHTERHOUSE LICENCE

Name of applicant

(Owner of slaughterhouse or Firm or Company)

Previous License number and date of issue (if renewal)

Approved Category of the Slaughterhouse

Business postal address of applicant

.....

Date

Signature of applicant

- Delete whichever is not applicable

FOR OFFICIAL USE ONLY

The slaughterhouse to which this application relates fulfills all the requirements of the Meat Control (Local Slaughterhouse) Regulations, 2010 and I hereby recommend the applicant to be issued with a license.

Date

.....

Inspecting Officer

<i>Slaughterhouse Category</i>	<i>Fees in KSh.</i>
Category A (Large slaughterhouse)	6000
Category B (Medium slaughterhouse)	4000
Category C (Slaughter slab)	1000

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Schedule 1 as amended agreed to)

Hon. Mitaa: Mr. Chairman, I beg to move that the Committee do report to the House its consideration of the Machakos County Abattoirs Bill 2020 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Hon. Chairperson: So, Hon. Members, we now move ahead and back to the plenary.

(The House resumed)

[Hon. Deputy Speaker in the Chair]

REPORT AND THIRD READING
THE MACHAKOS ABATTOIRS BILL, 2020
(MACHAKOS COUNTY BILLS NO. 7)

Hon. Muthoka: Hon. Speaker, I wish to report that the Committee of the Whole House has considered the Machakos County Abattoirs Bill 2020 (Machakos County Bills No. 7) and has approved the same with amendments. Thank you, Mr. Speaker.

Hon. Mitaa: Hon. Speaker, I beg to move that the House do agree with the committee in the said report. I request Hon. Nicholas Muia to second.

Hon. Deputy Speaker: Hon. Nicholas.

Hon. Muia: Thank you, Mr. Speaker. I second.

Hon. Deputy Speaker: Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Mitaa.

Hon. Mitaa: Hon. Speaker, pursuant to Standing Order 131(2), I beg to move the motion that the Machakos County Abattoirs Bill 2020 (Machakos County Bills No. 7) be now read a third time. I wish to request Hon. Nicholas Muia to second the Motion. Thank you.

Hon. Deputy Speaker: Hon. Nicholas Muia.

Hon. Muia: Thank you, Mr. Speaker. I second.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Is there any Member who would wish to make a comment on this although if there was any comment I would have expected that during the Committee of the Whole House. I invite the mover of the motion to give a comment or two before we put the question.

Hon. Mitaa: Thank you, Hon. Speaker. I first want to applaud my committee Members for their input which they have given towards the actualization of this Bill. I want to appreciate my colleagues for their input as well both in the assembly and when we were doing the public participation. Again I want to appreciate my committee Clerk Assistants for working tirelessly to ensure that this Bill comes out as a success. Hon. Speaker, I want to thank your office for facilitation and enabling us to undertake anything which was needed for actualization of this Bill and I also want to thank the Executive because at a certain stage we also required their input and above all I want to thank the residents of Machakos who gave their input through public participation.

One thing I must assure every stakeholder who was involved in coming up with this Bill that every input has been taken into consideration and I believe that this Bill, once it becomes law, will now be able to control matters to do with abattoirs within our county because in between the journey I gave reasons as to why we found it good to come with such a Bill which we think will assist the county government of Machakos in different ways and as well as the residents of Machakos in matters relating to health of the meat they consume. So, I want to thank everybody, I want to applaud the Committee and I hope that this Bill will be a success once implemented. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much. Hon. Moses.

(Question put and agreed to)

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

(Applause)

Thank you, Hon. Members. You have now passed that Bill; it has now become an Act and it is only awaiting the assent of the Governor and it becomes a law. I congratulate the chairman and the House for enacting that much-needed Act on abattoirs in the County.

One thing which I would like Hon. Members to remember is that I do not expect to see any Member who does not have a mask on in the House and the ask should be properly covering both mouth and nose. If your mask is not covering both mouth and nose, I will have no alternative other than that you withdraw from the chamber because these are guidelines for Covid and as you all know we have Omicron. Hon. Jeremiah, I expect you after finishing that water to put your mask properly.

BILL

Second Reading

THE MACHAKOS COUNTY CLIMATE CHANGE (AMENDMENT) BILL, 2021
KENYA GAZETTE SUPPLEMENT NO. 14 (MACHAKOS COUNTY BILLS NO. 6)

(The Chairperson, Environment and Natural Resources on 08.12.2021)
(Resumption of Debate interrupted on 08.12.2021)

Hon. Deputy Speaker: Hon. Members, this Climate Change (Amendment) Bill, 2021 is being stated here as continuation of debate but from the information which I had gathered earlier is that there were some issues which arose when this report was presented before the House last week and the report had to go back to ensure that everything which the Hon. Members had suggested needed to be put in the report has been included.

Therefore it shall not be a continuation of debate: I would like the Chairman to read the report so that Members can confirm that the issues which they had raised last week which made the report be taken back have now been properly captured in the report and those amendments are also captured in the HANSARD. Hon. Robert Kisini.

(Applause)

Hon. Kisini: Thank you, Mr. Speaker. It is a continuation of report and I hope we have now rectified and captured the right things. Through your guidance Mr. Speaker, I do not know whether I am going to start all over again or I am going to---

Hon. Deputy Speaker:*(Inaudible)*

Hon. Kisila: Mr. Speaker, there are changes in the justification.

Hon. Deputy Speaker:*(Inaudible)*

Hon. Kisini: Thank you, Mr. Speaker, I will start there.

*JUSTIFICATION ON THE AMENDMENTS TO THE MACHAKOS COUNTY CLIMATE CHANGE
(AMENDMENT) BILL, 2021*

Hon. Speaker, the Committee, in its task of undertaking the process of doing amendments was necessitated by the following issues:

1. That the Bill assigns the function of administering the fund to a Fund Administrator, whose qualifications and criteria of appointment is not clearly provided. To ensure prudent management of the fund, the committee recommends that the functions, qualifications and appointment of the Fund Administrator as enshrined in the PFM Act be here in captured with the approval of the Assembly.
2. That there is need to clearly define the roles of the Steering Committee and Planning Committee to avoid duplication of roles.
3. That the Principal Act assigns the role of signatory to State Officers which is against the PFM Act.
4. That officers in some Departments like health are included in the administrative structure of climate change despite it being unrelated. The committee therefore chose to consider only the

Departments that are relevant to Climate Change and do away with those whose relevance is far reached.

5. The Principal Act assigns duties to National Government officers like the National Drought Coordinator, NEMA representative among others. The Committee chose to delete from the membership officers from the National Government like the Drought Management Officer and NEMA officer whose responsibility is not vested with the County Government.

Hon. Deputy Speaker: Just a minute, Hon. Kisini. Hon. Kisila.

Hon. Kisila: Hon. Speaker, this is a very important Bill and is a Bill which is touching on the future of our county, including Members' contributions. Hon. Speaker, we do not have quorum and I think it is important that Members take this Bill seriously and I just bringing to your attention that we do not have quorum and it is good that we can take the appropriate action that we can have quorum so that we pursue the Bill the right way.

Hon. Deputy Speaker: Hon. Whip, can the Hon. Whip go and whip the Members.

(Quorum Bell for five minutes)

Hon. Mitaa: Hon. Speaker, I think we have quorum to undertake our business.

Hon. Deputy Speaker: Thank you. Let us go ahead. Stop ringing the bell and we go ahead. Hon. Kisini, go ahead.

Hon. Kisini: Thank you, Hon. Brian, one of our Committee Members for noticing that.

6. The membership of some of the committees is not inclusive. The amendment was done in order to bring the element of inclusivity in the membership of these Committees.

5.0 MACHAKOS COUNTY CLIMATE CHANGE (AMENDMENT) BILL, 2021

5.1 Publication, First reading and Committal to Committee

Hon. Speaker, the Machakos County Climate change (Amendment) Bill, 2021 was published on 11th November, 2021 and the Bill was read for the First time on 17th November, 2021 during the *Bunge Mashinani* in Athi River Ward pursuant to Standing Orders 118 and 119.

Hon. Speaker, the Bill having been read for the First time, was committed to the Committee on Environment pursuant to Standing Order 120(1) that states that 'a Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put.' Upon committal of the Bill, the committee interrogated the Bill in several meetings, conducted public participation through request of memoranda and made recommendations.

5.1 Public Participation of the Bill

Hon. Speaker, Standing Order 120(3) provides that the Sectoral Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and

recommendations of the public when the Committee makes its report to the House. Further, Article 196(1)(b) provides that a County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees

Hon. Speaker, the principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. It seeks and facilitates for involvement of those potentially affected by or interested in a decision.

The committee on Environment via a letter dated 6th December 2021 forwarded memoranda to various stakeholders giving a notice of seven (7) days to request for submissions on the contents of the Bill. The memoranda partly read 'the County Assembly of Machakos as established under Article 176(1) of the Constitution is vested with the legislative power under Article 185(1) and (2) of the Constitution. It is on this basis that your attention is drawn to the Machakos County Climate Change (Amendment) Bill, 2021 as published and an invitation is extended to you to submit your views on the Bill to the Sectoral committee on Environment and Natural Resources.'

Hon. Speaker, on 13th December, 2021 at 5.00 p.m. no submissions had been received in the provided emails from the various stakeholders requested.

6.0 RECOMMENDATIONS ON PROPOSED AMENDMENTS

Hon. Speaker, after scrutiny of the Bill and after conducting public participation the committee made recommendations on the following key areas;

- a) The Steering committee on the matter of membership and functions.
- b) The County Planning Committee on the matter of Membership and functions.
- c) The Ward Planning Committee on membership and qualifications.
- d) Establishment of the climate change directorate.
- e) Office of the fund administrator on appointment, qualifications, functions and distribution of funds.

6.1 THE STEERING COMMITTEE

6.1.1 Membership

Hon. Speaker, Section 7 provided for 15 members to comprise the Steering committee. Guided by the code of good governance for state corporations, members considered the Steering Committee to be at the level of Board or Council whose membership is provided to range from seven to nine Members. The membership of 15 is contrary to the principle of good governance.

The Committee recommended that the Steering Committee shall comprise of nine Members as follows;

1. The Deputy Governor as Chairperson.
2. Executive Committee Member in charge of climate change as the Secretary.
3. Executive Committee Member in charge of the County Treasury.
4. Executive Committee Member in charge of agriculture.
5. Executive Committee Member in charge of water.
6. A representative of the Public Benefit Organization nominated by the most representative registered association of civil societies working on climate change in Machakos County.
7. A representative of the private sector nominated by the body representing the largest number of institutions in the private sector operating in Machakos County.
8. A youth representative who is a member of National Youth Council.

9. A PLWD representative registered with the National Council for Persons Living with Disabilities nominated by the Machakos Chapter.

On the qualifications of appointment for persons under Nos. 6, 7, 8 and 9, the committee recommends on the following qualifications:

- (a) Has demonstrable experience, expertise and interest on issues of climate change, natural resource management or environmental conservation;
- (b) Has actively and publicly engaged in matters stated in paragraph (a) within the County for five years preceding the nomination;
- (c) Is a citizen of Kenya;
- (d) Is a resident of the County;
- (e) Must hold a minimum Bachelors' degree and
- (f) Meets the requirements of Chapter 6 of the Constitution.

On the membership of this committee, the amendment Bill addresses removal of the following members which the committee also concurred with:

- a) Deletion of National Government officer for coordination of drought, County Director of Meteorology and County representative of NEMA from the principal Act, since the said officer's report to the National Government.
- b) Deletion of County Executive Member for health in the Principal Act since the Department of Health is not relevant at mitigation level to Climate Change.
- c) The committee considered the amendment Bill that provided for four Chief Officers to be members of the Steering Committee. The committee recommends removal of Chief Officers from Steering Committee to County Planning committee because Chief Officers are policy implementers.

Further, the committee recommends;

- (a) Insertion of the words 'and participatory' immediately after the word 'coordinated' in Section 6(j) for the purpose of clarity of information.
- (b) On Amendment No. 5 of the amendment Bill, retain Section 7(4) and (5) of the Principal Act. On the procedure of gazettelement of the members.
- (c) Deletion of section 7 (6) on gazettelement of non-state member.
- (d) On Amendment No. 7 of the amendment Bill that addresses Section 9 of the Principal Act to be retained as in the Principal Act.

7.1.2 Functions of the Steering Committee

Hon. Speaker, on this section the committee recommends:

- a) Deletion of Coordination and oversight function from the Steering committee as indicated in the amendment Bill. This is because Coordination function is best suited to County Planning Committee which will be required to coordinate and implement policies as issued by the Steering committee and projects as proposed by the Ward Planning Committees.
- b) Deletion of the function of approval and oversight of implementation of programs from the Steering Committee and the function be transferred to County planning committee. Deletion of the words 'and administer' in 6 (c) and the word 'approve' in 6(d). This is because administration and approval roles are for the County planning committee.

8.0 THE COUNTY PLANNING COMMITTEE

Hon. Speaker, the Amendment Bill provides for removal of the County Planning Committee.

The committee recommends:

- a) Reinstatement of the County Planning Committee which is a very crucial committee in carrying out implementation of policy directions. The Committee observed that the best suited officers in this committee are the Chief Officers and the Director, climate change.
- b) Replacing all the directors therein with Chief Officers except for director climate change to raise the status of the planning Committee to enable the implementation and harmonization of Climate Change Policy.
- c) Reducing the membership to 9 by removing the Director Health since the department is not directly related to Climate Change and the County representative of Drought Coordination, representative of NEMA, representative of Meteorology because these officers are under the National Government and may not take instructions from the County Government.
- d) That the County Planning Committee shall therefore comprise of the following members;
 1. The Chief Officer who shall be the Chairperson;
 2. The Director, in-charge of climate change who shall be the Secretary;
 3. The Chief Officer, responsible for the County Treasury;
 4. The Chief Officer, responsible for matters relating to agriculture;
 5. The Chief Officer, responsible for matters relating to water;
 6. A Man and a Woman from Public Benefit Organization working on Climate Change matters;
 7. One youth representative from PWDs who is registered with the National Council for Persons Living with Disabilities;
 8. A representative of the private sector nominated by the body representing the largest number of institutions in the private sector operating in Machakos County;

The Fund Administrator shall be *ex officio* member of the planning committee without voting rights.

On the functions of the County Planning Committee, the committee recommends the approval and oversight function to be included as follows:

- (a) Approve and oversee the implementation in the County of a comprehensive programme of climate change education, awareness creation and capacity building.

9.0 THE WARD PLANNING COMMITTEE

Hon. Speaker, on the membership the Committee recommends:

- a) Removal of 4 members from the various representations reducing the overall membership from 12 to eight including the Secretary who shall be *ex officio* member. The reduction was guided by the factor of inclusivity and relevance to the requirements of the Ward unit which will be the implementing site of climate change programs.
- b) Deletion of the Ward Administrator as the Secretary of the Ward Planning Committee owing to the fact that there will be a Climate Change Officer who is proposed by the committee to be the Secretary of the Ward Planning Committee. This officer will be appointed by the Director, Climate change.
- c) That the Ward Planning Committee shall comprise of the following members:

1. A Chairperson who is a resident of the Ward with knowledge or demonstrated experience on matters relating on environment and climate change;
2. Climate Change officer nominated by the Director from the Department of Climate Change who shall be the Secretary. *Ex officio* without voting rights;
3. A representative of the youth;
4. A representative of the women;
5. A representative of persons living with disability who ordinarily resides in the Ward who is registered with the National Council for Persons Living with Disabilities;
6. A representative of the business community who ordinarily resides in the Ward;
7. A representative of faith-based organizations being persons who ordinarily reside in the Ward;
8. A representative of Public Benefit Organization who resides within the ward.

On the functions of the Ward Planning Committee, this committee recommends insertion of the following functions:

- (a) Confirm and ascertain to satisfactory that a project has been done well before payment is done;

(Applause)

- (b) Perform any other functions as may be assigned by the County planning committee for the attainment of the objectives of this Act.

The additional roles were arrived at after considering the fact that this committee is the actual implementer of the Ward projects.

On the qualifications, the committee recommends that a member of Ward Planning Committee shall qualify for appointment if the person:

- (a) Is a resident of the ward;
- (b) Meets the requirements of Chapter Six of the Constitution;
- (c) Demonstrates basic knowledge of climate change and environmental issues;
- (d) Possesses a minimum of Certificate for Secondary Education for the rest of committee members;
- (e) In the case of a Chairperson ordinarily resides in the Ward and is a holder of a minimum qualification of a Diploma in an environment related field.

Further, the committee recommends that the convener of the meeting for election of Chairperson and Ward Planning Committee members shall be the Climate Change officer appointed by the director.

Hon. Brian Kisila had a dissenting opinion on the qualification of the Chairperson, that the Chairperson of the Ward Planning Committee must have a minimum of Bachelor's Degree in the relevant field given that the responsibility bestowed to this Chairperson is enormous and of significant prominence in the Ward.

(Applause)

10.0 THE CLIMATE CHANGE DIRECTORATE

Hon. Speaker, the Amendment Bill provides for Climate Change Unit as is also in Section 10 of the Principal Act. The Climate Change Unit was administratively set up as an *ad hoc* measure pursuant to the Climate Change Act, 2016 requirement for gazettement of CECMs responsible for Climate Change. The Committee therefore recommends:

- a) That the appropriate approach is to set up a County Climate Change Directorate headed by a Director. The County Director of Climate Change shall be recruited competitively by the County Public Service Board with approval of the Assembly.
- b) That the Director shall be responsible for the performance of specific duties and functions of the Directorate as set out in this Act.
- c) That the Directorate shall have such other staff as may be appointed by the County Public Service Board for the efficient execution of its functions.

On the matter of qualifications of the Climate Change Director, the committee recommends the following qualifications;

1. Be a citizen of Kenya;
2. Be a Bachelor's degree holder in any of the following fields—
 - (i) Environmental studies;
 - (ii) Environmental engineering;
 - (iii) Meteorology;
 - (iv) Climatology;
 - (v) Environmental law;
 - (vi) Community Development;
 - (vii) Public Administration;
 - (viii) Economics.
3. Have at least 5 years' experience in the relevant field;
4. Meets the requirements of Chapter Six of the Constitution.

On the functions of the Director, the Committee recommends on the following functions:

1. The Director shall be responsible for operational coordination and implementation of all climate change response measures and actions in the County.
2. Without prejudice to the generality of the foregoing subsection, the Director shall—
 - a. Coordinate the implementation of the County Climate Change Action Plan, County Climate Change Finance Framework and other climate change related policies, plans, programmes and projects;
 - b. Coordinate and provide technical support to relevant County Government departments to integrate and mainstream climate change response measures and actions into all County Government development policies, plans, programmes and projects;
 - c. Provide capacity building and technical support to communities and other stakeholders in the county to formulate and implement low carbon development strategies and actions to build resilience and enhance adaptive capacity to climate change.
 - d. Coordinate climate change related research activities, knowledge dissemination and public awareness in the County;

- e. Coordinate public participation and facilitate access to information pertaining to climate change with regard to all development plans, programmes and projects in the County;
- f. Coordinate measurement, reporting and verification of all climate change policies, plans, programmes and projects in the County.
- g. Be a signatory to the fund.

11.0 THE FUND ADMINISTRATOR, SIGNATORIES AND DISTRIBUTION OF FUNDS

The Fund Administrator is a key person in the implementation of Climate Change action plans and that such person needs to be highly qualified. On this basis and on the matter of recruitment, the Committee recommends that:

- a) The Fund shall be administered by a Fund Administrator competitively recruited by the County Public Service Board and approved by the County Assembly and designated as such by the Executive Committee Member for Finance in accordance with section 116(2) of the Public Finance Management Act, 2012.

(Applause)

On qualifications the Committee recommends on the following qualifications:

1. A minimum of Bachelor's degree in Finance, Economics or Business Administration;
2. A minimum of 5 years' experience in management of finance;
3. Membership of a recognized professional body.

On the functions of the Fund Administrator the committee recommends on the following functions;

- (a) Prepare accounts for the fund for each financial year;
- (b) Not later than three months after the end of each financial year, submit financial statements relating to those accounts to the County Assembly;
- (c) Ensure that the accounts for the fund and the annual financial statements relating to those accounts comply with the accounting standards prescribed and published by the Accounting Standards Board from time to time;
- (d) Provide mechanisms for daily operations of the Fund;
- (e) Ensure quality assurance in execution of the mandate of the Fund;
- (f) Provide technical assistance to the Ward Planning Committee;
- (g) Shall process and ensure timely disbursement of project funds as approved by the County Planning Committee.

On the Signatories to the Fund, the Committee recommends that the signatories to the Bank Account shall be;

1. Fund Administrator who shall be a mandatory signatory.

(Applause)

2. Chief Officer in charge of climate change.
3. The Director, Climate Change.

Further, the Committee recommends that cheques for administrative expenses shall be signed by any two of the signatories but cheques to service providers for projects shall be signed by all three signatories provided that the Fund Administrator shall sign all cheques issued from the Fund

On the matter on distribution of funds the committee recommends that:

- a) All projects shall originate from the Wards.
- b) The amounts will be distributed in the following manner:
 - i) Administrative and allowances 5 per cent which shall include awareness creation, trainings and capacity building.
 - ii) The remaining 95 per cent of the fund shall be utilized for the projects proposed by the Ward Planning Committee and approved by the Planning Committee as follows; 80 per cent equally distributed among all Wards and 20 per cent equitably.

(Applause)

9.0 CONCLUSION

Hon. Speaker, human activity is influencing the global climate in a negative way. Climate change exacerbates the threat of human-caused conflict resulting from a scarcity of resources like food and water that are less reliable as growing seasons change and seasons become less predictable

Hon. Speaker, many of these impacts are happening disproportionately in low-income, Indigenous, or marginalized communities. Around the globe, many of the poorest nations are being impacted first and most severely by climate change, even though they have contributed far less to the increase in carbon emissions that has caused the warming in the first place. Climate change is therefore a critical area of concern which all nations should rise and embrace measures to mitigate or adapt to its effects.

Hon. Speaker, it is therefore my duty, on behalf of the Committee on Environment to table the report on Machakos Climate Change (Amendment) Bill, 2021 to this Hon. House for discussion and adoption. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you very much, Hon. Kisini. Hon. Members, I believe the question had been proposed in the last meeting. Hon. Members you may comment on this. Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker, for the opportunity; I am going to give my input. I first want to applaud the chairman of Environment Hon. Kisini for working together with this team tirelessly. I know after referring the Bill back to the committee it must have been very tasking and they must have ensured that again we will not take it back to them. Hon. Speaker, I want to applaud my colleagues because they are very much awake especially after going wrong with the municipalities' charter. Being the body or else the body which is tasked to ensure that we have proper laws and the laws we pass are up to the standard and they are implemented well, we came to find out that sometimes because of either negligence or lack of concentration, we somehow allow some loopholes too pass and we only come to realize these loopholes upon implementation of what we have passed.

So I want to thank the team because I have been following keenly and I can assure you they worked on Thursday, Friday and over the weekend they were still working Hon. Speaker to an extent I

did not even think that they will be able to bit the deadline and have these report ready for tabling today. I want to thank them for they deserves recognition Hon. Speaker and I believe Hon. Kisini after the Bill is passed you will be able to take your committee somewhere for refreshments because they have done marvelous and I am proud to be part of the Assembly which will pass this law because even after retiring from politics, this is something we will live with and its due implementation will be a success not to us but even to generations to come. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Katumo.

Hon. Katumo: Thank you Hon. Speaker, I also want to take this opportunity to really applaud the Chair and the committee for the adequate work they have done over the weeks they have been sitting for the same. We retreated on the same report before it came to the House last week and I am happy that most of the recommendations because I am not part of the Committee but retreated as a House and therefore most of the recommendation that I also gave in contributing to the Bill were captured.

One of the correction; I would wish to address the Chair is that we do not say National Council for People living with Disabilities but National Council for Persons with Disabilities; we are not living with it but we are persons with disabilities and therefore that is something that you need to correct, going forward.

Then I have to say matters to do with climate are very crucial during this time, we are living in the context and philosophy that is running across and the Bill is to make sure that we give mitigation measures and make sure that we don't leave loopholes. One of the things I have noted with this Bill, going through it, is that the quality of making things has gone up, that we are too picky to make sure there are no loop holes because we have known where we have been going wrong and now we can correct to make sure that our oversight is really felt and is measurable.

Therefore I want to thank the committee and the whole House and everybody who contributed. I think, going forward, we will have something that we will be able to cheer and something that will carry on for posterity even after we have left this Assembly. Thank you Hon. Chair.

Hon. Deputy Speaker: Thank you so much. Hon. Mutinda.

Hon. Mutinda: Thank you so much, Mr. Speaker. Let me start by thanking the chair and the committee for this good work done and Mr. Speaker I say it has come in good time that we are in the times of climate change. Remember recently we had the devolution conference on this matter and the world all over was Glasgow just talking about the same and down here we are taking action on the same. Mr. Speaker, I want to say it is a good job and I want to thank them especially when you see the share the committee has given that 80 per cent of the funds be shared equally and 20 per cent of the funds be shared equitably.

This is some sort of equalization fund where those marginalized wards like Wamunyu, Kibaoni and others like Muthesya and those which can be considered in that equitable share of those areas which have been hardly hit. So Mr. Speaker I urge the House to support and approve this and also say that it is important for us to see to it that the Fund Administrator tenure is secure because when we have this big funds of this nature then the security of the Fund Administrator for all this good job to be seen is the security of his job.

We can see the entrance and qualification but the exit should be safeguarded so that nobody is being told that if you do not do this I will chase you from this job so that the exit may also be from this House. You will do the address through the Service Board, approval by the House and the exit again

comes to this House so that the security of tenure of this person is secured and the work can be delivered to our expectations.

The other thing is on the issue of Ward Committees. I think the Act should also empower the Ward Committees very much so that everything is controlled from that point; the identification process and all those and also the approval when all the works have been done and the approval by the committee is to be done. I have heard a word there Mr. Speaker which said, if the work is well-done but well is relative and comparative so it is important that its defined to be after the scope of work has been done but not well-done because well will depend on what well is well.

So, it is a good report and it is a good Bill and I think I urge the House to support and as we go on, any amendments thereof which can be called within they may be done because it is the first time we are actualizing it and then if any deviations are seen that we need to correct then in future that will be necessary to be done. Thank you, Mr. Speaker, for the opportunity.

Hon. Deputy Speaker: Hon. King'ori.

Hon. King'ori: Thank you, Mr. Speaker. I also stand to support the report and also congratulate my Chairman for making this Bill to be one of the best in Machakos. What I would like to clarify is only on the issue of the division so that we can understand what this division of 80 per cent and 20 per cent means because after five per cent is when we speak about 95 per cent of the remaining fund.

That means it is not the whole amount which is being targeted when we are dividing but the remaining 95 per cent that is the key word so that we do not confuse the whole amount and the balance of the money at hand. So it is 80 per cent of the remaining 95 per cent. Mr. Speaker, thank you.

Hon. Deputy Speaker: Thank you. Hon. Kisila.

Hon. Kisila: Thank you, Mr. Speaker, I would like to start by thanking my Chairman and the committee for the good job they have done; I am also a Member of this committee, we took the challenge from the House and we spent a lot of time looking at areas where there were loopholes. As Hon. Mitaa has put it, the Bill on Climate Change on municipality charter we did take enough time to look at it critically as there were some few loopholes in the charter but now we have taken a lot of time to go through the document.

I would like to draw the Members attention to Ward Planning Committee and like to take what *Mheshimiwa* Mutinda has talked very well about how do you ensure projects are done well; maybe we need to put scope of works. That is good correction because a job well done you do not know it is a bit naïve and maybe we need to take that recommendation.

Hon. Deputy Speaker: Yes, agreed with this; scope of work including Bill of quantities for whatever project it is so scope of work and Bill of quantities agreed

Hon. Kisila: Thank you Mr. Speaker. Mr. Speaker, I had a dissenting view and I want us to discuss that dissenting view because when you leave laymen to be appointed on the ground you subject a lot of manipulation and you saw in the municipal charter some of the people who have been appointed can be easily be manipulated. Mr. Speaker, when we are appointing chairmen of secondary schools, we insist that they should be university graduates with Bachelor's Degree.

Now we are having a lot of money in climate change; every ward will receive not less than Ksh. 40 to 50 million. One of the challenges we have been having in Mwala Sub-County is where we differed

is on the appointment of hospital chairmen members. You realize the hospital chairmen are normally handpicked and they end up just picking anybody and hence making it very easy for manipulation.

It is my humble request to the House that you consider, I am not saying education is the only thing but to put seriousness into the Climate Change Fund please consider taking the bar a bit higher. This will avoid manipulation and this will avoid people being taken for granted so I don't know how you are going to guide us on that dissenting voice, Mr. Speaker.

The other issue which I want to bring to your attention is what *Mheshimiwa* Mutinda has actually said and I agree with him. It has kept our attention; the security of tenure for the Fund Manager is very important. Yes, we have talked about the appointment but we have not talked about how you remove the Fund Manager. I do not know if my fellow Committee Members can add some voice on that.

Lastly, Mr. Speaker, I want to thank my Chairman, my committee and as well Hon. King'ori. There is no one time I have ever seen Hon. King'ori so committed to a Bill like this one. He went out of his way to ensure that all of us took this Bill very seriously and his knowledge was well-articulated in this committee meetings and he stood for what is right especially on taking the power to the Ward committee because we did not want the steering committees to be the ones doing everything.

The work is at the Ward committee and I think he has given us a lot of wisdom and I would like to appreciate him for that and the entire House should be appreciated. When we are having that drink, I think *Mheshimiwa* King'ori will have more of the drinks than us because he has done a very good job.

So Mr. Speaker, I would want your guidance on that dissenting voice and also Mr. Speaker, before I forget, we also talked about a Directorate or introduction of a Directorate and that where the ball is and the signatories. We did not want to leave it hanging without clearly-defining who is accountable to this money and we have put the signatories very well so that we can have proper accountability and that the person who is also accountable is also answerable to this House.

So I want your guidance Mr. Speaker on the dissenting voice and on security of tenure; how do you ensure security of tenure for the Fund Manager because that is the most important person, according to us. Thank you very much, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much. Anybody else who has a comment on this? Hon. Kisini, you may respond as the mover of the motion.

Hon. Kisini: Thank you, Mr. Speaker. I think today is not like the other day I am feeling I will breathe a sigh of relief. I want to thank each and every Member who is here. I want to thank my Committee Members who seriously sat on this and I want to agree that maybe from that day we had not seen the need but I want to say that after we sat down again, yes Mr. Speaker, I saw there was a lot of loopholes and we really sat on them and we came into agreement. I want to thank the entire Committee and I also want to thank some two Members whom I do not want to mention their names who tirelessly really had a lot of input on this. I want to say thank you.

Mr. Speaker, you have heard we have really worked on this document, we have really tried to check the loopholes and to seal them and we have really tried to see if this climate change money can benefit *wananchi*. Just to answer on one, two or three issues which we have been just asked for guidance; at the level of ward committee, we really discussed and we really discussed a lot with all the Members several times and we had seen that since we have the other committees namely the planning and the directorate committees, those planning committees, because they are attracting high level of education, we said that we might not get somebody at that level at the ward so most of us agreed that let us have a Diploma level to head the ward committee and then may be those other committees will be headed by those learned friends.

However, with all due respect, there was that dissenting voice and it is good that it has been brought to the House and we have been asked for guidance but that is how we came about it. We voted on that severally and that is how we came on that. May be Mr. Speaker, you will show us how we might put that control which was put by Hon. Mutinda about the abuse of security of tenure of officers we have employed so that they can cooperate. I think our Clerks at the Table are noting and I think Mr. Speaker really we have agreed on many things. I just sit down saying thank you as I wait for your guidance. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you very much. Also from the Chair, I would like to thank the Committee and the Chairman and the Members for their active participation in ensuring that this County is going to get Bill or an Act on climate change which is fit for purpose. What I can say is that there are two issues which have been raised here which I would like to give my guidance on. The first one is on the issue of the qualification; we have heard what the committee discussed and what they voted and what they agreed to come out with and it is important to also view the voices of the dissenting persons.

I have looked at the report and I am seeing that we are talking about Diploma in environmental matters and it might be more difficult to get somebody with a Diploma in environmental matters and more easier to get somebody with a Degree in environmental matters than Diploma because most of these small institutions do not teach environmental studies because nobody will pay for them. You can only find that it is at a University degree level where you will find people doing environment-related studies. So you might put a qualification here of somebody you might be very difficult to find. So I would like to say on that one, Hon. Kisila you might need to move an amendment and you get a seconder so that we can be able to put it before the plenary and for the Hon. Members to discuss on it.

Secondly, the other item is on security of tenure, a very important point which has been brought about by Hon. Mutinda. It would be toothless of a Fund Administrator to be approved by the Assembly but if it does not conform to the whims of whoever is going to be they are sacked and another one who would be told you saw what happened to the last one appointed and therefore would have to toe the line. I would also propose that we look for ways of incorporating security of tenure for these incumbent in this Bill.

(Applause)

My suggestion would be it should be for at least a term of the Assembly, so that we are saying you are giving security obtainer for three or five years security of tenure that he knows that within that period of time he cannot be sacked and more so the guideline would be that he can only be removed by the County Assembly and if there are any disciplinary issues because human is to error because you might put somebody there and then they have disciplinary issues.

Then we might need to put clauses that the approving authority shall be the sacking authority so whatever evidence is provided for disciplinary action against this person is presented before the House, goes to the committee, the committee interrogates it and then brings a report to the plenary so that the plenary can be able to make a decision on that person. That needs to be incorporated and I hope that the secretariat is capturing this information.

My guidance therefore is that I'm not going to put the question now. I will allow you to move those amendments to make those adjustments today and we shall handle it as the first business tomorrow, whereby Hon. Kisila you may move those amendments and Hon. Mutinda you might move

whatever amendments you want to move then once they are debated and agreed upon, then we can go ahead and now put the question including those amendments instead of rushing through it and then finding an obstacle upfront.

Since tomorrow is still an Assembly day, I will propose this goes back to the House Business Committee and it shall be balloted as the first business tomorrow when we shall resume in the morning. We shall move those amendments, incorporate them in the Bill and come out with a Bill which is serving everybody.

(Applause)

Hon. Kingori.

Hon. Kingori: Mr. Speaker, I want also to inform you that we did not give a Diploma; we just said a minimum of a Diploma not a Diploma so a Degree is also incorporated there. So when you have a Degree, it is an added advantage, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Okay, thank you, it is a good view. I think in tomorrow's amendments that can be able to come out clearly. The other thing which Hon. King'ori has clarified I think which is also good I think is, the 100 per cent which we are talking about here. The 80 and 20 is the 95 per cent after removing the 5 per cent for administration and those other things but also personally what I have learned today is that 80 per cent of that will be shared equally amongst all the 40 wards that is fantastic. Then 20 per cent equitably and this means where we see there is a need because we are not all the same. The wards are not all at the same levels and obviously there will be wards which will be lagging behind and they might need a little bit more financing. I think that is why I am saying this Bill has gone through some good brainwork and I believe that has come out very clearly.

On the issues of municipal Charter; yes we made mistakes on that Bill or on that Act and my suggestion would be that this House when we resume again on January, 2022 before we leave here we must make amendments to that Charter. Reason being that remember we proposed to create additional municipalities and once we create those additional municipalities and they are guided by the same laws which we made here then we might end up finding ourselves in trouble in future and therefore it would be good for that to be revisited just to ensure by the time we leave here, we have left Bills and Acts in place which are more practical than what we saw now with the current municipal Charter Bill.

I will be requesting the secretariat to know that so the relevant committee which is also the committee of Hon. Kisini can also say well need to revisit those Acts. They are not cast on stone, they are things we can be able to amend and make sure they are as progressive as this Bill which has been brought by the environment committee.

ADJOURNMENT

Hon. Deputy Speaker: With that Hon. Members the House stands adjourned to resume tomorrow Wednesday, the 15th day of December, 2021 at 10.00 a.m. Enjoy your evening.

The House rose at 4.41 p.m.