

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday, 8<sup>th</sup> December, 2021**

The House met at 2.33 p.m.

*[The Temporary Deputy Speaker (Hon. Muthoka) in the Chair]*

**PRAYERS**

**BILL**

*Second Reading*

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

**Hon. Temporary Deputy Speaker:** Hon. Members, under this order we have one business by Hon. Kisini.

**Hon. Kisini:** Hon. Speaker, the Machakos County Climate Change (Amendment) Bill, 2021 Kenya Gazette Supplement No. 14 (Machakos County Bills No. 6). Hon. Speaker, pursuant to Standing Order No. 121 (1), I wish to move the motion that the Machakos County Climate Change (Amendment) Bill, 2021 (Machakos County Bills No. 6 be now read a second time. I Call Hon. Ndeti to second.

**Hon. Ndeti:** I stand to second the Bill.

**Hon. Temporary Deputy Speaker:** Hon. Kisini, you can give highlights.

**Hon. Kisini:** Thank you. Hon. Members, I just want to---

**Hon. Temporary Deputy Speaker** Do not go through the whole report. Give summary, composition---

**Hon. Kisini:** Thank you, Hon. Members. I just want to introduce to you the highlights of the Bill. Hon. Speaker, Article 185(1) and (2) of the Constitution provides that: the legislative authority of a County is vested in, and exercised by the County Assembly. A County Assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule.

Further Section 21(1) of the County Governments Act, 2012 stipulates that a County Assembly shall exercise its legislative power through Bills passed by the County Assembly and assented to by the Governor.

The County Assembly through its legislative function is responsible for reviewing and passing legislation designed to steer effective natural resources management and reform. In its functions, it has a number of ways to help shape the extractive industries sector by introducing laws that help in opening up trade, encourage or create incentives for private sector development in addition to establishing rules and regulations to oversee the operation of private corporations.

The basic function of a legislative body is to make, amend or repeal the law. The process of law making or the legislative process, in relation to Parliament or County Assembly, may be defined as the process by which a legislative proposal brought before it, is translated into the law of the land. All such legislative proposals are tabled in the form of Bills.

The core legislative, oversight and representational functions of parliaments provide an essential contribution to the quality of a country's overall governance by adding value to government policies.

#### *Committee Composition*

1. Hon. Robert Kisini	-	Chairperson
2. Hon. Christine Koki	-	V/Chairperson
3. Hon. Paul Museku	-	Member
4. Hon. Mark Muendo		“
5. Hon. Alex Kamitu	-	“
6. Hon. Brian Kisila	-	“
7. Hon. Cosmas Kieti Muia		“
8. Hon. George King'ori		“
9. Hon. Hellen Ndeti		“
10. Hon. Jacqueline Nziva		“
11. Hon. Jane Nyawira		“
12. Hon. Joseph Musau		“
13. Hon. Michael Mutiso		“

#### *OBJECTIVES AND PURPOSE OF THE MACHAKOS COUNTY CLIMATE CHANGE ACT 2019 (THE PRINCIPAL ACT)*

Hon. Speaker, Clause 3(1) of the Principal Act states that the objects and purpose of this Bill is to put in place mechanisms for the enhancement of climate resilience through development, management, implementation, regulation and monitoring of adaptation and mitigation measures and actions.

Further, Clause 3(2) states that without prejudice to sub-section 1 of Clause 3, the Bill shall be applied by the County Government in all sectors of the economy to:

- a. Mainstream climate change responses into development planning, decision making and implementation;
- b. Implement coordinated and integrated response to climate change and its impacts by all actors and stakeholders;
- c. Facilitate effective management of climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change;
- d. Promote, support and facilitate community-based and community initiated adaptation and mitigation activities;
- e. Enforce duties and provide incentives for the private sector to contribute to achievement of low carbon climate resilient development;
- f. Facilitate public participation in climate change response through capacity development, awareness creation, consultation, representation and access to information;
- g. Establish frameworks and mechanisms for mobilization and transparent and accountable management of financial and other resources for climate change response;
- h. Establish and implement mechanisms to promote and facilitate climate change research and development, innovations, technology development, training and capacity building;

- i. Integrate climate change into the exercise of power and functions of all levels of the County Government, including in decentralized units and enhance cooperative climate change governance between the County, neighboring Counties and the National Government; and
- j. Contribute to national efforts to address the adverse impacts of climate change.

### COMMITTEE RECOMMENDATIONS

The proposed amendments are as stated below:

1. Section 2 on Interpretation insert as follows:

"greenhouse gas" includes but is not limited to—

- (a) Carbon dioxide;
- (b) Methane;
- (c) Nitrous oxide;
- (d) Hydrofluorocarbons;
- (e) Perfluorocarbons;
- (f) Sulphur hexafluoride; and
- (g) Indirect greenhouse gases.

“Mainstreaming” means the integration of climate change actions into decision making and implementation of functions by the sector ministries, state corporations and county governments.

2. Section 6 on functions of Steering Committee.

Section 6 of the Principal Act is amended—

- a. In the opening line by deleting the words “coordinate and” immediately after the word “shall”;
- b. At the beginning of paragraph (b) by deleting word “coordinate” and substituting therefor the word “supervise”;
- c. In paragraph (h) by inserting the word “in” immediately after the word “stakeholders”;
- d. At the beginning of paragraph (k) by deleting word “coordinate” and substituting therefor the word “supervise”;
- e. By deleting paragraph (l) in its entirety.

3. Section 7 of the amendment Bill on composition of the Steering Committee.

Amend by deleting Section 7 and substituting therefor the following new section—

7(1) The Steering Committee shall comprise 9 members who shall be appointed by the Governor.

(2) The members of the Steering Committee shall be:

- (a) Deputy Governor as Chairperson
- (b) Executive Committee Member in charge of climate change as Secretary
- (c) Executive Committee Member in charge of the County Treasury
- (d) Executive Committee Member in charge of agriculture
- (e) Executive Committee Member in charge of water
- (f) A representative of the private sector nominated by the body representing the largest number of institutions in the private sector operating in the Machakos County;

- (g) A representative of the Public Benefit Organization nominated by the most representative registered association of civil societies working on climate change in Machakos County;
  - (h) A representative of the youth nominated by a registered association of youths
  - (i) A PWD who is a woman who is registered with the National Council for Persons with Disabilities;
- (3) A person shall qualify for appointment under subsection (2)(f), (g), (h), and (i) only if that person—
- (a) has demonstrable experience, expertise and interest in 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 resident of the County;
  - (d) is a citizen of Kenya;
  - (e) Must be a holder of bachelor's degree and
  - (f) Meets the requirements of Chapter 6 of the Constitution.
4. The names of persons nominated for appointment under subsection (2) (f), (g), (h) and (i) shall be submitted to County Assembly for approval.
5. The Executive Committee Member shall cause to be published in the Gazette the names of the Members of the Steering Committee appointed under this section.

#### *Justification*

Hon. Speaker, the Amendment Bill is inappropriately constituted by assigning the task of policy directions to Chief Officers. The Steering Committee is synonymous to a Board. It breaches the principles of efficiency and cost-effectiveness, key principles and values of governance under the Constitution of Kenya, 2010. It is a well-established practice, constitutionally-guided, those organs, even Boards of Corporation and Constitutional Commissions, have not more than nine members. Equally critical, the Principal Act in the same Section purports to assign responsibilities to officials of the National Government. This is illegal and unconstitutional within the framework provided.

The Amendment Bill assigns responsibility for recruitment of the non-public service members of the Steering Committee to the Board. This is not an appropriate function of the Board. The Members are nominated by specified interest groups.

#### *Amendments to Sections 9 to 15 of the Amendment Bill on County Planning Committee*

All the amendments proposed in the Amendment Bill purporting to remove the Planning Committee were rejected by the Committee. The County Climate Change Planning Committee is a vital mechanism for county-wide climate change planning. Delete any other provision of the amendment Bill that proposes deletion of County Planning Committee. Instead reinstate the County Planning Committee appropriately.

Introduce/ insert the composition of Planning Committee as follows and also reinstate the words planning committee in any other sections proposed for deletion. The County Planning committee shall comprise of the following members:

1. The Executive Committee Member who shall be the Chairperson;
2. The Chief Officer 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. One Man and one Woman from Public Benefit Organization working on Climate Change matters;
7. One representative from PLWDs who is registered with the National Council for Persons Living with Disabilities;
8. The Director in-charge of climate change;
9. Fund Administrator who shall be *ex officio*.

Section 19 of the principal Act and appropriate section of the amendment Bill is amended by deleting the words “Climate Change Unit and substituting therefor the words “Climate Change Directorate.” Section 23 and 24 of Principal Act and Section 17 of the Amendment Bill on Ward Planning Committee.

Section 24 of the Principal Act is amended by deleting it in its entirety and substituting therefor the following:

24(1) A Ward Planning Committee shall comprise—

- a. A person ordinarily resident in the Ward and holder of a minimum qualification of a Diploma in an environment-related field who shall be the Chairperson.
- b. An officer of the Directorate nominated by the Director who shall be the Secretary.
- c. A representative of the youth who ordinarily resides in the Ward nominated by registered community-based organizations working on environment and development in the Ward.
- d. A representative of the women who ordinarily resides in the Ward.
- e. 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.
- f. A representative of the business community who ordinarily resides in the Ward.
- g. A representative of faith-based organizations being persons who ordinarily reside in the Ward.
- h. A representative of Public Benefit Organization who resides within the ward.

24(2) Nominations under subsection (1)(c) to (g) shall be done through a meeting at Ward Level convened through the relevant networks for that specific purpose and communicated to the Directorate in writing with a certified copy of the relevant resolution.

24(3) The Executive Committee Member shall cause to be gazetted the members of the Steering, Planning Committee and Ward Planning Committees.

#### 6. *Establishment of Climate Change Directorate*

Amend Section 30(1) of the Principal Act and further appropriate amendment in the amendment Bill by inserting the following:

Amend by deleting and substituting therefore the following:

1. There is established the County Climate Change Directorate, as a directorate within the County Department responsible for climate change affairs.
2. The Directorate shall be headed by the County Director of Climate Change who shall be recruited competitively and appointed by the County Public Service Board.
3. The Director appointed under subsection (2) shall be responsible for the performance of specific duties and functions of the Directorate as set out in this Act.
4. A person shall be qualified for appointment as a Director of Climate Change if the person:

- a. Is a citizen of Kenya;
  - b. Has a degree, knowledge and at least 5 years 'experience 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.
- (c) Meets the requirements of Chapter Six of the Constitution.
5. The County Director of Climate Change shall report to the County Chief Officer responsible for climate change.
  6. The Directorate shall have such other staff as may be appointed by the County Public Service Board for the efficient execution of its functions.
  7. The Directorate shall be responsible for operational coordination and implementation of all climate change response measures and actions in the County.
  8. Without prejudice to the generality of the foregoing subsection, the Directorate 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. Mobilize resources for the County Climate Change Fund established by this Act; and
    - h. Perform any other climate change related function within their mandate under this Act.

### *Justification*

Climate Change Unit indicated in the amendment Bill is a suboptimal approach to establishing mechanism for coordination and management of climate change at County level. The Units were administratively set up as *ad hoc* measures pursuant to the Climate Change Act of 2016 requirement for gazettment of CECMs responsible for climate change. The appropriate approach is to set up a County Climate Change Directorate.

Section 45 of the Principal Act and Section 28 of the Amendment Bill on the Machakos County Climate Change Fund. Section 45 of the Principal Act is amended by deleting it in its entirety and substituting therefore the following—

1. There is established a fund to be called the Machakos County Climate Change Fund which shall be a financing mechanism for priority climate change actions and interventions approved by the Steering Committee.
2. The Fund shall be vested in the County Treasury.
3. The Fund shall be administered by a Fund Administrator competitively recruited by the County Public Service Board and designated as such by the Executive Committee Member for Finance in accordance with section 116 (2) of the Public Finance Management Act, 2012.
4. The Fund Administrator, in managing the Fund, shall—
  - 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 Auditor-General and 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. Process financing applications from eligible applicants for approval by the Steering Committee
  - f. Ensure quality assurance in execution of the mandate of the Fund;
  - g. Undertake resource mobilization for various sources;
  - h. Provide technical assistance to the ward planning committee;
  - i. Shall ensure timely disbursement of funds as approved by the Planning committee for projects;
5. The Fund Administrator shall have the following qualifications—
  - a. A minimum of Bachelor's degree in Finance, Economics or Business Administration.
  - b. A minimum of 5 years 'experience in managing finance.
  - c. Membership of a recognized professional body concerned with finance
  - d. The signatories of the fund shall be the fund administrator who shall be the Mandatory signatory, the Chief Officer in-charge of climate change and the Director in-charge of Climate Change. Either two shall sign cheques with Fund Administrator being a mandatory signatory.
6. All projects shall originate from the Wards. The amounts will be distributed as follows:  
Administrative and allowances with 5 per cent which shall include awareness creation, trainings and capacity building.  
The remaining 95 per cent of the fund shall be utilized for the projects proposed by Ward Planning Committee and approved by the Planning Committee as follows; 70 per cent equally among all Wards and 30 per cent equitably.
7. The Executive Committee Member responsible for Finance shall make regulations to the management, operation and winding-up of the Fund.
8. Memorandum of Objects. Delete all provisions of the amendment Bill that relate to Planning Committee and reinstate with amendments.

## 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.

Many of the impact is 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.

**Hon. Temporary Deputy Speaker:** Thank you, *Mheshimiwa*.

*(Question proposed)*

*(Applause)*

Members you can debate; Hon. Mitaa

**Hon. Mitaa:** Thank you, Hon. Speaker, for the opportunity to give my input on this important Bill which has been brought to the Assembly for approval. I first want to congratulate the Chairman and his Committee for again going back and improving on areas which we had highlighted recently so that from the onset we get things right.

Hon. Speaker, I know that there was an arrangement between the committee and Hon. Members last week to go through the Bill and I happen to have missed that opportunity so I hope I am not taking this House back but Hon. Speaker, on the side of the scope on areas where this Bill is supposed to work, I had gone through legal underpinnings and I think page 4 on second paragraph there is somewhere they talk about Goal No. 13 of the SDG is about taking urgent action to combat climate change and its impact. Goal No.14 'emphasize the need to conserve and sustainably use the oceans, seas and marine resources for sustainable development while Goal No. 15 put emphasizes on the need to protect, restore and promote sustainable use of terrestrial eco systems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt bio diversity loss.'

Hon. Speaker, I am more on Goal No. 15 which now tackles the need to protect, restore and promote sustainable use of terrestrial eco-systems. Hon. Speaker, I hope the committee had the opportunity now to take Members through to understand to what extent the funds can work Hon. Speaker, because when it comes to climate change, the effects are different and I hope the Bill is very clear to what extent because we can have gulleys as a result of floods which come as a result of climate change. We can have like recently in my ward we had forest fire because of climate change.

I hope the Bill is very clear to state to what extent because I understand this being a fund, this money will be somewhere and we need to be very sure in case something happens related to will be now able to get use of these funds and utilize them Hon. Speaker. You might find some of the functions are still under the departments. Let it be very clear so at if in my ward something happens and now I approach this CECM in charge of climate change, I will be very sure that I will not be referred to another department to tackle the challenge, Hon. Speaker.

That has been a concern which maybe I missed because I did not attend that training and the Chair might need to maybe update me on the same if they went through it and if they did not we



need to, also at a later date because we cannot make law once we will keep on amending, we will have to relook at it and see how better that can be captured.

The other thing Hon. Speaker, which was also discussed last time, you remember Hon. Chair the issue of Deputy Governor came up. You see under Section 7 of the Amendment Bill on composition of the steering committee is still the Chairperson and we do not have any problem, personally do not have any problem with that but I had issue when it was stated that he must be part of the signatory.

Hon. Speaker, a case which is live with us, we know very well us Hon. Members there is an extent now we can involve ourselves into this thing and we are in a unique case whereby like our Deputy Governor is an aspirant in the forthcoming general elections he is contesting to become a Governor and that being a unique case, it was very important Hon. Speaker, we make it clear that we do not find ourselves at crossroads---

*(Hon. Kisila spoke off record)*

**Hon. Temporary Deputy Speaker:** Do you need to be informed, Hon. Mitaa?

**Hon. Mitaa:** I am okay Hon. Speaker, not unless it is on something else but on information I do not need at the moment.

*(Laughter)*

**Hon. Temporary Deputy Speaker:** Hon. Kisila, he does not need. Hon. Mitaa does not need.

**Hon. Kisila:** No, I would like to give him that information as a Member of the committee and I would like to refer him to page 17; the signatories of the fund shall be fund administrator who shall be mandatory signatory. The Chief Officer in charge of climate change and the Director in-charge of climate change. The Deputy Governor is not a signatory.

**Hon. Mitaa:** Hon. Speaker, I wish Hon. Kisila would be very keen in my contribution. I had not reached that point I was still going there, Hon. Chair, so he is jumping my part of contribution. I am thanking the committee for seeing it better Hon. Speaker, not to have the Deputy Governor being part of the signatory so I am in total agreement Hon. Kisila; I was building my case Hon. Kisila. So I want to thank the committee for seeing it good that we do not involve politicians into management of this Bill, Hon. Speaker. So I thank them for what now Hon. Kisila has referred me to or else what he wanted to inform me.

They have found it come up with Fund Manager Hon. Chair and I am also pleased with the qualifications which they have set because sometimes Hon. Speaker, these offices are being used to reward political friends. Yes, as much as we might be willing to support or else to reward our friends we also need to look at the qualifications Hon. Chair. So I am happy but on (c) membership of a recognized professional body concerned with finance, again that also my feeling is that it ties to some extent. It might be a disadvantage to someone who is qualified Hon. Chair and that is my feeling.

So I want to thank the committee and I hope the House will now approve this Bill; it is very important. We need to access these funds Hon. Chair as soon as yesterday we have so many problems on the ground as a result of climate change. Personally, from my ward call it a ward of gulleys; if I can get some funds this financial year I will be able to do something towards managing effects of climate change. So Hon. Speaker, I thank the committee, I thank the whole House for the work they have done and I hope now we will pass the Bill and the Executive will work immediately towards full implementation of the Bill. Thank you, Hon. Chair.

**Hon. Temporary Deputy Speaker:** Hon. Ndeti.

**Hon. (Ms.) Ndeti:** Thank you, Mr. Speaker, for this opportunity. First and foremost, I wish to state that I am a member of this committee and I think the entire committee led by our able Chair has been able to burn midnight oil to come up with this report because in the past Members it was repeated even in this House by our Majority Leader that the last time we were approving a Bill for the formation of municipal councils or municipalities, we rushed and we ended up getting garbage-in garbage-out.

I can assure you Members that this is a Bill that the entire committee has gone through even with a consultant from the World Bank and lastly we had a meeting with the entire House of which most Members did not show up but I can attest to you that whatever we have written or come up with is above board and it will ensure that the funding that will come from the World Bank will go a long way in mitigating our climate change within our county.

I want to pay attention more so to the Fund Manager where we spent almost two days discussing the composition of the members who will be working with that Fund Manager and by ensuring that the Fund Manager is going to be keen enough to ensure that there is no money that will be lost. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. King'ori.

**Hon. King'ori:** Thank you, Mr. Speaker, I am also a Member of the environment committee and so I am conversant properly with what we passed because I have been in almost all sittings. Mr. Speaker, I want to congratulate ourselves but maybe there is something I want to bring to your attention that, as I agree we agreed to stay with the steering committee and the planning committee but we define duties and they are not captured here Mr. Speaker, and I think that is where we go wrong when we rush on Bills because yes they have spoken about what we said but the powers given to that steering committee we also negotiated about them and they are not captured here, Mr. Speaker.

On another point, Mr. Speaker, is on the planning committee. We also gave them powers on how to work yet it is not captured on powers so that when we are amending things we do not have to go the wrong way Mr. Speaker, because we can say we have a steering committee which has more powers than what we give in our views. So I think we need more time Mr. Speaker, to look at it so I just request you use your wisdom Mr. Speaker, to give the whole House more time to relook to that issue, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. King'ori, you belong to this committee and you had all the time to consult and to do all this so we cannot again hold it back as a House then again we have Committee of the Whole House which is coming. All those proposals also proposals of Hon. Mitaa will consider them in the Committee of the Whole House and where we want to make amendments Members please be present and we make amendments at the level of the committee of the Whole House. Continue.

**Hon. King'ori:** Thank you, Mr. Speaker. I thank you for that because maybe what I have said could not have been captured if I had not highlighted on it. I know now it will be captured during the next stage of the Whole House and that is why we should also think of educating the whole House on the meaning of the Bill and the purpose of that Bill because most of the Members did not turn up but it does not matter whether they turn up or not but what is important now is if we have made resolution, it should be written and put in the amendments so that now we can have the

final draft of the amendments because we have so many things which are good like the way we have proposed them.

Some which we removed are not captured here Mr. Speaker. It is my honorable way to say as a former proposer of the Bill, the original Act, I would like the people of Machakos to benefit out of this act because what they need is what is intended for this Bill to work for the people of Machakos. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. King'ori. Hon. Nicholas.

**Hon. Muia:** Thank you, Mr. Speaker, for catching my eye. First I want to thank the committee for the good job they did which is commendable. The recommendations are actually nice although there might be some teething problems especially you look at the committee composition. We have tried to capture the people living with disabilities; they have also tried to capture the youth. I have only one concern sometimes back we saw a list circulating on social media on some platforms that I think the Executive or somebody had already selected some people who were to sit in this committee. I wanted to know if those Members who were selected earlier are still valid or there will be some fresh nominations following the new recommendations. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Chair, can you address that concern are those people valid or that was hearsay. We will treat as hearsay.

**Hon. Kisini:** Thank you. I think maybe when responding back I was to respond but I just want to say we are taking those concerns and maybe they are being noted by our Clerk Assistants whichever will be very right, we said law is not made once it is a continuous process. We have noted, I should say we have noted and we will discuss a committee if we are given another opportunity and maybe I do not know if Mr. Speaker, you have given me time or Members are still continuing to contribute. We have noted, our Clerk Assistants are noting and I will respond to that at my final submissions. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Kisila.

**Hon. Kisila:** I think my Chairman never got what Hon. Katangi was saying. When we do these amendments, and I am making my contribution, these are new amendments means the new ward committees will be newly reconstituted because you cannot.....we had to go through this and actually understand the previous Bill was not well-thought out on how the ward committees were being constituted.

Mr. Speaker, my points are very clear. Only three points; as a committee we had to look at how to define duties for each committee and I would like to thank Hon. King'ori for being very tough on the details because until we get to the details we will still be passing Bills which people take advantage of. I like what he is saying although what he is proposing is in the real amendments.

The role of the steering committee, planning and the ward committees; you realize the most important committee here is the ward committee and we will ensure the ward committees are well-empowered and given the right people nominated to these committees then this Climate Change Act will work for our people. So it is important as Hon. Members, we ensure that selection of these members to the ward committees are good people with very good knowledge of environment and competent people. Realize that we also removed the ward administrator from convening the composition of the ward committees because this is a different function all together.

In fact, the directorate has to be the one to take charge and we said a specific nominee from the Director will be the one constituting the meetings and when we will be electing these officials, proper communication should be done so that we get the right people.

Just like Hon. King'ori, I am a member of the committee and I had a dissenting view which was not captured. My dissenting view was, the chairman of the ward planning committee should have a Degree and that dissenting voice Mr. Chairman has not been captured. I still believe the Chairman of the ward planning committee should be a man of dignity, a reputable person with a Degree and who will ensure that these funds are not embezzled.

**Hon. Temporary Deputy Speaker:** Point of information, from Hon. Constance Mbula.

**Hon. (Ms.) C. Nzioki:** Thank you, Hon. Speaker. I want to inform the Member that I was in that committee and he was also there and we discussed in length the issues of Degrees and we came to consensus that we do not need that Degree at that moment but could have a person who is strongly there and knows what to do. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Be informed Hon. Kisila.

**Hon. Kisila:** I like the point *Mheshimiwa* has brought. What we are looking here are men and women who cannot be bullied around to embezzle funds for the ward. It can be, I like what she is saying someone who has high integrity; not people who are just picked to run these organizations.

My last point Mr. Speaker, is on the Fund Manager. We spend a lot of time on the Fund Manager and I think we did a very good justice and I would like to comment Hon. King'ori and the committee and the Chairman for ensuring that we get the right Fund Manager. The success of this fund is the Fund Manager together with the electorates and we remove powers from the steering the committee and we give a lot of powers to the Fund Manager. So let us ensure that we entrench the Fund Manager together with the electorate and we agreed; I don't know whether it is captured here that the Fund Manager should come through the Assembly.

*(Loud consultations)*

It is not captured, we actually said that.

**Hon. Temporary Deputy Speaker:** Point of information from Hon Ms. Ndeti.

**Hon. (Ms.) Ndeti:** I think I have also noted that there are a few details that the Clerk Assistants did not pick so, they need to go through because on the Fund Manager even what *Mheshimiwa* has raised; we discussed but maybe capturing, but maybe they have the notes it is a matter of capturing.

**Hon. Temporary Deputy Speaker:** True *Mheshimiwa*. Then again Hon. Kisila, we will have a Committee of the Whole House, so let us bring all those amendments to the Committee of the Whole House. Point of information from Hon. King'ori.

**Hon. King'ori:** I think through your wisdom, Mr. Speaker, it is right to give this committee more time and Members to understand what is there than rushing the Bill because we need money, yes but we also need good Bills. Because what we need now maybe we need that final draft of what Hon. Kisila has said so that we can discuss on point of knowledge not from point of hearsay and thinking yet we are lawmakers. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Members, we can approve the report with all the amendments you have said, we approve it with amendments.

**Hon. Kisila:** Mr. Speaker, you have to guide us on this one because some critical aspects like those ones you see are missing. If they are missing in this report, I don't see how you will put them in the committee of the whole House. They should have been captured in the report but with your wisdom we believe that in the Committee of the Whole House, those things will be captured because in the Second Reading---

**Hon. Mitaa:** Point of order, Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Point of order, from Hon. Mitaa.

**Hon. Mitaa:** I think Hon. Speaker you have just made a ruling that where we feel especially where the Members who were in attendance because what is coming out now from the contributions is that even the committee Members who happen to be in the Assembly right now, there is some disconnect somewhere and I think you have already made a ruling Hon. Chair that we can amend. I don't know at what level we can amend because I believe if Hon. Kisila has something which Members feel it was left out maybe we can highlight; we can pick what needs to be amended we agree and then you allow that session whatever we are doing.

I don't know; we need guidance there because if it is something which Hon. Kisila can do now can do, if Hon. King'ori can do now can do---

**Hon. Temporary Deputy Speaker:** True, we can amend. We have got those powers---

**Hon. Kisila:** Mr. Speaker, maybe I can just propose that amendment that if the Fund Administrator, we agreed on the process of recruiting the Fund Administrator---

**Hon. Temporary Deputy Speaker:** Hon. Kisila just a minute.

*(Hon. Temporary Deputy Speaker consulted  
with the Clerk at the Table)*

Okay, Hon. Members, I am being guided. It is like in the committee there is some discord so we can have more time. The committee sits down, gathers all the information and on Tuesday morning we finish the report and the Second Reading. .

*(Applause)*

Hon. Kisila

**Hon. Kisila:** Mr. Speaker, I am well-guided and I think that is a very good ruling and that will give us more time because even if we will have to start looking at the amendments, they are not fresh on our heads and we spend a lot of time on this document and we don't want anything to be left out so I fully agree with your ruling and with all due respect with our Chairman we will sit down again with our Clerk Assistants and look at whatever could have been left out and when we come on Tuesday, we will have a very good document. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Mutiso.

**Hon. P.J. Mutiso:** Thank you, Mr. Speaker. What I can say is that Mr. Speaker you have done a very good job because there are some areas that have been left out and I think also other members will just bring the same on board because there are other Members who feel that there are other things which have been left who are Members of this committee. I have a problem but I need to be guided or the Members will look into. I can give an example of the KRB money on roads. Sometimes money is given, funds are there but they are not utilized well, there is no equity.

You can see a ward like Machakos Central, for five years can be given projects on the same but there are other wards which do not benefit from that. Will it happen in this because we need to look into that, Bw. Chair? So Mr. Speaker, I think they have to look into that because when we come to some things like this. Some areas are left and we get in problems. So, thank you, Mr. Speaker because if you have given us time, I think we will make a good Bill. This Bill is not for this Assembly, it is Bill which will be there forever and even with time people will be there asking who the Speaker was then, was Mr. Kisila there, and other questions. So we don't need something that will be questionable in future. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Chair. You are not moving you are just responding to the Members.

**Hon. Kisini:** Thank you, Mr. Speaker. I have noted those concerns and I am also happy for the direction you have taken; it is a wise decision and as a Chairman to have all Members comfortable with the views. I think we went through this report and maybe if there are some elements which were left out, it can be a good thing we all come together and we agree on them.

I would also like to note the concerns of Hon. Mitaa who has also brought some input; he talked of the oceans as climate change facilitators, forests and so forth, and I also want to congratulate Hon. Brian for maybe also catching the mind of Hon. Nicholas. So if there are areas which we need to improve because we agreed on many things about that Fund Manager about the Diploma issue and he said that maybe to have somebody with a Degree might be heard, it is only a dissenting voice as Hon. Brian is saying who maybe was not mentioned in the report but members agreed.

I am only saying that let us all agree, let us all come together on those areas as you are directing and maybe we bring the final report. Otherwise, I think on most of the things, the Committee Members agree and they are as we said.

**Hon. Temporary Deputy Speaker:** Hon. Members, let committees learn from this. Before you bring a report in this House, can you sit down as a committee and agree and in fact even you should make a list and let Members sign so that we don't have that issue of committee disagreement in the House.

## ADJOURNMENT

**Hon. Temporary Deputy Speaker:** At that point, the House adjourns and to resume on Tuesday, the 14th day of December, 2021 at 10.00 a.m. Thank you, Members.

The House rose at 3.44 p.m.