

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 12th March, 2024

The House met at 3.10 p.m.

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

PRAYERS

Hon. Deputy Speaker: Serjeant-at-Arms, let us have order please. Good afternoon Hon. Members and welcome to today's sitting. Clerk we may start with today's business.

PAPER LAID

COUNTY FISCAL STRATEGY PAPER, 2024

Hon. Deputy Speaker: Under this one we have Papers to be laid by Hon. Dominic Ndambuki.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, Tuesday 12th March, 2024; the Report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper, 2024.

(The Paper was laid on the Table)

NOTICE OF MOTION

COUNTY FISCAL STRATEGY PAPER, 2024

Hon. Deputy Speaker: Hon. Dominic Ndambuki, I think you still have a notice.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I wish to give notice of motion THAT this House adopts the Report of the Budget and Appropriations Committee on the County Fiscal Strategy Paper, 2024 for the financial year 2024/2025, laid on the Table of the House on Tuesday, 12th March, 2024, and pursuant to the provisions of Section 117 of the Public Finance Management Act, 2012 and Machakos County Assembly Standing Order 205. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Ndambuki.

STATEMENT

BUSINESS FOR THE HOUSE FROM 12TH TO 19TH MARCH, 2024

Hon. Deputy Speaker: Under this one I will call upon Hon. Majority Leader Nicholas Nzioka.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, the House Business Committee met today 12th March, 2024 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d) . The Committee balloted business as follows:

Tuesday, 12th March, 2024

Afternoon at 2.30 p.m.

- a) Statement Response to a statement sought on the strategies put in place to ensure conservation and rational utilization of forest resources in Kithatani, Ngulini and Kanzokea forests in Kangundo Central Ward by Hon. Fredrick Kitetu, Chairperson, Environment and Natural Resources Committee.
- b) Report of the Finance and Revenue Collection Committee on Inquiry on the state of revenue collection within the County by Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee.

Wednesday, 13th March, 2024

Morning at 10.00 a.m.

- a) Response to a statement on safety of employees at Golden Africa (K) Limited by Hon. Joshua Mwonga, Chairperson, Committee on Labour, Public Service and ICT.
- b) Report of the Budget and Appropriations Committee on the County Fiscal Strategy, 2024 by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.

Afternoon at 2.30 p.m.

- a) Response to a statement on operationalization of Kangundo Bus terminus by Hon. Brian Kisila; Chairperson, Decentralized units and County Administration Committee.
- b) Motion on establishment of Youth Centers and Sports Incubation Centers by Hon. Annastacia Mutevu, Special Elect MCA.

Tuesday, 19th March, 2024

Morning at 10.00 a.m.

Report of the Health and Emergency Services Committee on the status of Machakos Level V Hospital by Hon. Vincent Mutie, Chairperson, Health and Emergency Services Committee.

Afternoon at 2.30 p.m.

Report of Auditor-General on Receiver of Revenue Financial Statement for 2021/2022 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Majority Leader. We have the next Statement by Hon. Fredrick Kitetu.

STATEMENT REPLY

CONSERVATION AND RATIONAL UTILIZATION OF FOREST RESOURCES IN KITHATANI, NGULINI AND KANZOKEA FORESTS

Hon. Catherine Kyee (Nominated, WDM-K): Thank you, Mr. Speaker. I am holding brief for our chairman Hon. Fredrick Kitetu. Hon. Speaker, a Statement was sought by Hon. Dickson Maundu on strategies put in place to ensure conservation and rational utilization of forest resources in Kithatani, Ngulini and Kanzokea forests in Kangundo Central Ward. The sought Statement was consequently conveyed to the Department of Water, Irrigation, Sanitation, Environment and Climate Change vide a letter REF: MKSCA/PCS/CMM/ELENRV/VOL.4/25 and the department responded to the aforementioned statement through a letter dated 23rd November, 2023 as follows: After the inauguration of the Constitution of Kenya 2010, some forests functions were devolved to Counties which informed the development of forest Transition Implementation Plans (TIPS) for devolved forestry functions.

Among the forests devolved are the community trust lands which include;

1. Kalimanzalu hill forest - 110.0 Ha
2. Mangu Hill forest - 45.0 Ha
3. Kibauni Hill Forest - 1619.4 Ha
4. Ngilini Forest - 28.8 Ha
5. Matetani-Muisoni - 42 Ha
6. Kithatani Forest - 12 Ha

Kanzokea is not one of the County forests.

These forests are adversely threatened by encroachment, grazing and illegal logging which has significantly reduced forest cover, subsequently causing severe degradation of the forests. All the County forests lack active community forest associations and forest guards that can be used to preserve them hence the vulnerability to the above-mentioned threats.

As a department, we have written to the County Public Service Board, requesting the employment and deployment of County forest officers, Natural Resources Officers, and forest guard for deployment to the various County forests. Further the department is in the process on initiating the development of a county tree policy that will guide in implementation of the devolved functions. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kyee. I think the Statement had been sought by Hon. Maundu and you have heard the response. I do not know whether you are satisfied or not. Okay, Hon. Maundu just a minute. Hon. Brian wants to comment something about that.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. I am actually surprised that the list that has been given by Mheshimiwa on the gazetted forest because we have several others which are not in that list and touch on our wards and Mr. Speaker, the worry now is that if this information gets to the public that those forests are not in the list of those gazetted, the encroachment will be very severe. In my ward we have several forest areas which we know

are forest areas and they are not in Mheshimiwa Kyee's list. Is that list exhaustive or there are others which you left? Those are county forest lands which have got County title deeds.

Hon. Deputy Speaker: I do not know whether Hon. Kyee you have something to say although I also do not understand whether the committee dealt with all the County forests or it dealt with the forests that were requested by the Hon. Member because it is like he zeroed in on Kangundo Central ward. Hon. Helen.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Mr. Speaker. I think since this was a response to a Statement that was specific, let us just take it as it is that Mheshimiwa Maundu wanted this specific information and the committee concerned has given the same information. If there is another request for covering all the gazetted forests then we can now talk about them at that point. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Helen. Hon. Wambua.

Hon. Paul Wambua (Kibauni, PTP): Thank you, Mr. Speaker. It is a hot afternoon. Mr. Speaker, I want to thank the committee and the department for their response to Mheshimiwa Maundu's Statement. However, we have a shortage of employees everywhere in this County and I am saying this while noting that our income compared to our salary expenditure has already bust the required 35 percentage. The department recommends that we employ forest guards and we also employ these people who work for the forest service. Is it practical at this point because as it were right I do not think we have space for employment?

Inasmuch as we want forests to be safeguarded we also have to be realistic in our suggestions because we may give suggestions that are very nice but which we cannot implement and what we are looking at is implementation of whatever we plan to implement we implement it fully. I would propose that in safeguarding our forests we pursue other methods like for instance Kibauni hill is in your report. We could use the people who live around that forest to help the County safeguard our forests.

The first culprits who misuse the forest are the people near that area. If we could have an arrangement where the County is in collaboration with the locals we can cheaply, without probably employing very many people safeguard our forests. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Paul. I think now I can call upon Hon. Dickson Maundu to respond.

Hon. Dickson Maundu (Kangundo Central, MCCP): Thank you, Hon. Speaker. Before I respond to the Statement, I think I would first of all start by responding to Mheshimiwa *kutoka* Kibauni concerning Kibauni hill forest or something. I think the statement here was clear it was sought to clarify on the forests in Kangundo Central ward and the suggestions put by Mheshimiwa from Kibauni, I think they are valid but not at this stage. That is my take and thank you Mheshimiwa.

First and foremost, Hon. Speaker, I know that the Chairperson Environment Committee has gone out and I do not know whether I should continue with the response or we should wait for her because there are other Members. Thank you, I am well-informed Hon. Speaker. I think we all know the importance of the forests in our areas and conserving forests means a lot both to

the individual members who represent those areas and to the County Government of Machakos in particular.

When seeking this Statement, I was doing it for the betterment of the electorates from Kangundo and Machakos as a whole. Hon. Speaker, we had plenty of rains in the last season and I think it would have been proper when this Statement was sought last year, we would have capitalized with a same last year to at least do something within the forests. Hon. Speaker, we all know pronunciations or for that matter spellings or misspelling of words mean a different thing and when the Hon. Chair spoke of Ngilini forest I think we do not have Ngilini in Kangundo central ward. We have Ngulini forest so I think that is a misspelling and I do not think serves well for the people of Kangundo.

Again they have baptized Kanzokea forest and called it Matetani-Muisoni. I have no problem with the baptism name but they should clarify whether it is Musoni or Muisuni because if Kanzokea means Matetani-Muisoni that means the same thing. I have no problem with the baptism name that they have given to the forest. Hon. Speaker, this Statement or response given, I think it is an abuse to the people of Kangundo. It is not acceptable and does not meet the threshold of a Committee. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Dickson. I think I have heard that we still have other members for the same committee on Environment and so the same Statement Bw. Clerk goes back to the said committee. Maybe we can give them a timeline to respond back to this House within a maximum of 30 days to come up with a good response as Hon. Maundu has said.

Hon. Dickson Maundu (Kangundo Central, MCCC): Point of information.

Hon. Deputy Speaker: You want to say something? That the Chair is back?

Hon. Dickson Maundu (Kangundo Central, MCCC): Kindly, Hon. Speaker. Thank you, Hon. Speaker. I think it is important and I am not sure whether I am right and I stand to be informed. Should the committee intend or wish to invite the Hon. Member seeking statement may be for clarity or something I am available, I am ready and willing to work with the committee to come up with a good response. Thank you, Chair.

Hon. Deputy Speaker: I think that is the best option. It is prudent for committees to be consulting with Members who have sought these Statements so that they may capture exactly the expected responses from the Members. That will make your work much easier. Let us proceed.

MOTION

INQUIRY ON THE STATE OF REVENUE COLLECTION WITHIN THE COUNTY

Hon. Deputy Speaker: Under this one we have the Chairperson, Finance and Revenue Collection Committee Hon. Francis Kitaka.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Mr. Speaker.

Hon. Speaker, pursuant to Standing Order 190(5) I wish to move the motion that this House adopts the report of Finance and Revenue committee on enquiry on the state of Revenue Collection within the County.

Thank you, Mr. Speaker. I hereby call Hon. My Vice-Chair to second.

Hon. Paul Wambua (Kibauni, PTP) seconded.

Hon. Deputy Speaker: Thank you, Hon. Francis and Hon. Paul.

(Question proposed)

Before I invite Members for debate let me call the mover to take the House through the highlights of the report.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, once more, Hon. Speaker. I would wish to take through the foreword if that is acceptable then after the foreword we can go to committee observations and recommendations. Hon. Members, you realize that in the report there are some annexures that are attached so that at least you can be able to---

Hon. Brian Kisila (Makutano/Mwala, MCCC): Point of Order.

Hon. Deputy Speaker: Yes.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Hon. Speaker, this is a very important report. In fact, one of the biggest challenges we are having in this County is how we can strengthen revenue collection and it is unfortunate that Members are not in the Assembly, we do not have a quorum to discuss such a good report which can actually and let me tell you Mr. Speaker, internal revenue directly comes back to the county. We do not even have to request for any apportionment; it comes directly to internal revenue. It is sad that we do not have quorum in this House and it is becoming a habit in this Assembly.

Mr. Speaker I call upon you to call upon the House to have a quorum and Mr. Speaker, in the morning we went through the same process. Unfortunately, even the Whips are not here clearly showing people took jobs which they cannot handle or they took jobs which they did not know what they meant. The role of Whip is to ensure that House business is being transacted and at any given time there is quorum. It is something we need to discuss as an Assembly and it is unfortunate also the people who are making the loudest noise outside in the market about underperformance or other shortcomings and challenges facing our County are not even here.

They have found it fit to go and make noise outside where they do not need to make noise. Mr. Speaker, I think you need to make a very strong ruling and we need to ensure that this House gets back to its feet and we get serious with what we are doing otherwise the Third Assembly will go the records of Machakos County as the worst-performing Assembly and I do not want to be party to that. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Brian. I think your statements are very strong and for the members who follow our Assembly platform I think they have heard. I think also it has become a norm that Members will just come in, log in and move out because I know we had quorum but it is like Members have just moved out and so I call upon the Serjeant at Arms to ring the bell for eight minutes so that we may attain the required quorum.

Hon. Helen Ndeti (Nominated, WDM-K): Where are the Members of Finance Committee?

Hon. Deputy Speaker: I think Hon. Helen because the Sergeant-at-Arms is about to ring the bell, you will be out of order to address that.

(Quorum Bell rung)

Hon. Members, I think the Sergeant-at-Arms should stop ringing the bell. I believe we have the quorum. What are you saying Hon. Brian?

Hon. Brian Kisila (Makutano/Mwala, MCCC): The Majority Leader is pointing a finger at me I do not know why he is pointing a finger at me but Mr. Speaker on a lighter note and the beauty about it the Majority Whip has come. The Minority Whip is not here but the deputy is here. Hon. Members, let us take upon ourselves please, I am urging all of you that we attend Assembly business and attending Assembly business is not just coming to, somebody appears and takes off.

Moving forward, let us agree that we become our own prefects. We do not have to be told by anybody so that we can transact the business of this House the way it is supposed to be transacted. We will make a difference in our wards and in this County if we get commitment to work for this Assembly, Mr. Speaker and moving forward let us not get into this thing of ringing bells. It will become a culture that there is no quorum and people do not take Assembly business serious. Even myself sometimes I do not come but now I am committing myself that I must come here every time and I will not stop if there is no quorum be assured if I am in this House I will point out. Thank you.

(Laughter)

Hon. Deputy Speaker: Thank you, Hon. Brian. I do support your sentiments and wisdom. Hon. Members, we are doing this because we asked for it. It is us who went to the public and requested that we be sent to this chamber to represent our people and they may not have chance to question us or may be censure us but I can tell you there is God in heaven who is also watching. We need to be present, let us do what is right and it does not matter you are in which side of the government. It is allowed and you can belong to the minority, majority but as long as you are in this House you will be doing your people justice so I think Hon. Francis you can proceed. I know I was talking to already converted but let the same word get to the Members who have been absconding mostly for no apparent reason.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Mr. Speaker. Hon. Members as I had advised earlier we shall be looking at the report on the enquiry on the state of revenue collection within the County so we will go through the foreword, I would urge every Member to look at the report. This report on enquiry on the state of revenue collection within the County was informed by the report of the financial statements of the County as at 31st December, 2022 which reported low revenue collection and raising concerns whether the county will attain its revenue target for the year 2022/23.

The report indicated that the county had managed to collect Ksh. 469 million translating to a less than a third of the targeted revenue of Ksh. 1.69 billion for the financial year 2022/23. The committee further compared revenue collection of the previous four years as follows:

2018/19 the collection was Ksh. 1.5 billion

2019/20 the collection was 1.3 billion.

2020/21 the collection was Ksh. 1.2 billion

2021/22 we collected Ksh. 1.1 billion

The committee noted that the revenue collection was on a downward trend.

The committee resolved to undertake an enquiry to establish the cause of decline in revenue collection and if possible propose suitable measures to enhance revenue collection. The enquiry was undertaken between February, 2023 and May, 2023 through site visits and meeting with stakeholders.

From its findings, the committee observed the following as some of the possible causes of revenue decline:

- a. Collection of Revenue in cash and depositing in Mpesa pay bill later.
- b. Collusion and pocketing of revenue by revenue officers.
- c. Inadequate services provided at county facilities mainly at slaughter houses and at quarries where roads are in poor state.
- d. Inadequate guidelines of operations such as operating hours for slaughter houses, transportation of quarry materials beyond working time of revenue officers and failure to pay officers overtime.
- e. Inadequate monitoring and keeping of records including lack of gadgets to verify payments of revenue via Mpesa and not keeping records of lorries from National cement companies that pass through the pay points.
- f. Laxity in revenue collection whereby the county has not been collecting revenue from business people including the said national cement company.

The committee proposes to the County Executive Committee Member, Finance, Economic Planning Revenue Management and ICT to:

- i. Provide a report to the Assembly on how it addresses the reasons areas that have led to decline of revenue collection,
- ii. Fully automate revenue collection across the county and embrace cashless revenue collection to reduce cases of revenue leakage
- iii. Encourage citizens to pay revenue using the prescribed cashless channels and to report those officers collecting revenue in cash.
- iv. Enhance revenue monitoring in quarries sites and other areas of revenue collection and deal with issues of revenue and enforcement officers who have been colluding with traders to rob the counties revenue.
- v. Coordinate with the department of transport to repair roads leading to the quarry sites and dig trenches and alternative *panya* routes to leave only one exit point.
- vi. Inform National Cement Company that the purported revenue waiver of April, 2017 was irregular as it was against the provisions of Article 185(1) and 2010(1) of the Constitution of Kenya and that Machakos County Tax Waivers Administration Act 2021 was voided any waivers entered before passage of the Act.
- vii. Collect sales from trucks carrying cement, raw materials from quarries within the county including the National Cement Company Limited.

- viii. Ensure that there are accurate County systems of recording and accounting for trucks that ferry raw materials from quarries for the companies that opt to pay cess at the end of the month including National Cement Company and Bamburi Cement Company.

The committee is grateful to the Offices of the Speaker and that of the Clerk of the County Assembly for the support accorded during the carrying out of this task. I wish to express my appreciation to Hon. Members and I wish to skip that because it is part of the foreword, we will be looking at it.

So, we go to the recommendations. We have responses from the concerned stakeholders in the report, and briefly if you allow me Mr. Speaker, I would want to inform to inform that House that we had a visit to Mutituni Slaughter house, Athi River Slaughter house, Lukenya and Mavoko sub-county revenue offices. The responses from the Executive CECM finance are also in the report. Allow me to take you through the observations of the committee.

Observations

Based on the findings of the Committee during site visits and responses of the officers, the Committee makes the following observations that lead to decline and loss of revenue collection in the County:

- i. Collection of revenue in Cash: Revenue officers are still collecting of revenue in cash and later depositing it in the MPESA paybill. This can be corroborated by what the Committee observed at Mutituni slaughter house and at Lukenya quarries pay point where a committee member posed as an inspectorate officer and was given cash by the drivers.
- ii. Collusion and pocketing of revenue: Revenue officers, inspectorate officers, the Department and business people have been colluding to evade payment of revenue. This was noted:
 - (a) At the quarries where a committee member as I had indicated posed as an inspectorate officer and the truck drivers gave the member cash which was half of what was expected to be paid as cess---

Hon. Deputy Speaker: Point of order. Let us hear from Hon. Brian

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mr. Speaker, we seem to be forming a habit where we have a comprehensive report in the Assembly but we are skipping the meat of it and jumping to the conclusion. I have been following this report and I have a lot of interest in it. There are very serious issues in this report. If we jump some parts, we will not get the real issues.

For example, the Committee went to a company in Lukenya and there is a very detailed report on the findings. Mr. Speaker, this assembly is not just to get recommendations; we need to start digesting reports and if we are just in a hurry to read the report and pass it, that is not the way to do it. I am urging that the Chairman reads the report so that it is also captured in the HANSARD on what the findings were. Otherwise, we will be jumping very serious issues which are not being captured and jumping to the conclusion which we do not know the basis.

Hon. Deputy Speaker: Okay. Hon. Brian. Let us allow the Member to proceed because we had requested for the highlights and that is exactly what he is doing. I believe we all have that report and let us as we debate bring up those issues, please.

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Mr. Speaker. Hon. Kisila, I wish that you slowly go through the report and during the contribution we can highlight. I was giving the committee observations where the committee observed that...

- (b) Where National Cement Company is issued with invoices that are under stated by the Department of Finance, Economic Planning and Revenue Management.
- (c) Where revenue officers fail to keep records of trucks that National Cement Company uses to transport quarry materials for ease of identification and the number of trips the trucks make in a given day.
- (d) Where the Department fails to provide an accurate system to quantify how much revenue the National Cement Company should pay to the County.
- (iii) In adequate services provided at County facilities: The County has not provided good services before collecting revenue thus leading to resistance in payment. This has been observed as follows:
 - (a) Business people have come together to provide gun powder, water and undertake repairs of the facilities at slaughter houses.
 - (b) Roads to quarries are in poor state and the truck transporters also resist payment of cess as they question what service does the County offer to them.
- (iv) Inadequate guidelines of operations: Inadequate guidelines have been observed in the following:
 - (a) Slaughter houses operate from 7.00 a.m. to 9.00 p.m. leading to overworking of the officers whereas there is very little activity between 11.00 a.m. to 6.00 p.m. Hon. Members you will notice that the time span is quite big and stakeholders proposed operation hours to be from 7.00 a.m. to 11.00 a.m. and 6.00 p.m. to 9.00 p.m. but no one has taken up their proposal.
 - (b) Quarry trucks undertake transportation beyond 6.00 p.m. when revenue officers have gone home as there are no guidelines of what should happen after 6.00 p.m. or when should transportation of quarry materials take place.

Hon. Deputy Speaker: Mheshimiwa Brian, kindly allow the Member to proceed.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mr. Speaker, I want to draw your attention to Hon. Douglas Musyoka who has entered the Chamber indecently dressed. There are

dressing codes in this Assembly and you cannot just walk in like that. People are talking this Assembly as a walk-in and out. Mr. Speaker, we need to be serious here.

Secondly, if you look at the Chamber now, we still do not have quorum. Even after you had ruled that we had quorum. I am going to be a bit of a pain until we get our act together.

Hon. Deputy Speaker: Hon. Douglas and Hon. Kyule you need to come to the chamber well-dressed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Mr. Speaker, I think this matter was raised in the last session in this Assembly and it was agreed that depending on the weather, Members could....I am addressing the Speaker. I do not know whether the precedent that was set is going to be broken. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader. Hon. Members, this House belongs to all of us. If we introduce some of these dressings we will be disadvantaging and changing the culture of this chamber. I think it is good we respect the House and try as much as possible to dress decently as required by and the culture of Assemblies. Let us observe that. We have been Assemblies all over the world and you will always find Members dressed in coats. So, Hon. Francis you may proceed. Hon. Brian, there is a way you should do to have your matter addressed. Okay Hon. Brian.

(Laughter)

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mr. Speaker, for that ruling, I am sure all of us are going to start taking this House seriously. If we do not take this House seriously and allow everybody to come, next time you will see people walking in with bikinis here. Mr. Speaker, again the quorum. This is one of the most important reports of the Assembly and in fact I am a bit worried that you ruled against that the Chairman should read the entire report because reading the entire report has issues. Mr. Speaker, you have made a ruling---

Hon. Deputy Speaker: Hon. Brian, you are now out of order.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mr. Speaker, I want to draw your attention to the fact that we do not have quorum to discuss such a serious report. I am not saying any report is not serious but moving forward, any report which comes here will have to be taken seriously by all Members and attendance and quorum is one of them. Walking in and out will not be entertained. If we do not have 20 Members, we do not proceed, Mr. Speaker.

Hon. Deputy Speaker: Hon. Helen, you have something to say.

Hon. Helen Ndeti (Nominated, WDM-K): As much as I want to agree with our ranking Member, I still feel that we started when there was quorum and we can finish this and---

Hon. Deputy Speaker: Hon. Vincent.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you. Hon. Speaker. The end justifies the beginning. We have quorum at the start and we have quorum during proceedings. Standing Order 31 is different from Standing Order 32. What we are talking about is Standing Order 32 and as it is this sitting does not satisfy the requirements of quorum. Standing Order 31 is the 'beginning' of the session and Standing Order 32 is 'during.' Mr. Speaker are talking about 'during.' So, as we are now, we do not have quorum. It simply means that any resolution we take as an Assembly is illegal, null void. I thank you.

Hon. Deputy Speaker: Thank you, Hon. Vincent. I think we have 16 Members and we are supposed to be 20. I will call upon the Serjeant-at-Arms to ring the bell for eight minutes.

(Quorum Bell rung)

(A Hon. Member attempted to walk out)

When the bell is ringing Hon. Member, you cannot move out. We have just agreed that we follow our Standing Orders, Hon. Members. You will have to leave you documents if you are for sure going to the washrooms then come back and also the phone.

Members, you are not allowed to walk out when the bell is ringing. Hon. Carol, have your seat kindly. There is something I want to read for you. Hon. Phoebe Koki, resume your seat. Hon. Kyee. Hon. Members, you cannot have your cake and eat it. I will read Standing Order 32(3);

Whenever the Speaker or the Chairperson as the case maybe is engaged in counting the Assembly or the Committee respectively, the doors of the Chamber shall remain unlocked but no Member shall be allowed to leave the Chamber except a Party Whip who may be permitted to leave the Chamber to seek the members required to raise a quorum.

Hon. Paul Wambua (Kibauni, PTP): I was just informing you, when I went out for my health break. I heard a lot of halleluiahs, so I do not know whether Members have gone for the mass or something. It is 4.00 p.m. and there was supposed to be a mass.

Hon. Deputy Speaker: Hon. Paul, this is a House of procedure and we have to follow our laid down procedures.

ADJOURNMENT

Hon. Deputy Speaker: I am informed that eight minutes are over so, Hon. Members it is evident that we have not attained the required quorum and the House adjourns to Wednesday, 13th March, 2024 at 10.00 a.m.

The House rose at 4.15 p.m.

