

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 9th April, 2024

The House met at 2.31 p.m.

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

PRAYERS

PAPERS LAID

PERFORMANCE REPORTS FROM THE EXECUTIVE

Hon. Deputy Speaker: Under this one we have Hon. Nicholas Nzioka.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. I wish to lay the following Papers on the floor of the House today, 9th April, 2024:

- (i) Half year performance report FY 2023/2024 for the Office of the County Attorney;
- (ii) The fourth report of Committee on Selection on Nomination and Substitution of Members to Committees.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas Nzioka and Majority Leader. Before I call upon Hon. Phoebe Koki, I will commit that Paper to Justice and Legal Affairs Committee. Hon. Phoebe Koki you may proceed.

ASSUMPTION OF OFFICE OF THE SECOND
GOVERNOR OF MACHAKOS COUNTY

Hon. Phoebe Koki (Nominated, M CCP): Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, Tuesday 9th April, 2024; the Report of the Devolution and Intergovernmental Relations Committee on the Assumption of Office of the Second Governor of Machakos County. Thank you Hon. Speaker.

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

(The Papers were laid on the Table)

NOTICES OF MOTIONS

NOMINATION AND SUBSTITUTION OF MEMBERS TO COMMITTEES

Hon. Deputy Speaker: Under this one still have Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker.

Hon. Speaker, I wish to give notice of motion THAT notwithstanding the resolution of the Assembly made on 4th October, 2022, 11th November, 2022 and 13th March, 2024 (Approval of Committees Membership) and pursuant to Standing Order 155, this Hon. House approves the nomination and substitution of members to Committees as contained in the fourth report of Committee on Selection on Substitution and Nomination of Members to Committees and as specified in the Schedule annexed to the Order Paper.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas. Hon. Phoebe Koki.

ASSUMPTION OF OFFICE OF THE SECOND
GOVERNOR OF MACHAKOS COUNTY

Hon. Phoebe Koki (Nominated, MCCP):

Hon. Speaker, pursuant to Standing Order 189, I wish to give notice of motion THAT this Hon. House adopts the Report of the Devolution and Intergovernmental Relations Committee on the Assumption of Office of the Second Governor of Machakos County as laid on the Table of the House on Tuesday, 9th April, 2024.

Thank you, Hon. Speaker.

Hon Deputy Speaker: Thank you, Hon. Phoebe. Next order.

STATEMENT

BUSINESS FOR THE HOUSE FROM 9TH TO 17TH APRIL, 2024

Hon. Deputy Speaker: On this one we have Hon. Nicholas Nzioka the Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, the House Business Committee met today 9th April, 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, 9th April, 2024

Afternoon at 2.30 p.m.

- (a) Response to a statement on status of Community Health promoters in the County by Hon. Vincent Mutie, Chairperson, Health and Emergency Services Committee.
- (b) Report on nomination and substitution of members to Committees by Hon. Nicholas Nzioka, Chairperson, Selection Committee.

Tuesday, 16th April, 2024

Morning at 10.00 a.m.

- (a) Response to a statement on safety of employees at Golden Africa (K) Ltd by Hon. Joshua Mwonga, Chairperson, Labour, Public Service and ICT Committee.
- (b) Statement on Recruitment of ECDE Teachers by Hon. Paul Wambua, MCA, Kibauni Ward.
- (c) Report on Assumption of Office of the Second Governor of Machakos County by Hon. Phoebe Koki, Chairperson, Devolution and Intergovernmental Relations Committee.

Afternoon at 2.30 p.m.

- (a) Statement on Status of Machakos People's Park by Hon. Brian Kisila, MCA, Makutano/Mwala Ward.
- (b) Statement on Status of Iiani Dispensary in Kivaa Ward by Hon. Aliphonce Mutinda, MCA, Kivaa Ward.
- (c) Report on Assumption of Office of the Second Governor of Machakos County by Hon. Phoebe Koki, Chairperson, Devolution and Intergovernmental Relations Committee. *Continuation of Debate*

Wednesday, 17th April, 2024

Morning at 10.00 a. m.

- (a) Statement on Status of Implementation of Projects in the ADP 2023/2024 for Masinga Central Ward by Hon. Joshua Mwonga, MCA, Masinga Ward.
- (b) Statement on status of County Machinery by Hon. Brian Kisila, MCA, Makutano/ Mwala Ward.
- (c) Motion on Establishment of Youth and Sports Incubation Centers by Hon. Annastacia Mutevu, Special Elect MCA.

STATEMENT REPLY STATUS OF COMMUNITY HEALTH PROMOTERS

Hon. Deputy Speaker: Now we have response on a statement status by Hon. Mutie.

Hon. Vincent Mutie (Upper Kaewa/Iveti (WDM-K): Thank you. I would like to read out a response concerning the status of health promoters.

Hon. Deputy Speaker: Hon. Mutie you can just come forward to read.

Hon. Vincent Mutie (Upper Kaewa/Iveti (WDM-K): Hon. Speaker, Standing Order 41(3) provides that where a member requests for a statement from the Committee Chairperson relating to matters under the mandate of the Committee, the Speaker may either appoint a day for the statement or direct that the statement sought must be restricted to matters within the mandate of the Committee and which have been exhaustively dealt with and concluded by the Committee or where the Chairperson is authorized by members to issue preliminary reports to the house.

Hon. Speaker, on 7th November, 2023 during the morning plenary sitting, a Statement on status of community health promoters in the county by Hon. Raphael Lucky (MCA, Matungulu West) was sought seeking the following:

- i) We are in the know about the new developments on the Community Health Promoters in our County, what plans has the Department of Health and Emergency Services put in place to ensure payment of arrears of the laid off Community Health Promoters?
- ii) How prepared is the Department on the newly recruited Community Health Promoters in terms of their welfare, pay and capacity building.

Hon. Speaker, in response to the above Statement, the Committee requested from the Chief Officer, Public Health and the department responded to the aforementioned Statement through a letter that Machakos County has 2,870 Community Health Promoters (CHPs) in 287 Community Health Units across the County. The CHPs are served by 43 Community Health Assistants (CHAs).

Below is the distribution of the CHPS per Sub-County.

S/No	Sub- County	No. of CHUs	No. of CHPs	No. of CHAs
1	Kalama	16	160	3
2	Kathiani	29	290	4
3	Kangundo	25	250	4
4	Mwala	58	580	8
5	Masinga	34	340	5
6	Machakos	29	290	6
7	Yatta	38	380	5
8	Matungulu	33	330	5
9	Athi River	25	250	4

The CHPs undergo Basic and Technical modules to equip them with knowledge and skill to address health matters at L 1 service (household level). Out of the 2,870 CHPs , 2311 CHPs are trained on both basic and technical modules and the remaining 559 are in the process of being trained.

The Department received 2877 phones/phone cover and 2877kits from the National Government. All the kits have so far been distributed to the CHPs. Distribution of medicines has been done to the sub counties to issuance to eligible CHPs who are trained on handling the medicine and other equipment. The CHPs will be trained on Electronic Community Information System (ECHIS) on 28th and 29th February, 2024.

The Department of Health and Emergency services has streamlined payment of CHPS stipend of Ksh. 2,500 per month. The CHPs have been paid for the months of November and December, 2023 and the January payment is being processed. The department is yet to receive the National share 50 per cent, hence 50:50 to give a total of Ksh. 5,000 per month. Thank you

Hon. Deputy Speaker: Thank you, Hon. Mutie. Hon. Lucky, are you satisfied with the response?

Hon. Lucky Nzau (Matungulu West, WDM-K): Thank you, Mr. Speaker. You can note that the Statement was sought in November 2023 and it is being answered in April so Mr. Speaker you check on the time of replying Statements. Mr. Speaker, I have listened to the answer

given by Hon. Chair and Mr. Speaker it is not satisfactory because I was asking about people who have been stopped from working and we are asking whether they have been paid or arrangements has been made for them to be paid and it is not one or two months. It is a lot of debt so the answer was not given from the answer that has been read.

Again Mr. Speaker I asked about what plans the government has for those who are currently serving also I did not get satisfactory answer and Mr. Speaker it is a very important unit in our society which needs to be taken care for them to effectively deliver their responsibilities to our people. That unit goes deep to the villages and meets people who cannot go to work, to hospitals or dispensaries so Mr. Speaker we should make sure that the unit is very much funded, facilitated, prepared and have all what it takes so that it can reach wananchi who cannot go to the hospital.

So, Mr. Speaker I stand say and to ask your indulgence that we get a satisfactory answer and a very committed answer from the government noting that the very important position that unit takes in our society and also noting that those people do not work anywhere else and they move a lot. They need even more than what has been read. We need to have mobility of these people, we need to have a lot of encouragement for them to do that important work they do. So, Mr. Speaker I stand to ask for more answer and for more commitment from the side of the government. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, then that means we will refer back the Statement to the committee of health and hope the committee will invite the Member when they will be checking the responses from the department for him to clarify or get the answers correctly from the department before it comes to the House.

MOTION

NOMINATION AND SUBSTITUTION OF MEMBERS TO COMMITTEES

Hon. Deputy Speaker: Under this one we have Hon. Nicholas Nzioka, Leader of Majority and Chairperson, Selection Committee.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) Thank you,

Hon. Speaker, I wish to move the motion THAT notwithstanding the resolution of the Assembly made on 4th October, 2022, 11th November, 2022 and 13th March, 2024 on approval of Committees Membership and pursuant to Standing Order 155, this Hon. House approves the nomination and substitution of members to Committees as contained in the fourth report of Committee on Selection on Substitution and Nomination of Members to Committees and as specified in the Schedule annexed to the Order Paper.

Hon. Speaker, I wish to call upon the Leader of Minority to second the motion before I give the highlights.

Hon. Mbili Ndawa (Matuu, MCCP) seconded.

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

(Question proposed)

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

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker. This is the fourth report of committee on selection on substitution and nomination of Members to committees dated 9th April, 2024. With your indulgence, Mr. Speaker, I wish to go straight to the background and then to the substitution and nomination of Members to committees if you allow.

Hon. Deputy Speaker: Proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you.

BACKGROUND

Nomination and Substitution of Members to Committees

Article 124(1) of the Constitution provides that, each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

Section 14(1) of the County Governments Act provides that, a county assembly -

- (a) may make standing orders consistent with the Constitution and this Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings; and
- (b) Subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.

Further, Section 14(4) of the County Governments Act provides that, the County Assembly shall in establishing committees under this section ensure that each member of the County Assembly is appointed to at least one committee.

Standing Order 152(2) provides that, the Committee on Selection shall nominate or substitute members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.

Standing Order 153 provide for nomination of Members to select committees as follows:

- (1) Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with Assembly parties, nominate Members who shall serve on a Select Committee.
- (2) The Committee on Selection shall give consideration to the need for gender balance and shall, so far as is practicable, ensure that no more than two-thirds of membership of a Committee, including a Committee established through a resolution of the House, are of the same gender.
- (3) A vacancy occasioned by the resignation or removal of a Member from a Select Committee shall be filled within fourteen days of the vacancy.
- (4) A Member against whom an adverse recommendation has been made in a report of a Select Committee that has been adopted by the Assembly shall be ineligible for nomination as Member of that Committee.

Further, Standing Order 154 provides for the criteria for nomination as follows:

- (1) In nominating Members to serve on a select committee, the Selection Committee shall ensure that the membership of each Committee reflects the relative majorities of the seats held by each of the Assembly parties in the Assembly.
- (2) Despite paragraph (1), a member belonging to a party other than an Assembly party or Independent Member may be nominated to serve in Select Committee and the allocation of membership of Select Committees shall be as nearly as practicable proportional to the number of members belonging to such parties and Independent Members.
- (3) Except as the Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no member shall be appointed to serve in more than two Sectoral committees.

In addition, Standing Order 155 provides for approval of nomination as follows:

- (1) The Selection Committee shall, within seven days upon nomination of members to serve in any Committee of the House, present the list to the House for approval.
- (2) Whenever a Motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a Member in a Select Committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.
- (3) A Member shall not be a member of a Committee of the House, unless the nomination of such Member into the Committee is approved by the House.

Further, Standing Order No. 156 provides for discharge of a member from a committee:

- (1) The Assembly party that nominated a member to a Select Committee may discharge a member from a Select Committee after according the member an opportunity to be heard.
- (2) The Assembly Party Whip of the party that nominated the member to a select Committee shall give notice in writing accompanied with evidence that the affected member was .Select Committee.
- (3) The Speaker shall, within three days of receipt of the notice under paragraph (2) inform the member of the notice and the discharge shall take effect forthwith.

Mr. Speaker, I now go to the substitution of Members to committees.

SUBSTITUTION AND NOMINATION OF MEMBERS TO COMMITTEES

Substitution and Nomination of members to Committees

The Committee on Selection held a meeting on 4th April, 2024 and pursuant to Standing Order 152(2) substituted and nominated members in Committees.

The major purpose for this exercise was:

- (a) To enhance efficiency in Committees as the Selection Committee had received concerns from Assembly parties on changes in Assembly party re-alignments and loyalty.
- (b) To ensure membership in each of the Committees reflect relative majorities of seats held by each of the Assembly parties in the Assembly pursuant to Standing Order 154(1). The party strengths for committees with 13 members are:

Wiper Democratic Movement Kenya (WDM-K) 6

Maendeleo Chap Chap Party (MCCP)	4
United Democratic Alliance (UDA)	2
Peoples Trust Party (PTP)	1

Guided by Standing Orders 152(2) and 154(1), the Committee on Selection undertook substitution and nomination of Members in Committees as shown in table 3.1 below whereby, Members in column 3 were substituted with Members in column 4.

Table 3.1: Substitution and Nomination of Members in Committees

S.N	COMMITTEE	OUT	IN
1.	Trade, Economic Planning & Industrialization	1. Hon. Dee Kivuva 2. Hon. Mathias Muasya 3. Hon. Matthew Ndunda	1. Hon. Farhiya Abdi 2. Hon. Philip Ndolo 3. Hon. Mathias Muasya
2.	Education & Social Services	1. Hon. Erick Wambua	1. Hon. Anna Ndilo
3.	Justice & Legal Affairs	1. Hon. Joshua Mwonga 2. Hon. Ruth Wanjiru	1. Hon. Benjamin Kyule 2. Hon. Boniface Katiti
4.	Agriculture	1. Hon. Benjamin Kyule	1. Hon. Joshua Mwonga
5.	Finance & Revenue Collection	1. Hon. Philip Ndolo	1. Hon. Boniface Katiti
6.	Environment & Natural Resources	1. Hon. Nicholas Nzioka 2. Hon. Boniface Katiti	1. Hon. Erick Wambua 2. Hon. Phillip Ndolo
7.	Labour, Public Service & ICT	1. Hon. Rose Benjamin 2. Hon. Mathew Ndunda	1. Hon. Anna Ndilo 2. Hon. Nicholas Nzioka
8.	Social Welfare & Sports	1. Raphael Lucky	1. Hon. Dee Kivuva
9.	Lands & Energy	1. Hon. Stephen Mwanthi	1. Hon. Ruth Wanjiru
10.	Devolution & Intergovernmental Relations	1. Hon. Anna Ndilo	1. Hon. Rose Benjamin
11.	Delegated Legislation	1. Hon. Mathew Ndunda 2. Hon. Farhiya Abdi 3. Hon. Dee Kivuva	1. Hon. Catherine Kyee 2. Hon. Catherine Muia 3. Hon. Raphael Lucky
12.	Procedure & Rules	1. Hon. Boniface Katiti	1. Hon. Mathew Ndunda

RECOMMENDATIONS

Pursuant to Standing Order 155, the Committee on Selection recommends that the House approves the appointment of Members substituted and nominated to the following twelve (12) Committees as contained in this report and as in table 3.1.

- (i) Trade, Economic Planning and Industrialization
 - (a) Hon. Farhiya Abdi (WIPER)
 - (b) Hon. Hon. Philip Ndolo (UDA)
 - (c) Hon. Mathias Muasya (IND)
- (ii) Education and Social Services
 - (a) Hon. Anna Ndilo (UDA)
- (iii) Justice and Legal Affairs
 - (a) Hon. Benjamin Kyule (WIPER)
 - (b) Hon. Boniface Katiti (UDA)

- (iv) Agriculture
 - (a) Hon. Joshua Mwonga (WIPER)
- (v) Finance and Revenue Collection
 - (a) Hon. Boniface Katiti (UDA)
- (vi) Environment and Natural Resources
 - (a) Hon. Erick Wambua (PICK)
 - (b) Hon. Phillip Ndolo (UDA)
- (vii) Labour, Public Service and ICT
 - (a) Hon. Anna Ndilo (UDA)
 - (b) Hon. Nicholas Nzioka (WIPER)
- (viii) Social Welfare and Sports
 - (a) Hon. Dee Kivuva
- (ix) Lands and Energy
 - (a) Hon. Ruth Wanjiru (CCU)
- (x) Devolution and Intergovernmental Relations;
 - (a) Hon. Rose Benjamin (UDA)
- (xi) Delegated Legislation
 - (a) Hon. Catherine Kyee (WIPER)
 - (b) Hon. Catherine Muia (WIPER)
 - (c) Hon. Raphael Lucky (WIPER)
- (xii) Procedure and Rules
 - (a) Hon. Mathew Ndunda

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Leader of Majority. I now invite Members to debate the motion. Hon. Mutie.

Hon. Vincent Mutie (Upper Kaewa/Iveti (WDM-K): Thank you, Hon. Speaker, for that. I would like to give my comments over the exercise that the good committee has done in substituting, reorganizing and punishing, of course. I have no problem with that part but I am informed by the mentioning by the Hon. Majority Leader on the reasons that the decision was necessary. Nevertheless, I would like to observe that the reorganization, in my view, does not seem to enhance performance because we have several Members who have been adversely affected. I am looking at the Hon. Mathew Ndunda who was my Vice Chair at the committee on health and he seems to be a very big casualty of this reorganization.

I also saw that Hon. Dee Kivuva has also become another casualty of this reorganization especially at Delegated Legislation Committee where he had just been elected as a Chair. Hon. Speaker, I have no problem because the committee was doing its work but I would like to dramatize the occurrence if you allow me. In my favorite cartoon series Tom and Jerry there is an episode where Thomas dies after running after Jerry for a long time and goes to heaven. At the gate of heaven, he finds St. Peter and he tells him in his characteristic way that Thomas, just a minute and he takes a book and reviews and he comes to the conclusion and says; apparently Thomas all your life you were busy chasing an innocent mouse therefore you cannot enter heaven because of that one purpose.

Hon. Speaker, my opinion is that this activity was only targeted at chasing some three innocent mice in the House. The last training we attended we were told and of course

thank God it was paid by the Assembly that one way of having effective committees is to ensure that Members have been given maximum time to exercise their potential. A high frequency in committees becomes a hindrance in the performance of those committees. As it is now we had a report like two weeks ago to reorganize committees and now two weeks later, we have another report reorganizing the same committees.

This, by the words of that facilitator in that training goes against that teaching and this I want to say is my personal observation. I would have thought that now we had a re-organization two weeks ago we would have given those Committees time to perform and see how they will do their work. Maybe that first re-organization did not meet the target.

Hon. Speaker, I oppose this report because and in the spirit of building capacity this action is not prudent. It is not about the person, it is about the intent, it is not about the people mentioned, it is about what we need to achieve as a House.

All of us were elected differently and we have different potential. We might differ in opinion; we might not have the same view of things. Majority Leader, I will disagree with you it is good to have loyalty but unguided loyalty does not bear fruits for the government we support. At the Committee level, every Member should be allowed to see things according to how they feel they need to see them.

We might differ; I remember when I spoke to the Minority Leader many days when we came to this Assembly, he told me that the Assembly is a House of persuasion and it means that I should be given the opportunity to persuade you of my stand. You should also be given an opportunity to persuade me of your stand. At the end of the day the stand that wins the majority of Members in terms of persuasion carries the day. That is why we are told that the majority have their way and the minority have their say.

Nobody should be punished because they have a different opinion. Their negative opinion or divergent view should not be viewed as disloyalty. Therefore, I wish, for the first time, Majority Leader allows me to reject, refuse and oppose this report and not because you are a bad person, you are a neighbor. Not because I am not a Member---

Hon. Deputy Speaker: Hon. Mutie, address the Chair. You are not addressing the Majority Leader. It is a Committee's report not Majority Leader's report.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): There is no problem. The Majority Leader is even not offended. He did not say that his name should not be mentioned. I only spoke about him as the Chair of the Committee and the person who presented the Motion. Hon. Speaker and my neighbor Hon. Majority Leader, I will not support you on this one because it does not serve to enhance performance for us as an Assembly. I thank you.

Hon. Deputy Speaker: Thank you. Any other Member? Hon. Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Mr. Speaker. I stand to support the report as presented by our most able Chair of the Selection Committee. Hon. Speaker, when the Chair was taking us through the report he cited Standing Orders that gives the Assembly parties powers to appoint Members in Committees and also remove Members from Committees.

Hon. Speaker, what is happening here is that the positions of the Committees do not belong to an individual Member. These are the positions for the Assembly parties and they have powers either to retain you in that Committee or de-whip you from that Committee. The

Members who represent the parties in different committees are just custodians for that particular time. If you prove that you are not going as per the party interests, then the Party can remove you.

Hon. Speaker, I want to support and inform the House that there will be more realignments and the reason why I am saying there will be more is this; Hon. Speaker, the Committee sat today and before the report landed in this House a member of the Select Committee, I do not know from which party sent the same report to Hon. Maeke who is not a Member of Selection Committee and Hon. Maeke posted the same in the wall that has the 40 elected Members. Hon. Speaker, the reason I am saying there will be more realignment we are going to investigate and in case we find that the Member who shared the report comes from Maendeleo Chap Chap, the party will have no other option other than sending that member home.

If we find that the Member is from the Wiper Party, us as Maendeleo Chap Chap we are going to complain to the Wiper Party to discharge that Member because we cannot live in a world where secrets cannot be kept. Hon. Speaker, I support the report and I want to remind the Members as Mheshimiwa has said this is a House of persuasion. You need to persuade others. Win the heart of other people and you will have no problem. If you want to be a man of your own, you do not want to cooperate then my brother I was here last regime and I was kicked out of Committee and I was left with one Committee. I am a good witness I can confirm what happens if you are not loyal to the party which sponsored you.

Hon. Speaker, I support the report and I request these Hon. Members who are present here kindly let us pass this report so that we can go home early enough as the rains are with us we go home and cultivate. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Daniel.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Mr. Speaker, I stand here to thank the Committee for good work. As we go through the report we should also ask some few questions. The first question we should ask is whether the changes are there to enhance performance of the Committees. Mr. Speaker, we have had problems with Committee attendance and performance. I speak this as a Chair and yesterday I visited several Committees and there was a problem in attendance. I can say without fear or contradiction that we have problems in our Committees. The Selection Committee in its wisdom if this is the solution to this problem then let it be but if this is not the solution to this problem Mr. Speaker there needs to be proper investigations.

As one Hon. Member said we had changes some few weeks ago and this showed that the changes did not make. I want to echo what Minority Leader has said; you can serve I one Committee and make it back again. You said the last Assembly you were left with one committee and you are here. There are Members who had many Committees and maybe they did not make to come back again. This should also be a lesson that a sword cuts both sides maybe forward or backward.

Mr. Speaker, it is good to take the interests of this Assembly and our great County in every decision that we make. If this decision is been made for the good of the County and for the good of the Assembly then let all Members support it fully.

As I conclude the Minority has indicated that it is about parties, I also wish parties do some consultations when doing such effects. As the Minority Leader you lead the Chap Chap

party which is the Minority party, I hope and wish that decision is the stand of all the Chap Chap Members in this House. As the Majority Leader represents us we also hope that this decision to Wiper Members is the view of all Wiper Democratic Movement Kenya Members of this House. When it is all about parties I want to encourage political parties internal consultative meetings. If such things are done without proper consultation then you will find some Members or political parties going another direction.

I stand here to support the report and hope that it will achieve its intention for the good of this Assembly and the great people of Machakos County. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Loyd.

Hon. Loyd Mutua (Nominated, MCCC): Thank you, Mr. Speaker. I will start by saying I want to support the report but I have some observations to make. The Committee sat and made the decision they have made as the work we have given them. We are the ones who approved them to be in that Committee so we have to trust the report they have given us. I want to say to be able to do the right job for this Assembly; we should be considerate of others because there is life after this Assembly.

We will meet outside there after this Assembly therefore we should try as much as possible to avoid creating personal enmity. You cannot tell who your friend will be after this Assembly. It is history in this Country that 90 per cent do not make it to the Assembly and that is the reality. You will meet somewhere else and need the help of that person. Inasmuch as we need the sanity in the House, we need to do the way parliamentarians do. They take care of themselves when it comes to the Assembly.

When we go outside there let us deal with things as outside there. When we come back in this Assembly we be brothers and sisters. When we affect each other we may have a burial or harambee and we need each other. There are things surrounding the things which are there. I would like to say as His Excellency the President told us if you have different ideas from your party you have your own ideas and the party has its own ideas. You put your ideas down and follow the party.

If there are some wrong things made on the parties as much as I say that we should be considerate of each other we should be able to deal with the consequences of the decisions we make. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Mr. Speaker, for catching my eye. Mr. Speaker, if you allow me I want to give a brief history. We had the First Assembly from 2013 to 2017 and we had the leadership and none of us made it back in 2017. The Second Assembly Mr. Speaker had leadership and all the Members of that Leadership of the Second Assembly, none of them made it to the Assembly. I do not want to say the same will happen to the Leadership of the Third Assembly but we should---

Hon. Mbili Ndawa (Matuu, MCCC): Point of information, Hon. Speaker.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, I do not want to be informed because I am not through. If I say I do not want to be informed it is allowed. You cannot force information to a Member.

Hon. Deputy Speaker: Proceed.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you so much, Mr. Speaker. I was saying I am not trying to insinuate that the leadership of the Third Assembly will not be re-elected in 2027. We should borrow a leaf from the Leadership of the First Assembly where I was the Leader of Majority from the Second Leadership of the Second Assembly and where we are today.

Mr. Speaker, I want to echo the sentiments of one Hon. Eng. Vincent Mutie. I am not seeing any reason why members were moved from Committees in the last two weeks and now they have been moved again. The former senator for Siaya who is the Governor now His Excellency Hon. James Orengo said governments eat their own children and what I am seeing here particularly with the Wiper Party where I belong that is what is happening. You are eating your own children and we should be asking ourselves; in 2027 we are having a presidential candidate and instead of embracing our Members to join our party and to be supporters of our party leader, we are chasing them away. We had Members who were proudly walking round saying they are Independent Wiper but can they say that today? Are we trying to build the party or killing our own party.

Finally, Mr. Speaker, in natural justice, if I had the mandate as Hon. Mwonga and the power, I would not mind to donate a slot to Hon. Ndunda, who is an elected Member and he has been.....I do not want to say he has been substituted because people like Mwonga were substituted from one committee to another but to him it is Standing Order 156 and he has been discharged from committees. It is unfair and God is watching. I am talking out of experience.

I know with the leadership I had, how we treated Members in the First Assembly but we had to pay for the consequences. I am not ashamed to say that. I had my own cabinet and Hon. Carol can attest to that. I remember one day saying I am not sanctioning removal of Members from committees but the following day in the morning I was called by the Speaker in his office, telling me; now that you have not agreed you have not sanctioned removal of Members from committees---

Hon. Mbili Ndawa (Matuu, MCCP): Point of information.

Hon. Deputy Speaker: Point of information

Hon. Mbili Ndawa (Matuu, MCCP): Hon. Speaker, it is not fair for the Hon. Member to mention Hon. Members who cannot defend themselves in this House. If you say you were called by the Speaker and everyone knows who the first Speaker was. That is subjecting somebody to unnecessary torture. You can mention a Member who is here because he has the capacity to defend himself but somebody who cannot defend himself, let us not mention them Hon. Speaker.

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

Hon. Joshua Mwonga (Masinga Central, WDM-K): Okay. I will not mention but this is what I was saying. I was threatened and signatures were collected for me to be removed as the Leader of Majority but those who were doing that to me, tell me where they are today? God vindicated me. I am back in the Assembly and I cannot tell you where they are and I do not want to say they are leading a miserable life. This is a warning I am sending to the Leadership of this House, there is tomorrow and God is watching. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mwonga. Hon. Brian and then the mover to reply.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mr. Speaker, I am rising to comment Mheshimiwa Mwonga for owning to the fact that in the First Assembly, he committed some mistakes which ended up haunting him up to now, which to me is a very honourable thing for a member to say.

I am supporting the motion and echo what Hon. Loyd said that when we come to the Assembly and I have been a victim when you go against your party, you better be very careful of what consequences come with that. I was lucky mine was very strong when I fought and I survived but if you do not have the muscle to wrestle with your party, be very careful what move you make with your party. Obviously, some Members have been hurt and there will be consequences.

I am calling upon the Members who are hurt or who have been moved, then need to understand the reasons why they have been moved. Lives is about understanding and recollecting yourself, go back to the same people who gave you the positions and make amends with them.

Personally, I would like to thank Wiper as a party.

(Applause)

I was in the Second Assembly and my friend whatever you are seeing here, some of us feel it is a right but if you were in the Second Assembly, you will understand what it means to have a Majority party which has got no mercy. In the Second Assembly, Chap Chap never enjoyed even one responsibility allowance. We were chased from this Assembly and personally I was chased for six months.

You know, some people think what is happening is a big punishment; six months by majority party for going against their whims but this Third Assembly, to be honest, Wiper has played a very sober approach into the way they are handling other parties to the extent of even ensuring that majority of us have responsibility allowances which I think is a big plus to the party.

(Applause)

You have been very welcoming to the rest of the smaller parties and I also want to thank my Minority Leader for taking the role to become a leader who negotiates for his people. Assembly is about give and take and I think we are doing very well. The First Assembly was terror under the guidance of Hon. Mwonga. The Second Assembly was even more terror under the guidance of Mheshimiwa King'angi and the first Majority Leader. This time we want to

thank the Majority and Minority Leader for the role you have taken in ensuring that you talk together as mature people and you continue putting people together.

What I want to appeal is that now I am talking like an old man. When children go against you, you are supposed to whip them hard so that they understand that you are the father. When you realize that they have accepted their mistakes also bring them back. We will take the opportunity and if you see any son who had gone astray and they have kind of accepted the route to take and let me tell you, politics is about having a stand. You cannot afford to be a yo-yo in politics. Yo-yo means today you are here and tomorrow you are there; you must have a stand and also understand which route you want to take and where you want to go. Politics are so selfish and so serious that a small mistake can cost you.

So, as much as issue are their people should also recollect themselves and find where they have gone wrong and based on that, let us come back together consult the leaders and I am sure you will come back and we will move on. If you continue taking a hard stance and feeling that you are tough, my friend, you consult us and we will tell you what happened to us in the Second Assembly and I am telling you, it was painful and not that easy.

My take is, I support the report and there must be reasons why this has happened and I support with a caveat that let people consult themselves first, their friends and then let us come back together. I am sure Majority Leader and Minority Leader and the leadership of the entire Selection Committee are men and women of great wisdom and we can give and take but provided people tore the line and understand that their actions have consequences. Thank you very much.

Hon. Deputy Speaker: Thank you, Hon. Brian. Hon. Nicholas.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker and thank you Members for supporting our well-thought report. I want to say we did this report with utmost diligence knowing very well that committees are engines of this House and that there were some gaps. I want to thank Hon. Members for supporting the report and through you Mr. Speaker, I am a good learner and I like learning but I do not pick every lesson. So, to Hon. Mwangi, I am sorry I cannot pick any of your lessons. I know what you did to the Hon. Members of the First Assembly and I am not about to do anything to any of the Hon. Members of this House. So, I guarantee you, I will not write a message to you when you are at Jomo Kenyatta Airport travelling to an international city and call you back. I can guarantee you our *katumo* is shareable equally to every Member. So, those are lessons I cannot pick that are going to hurt my conscience and my heart.

Otherwise as Mheshimiwa Minority Leader and Members have said, we were generous enough but some Members have thrown our generosity outside the window and then we ask ourselves why are you biting the hand that is feeding you?

If you think our generosity as WDM-K is not good enough to you seek generosity from another person but the door is still open you can still come and we negotiate. Some of those Members, we called them in consultation with the Minority Leader and offered them and persuaded them and they felt we have not persuaded them enough. There is nothing else we could have done we let go and we asked other Members who we persuaded and they accepted to come and join us. So, the door is still open but I would repeat and say I will fight the corner of WDM-K in this Assembly and persuade other people to join the same party like I have never done before. Thank you, Mr. Speaker.

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

(Question put and agreed to)

(Applause)

Thank you, Hon. Members. What I would say as the Chair of Liaison Committee is I appreciate the Committee of Selection in the next two or three weeks, we will also be presenting the committee progress reports and that will indicate how various Chairpersons have been serious with whatever they have been doing. I believe the Selection Committee has made it with the numerous reports that they are bringing to the plenary for debate.

For the other Chairs who have not had any report in the plenary, I kindly request you to follow suite and bring as many reports in the Assembly. The Selection Committee is not limited to when and how to bring reports in the Chamber and if they so wish to have any other business, they are still free to do so because they are just a committee like any other.

ADJOURNMENT

Hon. Deputy Speaker: Thank you, Hon. Members. The House adjourns to Tuesday, 16th April, 2024 at 10.00 a.m. Thank you and happy Eid-ul-Fitr celebrations.

The House rose at 3.40 p.m.