

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Wednesday, 13th March, 2024

The House met at 2.58 p.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

PAPERS LAID

Hon. Speaker: May I invite Hon. Nicholas Nzioka, Leader of Majority party to come forward and lay down some Papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker
Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, Wednesday, 13th March, 2024:

1. The Third report of Committee on Selection on Nomination and Substitution of Members to Committees.
2. Reports of the Auditor General on:
 - (i) Machakos County Assembly Housing and Car Loan Scheme Fund- Staff for the year ended 30th June, 2023;
 - (ii) Machakos County Assembly Housing and Car Loan Scheme Fund for the year ended 30th June, 2023;
 - (iii) County Assembly of Machakos for the year ended 30th June, 2023;
 - (iv) Receiver of Revenue, County Government of Machakos for the year ended 30th June, 2023;
 - (v) County Revenue Fund, County Government of Machakos for the year ended 30th June, 2023;
 - (vi) Machakos County Executive and Chief Officers Car Loan and Mortgage Scheme for the year ended 30th June, 2023;
 - (vii) County Executive of Machakos for the year ended 30th June, 2023.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Nicholas. Those Papers are committed to the Public Accounts and Investments committee. Thank you.

May I as well invite Hon. Vincent Mutie chairperson Health and Emergency Services Committee to come forward and lay a Paper? Hon. Mutie. Proceed Hon. Majority Leader.

STATUS OF MACHAKOS LEVEL V HOSPITAL

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker, I will hold brief for the Chair, Hon. Vincent Mutie. Hon. Speaker, I wish to lay the following Paper on the table of the Assembly today, Wednesday 13th March, 2024; the Report of the Health and Emergency Services Committee on the status of Machakos Level V Hospital. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Majority Leader.

(The Papers were laid on the Table)

NOTICE OF MOTION
THE THIRD REPORT ON NOMINATION AND
SUBSTITUTION OF MEMBERS TO COMMITTEES

Hon. Speaker: May I invite Hon. Nicholas Nzioka, Leader of Majority Party to come forward and give a notice of Motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to move the motion THAT notwithstanding the resolution of the Assembly made on 4th October, 2022 and 11th November, 2022 on Approval of Committees membership and pursuant to Standing Order 152(2), this Hon. House approves the nomination and substitution of members to Committees as contained in the third report of Committee on Selection on Nomination and Substitution of Members to Committees and as specified in the Schedule annexed to the Order Paper. Thank you, Hon. Speaker

Hon. Speaker: Thank you, Hon. Member. Hon. Majority Leader, you can as well give a notice on behalf of Hon. Vincent Mutie for Health committee.

STATUS OF MACHAKOS LEVEL V HOSPITAL

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Most-obliged, Madam Speaker. Hon. Speaker, pursuant to Standing Order 190(5), I wish to give notice of motion THAT this Hon. House adopts the Report of Health and Emergency Services Committee on status of Machakos Level V Hospital, laid on the Table of the House on Wednesday, 13th March, 2024.

STATEMENT

BUSINESS FOR THE HOUSE FROM 13TH MARCH, 2024 TO 9TH APRIL, 2024

Hon. Speaker: May I invite Hon. Nicholas Nzioka to come forward and give a Statement.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you Madam Speaker Honorable Speaker, the House Business Committee met today 13th 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:

Wednesday, 13th March, 2024

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. Report of Selection Committee on nomination and substitution of members to Committees by Hon. Nicholas Nzioka, Chairperson, Selection Committee.

Tuesday, 19th March, 2024

Morning at 10.00 a.m.

Report of the Health and Emergency Services Committee on the status of Machakos Level 5 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 FY 2021/2022 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee; Continuation of debate.

Wednesday, 20th March, 2024

Morning at 10.00 a. m.

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; Continuation of debate.

Wednesday, 20th March, 2024

Afternoon at 2.30 p.m.

- (a) Response to a statement on safety of employees at Golden Africa (K) Limited by Hon. Joshua Mwonga by Chairperson, Committee on Labour, Public Service and ICT.
- (b) Motion on establishment of Youth Centers and Sports Incubation Centers by Hon. Annastacia Mutevu, Special Elect MCA.

Tuesday, 9th April, 2024

Morning at 10.00 a.m.

Report of Auditor-General on the financial Statements of Machakos County Bursary Fund for the year ended 30th June, 2022 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee; Continuation of debate.

Thank you, Hon. Speaker

STATEMENT REPLY
OPERATIONALIZATION OF KANGUNDO BUS TERMINUS

Hon. Speaker: Thank you. At this point I wish to call upon Hon. Brian Kisila, chairperson Decentralized Units and County Administration Committee to come forward and give a response to a request made by Hon. Dickson Maundu.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Hon. Speaker, a statement was sought by Hon. Dickson Maundu on what the County is doing to ensure that Kangundo town bus terminus is fully operationalized.

The sought statement was conveyed to the Roads, Transport and Public Works Department via a letter Ref. No MKSCA/ADMN/DUC/VOL.1/70 dated 20th February, 2023. The letter was responded to, through a letter Ref No. GMC/TR&PW/COUNTYASSEMBLY/VOL.II/82 conveying the following information:

That Kangundo Bus Park was constructed in 1990s by the World Bank during Tala-Kangundo Council and later upgraded to its current status in later years. It has a capacity of 25 vehicles according to the sub-divisions of the slots. It is well-lit at night with a *Mulika Mwizi* at the entrance. The business community has installed a few stores around the bus park. There is a washroom block that requires to be operationalized.

- The County Government of Machakos, through the Department of Roads, Transport and Public Works, is aware of the situation in Kangundo Bus Park.
- That the Department is also aware of how the non-operationalization has negative impact on the business community and the economy of the County in general.
- The Government is also aware that the Bus Park is neglected over the time and to some extent vandalized some of the steel that covers the drainage.
- That Kangundo commuters are dropped at Tala from different picking points and incur extra cost to Kangundo by bodabodas even at late hours greatly affecting women, children and persons living with disabilities.

In its effort to curb this problem, the Department through the County Executive Committee Member has approved letters of no objection to several SACCOs mandating them to terminate at Kangundo Bus Park as per NTSA requirement. The routes are distributed on demand by the County Transport and Safety Committee (CTSC) where CECM, Roads, Transport and Public Works is the Chairperson. The Department over time has interrogated the Chairpersons of SACCOs authorized to terminate at the Bus park and has captured some challenges:

1. They have tried severally to pick and drop at the bus park and every time the community does not cooperate or they lack awareness and still board bodabodas to Tala, eventually they give up due to losses in business.
2. The SACCOs mandated to operate Nairobi-Kangundo route terminate at Tala with exception of a few who end their day at Kangundo.
3. The SACCOs at Tala Bus park are the same that have been given extension routes to Kangundo and try to block other SACCOs from the route due to fear of competition.

Way forward

The Department intends to:

1. Compel the SACCOs to drop and pick from Kangundo Bus park failure to which their routes are revoked.
2. Enforce picking and dropping from the Bus Park.
3. Organize sensitization and awareness meeting between the residents, business community, County Government and the administration of Kangundo Sub-County.
4. Operationalize the toilets at the Bus Park.
5. Replace the vandalized steel.
6. Re-launch the operationalization of the Bus Park with the SACCOs in operation.

Madam Speaker, I must say that this report was actually supposed to be coming from the department of roads and should have gone to the roads committee but because you gave that direction, I felt it wise that we can still answer to the Statement and agree on the way forward. I have also talked to the CECM roads and she has agreed we have a joint meeting between the SACCOs, department of roads and Mheshimiwa Dickson at the bus parks so that we can try and resolve this matter once and for all.

Hon. Speaker: Thank you very much, Hon. Brian. Before I invite Hon. Dickson Maundu to come and confirm whether the response is satisfactory, May I invite comments from Members of the House. Any comments Members, we have no comments from Members. Hon. Dickson Maundu, come forward, say whether the response is okay, is it satisfactory to your best knowledge?

Hon. Dickson Maundu (Kangundo Central, MCCP): Thank you, Madam Speaker. Today Hon. Speaker is my happiest day since I came to this Assembly and the reason is because before the people of Kangundo Central ward voted for me this is one of the promises that I made to them, that once I get to this House I will make sure that the people of Kangundo are neither dropped nor picked at Tala market. Hon. Speaker, I want to admit that the report read by Hon. Kisila is correct and perfect. I agree with it totally because those were the issues that has been affecting the people of Kangundo Central ward and to extension the people from Katwii, Mwala and Kavuluko for that that matter so that they can get transport as well as the other people are getting the rights of transport.

Hon. Speaker, allow me to point out just a few things according to the Statement that was responded by Hon. Kisila. To start with, I want to talk about the latrines that are situated at the bus park. Hon. Speaker, you will agree with me that managing washrooms of a public nature is not an easy task and for this matter I want to plead with the authorities that they may privatize the washrooms as the bus park to make it viable and clean for the community to use. Having said that, Hon. Speaker, I want again to turn to the challenges.

Hon. Speaker: Are you satisfied with the Statement or not?

Hon. Dickson Maundu (Kangundo Central, MCCP): I am satisfied with the Statement only that I was picking a few items from the same.

Hon. Speaker: How now? You want to bring challenges and what else do you want to bring?

Hon. Dickson Maundu (Kangundo Central, MCCC): Hon. Speaker, I only added a few on the challenges that the committee has gone through. I was only trying to pinpoint and if that is not allowed then I am satisfied with the report as it is. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Alright. Let us proceed, next order.

MOTION
THE THIRD REPORT ON NOMINATION AND
SUBSTITUTION OF MEMBERS TO COMMITTEES

Hon. Speaker: May I invite Hon. Nicholas Nzioka, Leader of Majority and Chair of Selection committee to come forward and move the motion.

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

Hon. Speaker, I wish to move the motion THAT notwithstanding the resolution of the Assembly made on 4th October, 2022 and 11th November, 2022 on Approval of Committees membership and pursuant to Standing Order 152(2), this Hon. House approves the nomination and substitution of members to Committees as contained in the third report of Committee on Selection on Nomination and Substitution of Members to Committees and as specified in the Schedule annexed to the Order Paper.

Madam Speaker, I wish to call upon the Hon. Deputy Speaker to second.

Hon. Speaker: Hon. Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker, I do second the motion.

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

(Question proposed)

Before I invite Members to debate this motion, I wish to invite the mover to highlight the report

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. This is the third report of committee on selection on nomination and substitution of members to committees it is dated 13th March, 2024 and if you allow me Madam Speaker, I am going to do the preface, mandate of the committee, background and the recommendations.

Hon. Speaker: You may proceed in that way.

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

Establishment of the Committee

The Committee on Selection is one of the select committees of the County Assembly established pursuant to Standing Order 152(1) which provides that; there shall be a select committee, to be designated Selection Committee, consisting the Leader of the Majority party, who shall be the chairperson, the Leader of the Minority party and not less than seven and not more than eleven other members, who shall be nominated by Assembly parties and approved by the House.

Mandate of the Committee

The mandate of the Committee is provided for under Standing Order 152(2) and states 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. I will not read the Membership or the secretariat because we know they exist.

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 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 heard.
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.

NOMINATION AND BALANCING OF MEMBERS TO COMMITTEES

Nomination of members

The Committee on Selection held a meeting on 12th March, 2024 and pursuant to Standing Order 152(2) nominated and substituted members in Committees. The major purpose for this exercise was to nominate members to committees that fell vacant following the demise of Hon. Gideon Kavuu of Mumbuni North ward. In addition, the exercise was to enhance efficiency and add value on the business in the House. The carrying of this exercise was in consultation with Assembly parties and members of other parties.

The Committee nominated the following Members to serve in the Committees that were being served by the late Hon. Gideon Kavuu of Mumbuni North Ward

- (a) Agriculture Committee

1. Hon. Mercy Njagi

(b) Labour, Public Service and ICT Committee

1. Hon. Dickson Maundu

(c) Culture and Tourism

1. Hon. Evelyn Nzeki

(d) Implementation Committee

1. Hon. Boniface Maeke

The Committee further undertook substitution of Members in Committees as shown in the table below whereby, Members in column three were substituted with Members in column four.

S.N	COMMITTEE	OUT	IN
1.	Trade, Economic Planning & Industrialization	1. Hon. Bonface Maeke	1. Hon. Dee Kivuva
2.	Education & Social Services	1. Hon. Grace Bahati	1. Hon. Irene Mulu
3.	Transport, Roads & Public Works	1. Hon. Nicholas Nzioka	1. Hon. Grace Bahati
4.	Justice & Legal Affairs	1. Hon. Vincent Mutie 2. Hon. Grace Bahati	1. Hon. Daniel Muindi 2. Hon. Nicholas Nzioka
5.	Agriculture	1. Hon. Bonface Maeke	1. Hon. Grace Bahati
6.	Environment & Natural Resources	1. Hon. Bonface Maeke	1. Hon. Catherine Muia
7.	Health & Emergency Services	1. Hon. Dee Kivuva 2. Hon. Mathew Ndunda	1. Hon. Rosina Kanini 2. Hon. Catherine Kyee
8.	Social Welfare & Sports	1. Hon. Phoebe Koki	1. Hon. Constance Mbula
9.	Lands & Energy	1. Hon. Daniel Muindi	1. Hon. Vincent Mutie
10.	Devolution & Intergovernmental Relations	1. Hon. Constance Mbula	1. Hon. Phoebe Koki
11.	PIAC	1. Hon. Douglas Musyoka	1. Hon. Loyd Mutua
12.	Delegated Legislation	1. Hon. Bonface Maeke	1. Hon. Stephen Mwanthi

COMMITTEE RECOMMENDATIONS

Pursuant to Standing Order 155, the Committee recommends that the House –

- (a) Approves the appointment of Members nominated to the following Committees as contained in this report:
 - (i) Agriculture;
 - (ii) Labour, Public Service & ICT;
 - (iii) Culture and Tourism; and
 - (iv) Implementation.
- (b) Approves the appointment of Members substituted to the following Committees as contained in this report and as in the table:
 - (i) Trade, Economic Planning and Industrialization;
 - (ii) Education and Social Services;

- (iii) Transport, Roads and Public Works;
- (iv) Justice and Legal Affairs;
- (v) Agriculture;
- (vi) Environment and Natural Resources;
- (vii) Health and Emergency Services;
- (viii) Social Welfare and Sports;
- (ix) Lands and Energy;
- (x) Devolution and Intergovernmental Relations;
- (xi) Public Accounts and Investments (PAIC); and
- (xii) Delegated Legislation

Madam Speaker, that is the report which was prepared and adopted by the committee on selection and it is before this House seeking approval. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader. May I at this point invite Members to debate this motion? The floor is yours Members. Hon. Douglas, Hon. Ngunga then Hon. Maeke; in that order.

Hon. Douglas Musyoka (Masii, MCCC): Thank you, Madam Speaker. I am a Member of the said committee on selection and I attended the aforesaid meeting yesterday whereby some of the Members were discharged from committees other than what the Majority Leader has insinuated as substitution. Madam Speaker, in this reference I stand in regard to Standing Order 156(b) on discharge of a Member from a committee. I have my brother, Hon. Boniface Maeke who has been discharged---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information.

Hon. Speaker: Point of information.

Hon. Douglas Musyoka (Masii, MCCC): Madam Speaker, please guard me. I do not want to be informed. I sat with the Deputy Speaker in the same committee and I gave the same information and then---

Hon. Speaker: Hon. Douglas, have a seat. I have given him an opportunity to inform you. Take your seat.

Hon. Douglas Musyoka (Masii, MCCC): Madam Speaker, please guard me. I was in the same committee with the Deputy Speaker and we argued on the same matter for---

Hon. Speaker: Did you not hear what I am saying. All of us cannot be talking.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Yes. Madam Speaker, according to what the Hon. Majority Leader read from the report is that there is Standing Order 152 that he is not ready to read and he is always running to Standing Order 156. Standing Order 152 gives the Selection Committee the mandate to do what it has done. So, I am seeing nothing wrong with the Selection Committee having done that.

(Applause)

If need be, I can read the area where the Majority Leader read that 'there shall be a Select Committee to be designated Selection committee, consisting of the Leader of Majority Party who shall be the Chairperson consisting the Leader of the Leader of the Minority party and not less than seven and not more than eleven other members, who shall be nominated by Assembly parties and approved by the House.'

Madam Speaker, this means that the Members will be sitting in the Selection Committee are Members drawn from the various Assembly parties that should nominate and substitute Members from one committee to another. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon Douglas, the section that substituted these.

Hon. Douglas Musyoka (Masii, MCCC): Madam Speaker.

Hon. Speaker: Have a seat; I am making a ruling.

(Hon. Douglas Musyoka took his seat)

The section that is being relied on Hon. Member is Standing Order 152(2). 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. That is a section of our Standing Order that has been relied on and it talks about substituting and not discharging. These are two different things and I say, with this section we are not discharging we are talking about substituting.

Hon. Francis Ngunga (Mua, MCCC): Just a point of order, Madam Speaker.

Hon. Speaker: Therefore we are in order.

Hon. Francis Ngunga (Mua, MCCC): Point of order, Madam Speaker.

Hon. Speaker: Which point of order are you relying on?

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker, please allow me. This I need say. The Bible is a book that constitutes 66 books Genesis all the way to Revelation.

Hon. Speaker: Which Order are you relying on?

Hon. Francis Ngunga (Mua, MCCC): I am relying on---

Hon. Speaker: On the Bible?

Hon. Francis Ngunga (Mua, MCCC): On the Bible plus our Standing Orders. I was actually coming to that, Madam Speaker. To say that our Standing Orders are just like the Bible; it has pages which starts from where the Speaker has been given lot of mandate to run this

Assembly, it has all the mandate that are given to these committees to the Members, to the leadership and everything.

Madam Speaker, there is one verse in the Bible that says; and Jesus wept. If we rely on that one verse, the Bible would be a very miserable book but the same book says there was joy in very many lands. If you look at what Hon. Douglas is attempting---

Hon. Speaker: We are not getting there again Hon. Member. I have made a ruling on that. The Standing Orders are very clear that once the Speaker makes a ruling, you do not go back to---

Hon. Francis Ngunga (Mua, MCCC): I just wanted to ask Members; just because we are talking about Selection Committee, Madam Speaker, the truth of the matter is Standing Order 152, 153, 155, 156 are talking about one and the same thing.

Hon. Speaker: Have you heard what I have said?

Hon. Francis Ngunga (Mua, MCCC): It gives the Committee on Selection the powers and it also gives the Members the right---

Hon. Speaker: Hon. Ngunga, you are out of order.

Hon. Francis Ngunga (Mua, MCCC): I resume my seat.

Hon. Speaker: Thank you. Members can I have---

Hon. Douglas Musyoka (Masii, MCCC): May I continue Madam Speaker?

Hon. Speaker: No, I have made a ruling on your issue.

Hon. Douglas Musyoka (Masii, MCCC): I was not through with my submission please.

Hon. Speaker: I have made a ruling Hon. Member. Don't you understand what I am saying?

Hon. Douglas Musyoka (Masii, MCCC): Madam Speaker, I am requesting to continue because the Hon. Deputy Speaker interrupted as I was making my statement.

Hon. Speaker: You cannot. Our Standing Orders do not allow that. Thank you.

Hon. Francis Ngunga (Mua, MCCC): Let me make my contributions, Madam Speaker. I was supposed to be number two.

Hon. Speaker: We are done with your case as well Hon. Member?

Hon. Francis Ngunga (Mua, MCCC): I was on a point of order and I was supposed to speak after Mheshimiwa Douglas.

Hon. Speaker: It is a contribution?

Hon. Francis Ngunga (Mua, MCCC): Of course, I want to debate on the report that the Leader has tabled to us.

Hon. Speaker: Proceed.

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker, I think it would also be nice for us to set ground rules properly so that when an Hon. Member stands to speak he is accorded the proper airtime to be able to navigate his ideas. When it becomes a bit bedeviling when a Member wants to say this and he is guided this way because we need to cultivate the art of debating and the art of debating is in terms of coercing Members to look at it the way you look at it at that particular moment. Madam Speaker, our Standing Orders are saying that a Member should be accorded 10 minutes uninterrupted.

Hon. Speaker: That is okay, but when a Member starts deviating from the subject matter, what is the Speaker supposed to do? To direct the Member, which I have done.

Hon. Francis Ngunga (Mua, MCCC): The Member will be wasting his time he has not contributed but for this particular one Madam I wanted to be on point and my point is that I want to refer to the issue of Hon. Boniface Maeke who is a Member from Kalama Ward. If you have been keen to listen to that report, there is one thing Madam Speaker you still have to make a ruling about. The difference between discharging and substituting? That is actually a very serious word because in my opinion it is read to mean substituting and discharging are one and the same thing.

Madam Speaker, Hon. Maeke was sitting in the Committee of Delegated Legislation and he had been substituted with Hon. Deputy Speaker and that is okay. The same thing is that Hon. Maeke has been discharged because he is no longer going to be a Member of that committee. So then---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information, Madam Speaker.

Hon. Francis Ngunga (Mua, MCCC): So, then Madam Speaker, I have read the name of Hon. Maeke in this report four times. The Standing Order that you have refused to listen to says that when a Member is substituted or discharged, there would be need to consult that Member whether he is going to be comfortable in the committee that the leadership would so wish to substitute him to. Hon. Maeke has been moved three or four times and that means he either has no committee or one committee.

The culture in this House on the issue of equity; when we came in here Madam Speaker, we set some sort of a trend where Madam Speaker, if I may refer you, Hon. Kisila did not have a committee and we created two committees so that Members are accommodated so that Members

can have equitable number of committees and most of us here have four committees. Madam Speaker, the big brother syndrome is a bad one.

Hon. Maeke comes from CCU party and he might not have anybody to protect him and at this juncture I want to thank the Minority Leader and the leader of Maendeleo Chap Chap because there was a lot of consultations in our party and Members were consulted and for that I want to thank Mheshimiwa but when the case of Hon. Maeke Madam Speaker, where he is in a party of two Members and when the committee on Selection sits there Hon. Maeke is not represented and his party is not represented. Are we supposed to leave the Member at the mercy-
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Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information.

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker, let me just say this. Let me just say these Members and let us learn to be tolerant. This is not an issue of life and death. You will still have your time. Madam Speaker, the question here is Members who are elected work through committees. When a Member is discharged from committees and he is left with one committee, how is he going to discharge his mandate in this House? How is that Member going to discharge his mandate? You know Madam Speaker, the wrong thing here is and we cannot use the issue of committees to punish political differences. That is a bad thing and a bad trend. I want to say this, Madam Speaker---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information, Madam Speaker.

Hon. Francis Ngunga (Mua, MCCC): I want to say these Members as I plead today it might be you in the right books; tomorrow it is going to be somebody else.

Hon. Speaker: Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCC): Use the knife that you have properly.

Hon. Member: Point of information, Madam Speaker.

Hon. Speaker: Taken.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I think the Hon. Member is misleading the House. Our Standing Orders do not allow two people to be standing at the same time. I think the Hon. Member is misleading the House on this part. He is alluding to the fact that Hon. Maeke comes from a party that does not constitute an Assembly party in this House. Mheshimiwa was just given the committee slots of another Assembly party and he chose to abuse the privileges of that party that had donated and we are kindly asking any other party that is generous enough and if they feel that he is not being taken care of for you an Assembly party that feels he is not taken care of please take care of him.

Us from the Majority side we donated generously our generosity has been abused and taken for granted and we have chosen to take back our generosity.

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker, I think he did not inform me and neither did he enrich my debate because he actually confirms what I was saying that the big brother in this House that is the Majority Party is using their numbers to trample on the other small parties and that is why I said Madam Speaker, I want to plead with this House so that we learn the idea of humility, tolerance because when Members differ out there that war should not be brought here. They should not be able to use this House here to settle political scores. My question would be; you expunge this Member from these committees and you give him one then of course what are you gaining in that and where is the pain in that other than the people he represents. Where are you inflicting the pain in that Mheshimiwa?

So Madam Speaker, as a leader and as a mother in this House, as the mother of this House Madam Speaker, you must ensure that our Standing Orders are there, you must ensure that there is fairness, you must ensure that what we do here we do not use the big brother syndrome. Madam Speaker, this I will say without fear of contradiction. Today Members like Hon. Zora here who are Independent Members are constitutionally in this House here. A Member like Madam Zora here---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information.

Hon. Francis Ngunga (Mua, MCCC): Her protection lies in that chair Madam Speaker, you are sitting on. It is your duty and responsibility Madam Speaker, to ensure that there is fairness and equity in this House. Madam Speaker, it would be wrong for us to sit here and say that this report is fair, it has the spirit of... what is it? In fact, it infringes on the constitution. How can we be here 60 of us when we have four other Members here having 13 committees and one Member goes home with one committee. Surely are we Christians? What are we thinking about? If you are saying that you donated please you should have asked other Members to donate committees so that you read a fair committee to us.

Hon. Speaker: Hon. Member your point is home. More contributions? Hon. Maeke, I had given you an opportunity but restrict yourself to the debate. Do not get out of the debate.

(Laughter)

Hon. Boniface Maeke (Kalama, CCU): Thank you, Madam Speaker. I must say people are crying very much on my behalf but Jesus said cry for yourselves rather than crying on the behalf others. I am going to start Madam Speaker, by saying one, I want to thank the Committee on Selection that sat and in their wisdom have brought out a very good report in their perception. Madam Speaker, I will not use a lot of time to speak. I want to use a disclaimer that you protect me from the many points of information because I am going to restrict myself to whatever is here.

Hon. Speaker: Do you intend to take a lot of time?

Hon. Boniface Maeke (Kalama, CCU): No. A short time so that whoever is informing can inform me later. Just doing a disclaimer because I usually lose my points when people disrupt me Madam Speaker, and I have seen it happen before. Thank you, Madam Speaker, for

protecting me in your heart.

(Laughter)

Madam Speaker, I will go straight to point No. 7 where the County Assembly Governments Act provides that a County Assembly. May make Standing Orders consistent with the Constitution and this Acts are regulating procedure to the Assembly including orders for proper conduct and proceedings.

Madam Speaker, today we understand as the Leader of Minority always uses the word *lacuna* personally I feel today there is a *lacuna* before this House because Standing Orders will not one day supersede the Constitution. Madam Speaker, you know very well our oversight role is so much put into the committees, into the House and we know that oversight role and you know how the committee plays a very major role in oversight.

Madam Speaker, you are going to understand that when we were developing those Standing Orders which are a product of committee on Rules and Procedures which make and they guide the House. Madam Speaker, today I do not have a problem even for Members being removed out of the committee and personally being removed out of the committee. I do not have a problem with that but for purposes of the future because we are here today and tomorrow let us look at the Standing Orders so that we may ensure that in future we are not going to have such type of a *lacuna* where a Member will come because tomorrow I am going to vie and I will choose a good party which will makes us and probably my party next CCU maybe the Majority party because God has all powers and we have seen the trend.

Today its WDM-K and Madam Speaker, I will also thank the Majority Leader because I had not known who had donated generously for me. Thank you very much but also point of information Madam Speaker, there is something I have observed in committee on.....I have been replaced by a WDM-K member and in that committee the total number in the committee on environment. I have been replaced by Hon. Catherine Mutio so the total number of committees and from what I have known throughout because whoever was presenting us was Hon. Mbuva and he was making donations from other committees.

Kindly in the spirit of donation, my Environment committee position was donated by PTP party so make note on that even as we debate because if PTP party is still willing to make.....because WDM-K party as Majority Leader had said had donated whatever they had donated but Madam Speaker, that seat for Environment committee was donated by PTP. You can look into the composition and you are going to the Members of WDM-K party are more. Seven in number yet the maximum they can get in a committee is six.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information.

Hon. Boniface Maeke (Kalama, CCU): I am finishing, Madam Speaker.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, just to clarify on his point.

Hon. Speaker: Clarify that point.

Hon. Boniface Maeke (Kalama, CCU): He can clarify Madam Speaker, because you have made the ruling.

Hon. Speaker: Okay let him.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): The said extra seat that we have in the Environment Committee was indeed donated to us by the PTP party because there is a Member of PTP party who sits in the Selection Committee and it is in the minutes of the Selection Committee. Thank you, Madam Speaker. So the seat was actually donated by PTP to WDM-K. Thank you.

Hon. Speaker: It has been clarified.

Hon. Boniface Maeke (Kalama, CCU): Thank you, Majority Leader for that clarification. I will not continue defending myself but it is clear that it is in and out. I am out in four committees, I am in one committee and I do not know who has donated that to me so that I may make...Maendeleo Chap Chap. So Maendeleo Chap Chap, if in your latitude you may find favor with me you can give me a slot. Let me say this as I finish; we are setting a bad precedence as a House. We are going to differ and politics we must learn from the National politics.

Last month Raila was not speaking with the sitting President and today they are buddies. Today we are differing and we are differing on issues, tomorrow we may be buddies. As you make enemies and as you make friend choose right. Today is Boniface Maeke tomorrow it will be somebody else. I am not a prophet of doom but it is going to happen very soon that more will be crying than me because this is---

(Hon. Speaker spoke off record)

Madam Speaker, you had spoken? I do not want to go against you because---

Hon. Speaker: I am just saying.

Hon. Boniface Maeke (Kalama, CCU): It seems you are the only person.

Hon. Speaker: I am feeling like you are finishing then all of a sudden you.

Hon. Boniface Maeke (Kalama, CCU): No. You see Madam Speaker and remember you are the mother of the House and the same Standing Orders give you power and sometimes mercy supersedes justice. I promise this House I am not going to cry again. I cried in public and today I am not going to cry to beg anyone to give me a committee.

Hon. Speaker: Wind up Hon. Maeke.

Hon. Boniface Maeke (Kalama, CCU): I am going to stand as a man and I am going to continue...if talking in public is making me be removed from all the committees but the Standing Orders allow me.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of order.

Hon. Speaker: Mheshimiwa.

Hon. Boniface Maeke (Kalama, CCU): Yes, Madam Speaker.

Hon. Speaker: Honestly with all fairness I think you are done.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): We are not politicking here.

Hon. Boniface Maeke (Kalama, CCU): Three seconds then I finish. Madam Speaker, because it is clear that I was not able to kow-tow in people's boohoo (??) I want to say that I am not going to kow-tow and I am not going to bow to anyone. I am going to do my oversight role and I am going to be there. Madam Speaker, I am also going to give you another...it is not here but I know it is in your archives. SRC directive Madam Speaker, says that a Member shall earn. So Madam Speaker, as we make, because the goose for Boniface Maeke is cooked from the smile I see on people's faces is already cooked that this report is going to pass and see the end of the day, please Madam Speaker, in your wisdom also know how I am going to make my maximum earning. Thank you and God bless you.

(Applause)

Hon. Speaker: Thank you. More contributions. Hon. Deputy Speaker, then Hon. Dee.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I must thank the selection committee that I do sit in. You do realize Madam Speaker, this is just procedural and when somebody stands and says or denounces whatever was brought by that committee is just a committee like any other. Although I understand there are some Members who are fond of trying to get sympathy always. This was procedural and it is all over the world. The Standing Orders that are in Machakos are Standing Orders in other democratic countries so it not only happens here and some of the Members who are now quoting the Bible are the Members who had de-whipped all other Members including some who are in this House when they were in leadership. Now they are pretending to be Christians yet it happened when they were in office.

So I do not think that holds any water and Madam Speaker, I think some of the behaviors and some of the things we have been seeing with some Hon. Members around here they did not need to even have these committees because they have said loudly that they have other areas of doing oversight so if you can oversight outside the chambers or outside the committee, well and good.

Hon. Speaker: DS restrict yourself to the debate.

(Loud consultations)

Hon. Stephen Mwanthi (Ekalakala, WDM-K): So Madam Speaker, what I am saying is that if a committee...just the way you talked.

Hon. Speaker: We cannot talk all of us.

Hon. Stephen Mwanthi: If it is politics we can all politicize just the way you have done. I am not and I cannot be bitter. Madam Speaker, I think these Members have not been given---

Hon. Speaker: We cannot all talk at the same time. Hon. Ngunga you are out of order to talk when...

Hon. Stephen Mwanthi (Ekalakala, WDM-K): This is not a political rally Mheshimiwa Ngunga.

Hon. Francis Ngunga (Mua, MCCP): Address the Speaker, do not address me directly my brother.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): You are holding the mic. This is not a political rally where---

Hon. Speaker: I am saying Hon. Member that you cannot be talking while seated there exchanging words. I do not think that is right. Let us just respect this House.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you. I think all along I have been mentioning Hon. Speaker, so I have been addressing you Hon. Speaker, unlike what the Member is saying. He is just looking at me and thinks that I am also looking at me and that is why he believes that I am addressing him because of the deeds that he did sometimes back but we are not at that level. As at now we have been so generous to Members including donating some of the committee slots and just exchanging or substituting a Member from one committee to another does not mean that a Member will not have time or chance to execute the mandate one has. Thank you, Madam Speaker, I do support the report 100 percent Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Dee.

Hon. Dee Kivuva (Nominated, WDM-K): Thank you, Madam Speaker. As you are aware I came here because of the marginalized and some of my Members have been affected. I want to say this in support of what the Selection Committee has done personally on my side I have been moved for reasons better known to the committee but I am okay. I am like a dik-dik if you chase a dik-dik facing this way, it will find home there. If you chase it facing this way it will find home. Madam Speaker, I do not want to quote any Standing Order but I want to be the voice of reason in this House. That that has been my undoing to some of us! Sometimes we might follow the law sometimes we might be in the right side of law but there is natural justice.

Madam Speaker, I know my party donated some seats to Hon. Maeke and in their wisdom we have taken those seats but I want to plead with Majority Leader and the Deputy Speaker to use natural justice. You should not...some of us should not be in seven committees and we leave Hon. Maeke with one in our wisdom WDM-K who in Gods will, will produce the next president of this country. I want to plead with you in the name of the Lord that let us be just.

Whatever the case, we are in the right side of law, we can get everything we want but let us have that pity *kidogo sana* and it will help us in the near future. Madam Speaker, that pity.

Hon. Speaker: You are getting out of order.

Hon. Dee Kivuva (Nominated, WDM-K): That pity I still insist should also come from you. Otherwise I have no problem we will continue doing what we were brought here to do but remember Majority Leader and the DS and my party please remember Hon. Maeke is also human. *Apewe ata kama ni* one or two so that we move forward. Thank you.

Hon. Speaker: Are you supporting the motion?

Hon. Dee Kivuva (Nominated, WDM-K): I am supporting the motion but I have tried to insert some sense. Thank you, very much.

Hon. Speaker: Thank you, Hon. Member. May I invite Hon. Nicholas Nzioka to come and reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I want to say that when the committee met, we met because we wanted to ensure seats held by the Hon. Kavuu were taken back by the nominating party and we also wanted to add value to the work of the various committees and the work of this House. I hope that by the little substitutions we have made, the committees are going to be more vigorous and we are going to see results in this House. Otherwise I thank all of you and let us continue in the spirit of co-operation and also let us remember that you do not bite the hand that fed you. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. I now put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 19th March, 2024 at 10 00 a.m.

The House rose at 4.07 p.m.