

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 7th May, 2024

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

COUNTY BUDGET ESTIMATES FOR 2024/2025

Hon. Deputy Speaker: Under this one we have Hon. Nicholas Nzioka, the Majority Leader to come and lay his Papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, Tuesday, 7th May, 2024; the County Budget Estimates for the FY 2024/2025; Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Nicholas Nzioka, Majority Leader, that Paper is committed to the Budget and Appropriations committee and all sectoral committees. Next is Hon. Brian Kisila. Kindly come and lay the Paper.

PROPOSED AMENDMENTS TO STANDING ORDERS

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. I wish to lay the following Paper on the Table of the Assembly today Tuesday, 7th May, 2024; the Report of the Procedure and Rules Committee on proposed amendments to Standing Orders. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Brian. Next is Hon. Francis Kitaka; you want to stand in for Hon. Francis?

**WAIVER OF INTEREST AND PENALTIES AND LAND RATES,
BUILDING APPROVALS AND OCCUPATIONAL CERTIFICATES**

Hon. Helen Ndeti (Nominated, WDM-K): Yes, but unfortunately I have forgotten my glasses in the car so I cannot read or I can ask another member?

Hon. Deputy Speaker: Yes, you can ask another Finance Committee Member to read.

Hon. Helen Ndeti (Nominated, WDM-K): Hon. Mbili Ndawa, Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, before I lay the Paper before the House, I also want to remind you that there is an issue which was raised last week about lighting in this House. When a Member stands here to read a report or lay Papers, they have challenge and in case you want to get your spectacles, he or she finds himself in an awkward situation. Hon. Speaker, this is a second time we are raising this issue and let the concerned department do what is supposed to be done.

Hon. Speaker, I am holding brief for Hon. Kitaka who is the Chairperson, Finance and Revenue collection Committee. I wish to lay the following Paper on the Table of the Assembly today, Tuesday, 7th May, 2024; the Report of the Finance and Revenue Collection Committee on waiver of interest and penalties and land rates, building approvals and occupational certificates. Thank you, Hon. Speaker.

Hon Deputy Speaker: Thank you, Hon. Judas Ndawa, Minority Leader.

(The Papers were laid on the Table)

NOTICES OF MOTIONS
PROPOSED AMENDMENTS TO STANDING ORDERS

Hon. Deputy Speaker: On this one I call upon Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Thank you, Hon. Speaker. I am a Member of Procedure and Rules Committee. Hon. Speaker, pursuant to Standing Order 227(4), I wish to give Notice of Motion that this Assembly adopts the report of the Procedure and Rules Committee on proposed amendments to Standing Orders as laid on the table of the House on Tuesday, 7th May, 2027.

Hon. Deputy Speaker: Thank you, Hon. Brian, Hon. Ndawa, you are next.

WAIVER OF INTEREST AND PENALTIES AND LAND RATES,
BUILDING APPROVALS AND OCCUPATIONAL CERTIFICATES

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker.

Hon. Speaker, pursuant to Standing Order 190(5), I wish to give notice of motion THAT this Assembly adopts the report of the Finance and Revenue Collection Committee on County waiver of interest and of interest and penalties and land rates, building approvals and occupational certificates as laid on the table of the House on Tuesday, 7th May, 2024.

Thank you, Mr. Speaker.

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

STATEMENT
BUSINESS FOR THE HOUSE FROM 7TH TO 14TH MAY, 2024

Hon. Deputy Speaker: On this one I call upon 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 7th May, 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, 7th May, 2024

Afternoon at 2.30 p.m.

- (a) Response to a statement sought on status of County Machinery used in maintenance of Rural Roads by Hon. Muoki Musila; Chairperson, Transport, Roads and Public Works.
- (b) Report of the Procedure and Rules Committee on the proposed amendment to Standing Orders by Hon. Stephen Mwanthi; Deputy Speaker/ MCA Ekalakala Ward.

Wednesday, 8th May, 2024

Morning at 10.00 a.m.

Report on waiver of interest and penalties on land rates, building approvals and occupation certificates by Hon. Francis Kitaka; Chairperson, Finance and Revenue Collection Committee.

Afternoon at 2.30 p.m.

- (a) Response to a statement sought on status of recruitment of ECDE teachers and distribution of learning and teaching materials to ECDE Centers by Hon. Anastasia Mutevu; Chairperson, Education and Social Services Committee.
- (b) Report on Assumption of Office of the Second Governor of Machakos County; Continuation of debate by Hon. Phoebe Koki; Chairperson, Devolution and Intergovernmental Relations Committee.

Tuesday, 14th May, 2024

Morning at 10.00 a.m.

Report of the Half year performance for the Department of Environment and Natural Resources for the FY 2023/2024 by Hon. Fredrick Kitetu; Chairperson, Environment and Natural Resources Committee.

Afternoon at 2.30 p.m.

Report on the Machakos Gender Policy by Hon. Benjamin Kinyungu; Chairperson, Social Welfare and Sports Committee.

Thank you, Mr. Speaker.

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

STATEMENT REPLY
STATUS OF COUNTY MACHINERY USED
IN MAINTENANCE OF RURAL ROADS

Hon. Deputy Speaker: Next Statement is by Hon. Muoki Musila.

Hon. Muoki wa Musila (Ndithini, WDM-K): Thank you, Mr. Speaker. Response on Statement on status of County machinery used in maintenance of rural roads. 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 issued on the same day, and the statement sought 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 17th April, 2024 during the afternoon plenary sitting, a Statement on status of County Machinery used in maintenance of rural roads by Hon. Brian Kisila (MCA, Mwala/Makutano ward) was sought seeking the following:

- a) The list of all County Machinery in working condition by make and type.
- b) The list of all grounded County machinery by make and type and their location and state whether they are serviceable or obsolete.
- c) The amount required in servicing all the grounded serviceable machinery.
- d) The department's plan in ensuring that the grounded serviceable machinery are serviced and continue serving their intended purpose.
- e) Departmental plan in disposing obsolete equipment and replacing them with new ones.

Hon. Speaker, in response to the above statement, the committee requested information from the Chief Officer, Roads and Transport and the department responded vide letter dated 24th April, 2024 as follows:

a) List of all county machinery in working condition by make and type

The County has 35 working equipment comprising of graders, shovels, excavators, dozers among others as per the table below. Mr. Speaker, I wish not to go to details but read.

LIST OF WORKING COUNTY EQUIPMENT			
Asset Type	No	Reg. No	Asset Description
	1	CHSG18ADLF3000856	Shantui SG18
	2	CHSG18ADLF3000858	Shantui SG18
	3	CHSG18ADLF3000857	Shantui SG18
	4	16CG230A	Powerplus PP14G-VI
	5	CHSG18ADLF3000844	Shantui SG18
	6	GKA 571P	Komatsu GD655-3A
	Motor Grader	7	16CG248A
Excavator	1	16CG 021A	Powerplus PP220E-X1

	2	GKA 622M	Hyundai Robex 305
	3	16CG128A	Powerplus PP220E-X1
	4	16CG 022A	Powerplus PP220E-X1
	5	16CG114A	Powerplus PP220E-X1
Shovel/Loader	1	16CG 020A	Powerplus PP966T-V
	2	16CG113A	Powerplus PP966T-V
Dozer	1	16CG115A	Powerplus
Roller	1	16CG229A	Lutong
	2	16CG242A	Lutong
Pneumatic Roller	1	16CG243A	Sinomach
Bitumen Distributor	1	EAD 15392	FAW
Water bowser	1	MBIHTGFC1FRWM3815	ASHOK LEYLAND
	2	MBIHTGFC5FRWM2508	ASHOK LEYLAND
Tipper	1	16CG023A	FAW CA3223
	2	16CG025A	FAW CA3223
	3	16CG032A	FAW CA3223
	4	16CG033A	FAW CA3223
	5	16CG026A	FAW CA3223
	6	16CG034A	FAW CA3223
	7	16CG064A	FAW CA3223
	8	16CG065A	FAW CA3223
	9	16CG012A	FAW CA3223
	10	16CG 011A	FAW CA3223
	11	16CG062A	FAW CA1332
Fuel Tank	1	16CG068A	FAW
Prime Mover	1	16CG203A	SINOTRUCK HOWO
Lowbed Trailer	1	ZE 8542	RANDON

b) List of all grounded county machineries by their make and type and their location and whether they are serviceable or obsolete

The table below shows all grounded county machineries as requested

LIST OF GROUNDED COUNTY EQUIPMENT					
Asset Type	No	Reg. No	Asset Description	Status	Location
Grader	1	16CG228A	Powerplus PP14G-VI	Serviceable	County Garage
	2	16CG249A	Powerplus PP14G-VI	Serviceable	County Garage

	3	16CG245A	Powerplus PP14G-VI	Serviceable	County Garage
	4	16CG247A	Powerplus PP14G-VI	Serviceable	County Garage
	5	16CG244A	Powerplus PP14G-VIII	Serviceable	County Garage
	6	KCE 038D	Powerplus PP12G-VIII	Unserviceable/Obso lete	County Garage
	7	CHSG18ADLF300084 3	Shantui SG18	Unserviceable/Obso lete	County Garage
	8	16CG250A	Powerplus PP14G-VI	Unserviceable/Obso lete	County Garage
	9	KBG 247C	Sany	Unserviceable/Obso lete	County Garage
	10	16CG231A	Powerplus PP14G-VI	Unserviceable/Obso lete	County Garage
	11	16CG246A	Powerplus PP14G-VI	Unservicable/Obso lete	County Garage
	12	KVP 930	Catterpillar 120G	Unservicable/Obso lete	County Garage
Excavator	1	KCE 029D	Powerplus PP220E-X1	Serviceable	County Garage
Shovel	1	GKA 079M	Doosan	Unserviceable/Obso lete	County Garage
Dozer	1	16CG127A	Powerplus	Serviceable	County Garage
Pneumatic Roller	1	16CG191A	Sinomach	Serviceable	County Garage
	1	KBU 989T	FAW CA32 23	Serviceable	Mavoko
	2	16CG031A	FAW CA32 23	Serviceable	County Garage
	3	16CG030A	FAW CA32 23	Serviceable	County Garage
	4	16CG024A	FAW CA32 23	Serviceable	County Garage
	5	16CG038A	FAW CA32 23	Serviceable	County Garage
	6	16CG037A	FAW CA32 23	Serviceable	County Garage
	7	KCE 109D	FAW CA32 23	Serviceable	County Garage
	8	16CG035A	FAW CA32 23	Serviceable	County Garage
Tipper	9	16CG066A	FAW CA32 23	Serviceable	County Garage

	10	KCE 122D	FAW CA32 23	Serviceable	County Garage
	11	16CG036A	FAW CA32 23	Unserviceable/Obso lete	County Garage
	12	KBU 991T	FAW CA32 23	Unserviceable/Obso lete	County Garage
	13	KCE 110D	FAW CA32 23	Unserviceable/Obso lete	County Garage
	14	KCE 121D	FAW CA32 23	Unserviceable/Obso lete	County Garage
Water bowser	1	MBIHTGFC1FRWM3 815	ASHOK LEYLAND	Serviceable	County Garage
	2	MBIHTGFC5FRWM2 508	ASHOK LEYLAND	Serviceable	County Garage
	3	MBIHTGFC3FRWM3 766	ASHOK LEYLAND	Serviceable	County Garage
	4	MBIHTGFC4FRXM21 966	ASHOK LEYLAND	Serviceable	Nzambani
	5	MBIHTGFC1FRXM27 26	ASHOK LEYLAND	Unserviceable/Obso lete	County Garage
	6	16CG257A	FAW	Unserviceable/Obso lete	County Garage
Service van	1	16CG255A	Foton	Unserviceable/Obso lete	County Garage
	2	16CG278A	Foton	Unserviceable/Obso lete	County Garage
	3	16CG287A	Foton	Unserviceable/Obso lete	County Garage
Dumper	1	4786	Changlian (1 Ton)	Serviceable	County Garage
	2	4784	Changlian (1 Ton)	Unserviceable/Obso lete	County Garage
	3	4785	Changlian (1 Ton)	Unserviceable/Obso lete	County Garage
	4	4787	Changlian (1 Ton)	Unserviceable/Obso lete	County Garage
Pedestri an Roller	1	SR 133DD7	Fastverdini (Rom 600)	Serviceable	County Garage
	2	SR 133DD8	Fastverdini (Rom 600)	Unserviceable/Obso lete	County Garage
	3	SR 133DD3	Fastverdini (Rom 600)	Unserviceable/Obso lete	County Garage
	4	SR 133DCX	Fastverdini (Rom 600)	Unserviceable/Obso lete	County Garage
	5	PIN 60117942	Dynapac -	Unserviceable/Obso	County Garage

			Cc102 Series	lete	
Road Cutter	1	GCBGT-1262275 (NA 748)	Gc Road Cutter (Fastverdini)	Serviceable	County Garage
	2	GCBGT-1262203 (NA 752)	Gc Road Cutter (Fastverdini)	Serviceable	County Garage
	3	GCBGT-1262520 (NA 815)	Gc Road Cutter (Fastverdini)	Unserviceable/Obsolete	County Garage
Road Marking Unit	1	Sci/01/Gm	Scichem	Serviceable	County Garage
	2	Sci/02/Gm	Scichem	Unserviceable/Obsolete	County Garage
	3	Sci/03/Gm	Scichem	Unserviceable/Obsolete	County Garage

c) *The amount required in servicing all the grounded serviceable Machinerics*

The total number of serviceable county machinery is 27 and requires Ksh. 22,244,000.00

d) *The department's plan in ensuring that the grounded serviceable machinerics are serviced and continue serving their intended purpose*

Repair, servicing and maintenance of the county machinery is done on routine basis depending on the availability of budget.

e) *Departmental plan in disposing obsolete equipment and replacing them with new ones*

The department has established a working committee which is working on a disposal plan of the obsolete machinery. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Muoki Musila. Hon. Brian Kisila is that response satisfactory?

Hon. Brian Kisila (Makutano/Mwala): Thank you, Mr. Speaker. I must say I am very impressed by the quality of work done by the chairman and that committee.

(Applause)

Mr. Speaker, as you can see we have a lot of assets and the rains are with us; our roads are in a very bad shape and Hon. Members one of the things that will make us come back here is good roads. Mr. Speaker, I urge Members, especially the transport committee to work towards ensuring that this machinery which are in good working condition are serviced.

I am also urging this Hon. House to avail Ksh. 22 million to be able to service the 27 equipment which are in working condition. Otherwise, Mr. Speaker, I am very satisfied and I want to commend the Chairman; keep up the good work but as the Chairman we are counting on you. You realize that even the last grading which was done, most of the wards we did not

manage to get to all the wards. Chairman, we are counting on you to ensure that we come back. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Brian and also thank you to the committee for that good job.

MOTION
PROPOSED AMENDMENTS TO STANDING ORDERS

Hon. Deputy Speaker: On this one I will call upon Hon. Brian Kisila to come forward and hold my brief.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. I am very proud to hold brief for you being a very able Vice-Chairman of this committee. Hon. Speaker, Pursuant to Standing Order 227(4), I wish to move the motion THAT this Assembly adopts the Report of the Procedure and Rules Committee on proposed amendments to Standing Orders as laid on the Table of the House on Tuesday, 7th May, 2024. I call upon Hon. Loyd Mutua to second my motion.

Hon. Loyd Mutua (Nominated, MCCP) seconded.

Hon. Deputy Speaker: Thank you, Hon. Brian and Hon. Loyd.

(Question proposed)

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

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. I will be very brief I can see Members want to go and check if their dams are okay and so I will be very brief. This is the report of Procedure and Rules committee and the membership is listed there as Members can see. Mr. Speaker, I will briefly talk about the background. You want me to go to recommendations?

Hon. Deputy Speaker: Yes.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Okay. But I want to go through the observations.

COMMITTEE OBSERVATIONS

1. The committee considered Hon. Jackson Ndaka's proposal on amendment to include question time where CECMs will appear and respond to questions raised by the members in the plenary and noted the following:
 - a. That the Machakos County Assembly Standing Orders 189C provides for the General Oversight Committee. The function of the committee is to interrogate County Executive Committee Members or any other

- authorized person on matters of great County Importance and other matters that cut across committees
- b. That the following laws have given a Sectoral Committee the power to acquire any needed information from the Executive:
- i. Article 183 (3) of the Constitution where the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;
 - ii. Section 39(2)(b) of the County Governments Act, 2012 which provides that a committee of the county assembly may require a member of the Executive Committee to—
 - (a) Attend or appear before the committee; and
 - (b) Answer any question relating to the member's responsibilities;
 - iii. Sections 18 & 19 of the County Assemblies Powers and Privileges Act 2017 which provides that the Assembly has powers to invite or summon any person to appear before it for purposes of giving evidence or other information;
 - iv. Machakos County Assembly Standing Order 190 which provides that the functions of a Sectoral Committee shall be to—
 1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
 2. Study the programme and policy objectives of departments and the effectiveness of the implementation;
 3. Study and review all county legislation referred to it;
 4. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
 5. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
 6. To vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*); and
 7. Make reports and recommendations to the Assembly, including recommendations of proposed legislation.
2. In view of the above the committee was convinced that the General Oversight Committee and the Sectoral committees have powers to effectively acquire all the information needed to effectively execute their roles. The committee therefore concludes that amending the Standing Order further to achieve the same objective will be duplication of roles.

3. On the proposed amendment to amend the name ‘Decentralized Units and County Administration Committee,’ to insert the phrase ‘urban development’ immediately after the word ‘Units’ and immediately before the words ‘and County,’ the committee noted that the current Standing Orders, provides for the oversight of Urban Areas and Municipalities as part of the mandate of the committee hence the proposal is covered. The committee therefore did not admit this proposal.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, in view of the above the Committee recommends that:

1. The House does not approve the proposal by Hon. Jackson Ndaka to:
 - a. Amend the Standing order to include question time where County Executive Committee Members (CECMs) will appear and respond to questions raised by the Members in the Plenary.
 - b. Amend the Second Schedule of the Standing Orders in the name of the Committee in paragraph 13 by inserting the phrase ‘urban development’ immediately after the word ‘Units’ and immediately before the words ‘and County’.
2. The General oversight committee has a critical role of ensuring that all matters of County Importance and other matters that cut across committees have been put on oversight and objective advice and recommendations forwarded to the Executive for effective service delivery to residents of Machakos County. This Committee should therefore ensure all matters committed to it are executed effectively.

CONCLUSION

Hon. Speaker, it is therefore my pleasant duty and privilege to table before this Hon. House the report of Procedure and House Rules Committee on the proposed amendments to Standing Orders for discussion and adoption. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Brian. I now invite Members to debate the Motion. Hon. Judas Ndawa.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Mr. Speaker. Hon. Speaker, I will start by congratulating the Committee for realizing that they were going very slow. Hon. Speaker, you can recall we were here last week with the same issue.

The Committee was pleading with the Assembly to give them an extra 21 days. Since the Assembly did not approve that they have now taken the right track. I want to say thank you to them for concluding the business in time and bringing it before the House. I will request the other Committees to also follow suit.

Hon. Speaker, coming to the business before the House, I strongly agree with the recommendation of the Committee. If I say agreeing is to say I am supporting I should not be misunderstood. The reason why I am agreeing with the report Hon. Speaker is that the intention of the amendment of the Standing Orders or whatever was intended to be achieved by the amendment that has already been addressed by other laws. We do not need to labour a lot trying to amend Standing Orders for CECMs to appear before this House.

Hon. Speaker, the reason why I am saying we should not go ahead and start mutilating our Standing Orders is that Article 35 of the Constitution talks about access to information. It only talks about access to information, Hon. Speaker. It says every citizen and another word for a citizen is a person if you go to proper English. The law recognizes different types of persons; we have natural and artificial persons. Here the word citizen we can now use the word person. The Assembly itself is recognized in law as an artificial person so Article 35 gives the Assembly right to access information.

Hon. Speaker, Standing Order 189 talks about General Oversight Committee. If I can read that Standing Order Hon. Speaker; there shall be a Select Committee referred to as the General Oversight Committee which shall be composed of all Members of the County Assembly. The General Oversight Committee shall be chaired by the Speaker and in the absence the Deputy Speaker. The functions of the General oversight committee shall be to interrogate County Executive Committee Members.

So whatever we were talking about is already addressed by this Standing Order. It is very clear; to interrogate County Executive Committee Members. So Hon. Speaker I agree that there is no need.

Again I refer you to Article 195 of the Constitution. It gives the County Assembly or any of its Committee powers to summon anyone regardless of the status. Hon. Speaker, that Article gives this Assembly powers to summon anyone. If our intention was to bring those CECMs here we have a way. The issue of amending standing orders is not necessary for now. Hon. Speaker, I 100 per cent support the report.

Hon. Deputy Speaker: Thank you, Hon. Ndawa. Hon. Dominic then Hon. Felix will follow.

Hon. Dominic Maitha (Muthwani, WDMK): Thank you, Hon. Speaker. I think this matter is as good as done Hon. Speaker. I just want to throw a spanner in the box. Hon. Speaker, this was a proposed amendment and as I throw the spanner to the box I want to give a challenge to these Hon. Members, let us read our Standing Orders. That is what guides this Assembly. If the Hon. Member who had made that proposal had read the Standing Orders then he would not have proposed the amendment.

Hon. Speaker, it is surprising that you can find a Member in this Hon. House who cannot even tell you what Standing Order 1 says which is a very serious issue. What I want to say is even supporting the Committee in totality without inviting the CECMs here, the big question that we should ask is have we exhausted all available mechanisms to bring report in this House so that we can summon the CECMs to come here? The constitution is very clear; the County Assembly shall not interfere with Executive performance directly or indirectly. We only exercise that through our Standing Orders and Committees.

So I support the Committee and ask Members to go and read Standing Orders. Even when we stand here and say on a point of order you need to be quoting what Standing Orders you are standing on not just a point of order. I support the Committee recommendations 100 per cent and say that let us do our Assembly roles oversight and representations as per our Standing Orders not through imaginations. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Dominic. Hon. Felix Ngui.

Hon. Felix Ngui (Katangi, WDM-K): Thank you, Mr. Speaker. I want to echo the words of Mheshimiwa Dominic that this report is a matter that has already been exhausted. Mr. Speaker, you realize that the Standing Orders that we use we adopted them from the National parliament Standing Orders. I happen to be one of Member of the first Assembly for the Procedure and Rules Committee and I sat on that Committee to do the Standing Orders and I believe the Second Assembly had also an opportunity to do some amendments.

As Mheshimiwa Dominic has just said, most of us here do not read the Standing Orders. When we go to trainings we are trained on the Standing Orders, Constitution and County Governments Acts but it is high time that we get serious on reading the documents that are our tools of work as Mheshimiwa Ndawa has just put it straight that all that was been asked by that Motion has been covered in our Standing Orders. Without much ado can we just adopt this report and move to another Business. Thank you, Mr., Speaker.

Hon. Deputy Speaker: Thank you, Hon. Felix. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Mr. Speaker, I rise to support the resolution by the Committee as the previous contributors have spoken it is very clear. Mr. Speaker, I would also like to request you to request the previous two contributors to withdraw part of their statement where they are alluding that Members of this House do not understand Standing Orders.

(Applause)

It is a matter that they cannot substantiate that Members do not understand because we are live and members of public elected competent Members who can comprehend. Mr. Speaker through you I request that they withdraw that. Thank you.

(Applause)

Hon. Deputy Speaker: Hon. Dominic Maitha, I think you cannot substantiate that as Hon. Kavyu has just said so you need to withdraw that.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, this House operates on statements of facts which are already captured in our Standing Orders. It cannot be said any way better than what the Hon. Minority Leader has said. He has directly gone to quote the relevant Standing Order that contradicts the Members request to amend the Standing Orders. That is where my argument comes in. If the Hon. Member had read the Standing Order and understood it would not have subjected the Committee to that tedious work including their business being voted on here last week to go and redo its work timely. I have no apologies Mr. Speaker.

Hon. Deputy Speaker: Hon. Dominic, you know you quoted Standing Order No. 1 and that is not the one that was quoted by Hon. Minority Leader and so I believe many of Members know what is in Standing Order 1. Can you kindly withdraw?

Hon. Dominic Maitha (Muthwani, WDMK): Hon. Speaker, I have said and it is on HANSARD that you might find. I did not say expressly that there are Members who do not. I have said that you might find that there are Members who do not even know about Standing Order 1. It can be retrieved from the HANSARD.

Hon. Deputy Speaker: Point of information.

Hon. Francis Kavyu (Kinanie, MCCC): Mr. Speaker, the Hon. Ranking Member should stop misleading this House because what Hon. Minority Leader has alluded to in his response was trying to give justification that what the Member was asking can be sufficiently addressed by our Standing Orders which is true. The Member has also not taken time to go through the request that was put by the Member who has sought that amendment. The request by the Member was to have periodically. The members of Executive are normally invited to the Committee of the General Oversight Committee on special occasions so the Member was proposing that we have specific times when those people Members can be appearing.

It is not a crime for a Member to seek clarity and also to move. We should not be in the business of bullying Members because today or tomorrow there will be a Member who will have a good suggestion but for fear of intimidation or being spoken down, they will not bring that matter to the House. So, I still hold the view that Members in this House understand the Standing Orders and the Member who sought that response was only looking for a way to improve on our Standing Orders which is not a crime. So, it should not be perceived like Members do not understand the Standing Orders. I do not think it is hard for the Member to withdraw that. Thank you.

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

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, I do not want to make this matter a subject of discussion or direct confrontation. If only the Member trying to push for a withdrawal listened to me carefully and understood what I said; I have said, if we can accustom ourselves to read the documents that we have been provided in this House, then some of these issues may not result to this because it is an embarrassing moment for the Hon. Member who thought if it sails through it will achieve the intention. If only we could read the documents that we are provided for in this Assembly, at the end of the day we might not end up to this.

I have not said that a specific Member or Members of this Hon. Assembly; I have said we just need to accustom ourselves on the documents and booklets that we have in this Assembly to guide us in performing our constitutional duties in this House.

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

Hon. Deputy Speaker: Point of information, Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, I want to inform you and the House; the only remedy for issues raised before this House which cannot be substantiated. The only available option is only withdrawal. The second option if the Member cannot withdraw it is upon the Chair to send that Member out. Those are the only available options.

Hon. Deputy Speaker: Let the Member withdraw.

Hon. Felix Ngui (Katangi, WDM-K): Mr. Speaker, what Mheshimiwa Kavyu is requesting, the withdrawal of that statement from Mheshimiwa Dominic; Mheshimiwa Dominic did not say that Members do not understand. If I heard him clearly, he said that some of the Members do not read our Standing Orders and that was the point. So, there is no point to withdraw here. Thank you.

Hon. Deputy Speaker: Hon. Brian, you will have time. Hon. Maitha, kindly withdraw that and we just proceed.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, I will not withdraw because i never offended anyone and I just said clearly---

Hon. Deputy Speaker: Do not offend he integrity of this Hon. House Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): I will not withdraw, Hon. Speaker.

(Laughter)

Hon. Deputy Speaker: Hon. Maitha, withdraw that statement it affects the integrity of the House or else show the Members that they do not know what Standing Order 1 entails.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, the reality bites, the truth bites and it speaks for itself. If the Hon. Member is contended, I withdraw but the truth remains.

(Laughter)

Hon. Deputy Speaker: Thank you, Hon. Dominic. You know this is a House of politicians and I believe they can change anything to fit what they feel or what they want. Members can we proceed. Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. First of all, I want to say that I feel vindicated going by the events of the last sitting that was discussing this matter. The mood of the House was a little bit hostile. At one point I felt naked in the sense that the Hon. Members were trying to, for lack of a better word, to murder the committees report. However, I am strong believer that we learn every day and I say by the recommendation or the decision of the Hon. Members not to give the committee the 21 days that they had sought to go and prepare a report and bring it to the House, I think the Hon. Members because they were given until the next sitting to bring a progress report were quick to highlight the provisions of Standing Order 189C that already what was being sought was actually in our Standing Orders.

I also want to say that Mheshimiwa Maitha, we read and sometimes we forget. So, it is not that the Hon. Members do not read; we cannot cram the Standing Orders. On a normal day, a Hon. Member will be having so much to handle that you need to read and re-read the Standing Orders. What I would say is, let us internalize our Standing Orders and make them our Bible. I

thank the committee for highlighting that and reminding us the same verse that they had read to indicate the need for change, the real Reverend who is the Chair of that committee has interpreted the verse well and thankfully all of us are going to heaven. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader. Hon. Loyd then the mover will come to reply.

Hon. Loyd. Mutua (Nominated, MCCP): Thank you, Mr. Speaker. I want to support this report and I would like to say, the Member who sought this Statement was doing so in the interest of helping the County in the delivery of services but the reasons given did not really meet the threshold of changing the Standing Orders. For me, I would have thought other than calling the CECM on a plenary sitting, when it comes to oversight or accountability of what we ask is very well answered on the Standing Order 189C. I will request our committee, the best we can do is building on Standing Order 189C because it giving few reasons on why we can summon the CECM in the committee of the General Oversight.

In the issues where we have a committee has been unable to completely to get the CECM or he is not responding to that committee, such a reason can be included because the main reason other than the matter of urgency in the County, the only thing included there is where the CECM is cutting across many departments.

The thinking of the committee also was if we bring the issues of bringing the CECM here in the plenary probably to answer issues concerning finance, which means the Finance Committee has failed in its work. When we summon the CECM here we are not likely to get proper information like we can in the committees investigating that matter.

The second issue was about the decentralized units. In its functions that were asked to be included are already captured in the function. So, we did not see the need as to why we should put it as a title that is already long. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Loyd. I now invite the mover to come and reply.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. I think that was a very good debate and I would like the Members for supporting the motion. Special thank you to our committee Members especially yourself, Hon. Loyd, Hon. Dickson Maundu and Hon. Mathew Ndunda who yesterday burned the midnight oil to ensure the report comes on time. There is a saying in Ukambani that a chameleon is very fast it only depends on who is whipping it. The committee was asking for 21 days but within 48 hours it was able to produce a report. Meaning that we can do a lot as committees.

(Laughter)

Secondly, why do you think the Member was asking for CECMs to come here? I think there is a reason. Maybe at the sectoral committee, we are failing. I am calling upon all Chairpersons and Members who are here, please let us take our work seriously. If we summons our CECMs, they will give us information and this House works through committees. Even if you summon them here, you will not be able to get the answers we can get there through committees. So, there is a point of us working hard to ensure our committees are functioning.

Lastly, what Mheshimiwa Dominic is saying has some truth in it. Let us read our Standing Orders and I am appealing to you to make an order that these Standing Orders be given to Members in a soft copy because carrying this book around all the time and we are now tech-savvy. So, if they can be put in our tablets, it will be very easy for us to quote the Standing Orders but we read the Standing Orders. Thank you, Mr. Speaker.

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

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Deputy Speaker: Thank you, Hon. Members and the House adjourns to 8th May, 2024 at 10.00 a.m.

The House rose at 3.23 p.m.