

REPUBLIC OF KENYA
KITUI COUNTY ASSEMBLY
THIRD ASSEMBLY- THIRD SESSION
OFFICIAL REPORT

THE HANSARD

Tuesday, 13th March 2024

The House met in the County Assembly Chambers at 9:30 a.m.

[The Deputy Speaker (Hon. Christopher Nzioka)] in the Chair

PRAYERS

The Deputy Speaker: Good morning Hon. Members and welcome to today's morning sitting. Next Order!

MOTIONS

1. REPORT BY A DELEGATION OF MEMBERS OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE AND THE COMMITTEE ON APPOINTMENTS ON THE ROLE OF LEGISLATURE IN LABOUR PRACTICES AND VETTING OF NOMINEES TO PUBLIC OFFICE -STUDY VISIT TO SINGAPORE

(Hon. Hussein Mwandia- Designated Member of the Delegation)

The Designated Member, can you kindly proceed.

Hon. Hussein Mwandia: Mr. Speaker, Sir, I seek leave to move the following motion.

The Deputy Speaker: Hon. Hussein you don't need to seek leave, you are there to just do that. You seek leave when you have no right to do a particular thing. It is like seeking for permission for something that you ought not to do. So, you are there as a matter of duty, obligation and right. Kindly proceed.

Hon. Hussein Mwandia: Thank you, I stand guided Mr. Speaker, Sir. I move THAT pursuant to the provisions of Standing Order No. 179 (6) as read together with Standing Order No. 190 (5), this Assembly hereby approves the report by the delegation of Members of the Committee on Labour and Social Welfare and the Committee on Appointments on the role of legislature in labour practices and vetting of nominees to public office laid on the table of the Assembly on 12th March, 2024.

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Mr. Speaker, Sir, on behalf of the delegation of Members of the Committee on Labour & Social Welfare and Committee on Appointments and pursuant to the provision of Standing Orders No. 179(6) and 190(5)(g), it is my privilege to present to this Honorable House, the report on training workshop on the role of legislature on labour practices and vetting nominees to public office that took place in Singapore from 12th to 16th February, 2024.

Hon. Speaker, training and capacity building are important for the skills and knowledge development of Members of County Assembly (MCAs) to perform their roles and duties effectively.

Hon. Speaker, the training was conducted by the Eastern and Southern African Management Institute (ESAMI) which is a Pan-African Management Development Institute that has been serving clients across the globe for more than 50 years. The Institute is driven to facilitate both individuals and organizations to attain personal effectiveness and organizational goals through improved skills and knowledge development. The Institute's commitment to improving management effectiveness and efficiency in organizations is unwavering and it strives to achieve the ever-changing needs of diverse clientele through its high-level specialized training, consultancy, and research services. Hon. Speaker, ESAMI is the "Africa Center of Excellence" as declared by the United Nations (UN) in 1980. For this reason, the County Assembly of Kitui has an existing Memorandum of Understanding (MOU) with the Institute to offer training to MCAs and Staff on a need basis geared towards improving leadership and management skills.

Hon. Speaker, thematic areas covered in the training were; the Vetting Process, Executive Legislature Relations, County Assembly Committee System, Strong Independent Assembly Committee System, Ministerial Responsibilities, Sources of Parliamentary Practices & Procedures and Select Rules of Procedures.

The training methodology was extremely interactive as the facilitator ensured that knowledge was not only disseminated, but perfectly perceived and understood by the participants. To ensure this, the trainer engaged the Honorable Members in discussions and kept the forum open for queries, feedback, and suggestions. The interactive sessions and discussions were supported through training materials such as handouts, PowerPoint presentations, and group tasks on participatory training, which were geared towards achieving the objectives of the training.

Mr. Speaker, Sir, with your leave, allow me to skip the Committee establishment and mandate because every Hon. Member is aware of the same owing to the fact that we are guided by the Standing Orders and other statutory...

The Deputy Speaker: Yes, Hon. Hussein you can may be go to the observation.

Hon. Hussein Mwandia: Okay.

The Deputy Speaker: Then conclusion and recommendations if any.

Hon. Hussein Mwandia: Much obliged Mr. Speaker, Sir. I stand guided but there are things which are of importance like the mandate of the Committee on Appointments. If you allow me, I can go through.

Mr. Speaker, Sir, the mandate of the Committee on Appointments is provided in the Standing Order 184...

(Hon. Gabriel Munyao stood on a point of order)

The Deputy Speaker: Just a moment we hear what Hon. Gabriel, the distinguished Member for Kauwi has to say.

Hon. Gabriel Munyao: Thank you Mr. Speaker, Sir. I want to bring to your attention that we need a communication from you on whether there are still more changes in the House Leadership of the Majority Party because today it is like your position has been taken by the one Hon. Waziri Bakari. So, I am worried where you are going to land next because your position of the Deputy Speaker has already been taken. Can you confirm to this House whether you are aware that the position has been taken from you?

The Deputy Speaker: Thank you, Hon. Gabriel, it is a very good... In fact, it is a point of order. Without much ado I am going to pronounce myself that Hon. Waziri Bakari is out of order by occupying a seat where he is not designated to sit. Not necessarily my position but the office. And I hereby order Hon. Waziri Bakari to vacate the seat and if he has anything to address the House on, he first of all makes himself in order!

(Hon. Waziri Bakari vacated the seat of the Deputy Speaker)

Hon. Mwandia, kindly proceed.

(Hon. Waziri Bakari stood on a point of order)

What is the Point of Order Hon. Bakari?

Hon. Waziri Bakari: Thank you Mr. Speaker, Sir, it is like I am not getting what was going on. I was not feeling well when I sat there. I just tried to have a direction on my side, but unfortunately, I had to sit there. But to my surprise, I don't know whether the question was directed to me, was a personal attack or what. The Hon. Member for Kivou is seated at a position which belongs to the leadership yet Hon. Munyao is just looking at me. I don't know whether it is because I am wearing Kanzu or what?

The Deputy Speaker: Okay, we have heard you. Hon. Boniface Maundu Katumbi from Kyangwithya East, what is it?

Hon. Boniface Katumbi: Thank you, Mr. Speaker, Sir. With all due respect, Hon. Bakari that is not a good excuse and we cannot accept it. He has not apologized to the House on why he intentionally sat on your seat. Secondly, I want to protect the Hon. Member for Kivou. He is not occupying the seat for leadership but he is sitting at the right position since it is not

marked for any leader in this House. Thirdly, the Hon. Member for Kauwi has requested you to come out and tell us whether your position has been taken by another person. Thank you.

The Deputy Speaker: Thank you. What the Hon. Member for Kauwi was to draw my attention that there was a member who was not properly seated. I want to repeat it because at some point I ruled on it. That is under Standing Order no. 230 and sub Standing Order 1, “There shall be reserved seats in the chamber of the County Assembly for the exclusive use of each of the following, Chairpersons of the Committees, Leader of Majority Party, Leader of Minority Party, Members with Disabilities. All other seats in the Chamber shall be available for use of any member.” So where Hon. Sammy Munyithya and Hon. Gabriel Munyao are seated, are areas which are not designated for any of the aforementioned. So Hon. Bakari be properly guided. Deputy Leader, I want us to proceed with the today’s business... Yes Hon. Deputy Minority Leader.

Hon. Jeremiah Mutua: Hon. Speaker, Sir, I just wanted to inform my good friend from Kyangwithya East and my able Deputy Minority Whip that Hon. Gabriel Munyao represents a ward called Kauwi not Kabati as he said.

The Deputy Speaker: I think he is now well informed and improved the case may be. Hon. Mwandia ask for airtime we proceed. B.M.K, what is it?

Hon. Boniface Katumbi: Thank you, Mr. Speaker, Sir. I thank the Hon. Member for Nguni for correcting me. It was just a mistake of pronunciation. But I still insist that Hon. Waziri Bakari should apologize to this House for what he has done.

The Deputy Speaker: Hon. Boniface Maundu Katumbi do you want these Hon. Members to believe that you mispronounced Kauwi for Kabati? Secondly, on Hon. Bakari the Speaker has already pronounced himself and that will rest at that.

(Applause)

Anyway, let us proceed with our today’s business. I know nobody believes you mispronounced Kabati for Kauwi. Kihndly Hon. Mwandia.

Hon. Hussein Mwandia: Mr. Speaker, Sir, I also need your protection because I am moving a very important motion. This is a report by a delegation which went to Singapore. I don’t think whether it is a good practice to move two motions concurrently because the points of order and information are being directed to me when I am moving the motion. I beg to continue...

The Deputy Speaker: Hon. Mwandia, the questions cannot be directed to you. The House must direct itself to the Chair of the day. Secondly, it will not be proper if you proceeded with such an important motion when the House is not in order. So, Hon. Members have a duty to draw the Speaker to an issue that makes us to be improper or out of order. Hon. Mary Ndumbu.

Hon. Mary Ndumbu: Thank you Mr. Speaker, Sir. Mine is a concern which is confusing when I saw

Hon. Hussein moving the motion as the leader of Labour Committee to Singapore where he is actually bringing out very important issues on what they learnt there which was supposed to be very helpful to the Committee. He is not a member to the Committee. I went through the membership of the Committee and his name is not there. This is a concern because when Committees are sent out for training, they are supposed to come back and perform better. So how will Hon. Hussein help this Committee since he doesn't sit in the same Committee?

The Deputy Speaker: Thank you for the concern Hon. Mary Ndumbu and in fact it is a good one. But I am going to draw you to the report and I would urge you and other Hon. Members, kindly when you get these reports be reading them. This is because on page 1, it is very well indicated in black and white that it is the Committee on Labour and Social welfare and the Committee on Appointments which Hon. Hussein is a member. Kindly Hon. Members be reading these things, they are there for your consumption. I beg you to be reading and I am really pleading with you to read. Hon. Hussein proceed.

Hon. Hussein Mwandia: Mr. Speaker, Sir, I can now smell a rat. Some Members are trying to derail the attention of others from this important motion. I wish to continue, with your permission.

The Deputy Speaker: Kindly proceed.

Hon. Hussein Mwandia: Mr. Speaker, Sir, for the purposes of consistency on this important motion, let me highlight on training areas covered in Singapore. We covered labour and social welfare, labour issues and constitutional provisions for labour.

Mr. Speaker, Sir, on the Committee on Appointments let me read about her mandate and I am a member of the Committee. The mandate of the Committee on Appointments is provided in the S.O. 184(4), the Committee's mandate is to:

Consider, for approval by the County Assembly, appointments under Articles 179(2) (Members of County Executive Committees).

The Sectorial Committee considers the appointments contemplated in sections 44, 45 and 58 of the County Government Act (CGA).

Section. 14 of CGA provides that; In considering any appointments for which approval of the County Assembly is required under the Constitution, an Act of Parliament or County Legislation;

The appointment shall be considered first by a Committee of the County Assembly, the Committee's recommendation shall be tabled before the county assembly for approval and the proceedings of the Committee and the county assembly shall be open to the public."

The Committee on Appointments conducts vetting as provided by the Public Appointments (County Assemblies Approval Act 2012).

Mr. Speaker, Sir, as earlier guided, I will now go to observations and lessons learned.

Mr. Speaker, this training came in handy as an eye opener and to enhance the knowledge, skills and the capacities of the two Committees on Labour and Social Welfare and Committee

on Appointments. The training covered essential areas which in relation to the mandates of the two Committees.

The following were the lessons learnt from the training sessions:

Effectiveness of Assembly Committees

The success of any Assembly heavily depends on the effectiveness and efficiency of her various Committees. Effective County Assembly Committees generate business to the floor of the House. Substantive resources should be set aside for Committee capacity building through training, benchmarking trips to expose members and Committee staff to suitable jurisdictions for best practices. This will ultimately enhance the ability of the Committees to transact businesses brought before them.

Critical roles performed by Committee Chairs

The success of any assembly Committee depends on its chairpersons, the ability of the chair to administer the Committee in a professional way and in adherence to the laid regulations determines the ability of the Committee to effectively and efficiently transact its business. This therefore requires that Committee chairpersons should be knowledgeable, passionate, resilient, good listeners and firm in decision making. A Committee Chair should also be a good negotiator so as to bring harmony and avoid conflicts within his/her Committee.

Management of Committee Members

Management of Committee members is a critical aspect which requires a careful balance between the interests of individual members and those of the Committee. The Committee leadership should ensure that members' interest do not supersede those of the Committee. Proper management of the members of the Committee ensures that members feel comfortable to contribute on matters under consideration by the Committee without feeling intimidated. All views of the members should be appreciated to encourage continued contribution. No member should domineer others as this will discourage others from taking part in Committee business.

Management of witnesses

In transacting the business of Committees, there are occasions where witnesses are invited to provide critical information to aid the Committee make informed decisions. Committees should handle witnesses with decorum and respect so as to gather the required information. At no point should witnesses be made to feel coerced or threatened in order to provide information. Committees should strictly adhere to the provisions of the law while inviting and interacting with witnesses.

Management of Committee Staff

The Committee staff are the engine which runs the Committee, they act as the institutional memory for the Committee as well as custodians of information and documents. The staff carryout research for new information for the consumption by the members. Staff undertake requisite preparation for the venue and documents to be used during the Committee. The effectiveness and competences of Committee staff has a direct bearing on the Committee's success. The staff of the Committee should possess the necessary competences and etiquettes

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such as punctuality, commitment, knowledgeable, passion for the Committee business, professionalism and equal respect for all members. Committee leadership should liaise with assembly Clerk to address the issues of Committee staffing as well as enhancing the staff capacities.

Significance effective vetting process

Mr. Speaker, Sir, Assemblies are mandated by the law under the County Assembly Approvals Act 2012 to vet county officers for appointment into public offices. This is done through the Appointments Committee whose recommendations are considered and approved by the whole House. An effective vetting exercise ensures that persons to be appointed to hold public offices are suitable and possess the required qualifications for effective service delivery. It is therefore paramount to ensure all the laid down procedures on vetting are adhered to so as to achieve the objectives of a vetting exercise.

Ethical practices in Committee meetings

Committee sittings are an extension of the whole House, it is therefore paramount to ensure that conduct of Committee business is governed by the laid down procedures. Unethical practices such as use of unofficial language, disrespect to other members, failing to attend Committees, claiming sitting allowances for nonattendance to Committees should never be allowed. The Committee leadership should ensure that conduct of Committee business is done in conformity with the provisions of the law.

Mr. Speaker, Sir these are the recommendations of the Committee.

Hon. Speaker, having undertaken a successful training on the role of legislature on Labour practices and vetting nominees to public office, the delegation makes the following recommendations;

County Assembly Committees should be trained regularly by reputable organizations with professional experts on relevant programs to equip members with necessary skills, knowledge and experiences.

Committee establishment should consider members professional background as well as individual interests and passion in order to enhance their ability to contribute substantively in Committee business.

During Committee establishment/constitution, the two thirds gender rule should be considered for conformity with the requirements of the constitution, other relevant laws and the County Assembly Standing Orders.

Committee Chairpersons should be thoroughly trained to enhance their capacities in Committee Leadership so as generate the requisite business to the floor of the House.

The Committee on Procedure and Rules should undertake regular review of the County Assembly Standing Orders in order to incorporate emerging issues affecting the assembly.

Regular tailored training programs for the Committee staff should be offered to enhance their knowledge and competences for effective Committee service as they play a pivotal role in Committee's efficiency and effectiveness.

A proper framework should be developed as a matter of urgency to govern the duration that public officers can be appointed on acting capacities in positions which require Assembly approval for substantive appointment.

Establishment and composition of some Assembly Committees such as PIAC, County Budget and Appropriations Committees should be reviewed in line with the Standing Orders with a view of increasing their membership for effective conduct of Committee business.

Mr. Speaker, Sir, in conclusion this training was an eye opener to the Committee on Labour & Social welfare and the Committee on Appointments in enhancing the knowledge, skills, competences and experiences which will go a long way in impacting positively into the capacities of members in conducting Committee business.

It is the hope of the delegation that the suggested recommendations will be implemented to the latter for the overall benefit of the whole House. In my view and on behalf of the delegation, similar tailored trainings should be conducted to all Committees so as to sharpen the skills of members and staff and exposure to different jurisdictions to learn with the best practices in the world. This will in return increase efficiency and effectiveness in Committee business which ultimately leads to generations of business to the floor of the House.

Mr. Speaker, Sir, annexed are the list of the composition of the Members of the delegation led by Hon. Mathew Ngovi Vuthi. Other Members were Hon. Charity Kathathi Musyoka, Hon. Hussein Mwandia, Hon. Ciambutura Karigi, Hon. Cornelius Ngumbau Muthami and lastly Hon. Zacchaeus Ivutha Syengo.

Mr. Speaker, Sir, this report is of paramount importance and it is my wish that all Hon. Members will rise to support it. Also actions should be taken as per the recommendations of the delegation. Time and again, report have been brought to this House, debated and approved but then we see no action being taken in regard to recommendations made.

Mr. Speaker, Sir, allow me also to request Hon. Members to support the report. With that allow me to request one Hon. Charity Kathathi to second the motion.

The Deputy Speaker: Thank you, Hon. Hussein Mwandia for moving the motion.

(Hon. Charity Musyoka bowed to second the motion)

Thank you, Hon. Charity for seconding the motion by way of bowing

(Question Proposed)

Hon. Members the floor is open for debate. Hon. Priscilla Makumi.

Hon. Priscilla Makumi: Thank you Mr. Speaker, Sir, I had asked for airtime before, mine was a question. Is it in order for Hon. Member to go around greeting people while we are in session? Hon. Waziri Bakari is greeting everyone while we are busy listening.

The Deputy Speaker: We have heard you. I didn't see that but I don't think whether it is a misconduct because the Chambers is a place for consultations. You are sometimes allowed to consult on issues which are before the House and also sometimes I get consulted. There is nothing wrong with you even walking here to greet me and tell me that you were just saying hi. We were with Hon. Paul Maluki at the Senate and also the National Assembly and we saw members interacting freely. They were interacting very freely and I think that is a good thing for the Hon. Members. So, that when you are in Chambers, you can say hi to the majority leader, Hon. Ndangara. It is a good thing unless there is a Standing Order to the contrary.

Hon. Members, allow me to proceed. We have two other reports to debate upon and we are going to move in the following order: Hon. Sammy Muniyithya, Hon. Gabriel Muniyao, Hon. Vuthi and then Hon. Muange and Hon. Priscilla Makumi, kindly proceed.

Hon. Sammy Muniyithya: Thank you very much Mr. Speaker Sir, for the opportunity. As an MCA for Kivou Ward I am delighted to be here and share this as I also represent my good people of Kivou Ward.

I thank the Committee for the report which they have brought to this House. As I go through the report I may need a simple clarification, on whether all members who went to Singapore for this purpose were of the two Committees i.e. Committee on labour and social welfare and the Committee on appointment.

On page 8 & 9, I can see the Committee on labour and social welfare being highlighted there. In the entire list, there is someone I can't find. I can't trace Hon. Ciambutra Karigi. When you look at page nine (9), Committee on Appointments, I can't trace Hon. Ciambutra Karigi.

I am requesting this Committee first to give us a confirmation on whether they went with a non-member because in the Labour Committee, I am reading page...

(Hon. Paul Maluki stood on a point of order)

The Deputy Speaker: What is your point of order?

Hon. Paul Maluki: Mr. Speaker, is the Hon. Member for Kivoi and my good friend in order to mislead this House? I want to confirm that last year I went to Dubai with the Committee on tourism while I am a non-member. Therefore, he is trying to mislead the House just because Hon. Ciambutra went to Singapore and she is not a member of Labour nor appointments.

The Deputy Speaker: What did he say?

Hon. Paul Maluki: He is asking the chair person or the one who led the delegation whether they went to Singapore with a non-member of the Committee. Whereas in the past members having been going with Committee that they are non-members but of course the head of the delegation must be coming from that Committee. Is he in Order! Maybe he can decide to support or oppose without really having to go into details of those who went.

The Deputy Speaker: We have heard you first Chair.

(Hon. Sammy Munyithya stood in his place)

Just a minute Hon. Sammy, I don't want us to dwell on that issue very much. We have a lot of business and it is a fact that when Hon. Members are going for foreign trips; only six members can go at a time. That mean if a committee has eleven members, and only six members are going. So, there is no one time a committee comprising all members of the Committee will go for a foreign trip.

We discussed that matter last year and it was agreed that, we go for foreign trips for matters of learning. And ought to have knowledge on different Committee and their operations but if Hon. Munyithya is opposing the report on that ground I think he is not out of Order! To oppose it on that ground. The question is whether his position will succeed or fail. He should just say "I am opposing it on these grounds" and then he states the grounds. Then, if he persuades us to follow him then that be it, if he doesn't then he will leave to fight another day.

Hon. Sammy Munyithya: Thank you, very much Mr. Speaker, Sir, I think this is a House of law and order. And I believe when we talk of point of order it should be actually a point of order. Because I am not out of order when I say Hon. Ciambutra Karigi is not a member of Labour Committee...

(The Deputy Speaker interjected)

The Deputy Speaker: Hon. Sammy Munyithya, the Chair has already ruled on that, so, let us not dwell on that, proceed to either support or oppose the motion.

Hon. Sammy Munyithya: Okay, on my elaboration on the same. I am keen on the membership of the delegation that went for the foreign trip and that is my contribution which I am taking you through. On the Committee on Labour, if it was about gender, there were other several Hon. Lady members who did not go even up to today.

So, I am still wondering how Hon. Ciambutra found herself in the list of those two Committees and she is not a member!

(Hon. Godfrey Ndagara stood on a point of order)

The Deputy Speaker: What is it, Hon. Deputy Majority Whip?

Hon. Godfrey Ndagara: Mr. Speaker, this is a House of order and it is always good and paramount when every member is respected and accords respect to all the members here. These is not a report for "Kivuo" Ward or maybe the Munyithya family. This is a report of the Assembly and discussing the issues of Ciambutra is not right. Even last time Hon. Sammy Munyithya and Hon. "Kavilisi", I don't want call her name. We went with Hon. Munyithya in the Committee of Basic education while he is not even a member of that Committee.

So, why, what has changed now! Why double standards? Let us discuss issue rather than discussing the composition of the members who went here or who didn't go there because even if you are in a given Committee, you're a member of the entire Assembly. Is not that you're the only person designated to talk on behalf of that Committee. So, it is out of order for him to keep on going to that direction. Mr. Speaker, please can you rule him out of order so that we can proceed?

The Deputy Speaker: Thank you, Hon. Ndagara. Hon. Deputy Minority Leader, member for Nguni Ward.

Hon. Jeremiah Mutua: Hon. Speaker, I am concerned why members are being agitated by Hon. Sammy Munyithya debating on the floor of the House. Hon. Speaker, you pronounced yourself that every member on the floor of this House has the capacity to debate and give his/her own views according to how he/she thinks.

Hon. Speaker, allow Hon. Munyithya to give his views, how he thinks about the report. Whether we will support or oppose the report, it depends on the numbers of the people who are either supporting or opposing the report. We should not be agitated by someone views and ideas Hon. Speaker. Give members time and freedom to debate.

The Deputy Speaker: Hon. Paul Maluki.

Hon. Paul Maluki: Mr. Speaker, I don't have an issue with Hon. Sammy Munyithya opposing the report but the fact that, he every time he is debating the report, he is referring to Hon. Ciambutra Karigi. He can oppose the report without getting personal and targeting my good member from UDA, Hon. Ciambutra Karigi. There so many members who have gone to foreign trips without belonging to those Committees.

Secondly, Mr. Speaker, you have pronounced yourself, why is the Hon. Member still dwelling on the same matter while the Chair has already ruled.

The Deputy Speaker: Thank you, Hon. Members, let us approach the issue with soberness. Hon. Sammy Munyithya, the report is very clear. The motion on approval of the report by a delegation. The word is delegation, delegation can be anybody.

Secondly, the Speaker reserves the rights on his own motion or by request of a member to invite a member to join any other Committee where he/she is not a member. So, I don't think we are setting a precedence whereby we are taking the rights of yourself being a member of another Committee joining another Committee where you are not a member.

Nevertheless, and notwithstanding all that, if Hon. Sammy Munyithya, is opposing the report on the basis that it had a non-member, already I have shed light that it was a delegation and the Speaker has a right. If he persuades you members, you know this debate aims at two things; either we adopt the report or we reject it. Are we together?

(Members concurred with the Deputy Speaker)

If Hon. Sammy Muniyithya succeeds, it will be pronounced and it will be up to the members but what I am urging you members is that we avoid personal attacks. Let us not make it personal, let us have an open mind, we be liberal, we debate freely. So, that you can also enjoy being in the Assembly. Are we together?

Hon. Members, considering it is an issue of debating and also considering that you have the knowledge that it was a delegation that went to Singapore. Considering that the Speaker reserve the right to invite any member to attend a Committee where he/she is not a member and Hon. Sammy Muniyithya is debating to the contrarily. You still reserve the right to vote. There is nothing that is lost. If I were to rule him out of order and he is speaking his mind then I don't think whether I would have done the right thing. And I want to stand the test of time and in the books of history for been fair.

So, I will allow Sammy Muniyithya to conclude in thirty minutes and tell us whether he is supporting the report or opposing, ooh sorry, in thirty seconds. Kindly tell us you supporting or opposing.

Hon. Sammy Muniyithya: Thank you for the airtime, Mr. Speaker, Sir, I think you can change to three minutes because initially it was thirty minutes?

The Deputy Speaker: No! you cannot debate perpetually.

Hon. Sammy Muniyithya: Thank you so much. I believe we are here to discuss a report by a delegation of members on Committee of labour and social welfare and Committee on Appointments on training on the role of legislation in labour practices and vetting of nominees to public offices held in Singapore.

On this report, I am debating as a member; I didn't come here by my own wishes. I was elected to come and represent my people in this Chambers. This report belongs to this House and I have not gone anywhere outside the report, which I am holding with hands.

So, the delegation Mr. Speaker Sir...

(The Deputy Speaker interjected)

The Deputy Speaker: Hon. Sammy Muniyithya, your time is up.

Hon. Sammy Muniyithya: I am still on the yellow light, please allow me some more minutes because you interrupted.

The Deputy Speaker: You had thirty seconds and once the red light is on you just sit down.

Hon. Sammy Muniyithya: Mr. Speaker Sir, this is not right.

The Deputy Speaker: Hon. Sammy Muniyithya, you cannot debate perpetually. Hon. Sammy Muniyithya please get seated. Hon. Sammy Muniyithya for the second I order you to get seated. Kindly, get seated, thank you. Hon. Gabriel Muniyao.

Hon. Gabriel Munyao: Thank you Mr. Speaker, I want to be very brief. I want to specially thank the Committee on Labour and Appointments for the work well done. I want to point out to an issue on number eight of the recommendations which I disagree with.

Mr. Speaker, on recommendation number eight (8) of page number twenty-nine (29), the Committee recommends that the establishment and composition of some County Assembly Committee like PIAC and County Budget and Appropriations Committees should be reviewed in line with the Standing Orders. With a view of increasing membership for effective conduct of Committee business.

Mr. Speaker, I consider this statement as misplaced and actually the author of the document was not conversant with the Standing Orders. This is because Mr. Speaker, our Standing Order No. 185 (3) says that, the Public Investment and Accounts Committee shall consist of the Chairperson and not more than four members. Standing Order No. 186 (2) says that, the Committee on County Budget and Appropriations shall consist of the chairperson and not more than eight members.

So, I wonder why the author of the document specially cited that the two Committees should be reconstituted to be in line with the Standing Orders. Did they mean that we are not in line with the Standing Orders! Did they mean that the Assembly did an illegality of constituting Committee contrary with the Standing Orders?

So, Mr. Speaker, I totally disagree with this statement because it is misleading the House. Therefore, Mr. Speaker, I do not support that statement on recommendation on number eight, Thank you, Mr. Speaker.

The Deputy Speaker: So, do you support or oppose the report?

Hon. Gabriel Munyao: Mr. Speaker, I support on condition that the statement on recommendation number eight is reviewed.

The Deputy Speaker: Very well, Hon. Mathew Vuthi, do you still require the airtime you had asked?

Hon. Mathew Vuthi: Thank you, Mr. Speaker, since, Hon. Grace Mulandi has some consultations with me. I can contribute later. Thank you.

The Deputy Speaker: Hon. Muange.

Hon. Daniel Muange: Thank you, Mr. Speaker, for the airtime to give my views on this report. First of all, I support the report. secondly, I want to address myself to recommendation number two. That Committee establishment should consider members professional background as well as individual interest and passion in order to enhance the ability to contribute substantively in Committee business.

Mr. Speaker Sir, I identify myself fully with that recommendation because I know and I witnessed when we formed these Committees in the initial stages. Mostly, what we consider are interest, a lot of lobbying and I think professional consideration took a back sit.

Mr. Speaker, I am sure you know that when one is in a Committee where he has a background of some training or professional background on that Committee he/she will be more

useful in that Committee. I don't know whether we will be forming other Committees in future but view and my request would be, let us consider.

These members are very educated, there have different backgrounds and I am sure if we put in the right Committees according to their professionalism. They will be more useful, therefore, Mr. Speaker, Sir, with those few remarks, I beg to support. On a light note, the pictures are not very clear and I hope there is a copy which has a colored picture. On these ones you can't even know people, they look so huge, you don't know who they are, they have dressed funny but I know they are good people.

(Laughter)

So, it's not very clear to me. thank you, very much, Mr. Speaker.

The Deputy Speaker: Thank you, very much, Hon. Kimanzi Muange. Hon. Mary Ndumbu.

Hon. Mary Ndumbu: Thank you, Hon. Speaker, I rise to support first, of all to congratulate the delegation which went out for the training.

Secondly, I will support this good gesture, where members are supposed to be trained on their respective Committees. Mr. Speaker, when we pick one member or two members to mix with another Committee. We are not helping that Committee to perform perfectly. I would like to request in future because only six members of the Committee are supposed to be going out at once.

If we train six members as previously , we have done from the same Committee and each Committee will be going out being led by the chairman or chairperson and the rest can be accommodated elsewhere, where they can also be of help when they come back in this House.

Mr. Speaker, this House will go very far because we don't seem to know what we are supposed to do in our Committees and that's why we are been trained. Mr. Speaker, we are not really fighting one another and I don't think when we talk of someone not being in a Committee, we have done that previously. You know it becomes sweeter when you are talking in this House or when we are deliberating. It is exciting when we go out there and be trained. We come back excited, telling other members what we have learned as group and we go practice it in that Committee. We will go very far Mr. Speaker.

So, I support this report and in future let's try to do it in a better way. Thank you.

The Deputy Speaker: Do you want information Hon. Deputy Majority Leader.

(Hon. Grace Mulandi stood on a point of Order)

What is it Hon. Grace Mulandi.

Hon. Grace Mulandi: Mr. Speaker Sir, you have mentioned it very clearly that the Speaker has the right to invite anyone from any Committee. He doesn't do that because he

doesn't have a mind of his own. He does that because eventually some day or some way someone will be reshuffled from one Committee to another and they will be very useful to that Committee because he/she has got the knowledge that he didn't have when they were in the other Committee. So, please...

The Deputy Speaker: Hon. Mulandi, is it a point of order or you are debating?

Hon. Grace Mulandi: Yes, I am done and I have said it clearly.

The Deputy Speaker: Hon. Mary Ndumbu, you were out of order. You were speaking without having caught the eye of the Speaker.

Hon. Mary Ndumbu: *(Spoke off-record)*

The Deputy Speaker: Just a moment, I think I have pronounced on that issue several times. Hon. Ndumbu, has debated and supported. She has also given her views to the report I don't think whether Hon. Mulandi was on any point of order. In fact, you were debating in support of the motion and it was not the time for such a debate. Hon. Maluki, what is it?

Hon. Paul Maluki: Hon. Speaker, I want seek your guidance, Hon. Ndumbu, had finished giving her views and actually supported the motion. I just want to know whether a member is supposed to discuss the opinion of another member while contributing to the motion or he/she is supposed to give his/her opinion because what I have heard from my good sister Hon. Grace Mulandi saying. She was just reacting to what Hon. Mary Ndumbu had said and she had already sat down.

The Deputy Speaker: Hon. Maluki, that is why I have ruled Hon. Grace Mulandi out of order because it was not her turn to debate. She rose to debate in glance that she was raising on a point of order.

(Hon. Sammy Muniyithya stood on a point of order)

Hon. Sammy, what is your point of order about?

Hon. Sammy Muniyithya: Thank you, Mr. Speaker. I would urge that, this House is not a one man show whereby whenever any member stands to talk, Hon. Maluki raises a point of order. I think he needs to preserve his point of order. Thank you, Mr. Speaker.

The Deputy Speaker: Hon. Sammy, you are out of order, any member can raise as many points of order as he/she wishes and I think that is true because spoken too many times. Do you want other members to say it is not your show!

(Laughter)

Hon. Deputy Minority, kindly proceed.

Hon. Jeremiah Mutua: Thank you, Mr. Speaker and thank you also for promoting me to a position of Deputy Majority Leader.

The Deputy Speaker: No, Deputy Minority Leader.

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Hon. Jeremiah Mutua: Thank you for making the correction. You know you had already given me another role. Hon. Speaker, I rise to support the motion but I will also go back to recommendation number eight which was highlighted by the Hon. Member for Kauwi. That, the Committee recommends an establishment and composition of some county Assembly Committees i.e. Public Accounts and Investment Committee, County budget and Appropriations Committee should be reviewed in line with the Standing Orders with a view of increasing their membership for effective conduct of Committee business.

Hon. Speaker, since I am a member to PAIC Committee, on recommendation however, I know the secretariat could have picked the wrong understanding of the Standing Orders but if he/she or the Committee was proposing for us to increase the membership of the two Committees. Then, I will only stick to the Committee on Budget and Appropriation.

Hon. Speaker, Elsewhere and I want to refer to the County Assembly of Isiolo. The Committee on Budget and Appropriation, is a Committee for the whole House. Whereby, all members of the County Assembly are members to the Committee on County Budget and Appropriation because that Committee sit down to deliberate matters that affect the people in each of the respective Wards.

Hon. Speaker, our Committee has nine members and whenever they sit down. Sometimes they tend to only focus on issues affecting their individual wards leaving other wards marginalized and with few allocations of resources. If this is going to be implemented, I want to be on record that the Committee on Budget and Appropriation be made a Committee of the whole House so that when we sit down, we deliberate on matters that affect all wards. Hon. Speaker, I support the motion.

The Deputy Speaker: Thank you, Hon. Deputy Minority leader. You can be guided by the Speaker's ruling that a member can propose an amendment to our standing orders. Currently they don't allow for that but it is a good opinion. I will now give airtime to Hon. Priscilla, Hon. Sila, and Hon. Judith Wanza. If possible, kindly let's take only two minutes for each speaker.

Hon. Priscilla Makumi: Thank You Mr. Speaker Sir. I rise to support the motion because personally I don't see any problem with it. Last time we travelled with members who do not belong to the Committee. Once I get another opportunity, I will still have members who don't belong to my Committee.

I rise again on a point of order...

The Deputy Speaker: Hon. Makumi you arose to debate. You can't raise a point of order at this time because you are already the one on the floor. Kindly be seated if you are done with your contribution. We now proceed to Hon. Bernard Munyasya.

Hon. Bernard Munyasya: Thank You Mr. Speaker Sir. Allow me to support the motion though it has taken too long before I got your attention until I have lost the taste to debate this motion. Otherwise, I support the motion. Thank you.

The Deputy Speaker: Thank you. Hon. Judith Wanza.

Hon. Judith Wanza: *Ahsante Bwana Spika. Nasimama kuunga mkono. Ninachosema ni kimoja; Waswahili wanasema nyani haoni kundule. Waheshimiwa wenzangu, tunapochukua muda Mwingi kukosoana, pia tuangalie tuwe mstari wa mbele kufanya kazi iliyotulete katika bunge. Naona mara mingi mtu anakosolewa lakini baada ya muda mfupi anarudia lile kosa tena. Kama jinsi Mheshimiwa Munyinya amesema, hakuna kitu kinachofurahisha...*

The Deputy Speaker: Hon. Judith are you debating the motion or you are counselling and giving advices to Hon. Members?

Hon. Judith Wanza: *Nachangia. Ninasema mswaada ni mzuri na ni vizuri tunaposafiri tuhakikishe si matembezi tunaenda bali tunaenda kusoma. Mimi nilienda safari moja ya nje na naweza shuhudia kwamba ni za muhimu sana na tukienda tuhakikishe tunarudi na jambo linaloweza kutusaidia sisi binafsi na pia bunge. Pia tujue kwamba leo unaweza kusafiri kwenye kamati hii na kesho usafiri na kamati nyingine, kwa hivyo tujiandae kuwa wa msaada kwenye kamati lolote lile. Kwa hayo machache, naunga mkono.*

The Deputy Speaker: Thank you very much. I now give airtime to Hon. Charity, Hon. Vuthi and Hon. Maluki.

Hon. Charity Kathathi: Thank You Mr. Speaker Sir, I would like to take this opportunity to support this motion. I was among the delegation that visited Singapore and I also want to thank the members of the Committee and the Clerk who accompanied us. It was a good trip and we learnt a lot.

On matters women empowerment, we took time to visit Singapore council for women and we also learn something about women in Singapore. We learnt that there are no nominations in the parliament because women are elected and, on that note, I would like to urge women to contest for seats in future so that we don't need to be nominated to attain the two thirds rule.

About the standing orders, the person who was training us informed us that our standing orders are not up to date. For instance, standing orders from other counties allow for membership of Budget and PAC Committees to be between 9 and 11. In our PAC Committee, it is deficient of gender balance. That Committee has no lady member. I am not sure whether the budget Committee has gender balance. This issue can only be sorted by increasing the membership of these Committees through amending our standing orders. Thank You Mr. Speaker Sir, I support the motion.

The Deputy Speaker: Thank you very much. Hon. Vuthi.

Hon. Mathew Vuthi: Thank You Mr. Speaker Sir. I rise to support the motion and as the leader of the delegation, Mr. Speaker, we learned more on our standing orders and the Committee establishment. The issue which we land is about how we can review our standing order so that we can change some recommendation like number 8. Mr. Speaker, we learnt that if the number is so low, even sometime to attain a quorum is an issue. That's why we were being advised by our trainer to make it as a recommendation for the Committee on Procedure and Rules to check on that issue of reviewing our standing orders.

With those few remarks Mr. Speaker Sir, I urge all the members to support the report so that we can also give our Committee on Procedure and Rules the work to review our standing orders. Thank you so much.

The Deputy Speaker: Thank you, honorable Vuthi. You are also the chairperson, Committee on Implementation, so the part to implement this report stops with you.

Hon. Paul Maluki, please take the floor.

Hon. Paul Maluki: Mr. Speaker, I rise to support the report as tabled by Honorable Hussein Mwandia and it has been supported by members, Mr. Speaker. Because they went there and money was spent Mr. Speaker, we have to adopt this report. But Mr. Speaker, I am worried that the Committee was trained something that is not in their mandate. Because the Committee on Appointments doesn't deal with amending standing orders, Mr. Speaker. And Committee on Labor doesn't deal with amending standing orders, Mr. Speaker. There is a Committee on Procedure and Rules that can make those recommendations, Mr. Speaker. In the near future we must, we must...

(Hon. Vuthi stood on a point of order)

The Deputy Speaker: What is the point of order about?

Hon. Mathew Vuthi: Mr. Speaker Sir, is the Hon. Member in order. We went there to be trained on issues of procedures of vetting, employment and so on. These are just the recommendations on the composition of the Committees. We went there for the training on vetting and the employment Acts. Why is he misleading us?

The Deputy Speaker: Honorable Vuthi, the member was debating. We don't know whether he is opposing or supporting the motion. But he was of the opinion that other Committees do that. But since you have raised the issue, every Committee is affected by standing orders, and they can recommend amendments, only that the recommendations should be done as per the stipulations of our standing orders. Honorable Paul Maluki, kindly proceed.

Hon. Paul Maluki: Thank you, Mr. Speaker. I had already said that I am supporting the motion, but I must be clear. When a trainer has been given a mandate to train a Committee, he should just stick to the mandate of that Committee. Any other thing is just sideshows which are neither here nor there, Mr. Speaker. However, I support the motion.

The Deputy Speaker: Thank you. Hon. Rose.

Hon. Rose Kathoka: Thank You Mr. Speaker Sir. I stand to support the report. I want to give my remarks on lessons learned on page 27, "Ethical practices in Committee meetings."

Mr. Speaker, if you allow me, I will read; Committee sittings are an extension of the whole House. It is therefore paramount to ensure that the conduct of Committee business is governed by the laid -down procedures. Unethical practices, such as use of unofficial language, disrespect to other members, failing to attend Committees, claiming sitting allowances of non - attenders to Committees should never be allowed.

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Mr. Speaker, I think this is a challenge to most of us in this Assembly, because at times you will attend a Committee and find that there is no quorum. By the end of the day, you will notice that some of the members have been signed for and will be paid that money. So, Mr. Speaker, I beg, as we go to benchmark these things, please, what we learn, let us put it into practice. Therefore, Mr. Speaker, with those few remarks, I support the report. Thank you.

The Deputy Speaker: I can see Hon. Kasinga asking for airtime. The floor is yours now.

Hon. Titus Kasinga: Thank You Mr. Speaker Sir. Indeed, I have been queuing. I stand to support this motion or rather the report by a delegation on membership of the Committee on Labour, Social Welfare, and Committee on appointments on training on the role of legislature in labour practices and vetting of nominees to public office held in Singapore.

Honorable Speaker, it is always good to speak about what we are supporting or you are not supporting. Generally speaking, I want to appreciate the report of the delegation of the two Committees. My plea is that when these reports are brought to the Assembly, let us take our time to scrutinize them dealing with what is important and relevant. These reports remain reports. There are recommendations and we can always see what we can pick, what is good and what is not good.

Honorable Speaker, the report covers a lot of wide areas, management of Committees, management of witnesses, management of Committee staff. It covers on the significance effective process of vetting, ethical practices as honorable colleague and my daughter has spoken, Honorable Kasyoka, and I want to say this, Honorable Speaker, that we will do ourselves a lot of good if actually we can make use of these reports. These reports that come with the training, they are also good in helping us to progress as an Assembly. Not only for this assembly, but even for the other assembly that will come and the others that will come. And even helping us in our oversight role. So let's also spend a little time in trivializing contributions from members. I know I am on my time out but allow me to say this; let us value every contribution that comes from every member. If we don't value, if we don't become sensitive to what other members are contributing, then we will make this chamber to be a laughing stock. I want to appreciate Honorable Kathathi, she has told us something very important; What they learnt there, there is no nomination for women in the legislature. People go and fight out for the seats. If that case is applied here, we will not be talking about the two thirds gender rule in this country. We are wasting a lot of time and resources trying to get gender top ups and the rest.

Honorable Speaker, this report is good, and I thank the delegation. Let us make good use of it where we can and pick what is important leaving that which is not important. Thank you, sir, for the time.

The Deputy Speaker: Thank you Hon. Kasinga for your input. Honorable Members, allow me now to put the question.

(Question put and agreed to)

Next order!

2. MOTION ON APPROVAL OF THE REPORT BY THE COMMITTEE ON LANDS, INFRASTRUCTURE
AND

URBAN DEVELOPMENT ON INSPECTION EXERCISE OF ROADS PROJECTS UNDERTAKEN IN
THE FINANCIAL YEAR 2021 AND 2022 IN KITUI COUNTY.

(Chairperson, Committee on Lands, Infrastructure and Urban Development)

The Deputy Speaker: Chairperson, Committee on Lands, Infrastructure and Urban Development, kindly proceed, and as you proceed, just read the forwarding memo, acknowledgement, observations, and recommendations. Clerk will guide you on those.

Hon. Alphonse Mukwaiyu: Thank you, Mr. Speaker Sir. I stand here to move a motion on the approval of the report by the Committee on Lands Infrastructure and Urban Development on Inspection Exercise of Road Projects undertaken in the financial year 2021 -2022 in Kitui County.

THAT pursuant to the provisions of Standing Order Number 179 (6) as read together with Standing Order Number 190 (5), this Assembly hereby approves the report by the Committee on Lands Infrastructure and Urban Development on Inspection Exercise of Road Projects undertaken in the financial year 2021 -2022 in Kitui County laid on the table of the Assembly on 12th March 2024.

Mr. Speaker allow me to go straight to acknowledgements. Mr. Speaker, the Committee extends its appreciation to the Offices of the Speaker and that of the Clerk of the Assembly for the support accorded to it in the execution of its mandate and the opportunity according to its members to undertake the exercise.

I wish to express my appreciation to the members of the Committee who sacrificed their precious time to participate in this laborious activity. Your commitment and participation during the exercise was invaluable.

Mr. Speaker, if you allow me, because we all have this report and we have read it, I can go direct to observations. We have a lot of recommendations, as members can see, and without going to specifics, with your permission Mr. Speaker Sir, I can just go to the specific recommendations.

The Deputy Speaker: You can read the bulletins on observations.

Hon. Alphonse Mukwaiyu: On observations?

The Deputy Speaker: Yes, yes. Chapter four.

Hon. Alphonse Mukwaiyu: Okay, Mr. Speaker, one minute. On general observations, there has been little involvement of local community in the process of project's implementation, which has led to the contractors abandoning the site without having properly completed and handed over the project.

There was poor workmanship in almost all the projects visited, amounting to imprudence use of public funds. Most roads are in bad state and impassable, owing to irregular grading, and some have been washed away by service run-off.

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That most drifts constructed had been washed away due to poor workmanship and use of substandard material.

Mr. Speaker, if you allow me, I will go directly to the Committee recommendations. Mr. Speaker, the Committee recommends that the County ministry of roads, public works and transport should ensure that the local community is fully involved in project identification, implementation and handing over once completed to ensure value for public funds is realized.

The procurement tendering laws should be adhered to as a way of ensuring proper workmanship is realized.

The county engineers should strictly supervise the works to ensure all the provisions in the BQs are adhered to. The county ministry of roads, public works and transport should formulate road maintenance schedules to ensure routine maintenance of the existing roads.

Mr. Speaker, if I can just make a general comment is that; we all know that the road infrastructure in any economy, in any country, county or society is very essential for the movement of goods, services and actually human beings.

Mr. Speaker Sir, our County is very vast. It actually covers 30,000 square kilometers, and the roads we inherited since colonial time have always been in a very poor state, and many members here have actually complained on the state of roads.

Mr. Speaker, the House realizes that we have just emerged from El Nino, and by the time this inspection was carried out. It's just since May last year, and a lot has really happened, and actually has put the roads back to that poor state.

Mr. Speaker, the one very important observation as this Committee observes is that; it appears that the Ministry of Roads and Infrastructure is not doing a proper job. Firstly, from the tendering system, supervision system, and actually involving the members of the community, or the members of the society, so that they approve these works as properly done.

The general observation, Mr. Speaker, if you go through, that most of the roads are graded just poorly, and some of them are so narrow, that actually they expose road users to accidents.

Therefore, Mr. Speaker, a lot actually needs to be done on roads. However, Mr. Speaker, if you look at the period given for the inspection was only five days. Mr. Speaker, five days would not be enough to really carry out a thorough inspection of roads in the entire County. Actually, it would be just sampling which cannot actually give the best results.

Therefore, Mr. Speaker, as I move the motion, I would request that in the future, that this very important Committee be given enough time to conduct a thorough inspection of roads. Giving the Committee four or five days is not enough. It would leave some areas uncovered, and some members would say that their areas are not being given interest.

Therefore, Mr. Speaker, with those few remarks, I beg to move the motion and request Honorable Kasyoka, MCA for Nuu Ward to second the motion. Thank you.

The Deputy Speaker: Thank you, Honorable Lieutenant Carnal retired, Alfonse Mukwaiyu, member for Kiome Thaana for moving the motion, and Honorable Judith Wanza member for Nuu Ward for seconding by way of bowing.

Now, Honorable Members, allow me to propose the question.

(Question Proposed)

Honorable Members, the floor is open for debate. Yes Hon. Majority Leader.

Hon. Harrison Maluki: Thank you Honorable Speaker. I stand to Support this motion and appreciate the Committee on lands and roads for the good work they did. Honorable Speaker, as a House, we are mostly interested with the recommendations of the Committee, and from the recommendations, I have heard the chair mention that from what they observed on the ground, works have been done shoddily. My chair for implementation Committee was here but I can't see him, I think this is a report after being passed by this House should be taken very seriously by the Committee on implementation. Actually, what that Committee was doing is one of our key roles in this Assembly which is oversight and oversight ensures that we make sure that there is good use of the scarce resources we have. Therefore, I request the members of the implementation Committee to take this report very seriously and work on it as soon as possible to be able to summon the persons responsible so that they can come and answer questions on why those projects are not well done. I also request the Committee through the Chair to furnish the Committee on implementation with more detailed information. I know they took photos of what they observed on the ground so that we can make an inquiry and make sure that there is good use of public resources. Thank you, Mr. Speaker Sir.

The Deputy Speaker: Thank you majority leader. Honorable deputy majority, Hon. Muthengi Ndagara, member for Tharaka. Kindly proceed.

Hon. Ndagara: Thank You so much Mr. Speaker Sir. I want to say that I'm a member of that Committee, and out of the recommendations that were made, maybe I would say that in this report that, we were looking at 2021 -2022 financial year. So, it is not this financial year or even the dispensation of our governor's period. So, it is during the previous regime. Those are the roads that we were looking at.

Mr. Speaker I would say that history is the best teacher. And whenever we make mistakes, maybe previously, it is always good that we also make sure that we don't repeat the same mistakes that were done. And therefore, what was done during the previous regime, it is a lesson for all the legislators in this House, so that we are keen on whatever is happening on the ground.

I also want to say that the Committee and even the members in this House are quite keen. Even our governor now, people are quite keen to ensure that we don't repeat some of the mistakes that were done during the previous regime.

One of the major mistakes that were done during that that time, and that is why the report is exposing what was happening, is that the contracts were given in a shoddy way. Some were given direct without even the involvement of members of the public. As the Committee went round, members of the public said that they were not aware of the projects to be done and that if they were involved, they would have proposed different roads. Even when the grading was done,

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it was done in a shoddy way. There was no equitable distribution of resources especially on the machines. In fact, Mwingi North constituency, the dozer never went to Mwingi region for the five years during that regime. Mr. Speaker Sir, I would want to recommend, because we have not even started looking at the works done by the new regime that has come in, the dozer D7 has already landed in my ward and it has graded 14 kilometers road. I am comparing what was happening previously and today.

Hon. Deputy Speaker: There is a point of order.

Hon. Ndagara: Mr. Speaker Hon. Jeremiah is talking because I am talking about the previous regime and that is why he is hurt....

Hon. Deputy Speaker: Hon. Ndagara please don't pre-empt. Allow the point of order. What do you want to be protected against? What is your point of order Hon. Deputy Minority Leader?

Hon. Jeremiah Mutua: Mr. Speaker, Sir, Hon. Ndagara cannot refuse a point of order because it is provided for in the Standing Orders. Is the Hon. Member in order to mislead the House by giving figures which are not substantiated? When you talk about the dozer which did not reach Mwingi, he needs to have numbers, figures and facts on the table. What he is saying is just a theory. He should not go that way because he is degenerating a debate which is not provided for by substantiation.

The Deputy Speaker: Yes, Hon. Ndagara, I will not delve into that issue because Hon. Ndagara comes from Mwingi North, yourself don't come from that area and you cannot speak on their behalf. Allow him to debate and strictly limit yourself to the motion that is before the House. Thirty seconds.

Hon. Godfrey Ndagara: Mr. Speaker, Sir, what my brother is saying is okay. I am a member of that Committee and I know where the dozers went and where they didn't go. What I am saying is that if he wants substantiation, I will do so. Let me not dwell on that.

I was saying that it is good to learn from history and therefore the recommendations of the Committee should be adhered to and making sure there is equitable distribution of even road maintenance and those kind of things as the Committee recommended.

Therefore, that is why I was saying on that note, it is always good to thank God whenever something good has been done to you and will allow me that this government, contrary to what happened last time, there was no dozer that ever stepped in Mwingi North and even in the larger Mwingi region where Hon. Jeremiah is coming from.

Yesterday, that dozer crossed a very big river known as River Kamengya. For the first time in a big forest, thickets that that dozer penetrated and people are so happy. People – Tharaka people are walking around with drums and singing that something has happened during the regime of this government. I would want to thank the Department of Roads and even our governor for making sure that he learns from that history.

The Deputy Speaker: Your time is up.

Hon. Godfrey Ndagara: Because my time is up, I want to support the report and say that it is always good for regimes to respect the views of the people and adhere to laws that equitable distribution of resources in this county should be adhered to. Thank you so much Mr. Speaker, Sir.

The Deputy Speaker: Thank you Hon. Ndagara Muthengi, the distinguished Hon. Member for Tharaka. Hon. Deputy Minority Leader then Hon. Kasinga and I put the Question after Hon. Kasinga. Ask for airtime. Kindly proceed.

Hon. Jeremiah Mutua: Mr. Speaker, Sir, I rise to support the motion. But I have a few reservations as recommended for by the Committee as number one, that there has been little involvement of local community in the process of project implementation which led to the contractors abandoning the site without properly completed and handover the project.

Mr. Speaker, Sir, this report opens eyes for all of us even during this regime because the forty elected Hon. Members sometimes they are conducted by the sub-county administrators when the projects are being handed over to the community for us to give the construction sites.

Hon. Speaker, Sir, I want to be on record that the information that I have seen with my own eyes and have heard from the administrators that represent the government of the day reporting to the public that whenever we are giving a site for the construction, they are saying “they abolished”. This a key one, that they abolished the project management Committees that we call PMCs. The Project Management Committee is supposed to give the contractor the site during the process of the construction, during the process of construction oversight what the contractor is doing at the ground and after the completion of the project, the PMC approves that the contractor has done the right thing.

Mr. Speaker, Sir, currently as we speak, that Committee is not there. And the amount of money that is saved for the PMC to work, they are saying when they are tabulating the BOQs, that money is not available.

(Hon. Godfrey Ndagara stood on a point of order)

The Deputy Speaker: Hon. Ndagara, what is the point of order?

Hon. Godfrey Ndagara: We are discussing a report for the Year 2021/2022 but the Hon. Member for Nguni is discussing the current issues; the current PMC. So it is not in order for him to deviate from the motion and bring another motion.

The Deputy Speaker: Hon. Ndagara I have heard you, Hon. Jeremiah was giving an overview. Kindly because even his time is up let him wind up. Majority Leader I wish the sentiments of Hon. Members can be factored in by the relevant Committee. During the debates members are raising very pertinent issues which if they were implemented, the county can be a different county. Hon. Jeremiah kindly proceed.

Hon. Jeremiah Mutua: Thank you Mr. Speaker, Sir. Before Hon. Ndagara interrupted rudely... I am referring to your report and I actually read on one of the recommendations. If I

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read on one of the recommendations, it means I am referring to the report that you had delivered on the floor of the House. What I am basically saying is that things must improve even now. When in the absence of the project management Committees of these projects including the roads. Then I expect what you said, shoddy work to be done. What I am saying is that going forward as the Committee on Implementation does this work, we want to ask questions on the side of the Executive. Why have they abolished the PMCs? Why is the contractor taking the money made for PMCs which are supposed to oversee the work being done? And even after completion of the project, they are supposed to approve and say, yes we are satisfied that the job was done. If that PMC is not there even going forward we are going to have many problems which have not been captured in this report without ending.

[Hon. Christopher Nzioka left the Chair]

[Hon. Muthama Kieti assumed the Chair]

Mr. Speaker, Sir, the previous regime and the current, most of the issues are captured in this report which are supposed to be implemented. I don't know what you are calling the PMC Committee. Number two, is the rogue engineers. We have seen that overwhelming transfer of engineers in sub-counties. In Mwingi Central the engineers there were transferred to other areas because, let me call it corruption. Construction of an ECDE class, construction of a road, an engineer says that, "just do these kilometres, half a kilometre, two kilometres then you can see me behind the tent." The current governor saw what happened and that what resulted to the transfer of these engineers. So things must be done rightly for us not to continue complaining and Committees writing the same recommendations year in, year out.

Mr. Speaker, Sir, I support the report and let it be implemented by the relevant Committees. Thank you.

The Temporary Speaker (*Hon. Muthama Kieti*): Hon. Kasinga.

Hon. Titus Kasinga (*Mumoni Ward*): Thank you, Mr. Speaker, Sir. I stand to support the motion on the report on inspection exercise on road projects undertaken in the Financial Year 2021/2022 in Kitui County.

(Silence prevailed)

[Hon. Muthama Kieti left the Chair]

[Hon. Christopher Nzioka assumed the Chair]

The Deputy Speaker (*Hon. Christopher Nzioka*): You can proceed Hon. Kasinga. Thank you very much Hon. Kieti.

Hon. Titus Kasinga: Thank you. Hon. Speaker, I can confirm that while you were away Hon. Kieti really performed his duties as the Temporary Speaker.

Hon. Speaker, I had said I support the motion on the report and I want to say this on a nutshell. We will do a lot of good as you had said earlier on if us, the assembly here – the Committees here perform their roles and duties. The report that has been given by the Hon. Chair for the Committee on LIHUD of course touching on a period that we were not in this government, is reflective of the things and what happens actually and what is happening. The issues of roads contracting is a big problem in this county and even in other counties. Roads construction has never been easy in terms of the contracts that are given.

I am dwelling at a point that I want to say that, the Committee on LIHUD will have to much more. The inspections are not enough. What I want to suggest is that there needs proper consultation, sitting down of the Committee with the relevant CECM and COs so that we can have a start-up in doing things the right way they are supposed to be done.

We have a challenge that I have learnt in the ministry. The issue of transport that needs to be addressed for the engineers. I have come to life in terms of implementing these while were trying to do the oversight as the MCA for the ward whereby you are looking for the engineer and the engineer tells you that he doesn't have transport. And at that particular time you have a challenge with the contractor.

So even as we write reports on what has been done, that is not substantive, that is not quality, we need to also ensure that the engineers are empowered, the ministry has the right tools, there is transport and they are available so that we do not have to come and have a blame game.

Otherwise, I want to believe that things have improved, or things are improving with the current third government and we look forward to a better and quality work for the county. Otherwise, the Committee did good work, the observations are good, but let us have as it is, the buck stops with the Committee on LIHUD and not any other in doing what is right in the ministry. The other Committees can complement and that's my view. Let us challenge ourselves on the side of the chairpersons and the Committee members. We are the people who either make us to have either what the people of Kitui want or we are the people who will not make them to have it. Thank you, Hon. Speaker.

The Deputy Speaker: Thank you Hon. Kasinga for your input and every member who has participated and even those who are present.

(Question put and agreed to)

Next Order!

3. GOVERNOR'S ADDRESS ON THE STATE OF THE COUNTY

(Hon. Munyoki Mwinzi-Leader of Majority party)

Hon. Majority Leader, kindly proceed.

Hon. Harrison Maluki: Thank you, Hon. Speaker, Sir. Allow me to take less than five minutes on this motion.

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Mr. Speaker, Sir, I move that pursuant to provisions of Standing Order 20 (5), “The Thanks of the County Assembly be recorded for the exposition of public policy contained in the Address of the Governor.”

Mr. Speaker, Sir, we had an opportunity to be addressed by His Excellency Governor Dr. Julius Makau Malombe in this House. He came with a document which he read when almost all of us were here.

Hon. Speaker, I will not dwell much on the report because I know Hon. Members have been supplied with it and actually the Standing Order No. 20 (5), says the debate on this motion shall not exceed four sitting days. Therefore, after today we still have more sittings to debate on the motion.

Hon. Speaker, let me touch on a few issues on the Governor’s Address. When the Governor was addressing us he made it clear that his address was focusing on three major areas. The first one was recap on state of the County when he took over after the election in 2022. Secondly, it outlined key achievements of the current government since it assumed office in August 2022 to date and the development achieved which underscores the priorities that we undertook to deliver in the Governor’s Election Manifesto (The Kitui Promise) and the Kitui County Integrated Development Plan (CIDP 2023-2027). Finally, his address touched on the state on what the government plans to accomplish going forward and conclude with a rallying call of all of us to keep our eyes on the ball. I think this is a saying used by volleyball players whereby when you are in the field the motto is to keep the eye on the ball and this meant that, because the ball is the target that whatever governor has planned to achieve, we keep our eyes on that.

Hon. Speaker, on the address governor noted our vision as Kitui County which is, “to be a prosperous county with vibrant rural and urban economies whose people enjoy a high quality of life” as well as the mission we have which is “to provide effective county services and an enabling environment for an inclusive and socioeconomic development and improvement of livelihood for all Kitui people.”

Hon. Speaker, I urge my colleagues that because we have four sittings to debate on the motion, we debate on as a government what we have achieved so far and what we are intending to achieve for the remaining months before this term ends. With those few remarks, I would like to request Hon. Muthengi Ndagara, MCA for Tharaka to second the motion. Thank you.

The Deputy Speaker: Thank you, Hon. Leader of the Majority Party, for moving the motion. It seems Hon. Ndagara wants to second and participate – put his input. Kindly proceed Hon. Muthengi Ndagara.

Hon. Godfrey Ndagara: Thank you so much Mr. Speaker, Sir. I am much humbled for the majority leader to ask me to second the motion on the Governor’s Address on the state of the County by His Excellency Dr. Julius Malombe, Governor, Kitui County that was done on 14th February, 2024 at 2:30pm.

Mr. Speaker, Sir, I would say that we have one of the iconic leaders as the governor of Kitui and one professional that is known in this country. That he is a person who speaks and walks the talk. The address was quite an eloquent address that touched on all sectors and even gave solutions to some of the problems this county has been facing for quite long.

Therefore, as I second the motion, I would say that if indeed (and I know this will happen), the words that were articulated in that state of the county address are going to be implemented, then we are going to have delivered to this county and have a change drastically the issues that have been facing this county for long. Therefore, I stand to second the motion.

The Deputy Speaker: Thank you Hon. Muthengi Ndagara.

(Hon. Mary Ndumbu spoke off-record)

(Question Proposed)

Now the floor is open. Hon. Leader of Majority.

Hon. Harrison Maluki: Hon. Speaker, Sir, the motion is very important for the Hon. Members of this House because when you look at it, it actually a summary of what the government has done, what it is doing and what it intends to do and looking at the number of members are present at the moment and alluding to the fact that the motion still is given four sitting days for debate, Hon. Speaker through your wisdom if my colleagues agree with me, I request that, if there is any member who wants to say something about the motion, but we can actually debate the motion when we have more time and most of the members are present so that we have a concrete discussion about it. Thank you.

The Deputy Speaker: Thank you very much. Hon. Ndumbu I have not lost you. I know you were on the floor. So let us hear the information from the Deputy Minority Leader we are going to come back to you. Hon. Majority Leader I have also been thinking through those issues but I have tried to balance a lot of things. There is a member who is here ready to do what he is supposed to be doing and there is another member who is not here. I have been ventilating those issues in my mind it became difficult to not give an opportunity to a member who is present and he intends to do what he is supposed to do. So we will hear the information from Hon. Jeremiah, then go to Hon. Ndumbu then if there is no other member we can adjourn we continue with debating because we still have three more sitting days to debate the Governor's speech. Hon. Deputy Minority Leader, distinguished member for Nguni, the best of the best kindly proceed.

Hon. Jeremiah Mutua: Thank you Mr. Speaker, Sir, for the accolade. I want to inform my good friend the Majority Leader and the MCA for Migwani that indeed he is right and again still inform the Hon. Members that this document is huge, it contains a lot of information as the Majority Leader has said. By the way I want to inform the members that the Standing Orders provides that when you stand to debate on the address you will not get another chance to debate going forward and that's why... because I can see the attendance in the House and the time and even I can see Members are bit tired by the business which has been transacted, I will put my debate on another date because the Standing Orders have provided enough time for debate. And

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as the Majority Leader said, it is good we do it when at least we have many members in the House so that the government can defend what the governor has done and we from the minority side critic what we think has not been done and also critic even the plans in this document going ahead for the benefit of the people of Kitui county. Thank you.

The Deputy Speaker: Thank you Hon. Minority Leader for that good information. In fact it is a caution that once you debate then you are done. I don't want to seem like I am stopping anybody from participating. Hon. Paula Mary Ndumbu.

Hon. Mary Ndumbu: Hon. Speaker, what those two members have said is exactly what I was rising to say. So we ask for adjournment so that we can debate the motion when there is Quorum and when at least we have more members. Thank you.

The Deputy Speaker: Thank you, Hon. Mary Ndumbu. For the sake of the Hansard, I would like you to withdraw "there is no quorum", because my attention has not been drawn to that. So as far as the House is moving on there is Quorum. So kindly withdraw because you were not alerting the Speaker.

(Hon. Mary Ndumbu spoke off record)

What are you saying Hon. Mary Ndumbu?

Hon. Mary Ndumbu: I am saying that there is no quorum, Mr. Speaker.

The Deputy Speaker: Are you the one to say whether there is quorum or not?

Hon. Mary Ndumbu: Yes, we are supposed to see, not the Speaker.

The Deputy Speaker: And then after you see?

Hon. Mary Ndumbu: We alert you.

The Deputy Speaker: So are you doing the right thing?

Hon. Mary Ndumbu: Yes, Mr. Speaker.

The Deputy Speaker: Did you alert the Speaker about the quorum?

Hon. Mary Ndumbu: That is what I was rising to before everybody else came in to speak.

The Deputy Speaker: You were rising up to say what?

Hon. Mary Ndumbu: There is not quorum.

The Deputy Speaker: And did you say that?

Hon. Mary Ndumbu: I was cut short when I was saying. There was something you wanted to do before I said it. So, you stopped me.

The Deputy Speaker: Alright then Hon. Members for tomorrow because we were almost adjourning, when a member feels that there is no quorum, he doesn't dictate the whole House that there is no quorum. From where we sit when we sit as Members, we don't have that capacity. But you can request the Speaker whether there is Quorum then the Speaker will cause the clerk to confirm. Until when the Clerk confirms, it is when the Speaker can rule whether

there is or there is no quorum. But a member cannot just stand up and tell the House, let us go home, there is no quorum. So be guided Hon. Members as we rise up to adjourn.

ADJOURNMENT

Hon. Members, the House now stands adjourned until later today in the afternoon at 2:30 p.m.

The House rose at 11:45 a.m.