REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Wednesday, 20th May, 2020

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

MOTION

PROCEDURAL MOTION

Hon. Mutahi Muritu: Thank you, Mr Speaker, Sir. I beg to move the following motion;

THAT pursuant to the provisions of Standing Order No. 30(3b), this Assembly resolves to change its sittings for all Thursdays from 2.30 p.m. to 9.00 a.m. up until Thursday 25th June, 2020.

I now call Hon. Matunge to support the motion, thank you.

Hon. Peter Matunge: Thank you, Mr Speaker. I stand to second this motion, because we know the country is under curfew starting from 7 p.m. The logic behind it is so that we can allow the Members and staff time to reach home before the curfew. That is the reason we should have the time moved from 2.30 p.m. to 9 a.m. With those few remarks I beg to second.

(Question Proposed)

Hon. Jacob Endom: Asante Sana, Bwana Spika. Naunga mkono kwa sababu huu ni wakati ambao kuna kafyu. Ni vyema tubadilishe ili kwa wale tunaoenda mbali ije hi saa ili tuweze kusafiri. Kwetu ukipatikana barabarani saa za kafyu inakuwa ni vibaya, kwa hivyo naunga mkono.

Hon. Stephen Ndiritu: Asante Bwana Spika, nasimama kuunga marekebisho ya saa yaliyoletwa hapa. Jukumu letu kama Bunge ni kukuwa na kikao na kujadili mambo yanayohusu Laikipia na kuwakilisha wananchi wetu. Pia sisi tulio hapa karibu tunaunga mkono kwa sababu lazima tuiunge mkono serikali ya kitaifa na Rais wetu Uhuru Muigai Kenyatta, kwa yale yote anajaribu kuzuia, na kuweka amani katika nchi hii.

Tukiunga mkono kubadilishwa kwa saa kutoka saa nane hadi saa tatu, tutakuwa tumeshirikiana na tunaiungana na tutaaweza kuhakikisha tuko kwenye laini ya serikali kwa kuingia nyumbani kabla ya saa moja. Bwana Spika, kwa hayo machache naunga mkono na ningeomba wenzangu pia waunge mkono.

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Hon. Irene Wachuka: Asante Sana Bwana Spika, kwa kunipea nafasi hii. Nataka kumshukuru naibu kiongozi wa walio wengi kwa kuleta mjadala huu. Kama walivyosema Waheshimiwa, ni vyema turudishe saa za asubuhi, sheria ya serikali na Rais alivyosema ni kuwa watu wazingatie saa na Waheshimu sheria hio. Ukipatikana nje saa moja, kwa kweli wewe ndiye unayewachokoza askari walio kazini na siyo vizuri, ni sawa na kuchokozwa ukiwa kazini pia jambo ambalo hauwezi taka.

Kuna wakati tukileta mjadala saa nane, inachukua muda hadi saa kumi au saa kumi na moja. Kwa wale wanaoenda mbali inawachukua muda na wengine wanafika baada ya saa kumi na mbili au hata baada ya saa moja. Naunga mkono irudishwe Alhamisi asubuhi ili tuzingatie wakati na tuheshimu sheria kama anavyosema Rais kila wakati. Sheria hii ni ya muda tu, Korona ikiisha watu watarejelea mambo kama yalivyokuwa mbeleni. Nashukuru, na naunga mjadala huu mkono.

Hon. Simon Kanyutu: Thank you, Mr Speaker. I stand to support the motion by the Deputy Majority Leader. I would wish if it is possible, we make it our culture so that on Thursday we be commuting earlier. Fortunately, I am lucky because we are the people who travel the farthest distance in this county, together with; Hon. Jacob from Sosian and the Member from Ol-Moran. Our places are far but with that time we are sure we will have ample time to accomplish the business of the House and we travel at the right time. Mr. Speaker, I support the motion.

Hon. Mary Samken: Thank you, Mr. Speaker, Sir. Before I contribute to this motion, I seek your guidance because I have a question. I see we only have a Procedural Motion and then no other business. Our Standing Orders requires the Liaison Committee to be producing business for this House. I request the Chair for Liaison to tell us in this House why there is no Business and whether Liaison is meeting or not.

Hon. Simon Kanyutu: Mr. Speaker, I stand on a point of clarification from the Hon. Member. She is stating that the Liaison Committee should make the business for this House. I would like a clarification from her, whether she cannot be able to make a business for this House as an Hon. Member. Each one of us is entitled to make a business for this House and not just a certain group.

Hon. Mary Samken: Thank you, Mr. Speaker. I think the standing orders are very clear; there is nothing I should clarify. We know Liaison is made up of Chairs and the fifteen of them are chairs, every committee is led by a chair.

Hon. Jacob Endom: Asante Sana Bwana Spika. Mheshimiwa amesema, Standing Order inaeleweka. Atueleze ni Standing Order gani inasema vile, tuisome pia ili tujue kama anatudanganya ama anatueleza ukweli.

Hon. Mary Samkem: Thank you, Mr. Speaker. I require your assistance because I do not have my Standing Order. The Clerk Assistant to check for me in the Standing Orders where the Liaison Committee is constituted if I am saying wrong that it is the committee that has all chairs of committees.

Hon. Mutahi Muritu: Nilikuwa nataka kumpa taarifa dada yangu Mary. Tunapoongelea kanuni za Bunge inaelezwa kwamba lazima aelezee ni kanuni gani. Kitabu anacho, tumepewa na

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kwa hivyo anaweza kututolea ufafanuzi kwa sababu kitabu anacho na anafaa kuwa nacho pahali alipo.

Speaker: She has sought the help of the table Clerk on the same. I don't know which Standing Order that is but she could be helped.

Hon. Chris Mark: Thank you, Mr. Speaker. Just to clarify, this is one of the issues we had raised last week. I do not think the problem is at the liaison level. I have been doing a tracker motion on the Bills. There was a Bill on sand harvesting, it is somewhere dead. There is the NAWASCO Bill and six months have elapsed but there is nothing about it. All of them are at the committee stage. I brought amendments to the Youth Enterprise Fund and they are all sleeping at the committee stage. At times you will find it is not the issue of the liaison but the technical team that helps come up with those reports.

We should have a lot of business because there are even statements of how the Youth Enterprise Fund was brought by Hon. Matunge I think last year. Until now it has not been answered; the loans which have been paid and the ones which are pending. I do not know what kind of a radical reform we will do so that we get a list of all the pending businesses since the start of January so that this House can have a lot of business. Thank you Mr Speaker.

Speaker: Because Hon. Mary sought my guidance on the same, do that we do not delay so much as we are on another motion. I will direct myself to Standing Order No.192 that says;

1. *There shall be a select committee to be known as the Liaison Committee, which shall consist of the Chairperson of Committees as the chairperson and chairpersons of all the committees of the Assembly.*
2. *The Liaison Committee shall;*
    a) *guide and coordinate the operations, policies and mandates of all committees;*
    b) *deliberate on and apportion the annual operating budget among the Committees.*
    c) *consider the programmes of all Committees, including their need to travel and sit from the precincts of Assembly.*
    d) *ensure that Committees submit reports as required by these Standing Orders.*

I think that is where Hon. Mary is coming from, that it is the work of Liaison Committee to ensure that committees submit reports as required by these Standing Orders. These reports are the ones that feed this House with Business. I agree with Hon. Kanyutu, it is not only the report that forms business; we can also have private Member Bills or individual motions. I think Hon. Mary was coming from the point of the reports.

    f) *determine, whenever necessary, the committee or committees to deliberate on any matter; and*
    g) *give such advice relating to the work and mandate of select committees as it may consider necessary.*

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h) The Liaison Committee shall consider reports of Committee that have not been deliberated by the Assembly and shall report to the Assembly on the consideration of such reports.

I think it is an issue for all of us, we belong to different committees and when these committees are active, it means we will have business for this House. When it does not happen, it is the mandate of the Liaison Committee to follow up on these committees. This is where chairs do sit and it is expected that chairs do report the progress of certain reports and the far that they have progressed. I think it should form the agenda of the Liaison Committee that you are able to track the report and if today I wanted to do any communication on a report that have not been deliberated by the Assembly, the table Clerk will contact the Clerk Committee for Liaison because she is the coordinator for all those reports.

It has been repeated again and again that we need our Committees to be very active. This is for all Members because if the chair alone is there and the members are not there, then there is no quorum and they cannot deliberate. At the same time, the Chairperson should also give leadership of the particular committees. It is for all of us to make sure that we do the necessary.

Hon. Mutahi Muritu: Mheshimiwa Spika, kuna mzungumzaji ameeleza jambo la muhimu sana lakini sijaona ukijielekeza upande huo. Amesema kuhusu hao wasaidizi wetu wale maafisa wasaidizi wa katibu wa Bunge. Tukipitisha kazi zetu huwa tunazielekeza kwa wale wasaidizi wa Katibu wa Bunge. Kazi zipo lakini kuna tatizo, unapata yule msaidizi wa Katibu wa Bunge ako na kamati nne ama tatu na kazi wakati mwingine inawalemea. Sisi kama Wajumbe, pia maafisa wetu tunaofanya kazi na wao katika Bunge pia wao unapotoa kauli watatoa mwongozo kutoka upande wao. Hii ni meli lazima sote tuwe washikadau.

Speaker: Just to clarify that, Hon. Member, when we talk of a Committee it is the Chairperson, Members and the Committee Clerk but when we refer to Committee on Rules and Procedure we not only refer to the chair, we are referring to the members as well as the Committee Clerk. For any Committee Clerk who is not working, it is the responsibility of the Committee through the chair to report to the Liaison Committee, office of the Clerk or my office that they are stuck because the Committee Clerk does not work therefore, seeking a change.

We cannot be able to know the Committee Clerk who is working and the one who doesn't. Only the members of that Committee can tell who is working and who is not, especially the chair because anytime you have a Committee Clerk who is not working, the chair will be frustrated and the business of the Committee will get stuck. We can only know that when you give feedback. By saying the whole committee, I am referring to the Members, the Chairperson and the Committee Clerk.

Hon. Peter Matunge: Thank you, Mr Speaker. Hon. Mary has brought an important discussion. This is a continuation of the issues we raised with Hon. Chris Mark last week. It is three years down the line and we are still discussing the issue of not being able to meet our mandate as Committees. It is true the business of this House runs through the Committees. Last week I said we all needed a candid discussion because we have failed. We cannot blame the Chair or the Clerk. We need to sit down and look at the weaknesses of every committee so that we can be able to know where we are failing and how to correct.

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Mr. Speaker, one day when we were in Kasarani to present the progressive report, I remember telling you we cannot come to a meeting without an agenda and then resolve to build the presentation of the Committee at that meeting. We ought to have prepared some progressive report with the challenges and achievements that we have made in every committee. Through that, we will be able to know where the gaps are and how to address them.

Mr. Speaker, we feel disappointed sometimes because when we say the clerks are failing, we have seen some who have four committees and they are active in one committee. For instance, the Health Committee we know our Clerk is serving other committees and she is still able to serve us and meet the report on time. There are issues we need to discuss. If you go to the business tracker of this House you will find pending reports, pending bills and statements. Through your leadership we need a sitting for all of us and the subordinate staff to have a serious discussion on the issue. With that we can be able to solve it. It is not a competition of Liaison versus other members.

Whenever we raise issues concerning the report of about Liaison being incapable, it is taken negatively. In other Assemblies Liaison can be anyone, it means if I become the chair of a committee I am a Liaison Committee Member. This is not a competition between liaison and other members it is an issue of the lack of business in this House and it means we are not serving the public as we are supposed to.

Hon. Stephen Ndiritu: Asante Bwana Spika. Nataka mwelekeo zaidi kwa sababu Mheshimiwa alisema Kamati ya Liaison ndio inayofaa kuleta biashara kwenye Bunge hili. Nilikuwa nataka ufafanuzi kwani naelewa, Mwenyekiti asipokuwepo naibu wake anashika usukani. Naelewa kwani utakuta kunao wanaomshikilia Mwenyekiti mara mbili na mimi nimeshikilia usukani mara moja. Hakuna haja ya lawama kwa sababu tumetoka kwa Corona, hii ndio kiini cha kukosa biashara hapa. Mimi pia nitaleta ripoti hapa, wiki ijayo tutaketi kama kamati tuiangalie kasha tuilete. Ningependa Mheshimiwa aelewe kuwa sio Kamati ya Liaison ina shida ni jukumu letu wote. Asante, Bwana Spika.

Hon. Robert Maina: Asante Bwana Spika. Mheshimiwa wa Thingithu amesema kuwa sisi wote tumetoka kwa Korona. Nataka afafanue kama tulikuwa wagonjwa ama anamaanisha nini.

Hon. Stephen Ndiritu: Asante Mheshimiwa Spika. Mimi nitafafanua niseme kuwa, sisi wote tulikuwa tumefunga ili tukapigane na Korona. Hata sasa hivi bado tuko kwa Korona, hata yeye mwenyewe aelewe alikuwa kupigana na Korona, ndiyo maana hakuwa kwenye Bunge hili asante. Mheshimiwa Spika.

Speaker: I want us to move away from that issue. I believe we are clear and I will agree with Hon. Matunge that we need a meeting. Before then, if this discussion was going on at the Liaison Committee, the meeting is necessary at that level for the chairs to ask why the reports agree not reaching them unless we need to sit all of us. We don't like rushing to handle the issues and mandate of a committee unless the committee has completely failed.

Unlike what Hon. Ndiritu is saying that it is because of the COVID-19, some reports have taken over a year and are not in this House. It is a challenge to all of us that let us pursue the

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business in the Committees. Let us consider all these reports so that we are able to fill this House with business. Hon. Kanyutu as we move away from that particular issue.

Hon. Simon Kanyutu: Mr. Speaker, my concern is that we just resumed yesterday. We could not even meet as committees and even when meeting we used the Zoom meeting. The meetings we did from last week, when we came here we never accomplished most of the work that was ahead of us.

Speaker: I thought the Committee meetings started even before the Special Sittings, unless I am wrong.

Hon. Simon Kanyutu: We started but we could not coordinate well because when we are not at this Assembly, even liaising with the clerks was a challenge. I would beg we start from next week.

Speaker: What was happening in the committees?

Hon. Simon Kanyutu: The message that you gave us was that, strictly the meeting should be on COVID-19 and that is why the Health Committee could only bring what was being done by the County on COVID-19. As the Agriculture and Water Committee, we had a meeting with the department of water. We went to NYAHUWASCO and NAWASCO to see what precautions they have taken to deal with COVID-19 and the report will come to this House. The challenge was that we had many reports which were not ready before resuming, from next week I am sure we will be overworking.

Speaker: The issue should not be lack of business. Because it is only today that we are having a procedural motion but we have been having business. The issue is, for example there was a Member who raised a statement on bursaries, it is has taken a year. That is overcome by time, if we deliberate the same statement today that was asking how bursary was issued on the previous year, it may not help because it is passed by time. Another example is, if there is a statement on this County's preparedness against COVID-19, then we will be getting the report in 2021 and COVID-19 is gone it will be irrelevant.

Hon. Matunge stood here and raised a statement some time back and it was not responded to. Hon. Chris Mark too and we have quite a number of Members who raise statements to an extent that we have taken much time even myself when I'm in that committee, I may not be aware that there was a statement raised and it is quite a challenge. We do not want to deliberate much on that but we have gotten what Hon. Mary was raising and we have contributed on the same, she can now continue making her contribution.

Hon. Mary Samken: Thank you Mr. Speaker for your guidance on this. It has come to my mind that we do not have business in this House and I also thank the Liaison Committee for strongly defending themselves. As you have said, we should all see this as a problem that concerns us all. We should all pull up our socks but the ball lies more on the side of the Liaison Committee. Mr. Speaker, I am supporting today's motion that for the remaining days of this financial year, we bring our afternoon Thursday sittings to the morning.

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As Members have said, we are in the COVID-19 times and curfew times and the Members have a lot of issues that they are coordinating. It would be prudent if we change the time so that Honourable Members can be able to organise themselves. Most of us travel back home on Thursdays, so it will be prudent to have the sitting in the morning so that we organise ourselves and be at home at the required time.

Hon. Chris Mark: Thank you Mr Speaker. I rise to support the motion and farther go ahead and challenge the Committee on Rules and Procedure. They should critically look at the Standing Orders because the law allows us to have four sittings in a week. It is up to our discretion on how we want them to be instead of having a procedural motion all the time. We just look at the days that are flexible and Members can consult so that the Standing Order is permanently sorted because it gives provision.

By law we should look at the Standing Orders every so often. Since we were sworn in with the Members and seems like we are comfortable with the Thursday morning sittings, we have never looked at it and changed what needs to be changed. It is already a trend I have heard some say that we can only do two sittings in a week then decide the other days are for committees. All those are open instead of having this, I support but I challenge the Committee on Rules and Procedure to sort out the standing order issue once and for all.

It can be Thursday morning and be permanently enshrined in that Standing Order. If we decide to have two days of sitting and have the rest for committees so be it, it will be the members who will be free to discuss but at least we sort that once and for all. Thank you Mr. Speaker, I support.

Speaker: I hope the Committee Members are taking note of that. We are currently at around Standing Order No. 165 on those amendments and what we are proposing. I would wish to advise a Member that because there are issues that you have personally said that I would wish to have in the Standing Orders. The report might not be one, there might be several of the maybe from Standing Order 1-50, you can be ready to propose changes as we discuss in this House so that they can be adopted by the committee. I wish to request the mover to give a reply if there is no other contribution.

Hon. Mutahi Muritu: Asante sana Mheshimiwa Spika. Kabla sijaendelea, nataka kuangalia kufungu cha No. 235 na 236.

Kifungu cha No. 235 kinasema, *'At least once in every term of Assembly, not later than six months to the end of the term, the Procedure and Rules Committee shall review the Standing Orders and make a report to the Assembly recommending the Standing Orders, if any, to be amended.*

No. 236; Consideration of reports of Procedure and Rules Committee;

1. Upon the tabling of a report of the Procedure and Rules Committee under Standing Orders 235 and 236, the procedure set out at Standing Order ... (5) and (6) shall apply with the necessary modifications.
2. Amendments to the Standing Orders proposed under this part shall, upon approval by the Assembly, take effect at the time appointed by the Assembly.

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Mheshimiwa Spika, kifuungu No. 35 kinaeleza wazi na sisi kama Kamati naamini tumepiga hatua. Mzungumzaji aende kwenye hicho kifungu aangalie, nashukuru Bwana Spika kwa kusema tuko kwenye kifungu cha No. 165 na tunaendelea.

Nawashukuru Wajumbe kwa kuunga mkono hoja hii ambayo ni nzuri. Tulipokuwa kwenye likizo na tukarudi hapa, ni majukumu yetu na tusilaumiane. Tuko hapa ili mswada kama huu ukija kama una ushauri tupe ushauri wako na kama unataka kutushauri kama Wajumbe, uko na haki ya kuitisha kikako cha wabunge wote tuijadili. Mmoja wetu amesema kuhusu sheria na sidhani tumepitisha zaidi ya sheria nne katika Bunge hili. Asante Bwana Spika, nanwashukuru Wajumbe kwa mchango wao na nawaomba waunge mkono na waridhike ili tuweze kusonga mbele.

(Question put and agreed to)

ADJOURNMENT

Speaker: Honourable Members, you may rise. This House now stands adjourned until Thursday, 21st May, 2020 at 9.00 a.m.

The House rose at 3.10 p.m.

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